CANADA

HOUSE OF COMMONS DEBATES

OFFICIAL REPORT

THIRD SESSION—TWENTY-FOURTH PARLIAMENT

8-9 ELIZABETH II

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ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

HOUSE OF COMMONS

Monday, June 13, 1960

The house met at 11 a.m.

COMMITTEES OF THE HOUSE

Third report of standing committee on privileges and elections—Mr. Macquarrie.

Third report of standing committee on veterans affairs—Mr. Pugh.

RAILWAYS, CANALS AND TELEGRAPH LINES—CONCURRENCE IN NINTH REPORT OF STANDING COMMITTEE

Mr. W. M. Howe (Wellington-Huron) presented the eighth and ninth reports of the standing committee on railways, canals and telegraph lines, and moved that the ninth report be concurred in.

Motion agreed to.

BUSINESS OF THE HOUSE

CAPITAL PUNISHMENT—LEGISLATIVE PROGRAM—STATEMENT TO BE GIVEN TOMORROW

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, on Friday last the Leader of the Opposition asked me about the course which might be taken in connection with the private bill respecting capital punishment, and on an earlier occasion he asked me to give a statement outlining in general the legislative program for the balance of this session. I undertook to provide these two answers today.

Further discussion and consideration has been taking place between the house leader and the respective representatives of the other parties, and with leave of the house I simply point out that I will make my statement tomorrow.

CANADA ELECTIONS ACT—INQUIRY AS TO AMENDMENTS

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I wonder if I could ask the Acting Secretary of State how soon he expects to be in a position to introduce the amendments to the Canada Elections Act?

Hon. Leon Balcer (Acting Secretary of State): Mr. Speaker, I think tomorrow in giving the program for the balance of the session the Prime Minister will cover this question.

79951-0—304

CIVIL SERVICE ACT

AMENDMENT, REVISION AND CONSOLIDATION OF ACT

Hon. Donald M. Fleming (Minister of Finance) moved that the house go into committee at the next sitting to consider the following resolution, which has been recommended to the house by His Excellency:

That it is expedient to introduce a measure respecting the civil service of Canada to amend, revise and consolidate the Civil Service Act, chapter 48 of the revised statutes of Canada, 1952.

Motion agreed to.

JUDGES ACT

PROVISION FOR ADDITIONAL JUDGES IN QUEBEC, FOR GRANTING ANNUITIES, ETC.

Hon. E. D. Fulton (Minister of Justice) moved that the house go into committee at the next sitting to consider the following resolution, which has been recommended to the house by His Excellency:

That it is expedient to introduce a measure to amend the Judges Act to provide salaries for four additional puisne judges of the superior court of Quebec; for the grant of annuities to judges upon attaining the age of 75 years; to remove anomalies in the present law relating to the grant of annuities under the act; and to alter the method of payment of travelling allowances to judges.

Motion agreed to.

MOTIONS FOR PAPERS

WHARF CONSTRUCTION, MALARTIC RIVER, QUE.

Motion No. 83—**Mr. Dumas:**

For a copy of all payrolls showing the names of those employed, the period of employment and the amount paid to each person, in connection with the reconstruction, during 1959, of a wharf located on the west bank of the Malartic river, range 4, in the township of Malartic, Quebec.

Hon. D. J. Walker (Minister of Public Works): Mr. Speaker, I am going to ask the hon. member if he will be good enough to have this motion removed temporarily from the order paper until the Royal Canadian Mounted Police investigation is completed. When that is done I would be delighted to tell the hon. member immediately so the motion can be put on the order paper again.

Mr. Dumas: In view of what has been said by the minister, and by leave of the house, I am willing to withdraw this notice of motion for the time being.

Motions for Papers

Mr. Speaker: Is it agreed that this notice of motion be withdrawn as suggested?

Some hon. Members: Agreed.

Order discharged and motion withdrawn.

QUETICO PARK, ONT.—USE BY U.S. TOURISTS AND OUTFITTERS

Motion No. 117—**Mr. Fisher:**

For a copy of all letters, correspondence, and reports originated and exchanged by any government department since January 1, 1958 with individuals, associations, the Ontario government, and the United States government and Minnesota State government, on the use of Quetico park by American tourists and outfitters.

Hon. George C. Nowlan (Minister of National Revenue): This is acceptable, Mr. Speaker, subject to the usual reservations.

Mr. Speaker: Subject to the reservations stated by the minister, is it the pleasure of the house to adopt the motion?

Some hon. Members: Agreed.

Motion agreed to.

IMMIGRATION REGULATIONS AND AMENDMENTS

Motion No. 118—**Mr. Robichaud (for Mr. Crestohl):**

For a copy of the immigration regulations and all amendments to date; the orders in council approving same; all departmental rulings which are being used in determining the admissibility of immigrants under general and special circumstances and conditions.

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, in the absence of the hon. member possibly this should stand, because the second part of the motion asks for material which cannot be produced.

Mr. Speaker: Is it agreed that this notice of motion should stand?

Some hon. Members: Agreed.

Motion stands.

CHIPPEWA INDIAN RESERVE, SARNIA

Motion No. 119—**Mr. Pickersgill (for Mr. Hellyer):**

For a copy of all papers and other documents, filed by Dimensional Investments Limited with the Department of Citizenship and Immigration prior to its purchase of part of the Chippewa Indian reserve for the purpose of demonstrating its financial ability to undertake the proposed transaction.

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, all the information requested in this order was tabled on July 16, 1959, and there has been nothing since.

[Mr. Dumas.]

Mr. Pickersgill: In that case, sir, perhaps the motion might stand until the hon. member returns.

Mr. Speaker: Is it agreed that this motion should stand?

Some hon. Members: Agreed.

Motion stands.

INDIAN AFFAIRS

SARNIA, ONT.—REPORTED THREAT TO DISPOSSESS KENNETH PLAIN

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I wonder if I can ask the Minister of Citizenship and Immigration whether she has received any representations on behalf of Mr. Kenneth Plain, a locatee on the Sarnia Indian reserve, who is alleged to be threatened with dispossession from his land? If so, what action has the minister taken?

Hon. Ellen Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, the matter has not come to my personal attention. It may be in the department. I shall make inquiries.

Mr. Pickersgill: Will the minister make inquiries and report to the house, because I am advised this dispossession of property is to take place in the very near future.

GRAIN

INQUIRY AS TO FINAL PAYMENTS FOR 1958-59 CROP

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I should like to address a question to the Minister of Trade and Commerce. In view of the urgent need to supplement the incomes of western grain producers, is the minister in a position now to tell the house when the final payments on the 1958-59 crop year will be made, and the amount of such payment?

Hon. Gordon Churchill (Minister of Trade and Commerce): During the unavoidable absence of the hon. member for Assiniboia—

Mr. Argue: Successful absence.

Mr. Churchill: —this question was asked and answered. The payments should be made almost any day now.

Mr. Argue: A further supplementary question, Mr. Speaker. Since the minister has promised these payments within the first or second week of June, is he able to say more precisely now when the payments will be made?

Mr. Churchill: I will ask the wheat board today and make sure.

Mr. Argue: You should not make those statements until you are sure.

REQUEST FOR ANNOUNCEMENT OF FLOOR PRICE ON ONTARIO WHEAT

On the orders of the day:

Hon. Paul Martin (Essex East): Mr. Speaker, I should like to ask the Minister of Agriculture whether he is now in a position to announce a floor price under the Agricultural Prices Support Act on Ontario grown wheat.

Hon. D. S. Harkness (Minister of Agriculture): No, Mr. Speaker. That is usually announced shortly before the end of the crop year, July 31. I expect we will be able to make an announcement on it fairly soon.

DOMINION-PROVINCIAL CONFERENCE

INQUIRY AS TO AGENDA FOR JULY MEETING

On the orders of the day:

Mr. J. P. Deschatelets (Maisonneuve-Rosemont): Mr. Speaker, I should like to ask the Minister of Finance whether there is any agenda prepared for the federal-provincial conference to be held next July?

Hon. Donald M. Fleming (Minister of Finance): No agenda has yet been settled, Mr. Speaker. It is intended in a few days to have exchanges with the provinces in regard to what would be an acceptable agenda for all governments concerned.

HEALTH AND WELFARE

REPORTED CANCER DANGER IN LIPSTICK COLOURS

On the orders of the day:

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, I wish to direct a question to the Minister of National Health and Welfare. It is a very appropriate one before the holidays, and I am sure it will concern most of the members of the house.

In view of the fact that an investigation was undertaken by the United States food and drug administration to determine whether certain of the colours used by the lipstick industry are cancer-causing agents and that as a result certain doubts were raised; and in view of the possible peril which now menaces our fair sex, to say nothing of the imminent danger hovering over the entire unsuspecting male population of Canada, will the minister inform the house of any precaution his department is taking to protect the people of Canada from suffering the "kiss of death".

Hon. J. W. Monteith (Minister of National Health and Welfare): I should like to thank the hon. member for having given me notice of his intention to ask this question. As far as the colours now being used in lipsticks are concerned, there is no evidence that amounts normally getting into the system could create any risk to health. Accordingly I am glad to be able to assure the hon. member that my department sees no danger in the use of lipsticks, either to those wearing them or to those with whom they might, so to speak, come in contact.

Mr. Pearson: Would the minister make a personal investigation into this matter?

Mr. Pearkes: He did yesterday.

BOY SCOUTS ASSOCIATION

STATEMENT ON APPLICATION FOR CHANGE IN NAME

On the orders of the day:

Hon. Leon Balcer (Acting Secretary of State): Mr. Speaker, on Friday last the hon. member for Trinity-Conception asked if I had received an application from the Boy Scouts Association to change the name of the Canadian general council of the Boy Scouts Association to the Boy Scouts of Canada and, if so, what action had been taken.

The answer is that no such application has been received by myself or the department, and that I do not have the power under the Companies Act to change the name of the Canadian general council of the Boy Scouts Association, inasmuch as this is a corporation created by a private act of parliament and only parliament can change the name of the corporation.

HARBOURS

VANCOUVER—REPORTED REFUSAL OF NATIONAL BOARD TO PAY TAXES

On the orders of the day:

Mr. E. J. Broome (Vancouver South): Mr. Speaker, I should like to direct a question to the Minister of Transport. Has the minister's attention been drawn to a recent article in the Vancouver *Province* which claims that the national harbours board, although the biggest property owner on the Vancouver waterfront, has refused to follow the federal and provincial government policy of making grants equal to taxes on its property, and would the minister comment on the suggestion that the national harbours board should share the construction and operating costs of fire boats in Vancouver harbour?

Hon. George H. Hees (Minister of Transport): Mr. Speaker, I should like to thank the hon. member for giving me notice of his

intention to ask this question. National harbours board's payment of grants in lieu of services to the city of Vancouver is based on a formula identical to that used at other major cities where there are national harbours. In Vancouver a substantial portion of the facilities owned by the national harbours board is leased, and the information given to me is that upward of $555,000 of taxes is paid to the city by their tenants.

The national harbours board informs me that it makes an annual grant for the upkeep of the fire boat. Last year it amounted to $33,000. The cost of construction of fire boats in national harbours is borne by the municipality.

HEALTH INSURANCE

SASKATCHEWAN—INQUIRY AS TO FEDERAL AID FOR MEDICAL PROGRAM

On the orders of the day:

Mr. H. F. Jones (Saskatoon): Mr. Speaker, I should like to ask the Minister of Finance whether the premier of Saskatchewan has yet approached him for federal assistance to help pay for the Saskatchewan medical care program?

Hon. Donald M. Fleming (Minister of Finance): No, Mr. Speaker, he has not.

[*Later:*]

Hon. Paul Martin (Essex East): Mr. Speaker, I should like to direct a supplementary question to the Minister of National Health and Welfare. Has the minister or have his officials had any consultations of any kind with their opposite numbers in the province of Saskatchewan with regard to the medical care program proposed by the government of that province?

Hon. J. W. Monteith (Minister of National Health and Welfare): No, Mr. Speaker.

LABOUR CONDITIONS

ELLIOT LAKE—INQUIRY AS TO FEDERAL ASSISTANCE PROGRAM

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, may I ask the Minister of Trade and Commerce whether he is in a position to make an interim report on the work of the committee which has been set up to look into the question of assistance to Elliot Lake and other uranium communities?

Hon. Gordon Churchill (Minister of Trade and Commerce): Not at this stage, Mr. Speaker.

[Mr. Hees.]

CUSTOMS TARIFF

Hon. Donald M. Fleming (Minister of Finance) moved the second reading of Bill No. C-74, to amend the Customs Tariff.

Mr. W. M. Benidickson (Kenora-Rainy River): Is the minister going to make a statement, in view of the many matters of current interest that affect our Customs Tariff, such as the Russian trade possibilities, the Japanese quotas that are referred to in the resolutions and some other items, such as the GATT possibilities next fall?

Mr. Fleming (Eglinton): No, Mr. Speaker. To embark on a statement in relation to those subjects would, I think, be quite out of order. We are here dealing with Bill No. C-74, to amend the Customs Tariff. All the contents of this bill were indicated in the resolution which preceded the bill and which was given a very thorough review last week, on June 8, in the committee of ways and means.

This is one of those bills, like the Excise Tax Act, in which the resolutions set forth in detail the amendments that are to appear in the bill to follow, and the house will have observed that all the provisions of Bill No. C-74 have already been set forth in the resolutions which were approved last week. Therefore, Mr. Speaker, under the procedures of the house we are simply reviewing today, for the second time, what was already covered on June 8. I respectfully suggest that perhaps the best place for that review to be carried out would be in committee of the whole after second reading of the bill.

Hon. Paul Martin (Essex East): I wonder if I might ask the Minister of Finance on this bill if he would not find it within our procedures to give some indication of his reaction, and that of his colleagues, to the representations that were made recently by the mayor of Windsor and the municipalities concerned about the plight of the automobile industry. I ask this realizing full well, of course, that the government will be giving further consideration to these matters in the light of meetings which I understand are to take place this week between the members of the government and representatives of the automobile industry and, later in the following week, between members of the united automobile workers and the government. Would the minister consider whether this is the appropriate opportunity for him to indicate something which concerns the people in the community from which I come, and other communities, regarding any remedial measures the government has in mind?

Mr. Fleming (Eglinton): This would not be the appropriate time to discuss that subject. The subject is not related to the contents of

this bill at all. There will be opportunities later in the session, if the hon. gentleman wishes to raise the question, when that matter can be discussed. These questions certainly do not relate to the bill now before the house.

Mr. Martin (Essex East): This bill may not cover matters that would provide for remedial action, but it certainly is open to the minister or anyone else to re-examine the bill in the light of anything that is not covered and which might, if made applicable to a particular situation, be brought within the context of the measure before the house. However, I take it from the minister's reply that he is not in a position at the moment to make a report about a matter as important as this.

Mr. Benidickson: Mr. Speaker, I was rather disappointed that, in view of the many important negotiations that have taken place and are taking place which have a decided effect on our customs tariff, the minister did not take this opportunity to expand a bit about some of the items dealt with in the resolutions that were introduced on budget night, March 31.

The minister then indicated that we had ahead of us a very important conference in connection with our GATT trade agreements which would be initiated this fall and perhaps carry on for several months. In view of the fact that a good part of the amendments proposed in the bill relate to our GATT trade agreements, the minister should take the house and the country more into his confidence at this time. There was a discussion last week about the publicized offer of the United States government with respect to proposals it would make when the GATT conference convenes this autumn. We were particularly interested, of course, in those items which represent major matters of trade between Canada and the United States.

In that connection the United States government has advanced at this time what is called an "offer". I think the offer we have heard about should have been disclosed to the house. We were told rather abruptly that if it was something that was published in United States newspapers, members of parliament could look to those newspapers for information in this regard. However, as we are discussing a number of changes in the existing tariff schedules under the Customs Tariff Act, some of which may be affected by the negotiations next fall, I think before concluding the debate the minister should take us more into his confidence as to the present status of negotiations between Canada and the United States, the nation with which we principally trade.

With respect to the proposed changes before us, the minister has indicated that four of the resolutions which preceded the bill related to textile items. I think I am correct in saying that those items, with very minor exceptions, were dealt with by the tariff board, or shall I say that with minor exceptions the proposals put before us represent recommendations of the tariff board which has recently examined the textile tariff schedules. Because, as recommended by the tariff board, an increase in duties was involved, and because of the fact that some of these items were bound under our GATT trading agreement, it was necessary for the government to negotiate with the signatories to the GATT agreement who were affected by the proposed changes. In consequence, the minister indicated that about a score of items in the schedule to the bill involve a reduction in tariff duty because of the trading that took place with the principal suppliers of these commodities after the government reached the decision to increase some of the textile tariff import duties.

The minister indicated that some other reports with respect to textiles were momentarily expected from the tariff board. I think he referred to hosiery and knitted goods, and to woollen clothing. Certain other items were referred to on budget night as being under study by the tariff board, and the minister expected that reports thereon would be received soon. I hope that before closing the debate the minister will bring us up to date as to the studies that are under way.

Mr. Fleming (Eglinton): If my hon. friend will permit, I can say to him at once that there is nothing further to report since I made my statement on budget night.

Mr. Benidickson: Would the minister indicate later how soon he expects the reports of the tariff board on hosiery and knitted goods, woollen clothing and associated items and the others will be brought down? I take it that in many instances the items involved are bound under our GATT trading arrangements and would require negotiation with other countries before the minister could recommend changes in the tariff schedule to the house.

I am pleased to find that some of the recommendations of the organized farm community have received the attention of the government and are incorporated in proposed amendments in the schedule to the bill. However, I think the minister will recall that the interprovincial farm union, having in mind the minister's budget, made representations this year with respect to changes in practice that they believed had developed since this new government took office with regard to heavier

imposts of duty involving the importation of used farm machinery. We see nothing in the bill dealing with that matter, which has rereceived the attention not only of this farm organization but of others.

When the minister replies I hope he will also give us some information about the currently worrying problem of trade with Russia. The attention of our country at large has been directed to the report that very soon at some of our eastern ports a substantial quantity of refined gasoline will be received; not the crude product that normally enters through the eastern ports but gasoline ready for sale. I believe that the minister or the cabinet has the authority under this act to alter the status of Russia as a trading partner. Am I not right in thinking that under section 6 of the act, I believe it is, the cabinet has the authority to establish what is a most favoured nation? I wonder whether the proposed importation of Russian gasoline has any relation to any executive change that has taken place since we last debated this measure. Because of the size of the proposed importation I think one would also want to know to what extent Russia has officially approached our government through its ambassador or through other channels in connection with this proposed new trading development.

Before the minister concludes the debate on amendments to the act I hope we will hear from him as to the present situation with respect to Canada's very obvious interest in the trade developments that have been taking place very recently in Europe and even outside Europe. I refer to what is colloquially called the report of the four wise men, about which there was discussion in Washington in April, and the proposal that perhaps Canada and the United States might participate in the trade agreements involving the Six and the Seven in Europe. In other words, perhaps the minister could indicate whether he feels it is imminent that Canada will belong to the European economic forum in conjunction with the United States.

Mr. Speaker: Order. Does the hon. member not feel he is going rather far afield in connection with a bill that proposes specific amendments to the Customs Act, which does not really bring into debate the whole problem of international trade and tariffs?

Mr. Benidickson: What I had in mind, Mr. Speaker, was this. I think you will recognize that perhaps two thirds of the items that are before us in the schedule to this bill are subject to agreement that has been entered into at a GATT conference. My concern is that if today, we are considering passing legislation that affects these perhaps 125 items that are related to GATT, then what is the effect going to be on them in two or three months by reason of the negotiations that are presently taking place? I think certainly the ministry should indicate if only briefly to us what their present activities are in relation to these many items that are before us in these Customs Act amendments which change so many of these GATT schedules. The GATT conference is imminent. The possibility of discussions with the United States and these European trading units will all come into focus when this GATT conference takes place. This arouses curiosity as to whether there is some real purpose in passing this schedule if it is to be altered within two or three months' time at the GATT conference.

I realize, Mr. Speaker, that these items could be debated at greater length when we consider the estimates of the Minister of Trade and Commerce and the Minister of Finance. However, I would hope that before we are asked to pass some of these items in committee of the whole, the Minister of Finance would report on the present negotiations that are taking place in these arenas that might very materially alter the effect of anything we are asked to do today.

I find, Mr. Speaker, that a number of items that one might have looked for in this schedule are omitted. The minister indicated on budget night that he felt this was not the appropriate time to make an extensive revision of some of these schedules. He was indicating that he was reserving his trading position because of the important conference that was to take place in the autumn under our treaty obligations under GATT. However, I am wondering about the omission of some items which have been the subject of discussion already this session and which are not before us today. I was wondering whether the minister has under review any possibility of revising our tariff arrangements in connection with the importation of drugs. I believe there is great alarm in our country today over the disclosure that the cost of many pharmaceutical items is much higher in Canada than in other countries of the world. I wonder whether the minister has any thought requesting the tariff board to review the situation in this particular industry.

I would hope before the debate is concluded that we would have, in relation to these items, a report from the minister in connection with some of the current developments that have taken place with regard to the recently negotiated Russian trade treaty. What about the quotas with respect to Japan, which are not before us legislatively but

which you will recognize, Mr. Speaker, do affect items in the schedule, such as the silk item and other things? I should like to know to what extent the percentages that have been agreed upon with Japan with respect to certain trade categories compare with what applied in 1959. What is the proposal for 1960 with respect to some of the textile items?

I do not know of any other way by which we can properly discuss some of these trade agreements that have been made with Japan. We have to pass here the legislation. In this bill we have certain schedules; we arrive at certain rates of duty. Then some of those are altered by negotiation between the minister and for example Japan. I think before the government asks us to pass legislation of this kind the minister should report, as he has not yet done this session, specifically upon the negotiations with a very important trading nation such as Japan.

Mr. C. W. Carter (Burin-Burgeo): Mr. Speaker, on the second reading of any bill we discuss the principle of the main bill—

Mr. Fleming (Eglinton): Not of the main bill, only the amending bill.

Mr. Carter: —well, of the amendments, and their application to our economy. The tariff system is a weapon which the government can use to assist our economy and, in particular, certain industries which are having a difficult time to exist. Now, the fishing industry is one which derives two thirds of its dollar income from the foreign market. Of late, prices in the foreign market have not risen fast enough to keep pace with the increased costs of production and marketing. Consequently, if this industry is to survive, the government must do whatever is in its power to offset this disadvantage. I have looked through the schedule and I find on page 10, under item 124b, that the item which was formerly confined to squid has now been extended to include octopus and cuttlefish.

Mr. Fleming (Eglinton): This is a matter which could be raised in committee. If the hon. member wishes to deal with a specific item in the schedule, then the committee is the proper place to do so.

Mr. Carter: I thank the minister for that remark. I only referred to it because on looking through the schedule it appeared to be the only request made by the fisheries council of Canada to which the government has seen fit to accede. The fisheries council made several other requests, one of which was that some alteration be made in the wording of the item under which fishing vessels are imported. The item now refers to vessels of 100 feet, and the council requested a change to 80 feet.

The purpose of this tariff item is to protect the shipbuilding industry in Canada. These ships, however, are not built in Canada. The basis of the tariff item, the length of a ship, is not actually in accordance with scientific and technological developments that are taking place in this industry, because today a ship is built and designed for a certain purpose. A ship much smaller in length but of different design can very well do the same job and do it better than a ship 100 feet in length. In this connection I should like to draw the minister's attention to a resolution passed at the annual meeting of the Fisheries Council of Canada. It reads as follows:

> Whereas some processors of fish are suffering severely from lack of suitable fishing vessels; and
>
> Whereas the federal government restricts the acquisition of the desired craft in the foreign markets through:
>
> (a) The necessity of having to secure permission from the Department of Transport to import a vessel—a restriction which we do not believe exists in the case of instruments of production in any other Canadian primary industry;
>
> (b) Heavy duties levied on vessels up to 100 feet in length when imported from most favoured nation countries; and
>
> Whereas experience has shown that larger vessels are going to play a more important part in production in future years;
>
> Therefore be it resolved that the Fisheries Council of Canada request the federal government to remove these hindrances to the adequate building up of the Canadian fishing fleet.

I urge the minister to reconsider the government's policy toward the fishing industry and in particular toward this request made by the Fisheries Council of Canada. Actually any reduction in the length of vessels under this item would be helpful especially if the length could be reduced to 80 feet.

The salt fish industry is the most depressed sector of the fishing industry. In my own province in particular we are trying to develop this industry and particularly to process the fish in our own province in order to give as much employment as possible to our own people. Therefore this 22½ per cent levy on salt fish dryers and on the parts which must be imported for the maintenance of these dryers is a heavy burden on this particular sector of the industry. I hope the minister will remove this tariff—and if he cannot do it now I hope he will do it as soon as possible—which I do not think adds a great deal to the revenue of the country but is a very heavy burden indeed on this depressed sector of the industry.

The other articles which the government—

Mr. Fleming (Eglinton): Mr. Speaker, the hon. member has been discussing something outside of the bill and has now indicated that he is going to discuss something else which, I take it, is also outside of the bill. This is a debate on a bill to amend the Customs Tariff. In fairness to all hon. members I think I am bound to raise the point which you yourself raised earlier, Mr. Speaker. This is not a wide ranging debate on trade; it is not a wide ranging debate on tariff questions. It is a debate on the principle of a bill to make certain specific changes in the Customs Tariff. That is all it is.

It is not in order to debate items that are outside the scope of this bill which is now before the house, namely Bill No. C-74. Otherwise the thousands of items that appear in the Customs Tariff would all be open to debate as to the proper rates upon them every time a bill to amend the Customs Tariff with respect to certain particular and named items is introduced in the house. We have had the resolution stage. We have had the budget debate. This matter could have been discussed there. We went all over these matters in the debate last week in the committee on ways and means on the resolution that preceded this bill. All these proposed amendments to the Customs Tariff were set out clearly and in extenso in the resolution which was approved. Here we are dealing simply with the most specific kind of amendments to the Customs Tariff which, in my respectful submission, would not give rise to a debate on trade or on the appropriate tariff treatment of commodities that are not embraced within the scope of Bill No. C-74.

Mr. Carter: On the point of order, Mr. Speaker, may I say that we are discussing the application of certain tariff principles as applied to certain industries. I was only endeavouring to give the minister some suggestions and to support the suggestions made by the Fisheries Council of Canada as to how these principles could be applied to the fishing industry, which is sorely in need of some change in government policy and in tariff policy in order to enable it to survive. I presume it could be done on various tariff items. I presume we might amend various items with respect to certain things, but I do not see what would be gained.

Mr. Speaker: Basically, what the minister urges on the point of order is correct. It is not in order to discuss in detail matters which are not in the bill; nor is it in order to discuss in detail matters which are in the bill at this stage. That discussion would properly come when the items are called one by one in the committee of the whole.

It is difficult to define exactly the limits of debate on a bill which covers a great many isolated and separate items. However, if the hon. member would limit himself to general principles I think he would be in order. For example, he has objected on the ground that some things might have been done in this bill for the fishing industry. I think it is in order to say in general terms that the bill does not do what ought to have been done. If he keeps his discussion to general terms I think it will be not only expeditious but in order.

Mr. Carter: You used the word "items", Mr. Speaker; I presume you did not mean tariff items, because this bill and the schedules name a number of tariff items to which I was not referring. I was referring particularly to certain tariff items right at the beginning, particularly to item 124b which is in the bill, but I was going on to indicate to the minister that there are many phases of the fishing industry which can be helped by an extension of the principle embodied in this bill, particularly in the case of life-saving equipment.

We have the Canada Shipping Act, which imposes certain regulations on ship owners. In complying with that act they are put to great expense. That expense today is a real handicap, and sometimes it is a real discouragement to the shipping industry and in particular to the fishing industry. I would think the minister would adopt the principle that in cases where equipment is necessary for lifesaving—a thing like that—the government should give the fullest possible encouragement to ship owners or vessel owners to get the best that is available on the market. The best available at the moment is this rubber life-saving raft which is very expensive and beyond the means of many. A reduction in the tariff or the placing of that item on the free list would be of great help not only to the fishing industry but to the coastal vessel industry and to the shipping industry in general.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Flynn in the chair.

On clause 1—*Man-made fibre.*

Mr. Benidickson: Mr. Chairman, in connection with the operation by the Department of National Revenue, which will apply if we adopt this bill and the schedules attached to it, what consideration has the minister given to some of the representations of industry to the effect that they do not get adequate consideration with respect to such things as the refund of overpayment of duty when a tariff change takes place? I think the minister will be familiar with the representations made by

the Canadian Chamber of Commerce. I am sure this organization has investigated this matter very thoroughly. Their members report that the Minister of National Revenue has certain privileges of appeal, and so on, and has a long time in which to exercise his discretion. But these things are not reciprocal, and the taxpayer does not get a report from the department automatically where there is a change in ruling or a change by statute. He has to go through the formal process of appealing if the department just do not see fit to recognize that they have made a mistake and that the law is new, and provide a refund.

The minister will remember receiving the Canadian Chamber of Commerce brief on this point. I refer him to page 13 of the brief presented this year to the Minister of Finance and the Minister of National Revenue. I do not see any changes here which affect the matter. I suppose the changes would come perhaps in the Customs Act rather than in the Customs Tariff.

Mr. Fleming (Eglinton): Mr. Chairman, the brief to which the hon. member has referred was, it is true, directed on its face to both my colleague the Minister of National Revenue and myself, but in the presentation the Canadian Chamber of Commerce directed that portion of the brief to my colleague the Minister of National Revenue, to whom it properly belongs. This is not a matter affecting the Customs Tariff; it is a matter affecting rather the Customs Act, and the proper place for any such question to be raised would be on the estimates of my colleague the Minister of National Revenue.

Mr. Benidickson: Well, Mr. Chairman, I am not completely satisfied about that. Everybody will recognize that we are changing the law here, and in consequence rates of duty are different. I am informed by the brief of the Canadian Chamber of Commerce that law changes somehow do not always come to the knowledge of the local customs collectors. Therefore taxpayers pay the former rate of duty, and the government does not readily make a refund without insisting that the taxpayer make a formal appeal.

The Canadian Chamber of Commerce also says that appeals should not be expensive. It says the appeal procedure should be available through a travelling customs board of appeal similar to what is available in cases of income tax. Therefore if we are going to change these customs rates I hope the Minister of Finance will give consideration to relieving the taxpayers of any unnecessary red tape in connection with getting adjustments which are consequent upon the changes we may make now to these tariff schedules.

Mr. Regier: Mr. Chairman, it is a little while since this was before us last. Perhaps the minister might tell the committee how much of an over-all loss or gain in revenue these amendments are expected to produce for the treasury.

Mr. Fleming (Eglinton): It is expected that no substantial change will result to the treasury.

Mr. McMillan: Mr. Chairman, clause 1 describes man-made fibre. I know that some fibres contain some percentage of rubber. Does this clause mean that if any fraction of rubber is present the fibre would be excluded under the definition?

Mr. Fleming (Eglinton): The proposed definition of man-made fibre is sufficiently broad to include viscose, acetate, nylon, orlon, terylene, acrilan and similar fibres which are cellulose products or true synthetics. Polymers, the expression which is used in line 9 are substances composed of giant molecules which have been formed from union with simple molecules.

Mr. Benidickson: I do not recall whether this definition in this section of the bill specifically comes forward in a report of the tariff board. Frequently the tariff board, in response to a request from the Minister of Finance for investigation, does come up not only with specific recommendations for changes in rates of duty but also recommends certain changes in definition.

Mr. Fleming (Eglinton): The tariff board did recommend this change.

Clause agreed to.

On clause 2—*Schedule A amended.*

Mr. Benidickson: I take it that with respect to this clause, Mr. Chairman, you would adopt some system of going over the individual items in the schedule seriatim. Last week it was found reasonably satisfactory to take the schedule page by page with a slight pause so that members of the committee could just examine the ten or so items on the page and determine whether or not they had the necessity of inquiring about any item.

The Chairman: I imagine the committee would have no objection to doing that. We could do it in two ways, possibly by calling the tariff items one by one as we study clause 2, or by going page by page when we come to schedule A.

Mr. Fleming (Eglinton): Surely it is sufficient page by page, Mr. Chairman, as suggested by the hon. member for Kenora-Rainy River. That was the practice followed in the committee of ways and means on June 8, and I think it was found to be quite adequate.

Mr. Regier: I would say that page by page would be acceptable provided the Chair is not too quick in accepting something as carried.

Mr. Benidickson: You will recognize, Mr. Chairman, that most of us have prepared our notes on the basis of the budget resolutions, and the items on these pages before us are not identical with the pages in the schedule of the resolution. But I am sure that with that—

Mr. Fleming (Eglinton): The items are identical but the page numbering is not the same in the schedule to the bill as it was in the printed pamphlet of ways and means resolutions.

The Chairman: The only problem is this. If there is any specific amendment it should be made before we carry clause 2. That is why if we are only discussing the items it would be sufficient to call the schedule page by page.

Mr. Benidickson: I wonder if the minister would indicate in connection with the items presented to us in part I of schedule A—and there are many of them—which items might involve a European country which is the principal supplier. I indicated in my remarks on second reading that naturally we should be concerned about Canada's trading position with respect to those countries in Europe which are setting up trading blocs which might adversely affect us. I think our trade with Europe is about 24 per cent of our over-all, total trade, going well above $1 billion. I wonder if the minister would indicate in connection with these items in schedule A whether any of them involve negotiations with European countries which would be the principal suppliers under our GATT trading agreement.

Mr. Fleming (Eglinton): I can do that when we come to schedule A, Mr. Chairman.

The Chairman: Shall clause 2 carry?

Mr. Benidickson: No, Mr. Chairman. I think the understanding was that we were to deal with these page by page.

Mr. Fleming (Eglinton): We have not come to the schedule yet.

The Chairman: Shall clause 2 carry?

Clause agreed to.

[The Chairman.]

On clause 3—*Schedule A further amended.*

The Chairman: Shall clause 3 carry?

Mr. Badanai: This clause in paragraph (a) refers to door opening weatherseal retainers. Does that mean weatherseal retainers on automobile doors? It also refers to reclining seat mechanisms. I presume this to mean the automatic seat adjustment in motor cars. Am I correct in that?

Mr. Fleming (Eglinton): This applies to the kind of mechanism which is used in some motor cars to enable the seat to go back and fold into a bed. This change applies only in the case of a class or kind not made in Canada.

Mr. Badanai: Does this mean the tariff is being removed on these particular items?

Mr. Fleming (Eglinton): Only when imported by a manufacturer who meets the requirements in regard to content. I point out that this applies only to mechanisms which are not of a class or kind made in Canada.

Mr. Martin (Essex East): This is not a question of asking for further tariff protection but for the maintenance of what we have. I asked the minister a question a few moments ago, when the bill was presented, whether he had given consideration to the brief presented on behalf of the automobile communities of Canada. The minister said he thought it would be proper to deal with that at some other time; but as this very kind of question in principle is involved in some of the recommendations made, has the minister given careful consideration to whether or not this is the kind of thing that might be avoided at this time in order to provide a healthier economic state in the industry and for the maintenance of a higher level of employment?

Mr. Fleming (Eglinton): I think probably the hon. member is not aware that this change was asked for by the Canadian automotive chamber of commerce and by the Canadian automotive parts manufacturers themselves.

Mr. Martin (Essex East): The parts association, too?

Mr. Fleming (Eglinton): Yes.

Mr. Benidickson: What about the employees?

Mr. Fleming (Eglinton): I presume the employees are interested in this because it is designed, with respect to a type of article that is not made in Canada, to enable the manufacturers of a finished product in

Canada to be more competitive either in the Canadian market or in the export market.

Mr. Martin (Essex East): The minister's answer is at least enlightening in part. It indicates that the parts people have been asking for this, but that does not necessarily resolve the matter. For instance, one could refer to the fact that automatic transmissions are made outside of Canada; that a licence has been extended to the automobile manufacturers to have them made outside of Canada for another year. The fact that the manufacturers have agreed to this does not necessarily mean that it is the thing to do. It seems to me that the time has come when automatic transmissions ought to be made in Canada.

Mr. Fleming (Eglinton): This has no application to that.

Mr. Martin (Essex East): No; but this is an illustration of what I think is a weakness in the minister's statement. However, I bring it to his attention.

Mr. Benidickson: This clause refers back to the resolutions. It is on page 25 of the ways and means resolutions. I am wondering why the minister did not see fit to present this in the ordinary way; why instead of a separate resolution dealing with words it should not be presented as part of a resolution which would show, as is shown with respect to all these other items, the existing rate and the proposed rate. When we get it in words one has to go back to the library to find out how schedule A of the Customs Tariff of 1959 reads, and it is very complicated.

We have a proposal that those items be included in paragraph (a) 438c of the Customs Tariff schedule. I think the minister would agree with me that this is a long list of automotive parts. But then, after that is all recited, we find that the rate varies substantially according to circumstances. In the first place there would be a tariff rate of 17½ per cent on goods from a most favoured nation, such as the United States, if the parts were for use in the manufacture or repair of the goods enumerated in tariff items 410a, subparagraph 3, 424 and 438a or for use in the manufacture of parts thereof.

Will the minister indicate in connection with each of these items just the extent to which they have been manufactured in Canada in the past? If they were manufactured, what was the rate of duty? Will he indicate what change in the rate of duty is likely to follow as a result of the adoption of this clause? What have they been paying up to his introduction of the budget on March 31, and what is his information as to the rate of duty that is likely to be paid on these items after April 1, 1960?

Mr. Fleming (Eglinton): So far as the form of this clause is concerned, it is designed to assist the house. The change was set out in complete form in resolution No. 6 under the heading of Customs Tariff. The house was given the fullest information by that means. These changes relate to items that are all of great length in the Customs Tariff, and by setting them forth in this form it is much simpler, much clearer and much easier for the house to follow.

Mr. Benidickson: Maybe for the industry; not for the house.

Mr. Fleming (Eglinton): These items are literally pages in length; therefore this is a much clearer way to set them forth to enable the house to grasp the effect of the changes proposed. Earlier I drew attention to the fact that these changes apply to goods of a class or kind not made in Canada. The imports have not been extensive. For instance, with respect to the door opening weatherseal retainers and the reclining seat mechanisms and swivel seat mechanisms, the imports of those parts in the 1960 model for this year are estimated at only $78,000.

The reference to the parts of the internal combustion engine is a technical amendment. The reference to air cleaners and cast aluminum road wheels applies to things of a class or kind not made in Canada when imported for use in the manufacture of trucks or buses which contain 40 per cent commonwealth content. The imports of these latter products in this present year are estimated at only $40,000, so that these are not large items.

The rates hitherto applicable have been 17½ per cent British preferential; 25 per cent most favoured nation. If they conform to the requirements in relation to content, that is to say 60 per cent commonwealth content in the case of those enumerated in subclause (a) and 40 per cent in the case of those in subclause (c), entry will be free.

Mr. Martin (Essex East): Mr. Chairman, what the minister has said illustrates the concern I expressed earlier. I am not so sure that the question of the content required—the commonwealth content or the content required in the case of importations from non-commonwealth countries—cannot be adjusted without in any way increasing the tariff. I am not suggesting that, but this very provision violates one of the requests made in the submission to which I have already directed the committee's attention, where a request is made for an increase in the Canadian content requirement of vehicles

manufactured in Canada and for a review of the whole formula respecting content as well as for the encouragement of Canadian content in imported vehicles. This may be a small item, less than $100,000—

Mr. Benidickson: Just part of it. Just one item was $78,000.

Mr. Martin (Essex East): Yes, just one. But the accumulation is important. One of the factors producing instability in the automobile industry at the present time, if that is a correct characterization, is the question of importations. If that can be dealt with in a way that will not prejudice tariff policy and so on it ought to be done, and I think it can be done by a change in the content requirement. What we are doing in this bill is going one step further along the lines generally complained of by the industry throughout the country.

Mr. Spencer: Mr. Chairman, before the minister answers that point I should like him to clear up the point raised earlier by the hon. member for Essex East. I should like the minister to set my own mind at ease on this point. I think perhaps I understand it and that the hon. member for Essex East does not fully comprehend it.

As I understand the purpose of the present amendment it is to admit these specific items which are not made in Canada at a lower rate of duty, in fact duty free, if they are utilized in the manufacture of certain vehicles in Canada. That in no way adversely affects the employment of men in Canada, as I understand it, because these commodities are not made in Canada at the present time.

Mr. Martin (Essex East): I am suggesting they should be; that is the point.

Mr. Spencer: The hon. member for Essex East has indicated that this amendment will have some bearing upon the point raised in a previous brief, that employment in Canada would be promoted by a change in the Canadian content. It is my understanding that this will have a beneficial effect, because when these items are incorporated into the vehicle—being articles not made in Canada and therefore not of Canadian content—it will mean that in order for the manufacturer to get these articles in duty free he will have to increase the other content of the automobile so as to come within the specified requirements respecting the Canadian content. By virtue of these things being done the manufacturer will have to incorporate into the vehicle a greater quantity of other Canadian-made products. The net result will be, of course, that some other item which at present is being imported will have to be incorporated into the vehicle, and that will be a Canadian-made commodity. I do not know whether that is the correct understanding, but I believe it is.

Mr. Fleming (Eglinton): Mr. Chairman, that is entirely the correct understanding. This change will have the effect of reducing the cost of production of the Canadian automobile or truck to the extent to which these particular parts are installed in the finished product. What the hon. member has said in regard to content is also entirely correct.

Mr. Benidickson: I can see that point, Mr. Chairman, and have no quarrel with it. Did the minister not say, however, that at the present time the effective protection is 25 per cent? Did he not say it is 17½ per cent British preferential and 25 per cent most favoured nation?

Mr. Fleming (Eglinton): Yes, but I think these are imported largely from the United States.

Mr. Benidickson: Yes. Up to the present time these articles have been protected to the extent of 25 per cent. They have paid a duty rate of 25 per cent. They will now come in free if not made in Canada; is that right?

Mr. Fleming (Eglinton): They will become free under the changes now proposed, but this applies only to articles of this description of a class or kind not made in Canada.

Mr. Benidickson: We will assume they are not made in Canada now. I assume there has been an encouragement to Canadian manufacturers to look at the possibility of making them by reason of a tariff of 25 per cent. That is to be taken away, so the encouragement for Canadian industry to look at this possibility is probably going to be considerably less than it was prior to this change.

Mr. Fleming (Eglinton): I think the experience of the Canadian manufacturers is that the volume is so very small that they could not possibly hope to compete, and this is in line with requests that are often received in the case of components that enter into the Canadian manufacture of finished goods. Where there is no Canadian source, therefore request is made that the tariff be removed on these elements in order to assist the Canadian manufacturer to be competitive in relation to his finished product.

Mr. Benidickson: I see the point and am glad of the explanation, but I want to understand what the result will be. Heretofore these articles in 438c and 438d have been subject to a duty on import of 25 per cent. Inasmuch as they are not presently made

in Canada they will come in duty free for the manufacturer of an automobile made in Canada. The next step would be that if at some future date someone started to make these items in Canada the duty would be 17½ per cent and not 25 per cent by reason of putting them into this schedule. Is that correct?

Mr. Fleming (Eglinton): That is right only in part. There is provision for the following rates: British preferential, free; most favoured nation, 17½ per cent; general tariff, 30 per cent. That applies with respect to some of the items within the description contained in item 438c of the tariff, but only with respect to some.

Mr. Benidickson: Yes, I see a general tariff rate of 30 per cent. We are not importing these particular items under either the British preferential tariff or the general tariff, are we, inasmuch as we manufacture automobiles of the type manfactured in the United States?

Mr. Fleming (Eglinton): Nearly all of these come from the United States. They are imported in small volume and are required now in connection with 1960 production programs.

Mr. Benidickson: Could I ask the minister another question. Has this change in tariff any relationship whatsoever to his negotiations with any country signatory to GATT in consequence of the government's decision to increase textile tariffs and its obligation to make some concessions elsewhere in the tariff schedule?

Mr. Fleming (Eglinton): No, Mr. Chairman, this change was made entirely at the request of the Canadian automotive chamber of commerce and the Canadian automotive parts manufacturers.

Mr. Martin (Essex East): I do not think I have misunderstood the situation. I am not satisfied that the interpretation I have placed on this section is not correct in the light of administrative practice. I am certainly not satisfied that the matter of the required content is policed or has been policed to the extent required under the law. I am sure that if only $78,000 worth of goods are involved under this section that is not going to appreciably change the amount of imported parts that now go into the Canadian-made automobile. However, there is another aspect of this problem that was raised by the hon. member for Kenora-Rainy River which I think is important, having in mind my particular concern, and that is the question of the valuation placed on imported vehicles, especially from other than commonwealth countries, particularly those countries where the cost of production is considerably below that of this country or most western countries. I have in mind particularly the Soviet union. We have a treaty with the Soviet union.

Mr. Benidickson: That is the general tariff, is it?

Mr. Martin (Essex East): Yes.

Mr. Fleming (Eglinton): The matter of valuation under the Customs Act has nothing to do with the Customs Tariff.

Mr. Martin (Essex East): The hon. member for Kenora-Rainy River raised this question and inquired of the minister—

Mr. Fleming (Eglinton): It is not relevant to this bill at all.

Mr. Martin (Essex East): My friend says it is not relevant, but while he does not administer the Department of National Revenue and is not responsible for valuation, surely he can tell us what the policy of the government is with regard to the valuation that would be placed on products made in lower cost countries in competition with our own. I submit with confidence to the minister that under this bill the question put by the hon. member for Kenora-Rainy River and now supported by me is in order.

Mr. Fleming (Eglinton): I am sure the support of the hon. member for Essex East would almost make a question which is out of order in order but not quite. The subject matter of the hon. member's question does not relate to this bill at all. There will be proper occasions when that question can be raised, but this is not one of them.

Mr. Martin (Essex East): Well, I think it is, but the minister does not want to answer. All right.

Mr. Pugh: Mr. Chairman, I should like to clear up one point. Suppose in future people do enter into the manufacture of such products; would the duty then be automatically imposed?

Mr. Fleming (Eglinton): Yes. Once it is manufactured in Canada then it comes out of this provision. This applies only in the case of goods of this description of a class or kind not made in Canada.

Mr. Pugh: So there will be no bar to anyone starting manufacturing in Canada at any time if it is a profitable venture.

Mr. Fleming (Eglinton): No; and that applies, of course, to a great many items in the tariff.

Mr. Benidickson: I understand that a declaration would have to be made in the *Canada Gazette* or something of that kind if someone started to manufacture these items. If that

declaration were obtained after the commencement of manufacture, under what section would these articles then be in the tariff schedule?

Mr. Fleming (Eglinton): The rates?

Mr. Benidickson: The minister said that the items would go out of this section.

Mr. Fleming (Eglinton): The British preferential rate?

Mr. Benidickson: I do not think they go out. I think they are probably covered.

Mr. Fleming (Eglinton): The most favoured nation rate will be 17½ per cent then.

Mr. Regier: I should like an explanation of a matter raised by the hon. member for Essex West and replied to by the minister. If these parts are not made in Canada I can understand that by reducing the tariff on them we enable the Canadian manufacturer to be more competitive when he attempts to dispose of his end product. However, if these parts are already imported into Canada, not being made in Canada, as a result of this amendment how would a manufacturer increase the Canadian content in his automobile?

Mr. Fleming (Eglinton): The reference made by the hon. member for Essex West was to point out how this affects the finished product, not how it affects the imported article; because presumably there is no Canadian or commonwealth content in the part that is imported. He had reference to the Canadian or commonwealth content as applied to the finished product; therefore where it becomes a matter of measuring the Canadian or commonwealth content of the finished product it means that the other components in the finished product must make up the extent to which this particular component is not of commonwealth or Canadian content.

Mr. Regier: The minister has not yet answered my question. If these reclining seat mechanisms, swivel seat mechanisms and so on were imported before and importation is now being made a little easier by reducing the tariff as long as they are not manufactured in Canada, how then is the manufacturer under an obligation to increase his Canadian content in the completed automobile or truck?

Mr. Fleming (Eglinton): Mr. Chairman, in the case of the parts or mechanisms referred to in (a), this, as I pointed out, creates free entry for those so described when of a class or kind not made in Canada when imported by a Canadian automobile manufacturer who achieves a specified commonwealth content which in general in this respect is 60 per cent. I point out that due weight must be given to the words "of a class or kind not made in Canada" as applied to the change now before us.

Mr. Benidickson: We are dealing, of course, with just one alphabetical subsection of general item 438 of the tariff schedule. We are dealing with 438c, and I take it that item 438a deals with an entire automobile. Item 438a deals with importing an entire automobile, and I think we would be interested in relating the tariff rates on a complete unit to the rates that would apply to the importation of a part such as those referred to in clause 3 of the bill. If we are dealing with the importation of a completed automobile there would be free entry from a British commonwealth country, whereas the rate from the United States would be 17½ per cent plus, of course, the sales tax of 11 per cent. That would apply in each case, would it not?

Mr. Fleming (Eglinton): Yes, the tariff rates quoted by the hon. member are correct.

Mr. Benidickson: Would the minister indicate what tariff is imposed against the importation of a Canadian automobile into the United Kingdom or into the United States? What would be the rates against a Canadian automobile or a part such as those referred to in this clause if imported into the United Kingdom or the United States?

Mr. Fleming (Eglinton): This goes quite outside the scope of this matter. I wish to be as obliging as I can when information is requested, but this is obviously outside the scope of the bill. I am not going to attempt to do more than give my friend an answer from memory on this point. I understand that the United Kingdom tariff rate under such circumstances is 20 per cent and the United States rate is, I think, 8.5 per cent.

Mr. Benidickson: That pertains to parts?

Mr. Fleming (Eglinton): That is my recollection; again I am speaking only from memory. I wish that clearly understood.

Mr. Benidickson: I thank the minister, but on the point of order I do not want him to indicate to the committee that this is anything in the nature of a favour. We are asked here, under clause 3, to make certain changes to our Customs Act. I say it is an appropriate question, when we are asked to amend our tariff schedule with respect to the United Kingdom, with respect to the United States and with respect to countries that are not under treaty as most favoured nations, to ask what, in return, are their tariff rates; and the minister should not indicate that it is a concession to give the information to the committee. In so far as the proviso about which he is speaking from memory is concerned, certainly

I accept that, but it is in order to ask what is the reciprocity with respect to these items.

Mr. Fleming (Eglinton): If there were reciprocity the question would be appropriate. However, I have pointed out that there is no question of a concession in this respect. This is a change that was made at the request not of another importer, or in return for concessions made by another country, but of the Canadian manufacturers.

Mr. Martin (Essex East): What the minister has said is true, but it depends upon what the foundation of one's question is. Canadian automobile exports to Great Britain are subject to duty, while British exports of automobiles to Canada have free entry. Notwithstanding what has been said, is it a fact that the Canadian government is going to apply at the next GATT meeting in September for a revision of the restriction that would prevent Great Britain from applying to Canadian manufactured automobiles the same rate which British manufactured automobiles have in Canada? It does not seem right, and the minister has not answered, except with a political answer. I am trying to deal with this serious situation in an objective way. It does not seem right that a strong competitor such as Great Britain should enjoy in the automotive field the advantage she now has, particularly when the automobile industry in Canada is facing such serious competition and such a serious situation has resulted.

Mr. Fleming (Eglinton): The United Kingdom enjoys, in this respect, simply those tariff advantages which were introduced by the government of which the hon. member was a member. We have made no change in that respect.

Mr. Martin (Essex East): I just acknowledged that. At that time the situation was not serious. We do not always have to say, here is what was done 10 years ago. We are faced now with a serious situation. British competition is very serious in the automobile industry, because 26 per cent of the cars sold in Canada last year were made outside of Canada. This has a serious effect on the employment of thousands and thousands of people in this country.

I am simply asking the minister whether it is the intention of this government, at the next meeting of GATT, to have consideration given to this aspect of the problem. I have not been vigorous in any denunciation this morning, and the minister is not warranted in embarking upon that kind of debate; because it could be reciprocated. I am simply trying to deal with the minister in an objective way regarding a problem of vital concern to the community from which I come.

Mr. Benidickson: I am looking again at this schedule of related articles under item 438, which is the class dealing with automobiles and automobile parts in general. I think it is quite in order, when we are asked to accept these rates, to look at how they might relate to other subsections of the main item 438. Now, would the minister indicate why, if the items in 438b, of a class or kind not made in Canada, enter free under the British preferential tariff as well as under the most favoured nation tariff he proposes a 17 per cent tariff in connection with this item? I know there is a reason for it, but I have forgotten. I am asking why the differentiation between some items of a certain kind not made in Canada and others of a certain kind such as is proposed here in this section, 17½ per cent. Has this something to do with a treaty agreement? In particular I would inquire what rate would apply on such an article as the hon. member for Essex East inquired about and to which reference is made in the brief from the united automobile workers, the automatic transmission. What rate of duty is paid on that?

Mr. Fleming (Eglinton): The provisions of item 438b are not involved in the present amending bill, Mr. Chairman. I am told that those rates have been in effect since the tariff board made a report on that subject and effect was given to that report back about 1936. As to whether there are some items in 438b under the provisions of GATT, I am told that some of them are bound.

Mr. Benidickson: On the last question I raised, could the minister say, or one of his officials identify, in this item 438 what we laymen call the automatic transmissions? Apparently they are not made in Canada but are imported largely from the United States. If imported from the United States, what rate of duty is paid on that component?

Mr. Fleming (Eglinton): They are not under 438b at all; they are under 438n.

Mr. Benidickson: I just wanted to know under what section they were.

Clause agreed to.

Clauses 4 and 5 agreed to.

On schedule A.

Mr. Benidickson: I think we have an agreement here, Mr. Chairman, that you will call the schedule page by page rather slowly in case hon. members have any questions beyond those raised on June 8 at the resolution stage.

Items 66b, 142, 160, 187e, 199m, 225c, 343, 347e, 414a, 414e, 463a, 463c, 465a, 465b agreed to.

505f: Southern yellow pine lumber, not further manufactured than planed on two sides, for use in the manufacture of flooring for motor trucks: British preferential tariff, free; most favoured nation tariff, free; general tariff, 25 per cent.

Mr. Regier: I wonder whether the minister would explain just what is involved in the change under 505f, southern yellow pine lumber. What was the rate before and what is the proposal?

Mr. Fleming (Eglinton): This is a new item which extends to the lumber in question the same tariff treatment when it is planed on two sides as has all along been applied when it is planed on one side only. This becomes necessary because of a change in practice in United States mills whereby it is difficult to obtain supplies of southern yellow pine planed on one side only.

Mr. Benidickson: I am sure the minister is correct. On the other hand I find it hard to reconcile that with the item as it appears, showing the proposed rate and the old rate on page 10 of the ways and means resolutions. There it was indicated that for an item of this importance, the former rate was British preferential 10 per cent and the proposed rate is free; the most favoured nation rate was 10 per cent and the rate now proposed is free.

I must confess that I was curious about this matter previously but forgot to raise the point when we were discussing it at the resolution stage. Is it simply a matter of planing on two sides as against one side only where we find a difference in rates?

Mr. Fleming (Eglinton): There is no change here in the case of lumber planed on one side only. It fell under these same rates previously. But formerly where it was planed on two sides it fell under item 505 and accordingly carried the rates of 10 per cent, 10 per cent and 25 per cent. This is designed simply to bring lumber that is planed on two sides within the scope of the rates applicable to lumber planed on one side only. This particular lumber is of a special kind which is required in the manufacture of Canadian truck bodies.

Mr. Benidickson: Did this enter in any way into the concessions? I find it is in the section dealing with concessions.

Mr. Fleming (Eglinton): Yes, this was included within the scope of our negotiations with the United States.

Mr. Benidickson: It is more than just a rewriting of the schedule for the convenience of our government. It was an item of tariff trading when it was decided to increase the rates of duties against certain imports such as textiles.

[Mr. Benidickson.]

Mr. Fleming (Eglinton): It had been asked for by the United States. It had also been asked for by our own Canadian truck manufacturers. Therefore it was a logical one to use in the negotiations.

Mr. Herridge: In listening to the minister's explanation about the planing of lumber on one side and on two sides, I was wondering whether he was aware of the fact that lumber is surfaced on one side or four sides. That is the custom.

Mr. Fleming (Eglinton): For the purpose of the Customs Tariff I am afraid it is not quite so scientific. It recognizes lumber planed on one side or planed on two sides. It is interesting to have the observation of the hon. member, but here the basis of distinction has been one side or two sides.

Mr. Regier: Can the minister tell us whether the Canadian lumber producers were consulted about this matter? I had heard previously that the policy of the government was in the first place to protect native Canadian enterprise as far as possible and in addition, if and when importation was necessary, to complete the manufacture within Canada in so far as was at all possible. I notice here an increase in importation and also an opening for labour to be employed outside of the borders of Canada. I wonder whether the minister can explain this matter. I have seen all kinds of floorings in motor trucks. They have been made up of all kinds of Canadian wood. At the moment I do not realize the urgent need for greater importation of southern yellow pine lumber.

Mr. Fleming (Eglinton): I have pointed out that this is a specialty. We are not dealing with it merely as an importation of softwood. It is a specialty used for a particular purpose. The Canadian Lumbermen's Association have been fully acquainted with the proposed change.

Item agreed to.

Customs tariff—236. Surgical dressings, antiseptic or aseptic, including absorbent cotton, lint, lamb's wool, tow, jute, oakum, whether imported singly or in combination one with another, but not stitched or otherwise manufactured; surgical trusses and suspensory bandages of all kinds; sanitary napkins, and abdominal supports: British preferential tariff, 10 per cent; most favoured nation tariff, 20 per cent; general tariff, 35 per cent.

Mr. McMillan: With regard to item 236, surgical dressings, I note that the rates are now 10 per cent, 20 per cent and 35 per cent. Can the minister tell us what the rates are at the present time?

Mr. Fleming (Eglinton): As the hon. member will be aware from the provisions that appeared in the resolution which was before

the committee of ways and means last week, there is no change in the rates. The only change is in the scope of the item, in this case the deletion of the words from the present item: "woven fabric of cotton weighing not more than seven and one half pounds per one hundred square yards". The change was recommended by the tariff board.

Item agreed to.

Customs tariff—410o. (iii) Mine roof and wall supports and support systems, of metal, including yielding props or chocks, but not including roof bolts or washers or nuts therefor, for use underground in mines; parts of the foregoing: British preferential tariff, free; most favoured nation tariff, 12½ per cent; general tariff, 35 per cent.

Mr. Dumas: Can the minister tell the committee whether item 410o is a new item?

Mr. Fleming (Eglinton): Yes.

Mr. Benidickson: No. 410o is a mining item which was amended, was it not, in the ways and means committee?

Mr. Fleming (Eglinton): Yes.

Mr. Benidickson: I have the old rates but not the amendment.

Mr. Fleming (Eglinton): The amendment did not change the rates.

Mr. Benidickson: There has been no change in the rates from the 22½ per cent most favoured nation tariff to 12½ per cent?

Mr. Fleming (Eglinton): The amendment moved in committee simply added certain words to the resolution.

Mr. Benidickson: You eliminated certain paraphernalia in connection with it.

Mr. Fleming (Eglinton): Yes. It is simply a clarification of intent. That was done by inserting the words "but not including roof bolts or washers or nuts therefor".

Item agreed to.

—	British Preferential Tariff	Most Favoured Nation Tariff	General Tariff
Customs Tariff—			
522 Woven fabrics, wholly of cotton:			
(*1*) Not bleached, mercerized nor coloured, n.o.p.	15 p.c.	20 p.c.	30 p.c.
(*2*) Bleached or mercerized, not coloured, n.o.p.	17½ p.c.	22½ p.c.	30 p.c.
(*3*) *Coloured, n.o.p.*	17½ p.c.	22½ p.c.	35 p.c.
(*4*) Composed of yarns of counts of one hundred or more, including all such fabrics in which the average of the count of warp and weft yarns is one hundred or more	Free	25 p.c.	35 p.c.
(*5*) *With cut pile*	10 p.c.	25 p.c.	35 p.c.
(*6*) For use in the manufacture of sails for boats or ships	Free	20 p.c.	30 p.c.
(*7*) Bleached, when imported by manufacturers of handkerchiefs for use in the manufacture of handkerchiefs wholly of cotton	Free	20 p.c.	27½ p.c.
(*8*) *Weighing not more than seven and one-half pounds per one hundred square yards, not bleached nor coloured*	Free	Free	30 p.c.
(*9*) Not coloured, for use in the manufacture of ribbons for typewriters, *calculators, or other office appliances*	Free	12½ p.c.	15 p.c.

Mr. Benidickson: I note that it is almost one o'clock. Perhaps between now and when we resume the minister might be prepared to give us some information about item 522(3), coloured woven fabrics. Am I right in thinking that this is one of the important items of tariff increase? If so, perhaps the minister could give us an indication of what volume of trade was experienced in 1959 and what would be the next most important textile import item from the United States or Japan. What was the import in connection with this item from the United States or from various countries? What was the total volume, and is this one of the major changes in the schedule that is presented to us today?

Mr. Fleming (Eglinton): Yes. This item 522, subheading 3, consolidates a number of former items. The new item covers imports valued at approximately $45 million in 1959, substantially more than are covered in any other item in this resolution. The main

source is the United States. Last year imports from the United States amounted to $36 million. The imports from other countries are relatively small by comparison. The next largest source was Japan, from which the imports amounted to $2,600,000.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

Mr. Benidickson: Mr. Chairman, I think when we adjourned for luncheon we were discussing item 522(3), women fabrics, cotton, coloured. Is this the item which would include the bulk of most cloths which might to into the production of ladies' dresses and things of that kind?

Mr. Fleming (Eglinton): Yes.

Mr. Benidickson: I think I raised the question before the adjournment as to whether the minister would tell the committee what is the next largest item in the schedule in relation to volume of imports. He indicated that this involved imports of about $45 million last year. I wonder if he could even go beyond the second item and give us two or three illustrations so we would be more knowledgeable in the committee about the items which are important.

Mr. Fleming (Eglinton): Item 520a, raw cotton, $52,866,000. Item 523a, $22 million in round figures; that is clothing and manufactures. Item 522(2), bleached cotton fabrics, $4,200,000 in round figures. Then item 522(1), the unbleached cotton fabrics, $10 million.

Mr. Benidickson: So we are dealing with items which in dollar volume of trade are very important in connection with the concessions with which we are presented, which this government has decided to give largely to the United States in reductions of duty. Am I right in thinking that the next item, 523a, clothing, wearing apparel, etc. is a substantial item also because it involves in trade $22 million, if that is what the minister said?

Mr. Fleming (Eglinton): I did mention item 523a, clothing, $22 million. I think the hon. member is not quite right in the conclusion he stated at the opening of his remarks just now. Many of the commodities have not any changed rates here. There are changes in rates as applied to some specific items here as indicated in italics, but many of these items are not changed. In the case of the changes, those which came from the tariff board—and these are all in that category—show some increases and some decreases, as I pointed out at the time of the budget speech.

Mr. Benidickson: Yes, Mr. Chairman; but on the items we are discussing, with regard to item 522(3), coloured woven fabrics, wholly of cotton, we have had trade with the United States amounting to $45 million. Is the minister not proposing an increase of some 5 per cent in the tariff here? How does that affect the cost, say, of a woman's dress; shall I say the average cost, because I know the amount would vary considerably. If this ordinary type of woven cotton fabric was imported and the tariff increase was 5 per cent, what effect might that have on the eventual cost to the consumer in this country who was buying a modestly priced lady's dress?

Mr. Fleming (Eglinton): The increase is not as great as that indicated by the hon. member; it is probably about 3 per cent. The actual comparison appeared in the pamphlet in which the resolutions were put before the committee of ways and means; but as applied to women's dresses in particular, I am told that on a $5 purchase this could make a difference of about 3 cents.

Mr. Benidickson: Is my hon. friend referring to the dress? I take it that he quarrels with me on relating the difference between the old rate of 17½ per cent and 3 cents per pound and the new proposed rate of 22½ per cent. I can quite understand when he says that does not mean a difference of 5 per cent. I think there is a difference of opinion between the trade and the department as to whether it is what the minister says, namely 2 per cent, or whether it is 3 per cent. Is there any new opinion on this since the dispute arose?

Mr. Fleming (Eglinton): No, Mr. Chairman; the figure, as I mentioned, was 3 per cent. I indicated that this might mean on a woman's dress 3 cents on a $5 purchase. This is the estimate given by the primary textiles institute. The department has given me an estimate of 3.9 cents on an article costing $8.95.

Mr. Benidickson: I assume that is on the cost to the manufacturer, and there is an assumption that the—

Mr. Fleming (Eglinton): That is the retail price.

Item agreed to.

Items 520b, 521, 523a, 523b, 524, 530a, 530b, 530c, 530d, 531a, 531b, 531c, 531d, 532d, 532e, 550, 551a, 551b, 552a, 552b, 553 agreed to.

Customs tariff:—560a. Man-made fibres or glass fibres, not exceeding 12 inches in length: British preferential tariff, 5 per cent; most favoured nation tariff, 12½ per cent; general tariff, 15 per cent.

Mr. Benidickson: Is the minister satisfied that last Wednesday, June 8, he gave this committee a proper explanation of this item? There is some controversy in so far as the departure from the tariff board recommendation is concerned.

Mr. Fleming (Eglinton): The 560a item is a new one, which provides for the entry of man-made and glass fibres at 5 per cent British preferential, 12½ per cent most favoured nation and 15 per cent general tariff. These are as recommended by the tariff board. These were all included as part of the tariff board's recommendation IX(a). This replaces former item 557c.

Mr. Benidickson: I know it has been reported by the *Financial Post* that this item departs from the tariff board recommendation, in that the tariff board recommended 7½ per cent and the minister recommends 12½ per cent.

Mr. Fleming (Eglinton): The tariff board recommendation was 5 per cent British preferential and 12½ per cent most favoured nation. For technical reasons advanced by the Canadian industry following publication of the report by the tariff board on reference No. 125—this is the report on silks, man-made fibres and products—the wording recommended by the tariff board has been amended by deleting the words "not containing wool or hair" and by subdividing the recommended item IX into this item and the three following. This item and all those which follow throughout the part of the schedule relating to synthetics have been formulated on the basis of the definition of man-made fibres recommended by the tariff board and implemented by resolution No. 1. Resolution No. 1 is reproduced in clause 1 of the bill.

Mr. Winch: By man-made fibres do you mean synthetics as differentiated from cotton, wool, or something like that?

Mr. Fleming (Eglinton): Yes. It has application to what we commonly call synthetics.

Mr. Martin (Essex East): Without referring to his official or to his book, will the minister satisfy my curiosity as to the real diversification of his knowledge by telling me what is meant in item 559e by nubs, slugs, slubs, neps or kemps?

Mr. Fleming (Eglinton): These are textile products. They are not nasty names.

Item agreed to.

Items 559a, 559b, 559c, 559d, 559e, 559f, 560b, 560c 560d, 560e, 561b, 561c, 561d agreed to.

Customs tariff—561a. Yarns and rovings, wholly of man-made fibres or filaments or of glass fibres or filaments, not more advanced than singles, not coloured, with not more than seven turns to the inch: British preferential tariff, 20 per cent; most favoured nation tariff, 22½ per cent but not less than 22 cents per pound; general tariff, 35 per cent but not less than 28 cents per pound.

Mr. Benidickson: May I refer to item 561a? By reference back to the ways and means resolutions one notes an increase in the British preferential tariff from 5 per cent to 20 per cent in certain circumstances under this item. What is the reason for this when we are trying to increase our trade with the commonwealth? The same question would apply to the next item, 561b, where the increase on paper seems to be 7½ per cent to 22½ per cent with respect to some items referred to in this paragraph.

Mr. Fleming (Eglinton): A roving, as hon. members are no doubt aware, is an attenuated strand of fibres from which yarn is spun. The increase here simply follows the recommendation of the tariff board, and I understand that the tariff board in making this recommendation took into account a very considerable change in the competitive situation since the original item with the 5 per cent British preferential rate was first written into the tariff.

Item agreed to.

The Chairman: We continue with the next group of items.

Mr. Winch: I have not been able to find the item on which I should like to ask a question. I understood from the recent visit of the Australian trade commission that they expect in the near future to be able to export to Canada a type of wool fabric or garment which will enable them to compete with the modern washable non-ironing fabrics such as we have in our shirts today. This was announced in the newspapers. Is there any special duty on that type of fabric, or will it come in under any special provision of the Customs Tariff. I understand that Australia is the only country that has yet developed this system of treating wool, and its introduction would be most welcome.

Mr. Benidickson: May I address a question to the hon. member who has put the question to the minister? Is it not his understanding that this particular development is free from copyright or any other restriction so far as world trade is concerned? Canadians will be able to make the same fabrics though the Australian government, through its financial assistance, developed the product.

Mr. Winch: I do not know that. All I know is that I was most interested when I was in Australia last year to be told about the research and the work they were doing on the production of wool fabrics which would enable people to have garments such as we have in Canada today. An example is the shirt which is washable and does not need to be ironed.

I was told they were nearing the end of their research. I read in the papers last week a statement by a member of the Australian trade commission that they were now engaged in production of this material. Will this come under the tariff, or since it has been developed in a part of the commonwealth will it come in duty free?

Mr. Fleming (Eglinton): Mr. Chairman, I have not the information the hon. member has about this particular product. I have heard nothing of the announcement to which he refers; consequently my answer must be somewhat reserved for that reason. If the product is entirely of wool then these items we are now dealing with in Bill No. C-74 would have no application whatever. It would be under a different item altogether in the tariff dealing with woollens. Beyond that it would not be wise for me to attempt to go until we know more about the particular product and the ingredients of it.

Items 561e, 562a, 562b, 562c, 562d, 562e, 562f, 562g, 562h, 563, 563a, 564 and 565 agreed to.

Customs tariff—573. Enamelled carriage, shelf and table oilcloth, and cork matting or carpets. British preferential tariff, 15 per cent; most favoured nation tariff, 27½ per cent; general tariff, 35 per cent and 4 cents per pound.

Mr. Benidickson: Mr. Chairman, with respect to item 573 what change is involved in this schedule?

Mr. Fleming (Eglinton): With reference to the item there is no change whatever in rates. The item itself continues without change that part of item 573 which relates to oilcloth and cork matting or carpets. Linoleum which formerly was included in item 573 is dealt with now in 573a. That is the change that has been made in 573.

Item agreed to.

Customs tariff—573a. Linoleum; felt base floor covering not including such materials in which are incorporated synthetic resin sheets or cellulose plastic sheets. British preferential tariff, 15 per cent; most favoured nation tariff, 25 per cent; general tariff, 35 per cent and 4 cents per pound.

Mr. Benidickson: I see a reduction of 2½ per cent in the tariff under item 573a from 27½ per cent most favoured nation to 25 per cent, with respect to linoleum. What industry have we in Canada that is affected by this change?

[Mr. Benidickson.]

Mr. Fleming (Eglinton): There are factories in Canada, Mr. Chairman, that produce linoleum. This is a very modest change indeed; it is only 2½ per cent. The new rates proposed will still provide for a very substantial level of protection to Canadian linoleum producers and a very substantial margin of preference for commonwealth imports.

Item agreed to.

Customs tariff—586. Anthracite coal; anthracite coal screenings and dust: British preferential tariff, free; most favoured nation tariff, free; general tariff, 50 cents per ton.

Mr. Winch: Mr. Chairman, would the minister give us an explanation of 586 relating to anthracite coal screenings and dust?

Mr. Fleming (Eglinton): Mr. Chairman, I gave a full explanation of this item when we were in the committee of ways and means. The hon. member will find it in *Hansard* of June 8 at page 4687, in the second column.

Mr. Benidickson: Did the minister at that time explain clearly what type of anthracite coal paid entry 50 cents per ton on most favoured nation?

Mr. Fleming (Eglinton): I thought I did, Mr. Chairman. This applies to the screenings and the dust.

Mr. Winch: Is the 50 cents per ton on coal coming from the United States to Nova Scotia, a coal mining area of Canada?

Mr. Fleming (Eglinton): The general tariff rate of 50 cents per ton did apply to screenings and dust coming into Canada from the United States, but under this item the import will now be free for the reasons which I gave. This matter has been discussed with the dominion coal board, and we have been assured that this tariff change will have no adverse effect on Canadian coal production.

Mr. Benidickson: In his reports from his officials perhaps the minister has information I have not as to the end use of anthracite coal screenings and dust in Canada. What is the purpose of the import? What largely is the product devoted to once it arrives?

Mr. Fleming (Eglinton): It is of particular interest in the production of pig iron, titanium and other products such as electric battery boxes.

Mr. Benidickson: Are some of the industries producing these products located in the maritimes?

Mr. Fleming (Eglinton): I do not know that any of these industries are located in the maritime provinces. There are various Canadian industries that are interested in this. The point on which I put some emphasis when the subject was before the committee of ways and means on June 8 was that this had been studied by the dominion coal board and the board had satisfied itself and satisfied us that this change would have no adverse effect on Canadian producers.

Mr. Winch: That is the point I do not understand, and I was not present at the time. I recently visited Nova Scotia and am interested in the coal mining industry. I understand the use of this commodity is for heat, and that it is largely used on an industrial basis. Is the minister telling us that the report of the board, accepted by the government, was to the effect that the coal of the maritimes is not of such a nature that when made into screenings or dust it can be used for heat purposes, domestic or commercial? I am more interested in the commercial aspect, of course.

Mr. Fleming (Eglinton): The report does not go that far. There are geographical factors involved here and questions of marketing, I presume. The coal board, which after all has always before it the problem of markets for Nova Scotia coal, has studied this matter and reported to us that this change in the tariff rates on the screenings and dust would have no adverse effect on Canadian production.

Mr. Benidickson: Is this a public document? Has the report been made public?

Mr. Winch: Would the minister explain why a document of this importance has not been made public so we can see the basis on which the recommendation was made and accepted?

Mr. Fleming (Eglinton): A great deal of information of a departmental nature comes to ministers which is used in giving statements to the house when the original information, in whatever form it may come, is not producible. That happens all the time.

Mr. Winch: Yes, but—

Mr. Fleming (Eglinton): The hon. member realizes, I am sure, that when a proposal comes forward with respect to a matter of this kind, for a change in the tariff on coal in any form, we would not think of bringing it to the house without first having consulted the coal board. We consulted the coal board about this, and I have given the house the answer that the coal board has given us in relation to the inquiry we made of them.

Mr. Winch: The point that stumps me is that a change in the tariff is being recommended, as the minister admits, on the basis of information from the coal board, yet we cannot find out anything about the reasoning or purpose of the recommendation of the coal board which will permit the importation into the maritime provinces, a coal mining area, of anthracite coal screenings and dust. We do not understand how it can be said that it will have no effect on the coal mining industry. Surely it is reasonable for a member to ask the minister to tell us just on what basis the coal board says this change will have no effect. Surely we are entitled to know on what basis this finding was made. How can we accept or reject this change without knowing the basis upon which it is being made?

Mr. Fleming (Eglinton): I hope the hon. member is not going to go off on a tangent on this subject. I have made the sequence of events with respect to how this comes about quite clear. This is not a matter that arises from the coal board in the first place. The coal board did not initiate this matter by writing a formal report and sending it to us. We had representations from a number of Canadian producers who are interested in products in the production of which anthracite screenings and dust are employed. They asked for the removal of the tariff of 50 cents per ton. We examined the matter. Obviously there was some merit in the proposal, but before we took any action we consulted the coal board to ascertain whether, having regard to all the factors in the situation, the removal of the tariff of 50 cents per ton on anthracite screenings and dust would have any adverse effect whatsoever on Canadian production. After giving the matter due consideration their report to us was that it would not have any adverse effect on Canadian production. That is the whole story.

Mr. Benidickson: Is there any possibility of the committee obtaining a copy of the report, in view of the fact—

Mr. Fleming (Eglinton): No, Mr. Chairman. It was a specific inquiry which was directed by my department to the coal board, and they have given a specific reply. It is not a case, as I pointed out, of some formal written report. It is not a communication of that nature. We would not think of moving in a situation like this without consulting the coal board in relation to the interests of Canadian producers, and nobody in the country is in closer contact with this situation than the dominion coal board.

Mr. Benidickson: I think the minister's words were that this change in the tariff did

not originate with the dominion coal board. I can well understand that that goes without saying. However, it appears to be in the package of trade concessions that were made because the government decided that they wanted to hike the tariff rates on the import of certain textiles. Is that a fact? Is this one of the items that the government made use of to trade with some other GATT trading partner in order to increase the rates of duty on textiles?

Mr. Fleming (Eglinton): The hon. member is partly right. He is right to this extent, that this was one of the items that formed part of the package deal made with the United States; but after all in these negotiations we are looking about for opportunities to make use of situations where it is to Canada's advantage to have a reduction and to use that concession as a bargaining factor in the negotiations. It happened that this was one of those cases. It was fortunate that this was a case where we had an opportunity to use what was regarded by the United States as a concession without doing any harm to Canadian production, and at the same time assist certain Canadian producers of the products to which I have referred in a manner that might help them to reduce their costs of production and make them more competitive.

Mr. Benidickson: We do not know whether any harm has been done. The minister has the report and he does not make it available to anybody else. Perhaps he would tell us what the most recent statistics indicate as to the volume of imports at the 50 cents per ton rate or under the free rate from the United States.

Mr. Fleming (Eglinton): In the fiscal year 1958-59 imports were about 7,500 tons. We expect that figure will increase.

Mr. Benidickson: What would be the dollar value? Could the minister hazard a guess?

Mr. Fleming (Eglinton): No, I do not have that information.

Mr. Winch: I think this only affects the maritime provinces, and I should like to ask the minister what Canadian producers feel they can reduce their production costs if they do not have to pay a tariff of 50 cents per ton.

Mr. Fleming (Eglinton): We have no precise information on that but, as in all these cases, the representations are that if the tariff comes off their competitive position is improved in fabricating the finished product.

[Mr. Benidickson.]

Mr. Winch: From what source did these representations come? What type of Canadian producers said this would help to reduce their costs?

Mr. Fleming (Eglinton): Manufacturers. I referred to the types of products, Mr. Chairman; pig iron, titanium and other products such as electric battery boxes.

Item agreed to.

Items 624a and 663f agreed to.

Mr. Benidickson: The committee will recognize that part II on page 8 has reference to another resolution that we dealt with in the committee of ways and means. I hope the minister will reassure us—I think he so indicated in committee of ways and means—that all these items, with the exception of the amendment presented to 538g, are simply rewording items and are not changes of consequence.

Mr. Fleming (Eglinton): They are not even rewording; they are simply renumbering.

Mr. Carter: Can the minister say how these double rates work out, n.o.p. and so much per pound? Are both rates applied to every article, or can they be modified? There are notes here in certain cases that the total duty leviable shall not be in excess of 60 cents per pound. Is that the ceiling for the combined rates?

Mr. Fleming (Eglinton): These are cumulative. You will see tariff rates expressed in percentage terms, which is ad valorem, and then you have certain specific rates that are applied, and the specific rate is expressed in cents. In the case to which the hon. member refers you have a ceiling applied in terms of a specific duty of 60 cents per pound. That establishes a ceiling on the combined application of the ad valorem and specific rates.

Mr. Carter: That is the combined rates; the two rates apply?

Mr. Fleming (Eglinton): Yes; where there is a rate expressed in both ad valorem and specific terms, both apply. You see the word "and" in each case.

Items 532a, 532b and 532c agreed to.

Customs tariff—538a. Cotton yarns, wholly covered with a double layer of metallic strip in single strand only, when imported by manufacturers for use exclusively in the manufacture of electrical conductors, in their own factories: British preferential tariff, 10 per cent; most favoured nation tariff, 10 per cent; general tariff, 25 per cent and 4 cents per pound.

Mr. Winch: There is one question I should like to ask in connection with this item. I hope the minister can give some information on this. I have always thought that Canada,

as a copper and lead producing nation, could have a greater industry than she has at the present time, good as it is. Item 538a refers to cotton yarns, wholly covered with a double layer of metallic strip in single strand only for use exclusively in the manufacture of electrical conductors. Do certain manufacturers in Canada apply that type of covering to electrical conductors? I am wondering whether it is something of an infinitesimal nature of whether, as a lead and copper producing nation, it is something we could manufacture instead of importing.

Mr. Fleming (Eglinton): I cannot be certain whether there is any of that particular type of metal strip involved here. Item 538a refers to cotton yarns wholly covered with a double layer of metallic strip in single strand only. I presume anything that corresponds with that will bring the commodity within the description of the item.

Mr. Winch: That is what I had in mind. I do not know whether or not anything of that type is being manufactured in Canada. If it is part of the cable industry, why is there any change in the tariff?

Mr. Fleming (Eglinton): There is no change in the tariff created by this item. All we are doing is renumbering the item.

Mr. Benidickson: My hon. friend from Vancouver East referred to this copper item which may be bound with fabric. Could the minister indicate whether any proposals have been made by the United States to this country, which he will not divulge to the committee but which apparently have been publicized in Washington, include any offer of more lenient tariff relations between this country and the United States in so far as copper and some other products are concerned?

Mr. Fleming (Eglinton): I must correct at once the impression left by the hon. member's remarks. The United States has not as yet made any offer at all, and presumably an offer will not be made until the GATT conference is convened later in the year. All that has happened so far has been that, in keeping with the practice of the United States, where the United States administration either of its own accord has considered using certain items for discussion purposes or has been asked to reduce the tariff on certain items in the United States, the administration puts out a notice of these particular items and any person in the United States who is interested in them has an opportunity of making representations to the United States tariff authorities. The mere publication of this list should not be interpreted as an offer made by the United States to Canada or any other country.

Mr. Benidickson: The minister has referred to this offer—

Mr. Fleming (Eglinton): No, I said it was not an offer.

Mr. Benidickson: Well, it is a notice of some kind. Would the minister indicate to us, because we are so vitally interested in this matter, what steps any member of the cabinet or any of our ambassadors or any of our officials abroad take when they see this type of thing? What is the machinery that gets into operation? If the minister says it is not an offer could he indicate, after it is publicized, how it comes to his attention? Has he seen it? Perhaps he has not seen it. Last week the opposition made reference to the fact that they had seen it.

Mr. Fleming (Eglinton): I must point out that this has nothing to do with the matters now under consideration. All we are dealing with here is the matter of an amendment to certain items in the tariff, simply renumbering some of them. This matter that the hon. member wishes to raise can be raised on some other occasion, under the proper circumstances, but it has no application to the matter now before us.

Mr. Benidickson: You will recall, Mr. Chairman, that some explanation was made by the minister in connection with this particular procedure on the part of one of our partners in the GATT trade agreement. Surely if the minister puts on the record one side of the story, from then on it is open to other members of this committee to discuss the item.

The Chairman: If, as the minister points out, it is only a question of renumbering the items, it seems to me that at this point there could hardly be any relevant discussion.

Mr. Benidickson: Then could I assert that the minister was out of order in making the extensive remarks he did about the procedures under GATT in so far as our trading partner, the United States, was concerned?

The Chairman: If I understand correctly, at this point we are dealing with part II of Schedule A.

Mr. Winch: May I ask the minister a question. At least half a dozen times he has stated that things which are not covered by the bill before us can be raised on some other occasion. He always uses that phrase "some other occasion". There are two matters not covered here which I should like to

raise. Would he mind indicating what the "some other occasion" is, under which we can raise these matters?

Mr. Fleming (Eglinton): If the hon. member will speak to me privately I shall be glad to discuss with him the matters he wishes to raise and indicate to him where I think they may be raised in the course of the business during the remainder of this session. Usually the estimates are the proper place to bring up such matters.

Item agreed to.

Items 538b, 538c, 538d, 538e, 538g, 538h, 538i, 538j, 538k, 538m, 538n, 538p and 90e agreed to.

Customs tariff—124b. Squid, octopus and cuttlefish: British preferential tariff, free; most favoured nation tariff, free; general tariff, free.

Mr. Benidickson: This item relates to the importation of squid, octopus and cuttlefish. What does that mean in volume?

Mr. Fleming (Eglinton): The imports of squid, octopus and cuttlefish, which are used as bait by commercial fishermen on the Atlantic and Pacific coasts, amount to about 2 million pounds annually.

Item agreed to.

Items 180a, 399d, 403, 409e and 437b agreed to.

Customs tariff—438f. Parts, n.o.p., electro-plated or not, whether finished or not, for automobiles, motor vehicles, electric trackless trolley buses, firefighting vehicles, ambulances and hearses, or chassis enumerated in tariff items 424 and 438a, including engines, but not including ball or roller bearings, wireless receiving sets, die castings of zinc, electric storage batteries, parts of wood, tires and tubes or parts of which the component material of chief value is rubber: British preferential tariff, free; most favoured nation tariff, 25 per cent; general tariff, 35 per cent.

Mr. Martin (Essex East): Has the minister any comment to make on item 438f or 438g, which of course affect a number of important parts that go to make up an automobile?

Mr. Fleming (Eglinton): In so far as item 438f is concerned the comment can be brief, because the only change in that item is the number. The previous number was 438f(1).

In so far as 438g is concerned, the purpose of the amendment involved here is to ensure that only brake linings and clutch facings are subject to the rates formerly applied under item 438f. The rates are as indicated there, free or 15 per cent British preferential, depending upon whether the linings are made wholly or in part from crude asbestos of British commonwealth origin or foreign asbestos, and 25 per cent under the most favoured nation tariff.

Item agreed to.

[Mr. Winch.]

Customs tariff—237a. Deuterium oxide or heavy water; uranium in the form of pigs, ingots, billets or bars: British preferential tariff, free; most favoured nation tariff, free; general tariff, 25 per cent; on and after July 1, 1962: British preferential tariff, free; most favoured nation tariff, 15 per cent; general tariff, 25 per cent.

Mr. Winch: May I ask the minister to explain item 237a. I understood that Canada was a big producer of heavy water. We have a lot of uranium. We have heard a lot about it. I wonder if we do, at any time, import heavy water and, since we are a uranium producer, I am wondering why there is any question of importation in connection with this matter.

Mr. Fleming (Eglinton): Mr. Chairman, I gave an explanation of this item in committee of ways and means on June 8, which the hon. member will find at page 4689 of *Hansard*, second column.

Mr. Benidickson: This is a rather important item in view of the industrial reverses of recent months. Perhaps the minister would condescend to put it on *Hansard* here for the benefit of those who do not read *Hansard* consecutively.

Mr. Fleming (Eglinton): On that occasion I gave all the information that is available on the item. It was a full statement. All I would be doing now would be simply repeating word for word the self-same explanation.

Mr. Benidickson: The minister has done that on other occasions.

Mr. Winch: May I say that I am afraid we cannot always be in the House of Commons. We may be in a committee or in another place. This is exactly what happens.

Mr. Pearson: Is it anticipated that under this item there will be any imports of uranium in that form? Has there been any importation of uranium in the past? If there has been none and none is anticipated, then why this item?

Mr. Winch: And heavy water too.

Mr. Fleming (Eglinton): The imports that we have had were as I pointed out on June 8. If I remember rightly I think it was the Leader of the Opposition who asked the question. Yes; as reported at page 4689 of *Hansard* he asked me to explain the changes, and at the conclusion of the statement I said:

In 1959 imports of heavy water amounted to $2,700,000. There were no imports of uranium metal.

Mr. Winch: May I ask the reason for the imports of heavy water? I seem to remember that in British Columbia during the last war a great many millions of dollars were spent

to build a new Consolidated Mining and Smelting Company plant for the development of heavy water. I believe that the uranium studies being undertaken in Canada are on the use of heavy water. Therefore why do we now have the importation of heavy water when, if my understanding is correct, Canada is not only one of the largest producers but one of the greatest experimenters in heavy water? Why do we import heavy water?

Mr. Fleming (Eglinton): The importing is done by Atomic Energy of Canada Limited. It was at their request that we provided for the extension of this item, which would have expired on July 1, 1960. It is to be extended to July 1, 1962. They found it necessary to make importations of heavy water from elsewhere.

Mr. Winch: During the last war I believe it was C.M. and S. that produced heavy water. Are they still producing heavy water? I am just now told that after the war that plant was closed down, so that Canada no longer produces heavy water, or C.M. and S. no longer produces heavy water. It is no longer produced in Canada.

Mr. Fleming (Eglinton): I do not know for a fact whether Atomic Energy of Canada is producing any heavy water, but I know they have assured the government that they require to import heavy water. These importations in 1959 to which I have referred were importations on the part of Atomic Energy of Canada Limited, and they have asked for this extension in order to obviate an increase in their cost of production.

Mr. Pearson: May I ask the minister whether, under our present regulations, it is possible for any individual or any private corporation to import uranium in any form into this country?

Mr. Fleming (Eglinton): I would not wish to give a positive answer on that matter. The fact is that there is no occasion for anybody to import uranium into Canada because Canada, after all, is a major producer of uranium. As I pointed out, there have been no imports and there is no reason to expect any. But this item is put forward in this form because of the fact that Canada is a substantial producer and this might be of assistance to us in our dealings with other countries.

Mr. Winch: May I ask one more question on this phase of the matter, as it is of great interest to me. I know for a fact that during the last war and for some time thereafter Canada was a big producer of heavy water. I am certain that my memory is correct that it was C.M. and S. that produced it. However, they have not been doing so now for a number of years. Now that Canada has been undertaking—and here again I am certain that my argument is correct—in this field of atomic energy research studies which other countries have not been doing, namely in the use of heavy water in some phase of that research, and as Canada no longer produces heavy water or has ceased to produce heavy water and inasmuch as we require it—as the minister said, it was on request that our research and studies on this should be continued—may I ask then why it is that for our own research, undertaken at the expense of the federal government, heavy water no longer being produced in Canada, we put a 25 per cent general tariff on the importation of something that we no longer produce ourselves? Just what is the answer to that question?

Mr. Fleming (Eglinton): I am afraid the hon. member has misapprehended the effect of this item. The item merely renews for a further two-year period the free entry under the most favoured nation tariff of heavy water and uranium imports in the form specified.

Mr. Winch: Where else can you get it outside of the most favoured nation countries?

Mr. Fleming (Eglinton): I am referring to the most favoured nation tariff. This will allow free entry under the most favoured nation tariff.

Item agreed to.

The Chairman: Shall part III carry?

Mr. Benidickson: No. This morning I referred to a brief from the interprovincial farm union which was presented to the govenment with respect to used farm machinery. Before we carry this page perhaps the minister should make a comment.

Mr. Fleming (Eglinton): Let me say this. There is nothing on this page or indeed in this bill that refers to used farm machinery. If the hon. member wishes to ask any questions about the importation of used farm machinery, the proper minister to whom to direct that question would be my colleague the Minister of National Revenue at the appropriate time.

Mr. Benidickson: As you know, Mr. Chairman, we are amending basic tariff item No. 409 of the Customs Tariff. This is the item which deals with a great many agricultural products. Certain important industries in this country have made representations suggesting that certain amendments would be appropriate when this parliament is considering, as we are now doing, amendments to the schedule to this particular statute.

Mr. Fleming (Eglinton): If my hon. friend will permit me to do so, may I point out that the only change created by item 409e(1) relates to magnets for veterinary use. There is no other change.

Mr. Benidickson: Quite so, but I think the agricultural industry feels that the minister has not gone far enough, and that there are proposals with respect to item 409 that could have been considered by the minister and could have been presented to this parliament today for amending this schedule.

Mr. Fleming (Eglinton): On the point we are discussing I should like to say this if I may, Mr. Chairman. As you know, there are well over 1,000 items in the Customs Tariff, and they apply to thousands of commodities. We are dealing here with one change and one only, namely magnets for veterinary use, for insertion in the stomach of cattle in order to withdraw pieces of wire or other metal that cattle may have swallowed. That is all we are dealing with here. Surely this is not an occasion upon which to embark at length on questions of what somebody may have thought ought to be the subject of amendments. Otherwise we could have thousands of them raised here.

Mr. Benidickson: I do not propose to talk about a thousand items, Mr. Chairman, on the schedule to the Customs Tariff. I propose to address myself only to section 409, of the Customs Tariff which deals with matters of import which are of interest to the Canadian agricultural community.

The minister has indicated to you and to this committee that he wants you to believe that we are only concerned with magnets for veterinary use. I suggest to you, Mr. Chairman, that it would be quite appropriate to discuss at this time omissions from this proposed amendment, otherwise I think we are prohibited in opposition from proposing an amendment to this section which, although it does not mean anything in dollars and cents, might conceivably reduce the revenues of the crown. But we can see that the Minister of Finance is not prepared to allow this committee to discuss when this comes up annually for debate some of the items which are referred to always by the Canadian Federation of Agriculture in their representations as items which should be changed in connection with tariff revisions affecting item 409. I was referring to farm machinery and I was referring also to used farm machinery. I am sorry that the Minister of Finance sees fit to cut off this discussion.

Mr. Fleming (Eglinton): Mr. Chairman, it is not a question of cutting off discussion at all. It has been pointed out before, and I am sure the hon. member is well aware of this, that questions pertaining to the importation of used farm machinery revolve round the questions of value for duty, and the Department of Finance has nothing to do with that. This bill has nothing whatever to do with that subject. That is a matter which should be raised with the Department of National Revenue and there will be an opportunity for raising any proper question related to the administration of that department when its estimates are before the committee of supply.

Mr. Benidickson: The Minister of Finance has not readily understood what I had in mind in connection with the proposed discussion under tariff item 409. The Canadian Federation of Agriculture has contended, and this is within the domain—

The Chairman: Order. I did not see fit to rule on the point of order raised by the minister because I understood the hon. member agreed it was well taken. As the only new wording of this section is "magnets for veterinary use" I do not think it would be relevant to discuss anything else.

Mr. Benidickson: Mr. Chairman, certainly you must agree that when we are looking at item 409e(1) we must have regard to the entire language in this large paragraph. The presentation of the Canadian Federation of Agriculture suggests that the ministry is not giving adequate regard to their needs when they have restrictive language in a section such as this, because—

The Chairman: Order. I cannot allow the hon. member to continue along this line. I think I made it clear that the only point which could be discussed is the item which added the words "magnets for veterinary use".

Mr. Benidickson: Mr. Chairman, I protest in the most vehement fashion over your suggestion that discussion must be related solely to four words in a paragraph which contains some 11 or 12 lines and which could be amended by this committee. I will accept your ruling for the moment but I do not agree with it, and I simply want the Canadian Federation of Agriculture to realize what has happened in this committee.

Mr. Bell (Carleton): After the rules of the house have been applied.

Item agreed to.

Items 90e, 124b, 180a, 237a, 399a, 403, 409e, 437b, 438f, 438g, and 438h agreed to.

Customs tariff—440m. Aircraft, not including engines, under such regulations as the minister may prescribe:

1. When of types or sizes not made in Canada: British preferential tariff, free; most favoured nation tariff, free; general tariff, 27½ per cent. On

and after July 1, 1962: British preferential tariff, free; most-favoured-nation tariff, 15 per cent; general tariff, 27½ per cent.

2. When of types and sizes made in Canada: British preferential tariff, free; most favoured nation tariff, 15 per cent; general tariff, 27½ per cent.

Mr. Benidickson: Mr. Chairman, on page 11 we have item 440m, aircraft not including engines. I wonder if the minister would explain to the committee what the present regulations are either when aircraft of this type are made in Canada or not made in Canada.

Mr. Fleming (Eglinton): Mr. Chairman, it will be observed that the only change made here is in the effective date of the item. This provision will lapse on July 1, 1960 unless it is extended. The duty free privilege on aircraft and aircraft engines of types or sizes not made in Canada under these items will thus be extended for a period of two years. Items 440m and 440n were introduced in the 1952 budget and contained provision for the free entry of aircraft and aircraft engines of types or sizes not made in Canada for a three-year period. The free entry privilege on types or sizes not made in Canada was extended for a three-year period, from 1955 to 1958, and subsequently for a two-year period which, as I have said, expires on July 1, 1960. The limitation on the duty free entry privilege was included as a means of providing a basis for future tariff negotiation.

Mr. Martin (Essex East): What are the regulations which the minister has prescribed under this item? He has not prescribed any.

Mr. Benidickson: That was my question. I was quite well aware—

Mr. Fleming (Eglinton): The minister referred to in this item is not the Minister of Finance but the Minister of National Revenue. These are national revenue regulations entirely.

Mr. Martin (Essex East): Surely that does not free the minister from telling the house what the regulations are?

Mr. Fleming (Eglinton): They are precisely the same as they were when the hon. member was a minister.

Mr. Martin (Essex East): What were they then?

Mr. Benidickson: Our memories are sometimes not too good. We are asked to extend a certain legislative item, I quite realize that. But I think in summary form the minister might indicate to us what are the conditions under which aircraft are admitted to this country under these duty rates either when made in Canada or when not made in Canada.

Mr. Fleming (Eglinton): I will be glad to ask my colleague the Minister of National Revenue to furnish a copy of these regulations to the hon. member for Kenora-Rainy River.

Mr. Martin (Essex East): Perhaps I may be included in that.

Item agreed to.

Item 440n agreed to.

Schedule B agreed to.

Title agreed to.

Bill reported.

Mr. Speaker: When shall the bill be read the third time?

Mr. Benidickson: Next sitting of the house.

EXCISE TAX ACT

Hon. Donald M. Fleming (Minister of Finance) moved the second reading of Bill No. C-73, to amend the Excise Tax Act.

Mr. Chevrier: Is the minister going to make a statement?

Mr. Fleming (Eglinton): I do not think a statement can be usefully made at this time, Mr. Speaker. This is a bill to bring about certain specific amendments to the Excise Tax Act. It is not a bill of general import; it is a bill containing specific amendments. All of those amendments were set out in full in the resolution and that resolution received careful review in the committee of ways and means on June 7 and June 8.

Mr. Hubert Badanai (Fort William): Mr. Speaker, the proposed amendments to the Excise Tax which provide exemptions for coverings or containers for packaging and crating of eggs, butter and cheese, ice cream, paper boxes for bread, flour bags, milk and cream bottles and cream cans and other minor items are commendable, but in the over-all picture of the excise tax the amendments do not give relief to toilet goods which are basic health and beauty products and which, in all fairness, should have been considered in the amendments.

The women of Canada who are the principal users of these products have a real grievance against the government for continuing a 10 per cent tax on what is considered by all people of every civilized nation in the world as necessary as food and clothing.

This tax was imposed as an emergency measure in 1933, during the depths of the depression. Subsequently the tax has been sometimes raised and sometimes lowered. During this period the excise tax was removed from cameras, films and luggage and

from golf clubs and golf balls. Even the excise tax on firearms and ammunition has been removed. I wonder what the people are thinking of a government which will remove the excise tax on guns or revolvers and keep it on lipstick.

I wish to bring to the attention of the Minister of Finance (Mr. Fleming) what has already been repeated in this house over and over again, namely the 7½ per cent tax on automobiles, the presence of which is discriminatory, in addition to being a threat to the already shaky employment situation in the industry.

Mr. Fleming (Eglinton): Mr. Speaker, on a point of order, the hon. member has indicated that he proposes to discuss the so-called special excise tax on automobiles. There is nothing in this bill that relates to that subject in any way, shape or form.

Mr. Martin (Essex East): This objection raised by the Minister of Finance is a most unusual one. Of course, we are getting accustomed to these constant procedural objections. He now raises the objection that because this Excise Tax Act does not remove the excise tax on a particular commodity one is precluded from discussing it for the simple reason that it is not referred to in the bill. What the hon. gentleman is seeking to do is to show that whereas certain commodities are given direct attention in the bill, he is of the opinion that automobiles should likewise be given that attention. Surely, we are not to be restricted in debate to the extent suggested by the Minister of Finance.

I might warn him that I, too, have something extensive to say on this subject. I am eager on that account to join my hon. friend who is seeking to speak on this matter.

Mr. Speaker: I wonder whether the hon. member has the authority to support as broad an interpretation of the rules relevant to debate on second reading as he is proposing. This will is founded on a resolution which has been adopted by the house, and which appears on page 4663 of *Hansard*. It is in specific terms. The house having given authority to a bill being brought in on that resolution in specific terms, it would seem to me to have limited its consideration to matters which are contained in the bill. Although I have not felt that on second reading of a bill to make some changes in an act it was irrelevant to express in general terms that other things had not been done, I am sure I have no precedent to authorize me to recognize a debate on matters which are not in the bill and not relevant in the sense that an amendment could not be moved on the matters proposed to be discussed.

[Mr. Badanai.]

Mr. Martin (Essex East): Mr. Speaker, I did not come prepared to deal with the procedural argument. I must say I regret I did not listen to what Your Honour had to say because I had just received a note about the death of a very distinguished gentleman who is not now a member of this house, a former colleague of mine. At the time my attention was diverted and I was not listening to the precedent Your Honour was giving. It does seem to me to be elementary common sense that one should be allowed to discuss on a bill that provides a positive remedy the question of whether that remedy should apply to other particular subject matters not referred to in the bill. I just cannot believe that there can be any other interpretation. However, I regret I was not listening to Your Honour.

Mr. Fleming (Eglinton): May I just point out that there is ample opportunity afforded to all hon. members in the budget debate to criticize what they regard as omissions in the budget proposals. For that purpose the house, under its rules, sets aside eight days of the session. That is the occasion where any hon. member can attack broadly, if he wishes, the budgetary proposals. If any hon. members wishes to say that the budget ought to have dealt in some way with this special tax, then that was the occasion on which that point should have been raised. Now hon. members are in effect seeking to turn the debate on second reading of this bill into another budget debate and, with great respect, they are not entitled to do that.

The resolutions which were approved by the committee of ways and means and which are embodied in the precise terms of this bill affect only the application of the sales tax to certain commodities. The bill has no reference whatever to the special excise tax. Nothing in this bill has any relation to that at all; it is an entirely different tax. There is nothing in this bill whatever, Mr. Speaker, that has any relationship to the special excise tax, or to the application of it to motor vehicles. Therefore, Mr. Speaker, I think it is perfectly plain that what is being attempted here is not a discussion pertinent to the principle of this bill but pertinent to something that lies entirely outside the scope of the bill and for which there was ample opportunity afforded to all hon. members to air their views in the budget debate two months ago.

Mr. Chevrier: Mr. Speaker, I do not want to prolong this debate on the point of order, but I think the point which the hon. member for Essex East (Mr. Martin) has made is well taken. It seems to me that the object of second reading is not so much to discuss the matters which are included in the various clauses of

the bill but matters of a general nature which are affected by the bill. An example of that is the matter which the hon. member for Fort William (Mr. Badanai) desires to discuss. I believe the hon. member has a right to do that.

The point which the Minister of Finance makes is that this opportunity has already been granted. It may be that it has been granted on more than one occasion, but in the interval it may happen that matters have arisen which did not make it possible at the time for the hon. member to raise the matters which he intends to raise now. I too, am in the same position as other hon. members. I have not in the few minutes at my disposal been able to lay my hands upon the citation in Beauchesne's Parliamentary Rules and Forms which covers the point. It seems to me that the general discussion at least to which these two members want to limit themselves is one that should be allowed at this time.

Mr. Speaker: Perhaps the hon. member could continue with his observations. There is no doubt that an amending bill does not open up for discussion the whole of the act which is to be amended. That, I think, must be observed. Therefore it is not in order to deal with other excise taxes with respect to which there is not an amendment. That has been well settled. The principle of the debate, it seems to me, involves comment in general terms on the policy of the government in selecting these particular items for amendment. To that extent I think that criticism of the bill in general terms would be a proper discussion of the principle of the bill but I would not think it would be in order to pursue any specific deficiency in the bill such as the hon. member for Fort William had in mind; that is, the complaint that there is no change in the tax on cosmetics, I think it was—

Mr. Fleming (Eglinton): Automobiles.

Mr. Speaker: Automobiles was the immediate item under discussion. However, I would not rule out a general statement that the government might have more properly turned its attention to something else. I would not think it would be in order to pursue that in any detailed or extended way.

Mr. Chevrier: May I draw Your Honour's attention to citation No. 381 in Beauchesne's fourth edition which is not entirely pertinent but which does have some bearing on the subject before us. It reads:

> The second reading of a bill is that stage when it is proper to enter into a discussion and propose a motion relative to the principle of the measure.

I think that would allow the hon. member to discuss the principle in that it affects in one way or another automobiles in his constituency.

Mr. Speaker: As the hon. member says, that is not particularly relevant. There are relevant rulings and I will give one or two at this moment just for the guidance of the hon. member who has the floor. The first is a quotation from Mr. Speaker Macdonald reported at page 237 of the *Journals* of the House of Commons for November 14, 1949:

> On the second reading of an amending bill—it is the principle of the amending bill, and not the principle of the act to be amended, which is the "business under consideration". The discussion must therefore relate exclusively to the principle of the amending bill.

It seems to me that if you permit discussion of the taxes in the act as a whole which are not dealt with by this amendment you are getting into the principle of the bill itself and not the amending bill.

On December 13, 1957 while the house was considering a motion for the second reading of Bill No. 232, to amend the Income Tax Act, the Speaker, as reported at page 2313 of *Hansard*, said:

> This is an act to amend the Income Tax Act and it is relevant, as I understand the precedents, to discuss the sections of the Income Tax Act which are to be amended by this bill but not to review the act as a whole.

There are a number of other quotations I could cite. Perhaps the hon. member would proceed with that in mind.

Mr. Martin (Essex East): Mr. Speaker, may I just intervene at this point. I hope your Honour will not mind my pointing out the following. I have been looking through some of the provisions of the bill. While I appreciate Your Honour's concern in the matter I notice that the bill contains reference to the following:

> Fire truck chassis for the permanent attachment thereon of fire fighting equipment to be used directly in fire fighting.

A fire truck chassis may be a formal fire truck or an ordinary truck. Then I notice there is reference to gasoline-powered and diesel-powered self-propelled trucks, etc. I am sure in this instance when the minister is proposing a removal of the tax on equipment of this kind we would the right to discuss its application to other kinds of trucks. Is that kind of debate not permitted under our rules? I cannot believe that Mr. Speaker Macdonald meant to say that.

Mr. Fleming (Eglinton): Mr. Speaker, it is unfortunate that the hon. member is not acquainted with the terms of the bill or the resolution that preceded it. This bill is not

making any change whatever in the excise tax as applied to trucks or chassis, diesel locomotives or diesel engines or anything of the kind. The only changes are those that are underlined in the bill. The practice in these cases is simply to reproduce the entire schedule in the bill showing the changes that are made. The changes in this case are all underlined. There is no change whatever made by this bill in the tax applied under the Excise Tax Act to all those articles referred to by the hon. member for Essex East.

Mr. Benidickson: Mr. Speaker, may I speak to the point of order. I have no reason to believe that we should treat any of these bills any differently on second reading from the treatment accorded any other bill presented to the house. I think the same field for discussion of the principles involved in the bill should be available. The sponsor of these bills in recent years has been the present Minister of Finance (Mr. Fleming) who is exceptionally ticklish.

I wish to refer Your Honour to the debate on second reading with respect to an amendment to the Income Tax Act on July 3, 1956 as reported at page 5621 of *Hansard*. The first opposition speaker at that time was the present Minister of Finance who with respect to discussion of a budget bill said:

> This cannot be a repetition of the budget debate nor, as the Speaker said on June 29, 1955, can the debate on second reading of the income tax amending bill be in itself a miniature budget debate. Had the rule been otherwise, there are many things that one would have wished to discuss at this time including questions as to the credit restrictions and other matters of a financial or fiscal nature which are calling for attention on the part of the house at this present time.

Mr. Bell (Carleton): Is that not clear?

Mr. Benidickson: The present Minister of Finance went on to say:

> It is not always easy, Mr. Speaker, to define the principle of the annual income tax amending bill.

I say the same would apply to excise tax amendments. I continue:

> It is an annual bill and, in this respect, it presents an annual problem. In fact, the income tax amending bill is almost always just a collection of individual amendments, some related to each other and some quite heterogeneous.

We have here a collection of individual amendments. The minister then went on to say:

> It is desirable that there would be a periodical parliamentary review not only of what the government may consider each year to be necessary amendments to the Income Tax Act but of the Income Tax Act as a whole.

Mr. Fleming (Eglinton): Mr. Speaker, I certainly did not say that the second reading of a bill containing certain specific amendments was the place for that although I certainly argued that it was desirable to have a periodical review of the whole act. The hon. member has no right to wrench those words from their context and apply them as though they had reference to second reading of a bill to make specific amendments to the act.

Mr. Speaker: I think the hon. member for Fort William could proceed bearing in mind that this is not a resumption of the budget debate but a discussion of the bill which is before the house.

Mr. Badanai: Mr. Speaker, I have not been in the habit of flouting the rules of the Chair. I regret very much being unable to point out some of the omissions in the Excise Tax Act. I am particularly concerned about the automobile industry, one of the major industries in the country.

There is no mention of the automobile industry in this act, that is quite true. But I should merely like to point out to the minister the great importance of this if we are to foster and promote an industry which has given much to the development of Canada and to employment. That is one of the reasons why I wanted to bring this subject to the attention of the house. I know that the minister has heard arguments for and against for a long time. Probably he is very tired of hearing this question brought up periodically. In the bill to amend the Excise Tax Act he has made provision, for example, that portrait photographs of individuals shall be exempt from sales tax. That is a very insignificant matter. It does not mean very much to individual members of the community and it does not really mean very much so far as employment is concerned.

The minister has also introduced a change with respect to perforated pipe for drainage purposes not exceeding four inches in inside diameter. Why there is a limitation to four inches I do not know. I cannot fathom some of these changes in the Excise Tax Act. There are other insignificant changes relating to ducts for warm air systems for heating buildings and laryngeal speaking aids. The latter change is a very good thing with which I agree wholeheartedly. In fact, so far as all the amendments are concerned which have been introduced by the Minister of Finance I would not be opposed to removing the tax entirely.

But there is one important omission from the bill which would provide a lot of employment and give the industry concerned a great lift. I should like to remind the minister of some of the things he said about the

excise tax when he was in the opposition. I trust, Mr. Speaker, that you will allow me to refer to what the minister said on June 2, 1955, the occasion being the introduction of amendments to the Excise Tax Act which among other things provided for a reduction in the excise tax on automobiles from 15 to 10 per cent.

Mr. Martin (Essex East): What year was this?

Mr. Badanai: June 2, 1955.

Mr. Martin (Essex East): The excise tax, the very same type of bill that is now before the house.

Mr. Badanai: As found on page 4373 of *Hansard* the minister made the following statement at that time when he was in the opposition:

> There are several aspects of the resolution and of the excise and sales taxes broadly that I should like to comment upon briefly this evening. I suppose the leading feature of the proposal now under discussion is the proposed reduction in the excise tax on passenger automobiles from 15 to 10 per cent and the repeal of the excise tax on tires and tubes for automotive vehicles. The reduction in the excise tax on automobiles from 15 to 10 per cent is indeed welcome, but I should like to submit to the minister and to the committee that this tax is still too heavy.
>
> This tax was applied in the first instance and presumably continued today as a luxury tax; it was introduced under that guise.

Mr. Fleming (Eglinton): Mr. Speaker, the hon. member is not even discussing the sales tax which is the only tax dealt with by this bill. He is discussing another tax entirely.

Mr. Speaker: I think that what the hon. member is reading is not related to the bill before the house. It deals with an amendment which was in that particular bill but not in this bill.

Mr. Badanai: Thank you, Mr. Speaker. I thought I might be permitted to proceed with the quotation which to my mind is very pertinent to excise tax changes, and in my opinion this was one of the changes which would come under the act. Just because it is not listed in the measure I am not allowed to proceed with that particular feature. If I may be permitted to do so, however, I should like to refer to another omission. Perhaps the Speaker will not allow me to continue with this, but the omission I refer to is the fact that the tax on the soft drink industry has not been reduced. There is a sales tax levied—

Mr. Fleming (Eglinton): Mr. Speaker, the hon. member is talking about the sales tax as applied to something that does not fall within the scope of this bill in any manner whatsoever. What he is seeking to do is to revive the budget debate. We are away past the budget debate now.

Mr. Speaker: If the hon. member is dealing with the restrictiveness of the bill I would not prevent him from making general references to other items to illustrate his point but to pursue any particular item with respect to which there is no amendment would appear to be going beyond the scope of proper debate.

Mr. Benidickson: May I speak to the point of order? Since the change of government I think there have been some new rules introduced with respect to the enforcement of relevancy in the debate on budget resolutions and on second readings of bills. I want to indicate that leniency on these occasions is historic. May I point out that on June 2, 1955, when we were at the resolution stage of discussion of legislation identical with that now under debate on second reading, the present Minister of Finance said, as found at page 4373 of *Hansard*:

> There are several aspects of the resolution and of the excise and sales taxes broadly that I should like to comment upon briefly this evening.

He went ahead and did so and no member of the government of that day objected, nor did the chairman.

Mr. Fleming (Eglinton): Evidently the remarks were quite in order.

Mr. Benidickson: Was there anything in any of those resolutions relating to reductions in sales taxes on clothing, boots and shoes, household furniture, and drugs and so on? Is there anything in the bill before us relating to these things? Is there anything there saying that the tax should not be imposed at the manufacturer's level because, in consequence of the the retailer's profit margin, it is increased to 20 per cent? Was there anything at that time to suggest that purchases by municipalities and school boards should be exempt from taxation?

I go to 1956 to show that the same speaker at that time was extended a leniency for which I appeal today. I refer to page 7145 of *Hansard* for August 7, 1956, at which time he said that he had comments he wished to make with respect to the sales tax in general. He said that he wanted to refer to the Canadian tax foundation recommendations and to refer the house to the study and report made by the Carter committee. He took a column of *Hansard* for that purpose. He went on to discuss the decision of the supreme court with respect to retailers' own brands. This, Mr. Speaker, was all at the resolution stage. I suggest that while there has not been closure a new rule has been adopted since the present government came into power in so far as discussion at the resolution stage is concerned.

Mr. Bell (Carleton): That is a reflection on the Speaker.

Mr. Benidickson: That has been respected by this side of the house. But now we come to the second stage of debate, and on grounds of principle it has always been the historic practice of the house, as I have indicated, to have a fairly wide discussion on second reading of items not covered by the bill. I think that this side of the house has been very respectful of the rule concerning relevancy in so far as resolutions are concerned. However, I say that a new type of closure is being introduced at the suggestion of the Minister of Finance (Mr. Fleming).

Mr. Bell (Carleton): That is a reflection on the Speaker.

Mr. Martin (Essex East): No, it is not.

Mr. Benidickson: We will see whether or not it carries. I suggest, Mr. Speaker, that all through the years this has been the practice, and I believe I could quote some remarks of yours with respect to the second reading of a taxation bill. I want to say that in my view there is no reference to a rule on the part of the previous administration, either by the Speaker or by objection from a member of the ministry, that would cut off a debate such as is being undertaken here with respect to things that should be in this bill and are not in it.

Mr. Martin (Essex East): A moment ago when you raised the question of precedent, Mr. Speaker, I frankly confessed I could not meet Your Honour's argument, and for the reason I stated at the time. However, I did say that I found it difficult to believe that Mr. Speaker Macdonald was drawing the conclusion which Your Honour was attaching to his decision. I have, however, come across a very interesting precedent. The hon. member for Fort William (Mr. Badanai) was referring to the debate which had taken place in this house in June, 1955 on an amendment to the Excise Tax Act but not particularly referring as he said, to automobiles. I find at page 4373 of *Hansard* for June 2, 1955 that no less a person than the present Minister of Finance, speaking for the opposition and addressing himself to a particular amendment, did not confine himself to that point, except to point out that the amendment was long overdue, just as one might now say that the abolition of the excise tax on automobiles was long overdue in view of the assurance given by my hon. friend and the government.

What my hon. friend did was to go on and talk about matters that were not included in the proposed amendments to the Excise Tax Act. Here is what he said, for instance:

When the government is announcing a reduction in the excise tax it is easy enough to content ourselves with welcoming it, but I ask the house to observe the commodities upon which it is proposed that the tax be reduced. All of these are commodities upon which a reduction in the taxes is justified and indeed overdue. But let us remind ourselves at the same time, Mr. Chairman, that there is a long list of commodities more closely and intimately related to the necessities of life than any of those on the list before us now, upon which no reduction of indirect taxes is proposed by the government. Do hon. members of this house keep adequately in their minds and on their consciences the fact that this government goes on levying under the Excise Tax Act taxes upon the very necessities of life, upon our clothing, our boots and shoes and household furniture, certain prepared foods, and indeed on many drugs and medicines that are essential to those who require them?

He goes on to discuss items that are not included in the amendments.

Mr. Speaker: May I ask the hon. member, was that during the debate on the resolution?

Mr. Bell (Carleton): It was on the resolution.

Mr. Speaker: May I say this, in an effort to dispose of this matter and get on with the debate. I did not stop the hon. member for Fort William. He is free to proceed. However, I have already indicated that I do not feel the limitation on discussion extends to the point of restricting the criticism of the bill because it does not go farther than it does or because it does not deal with other items. What I have said is that I would consider it improper to debate any particular section of the act which is not touched, on the basis that one would if moving an amendment to that section, which would be out of order. I think we can proceed on the basis of a general observation, such as the hon. member for Essex East (Mr. Martin) has just read, with respect to the scope of the bill; that would be in order on second reading.

Mr. Badanai: Then I assume that I may continue, Mr. Speaker, and touch upon some of the aspects of this act which have been overlooked by the minister. I am particularly interested in this measure because it could have been the means by which a considerable amount of employment could have been provided. I refer, of course, to an amendment to the Excise Tax Act which, of course, would affect the automobile industry. There are other businesses in addition to the automobile business, but I am particularly interested in the automobile business because it is one of the largest industries we have in Canada, employing a great number of people, and it is an industry from which the government derives a tremendous amount of money through taxes.

I understand that the amount of revenue which the government derives directly and indirectly from the automobile business is astronomical. Everyone knows that the average cost in taxes, licences and so on, to the owner of a motor vehicle is around $107. This data was collected in 1958, and I expect it applies equally in 1960. When you consider that the total registration of automobiles is around five million in Canada, that represents a total of $535 million which the operators of these motor vehicles pay the government annually for the privilege of driving. I am not taking into account all the taxes that are included in the retail price of the automobile.

The excise tax is a form of tax which the government levies in order to derive revenue for the purpose of carrying on the business of the nation. We all understand the necessity for taxation. It is here to stay as long as we live. In fact, we pay taxes not only when we are born but when we die. One needs only to inquire into the cost of a funeral to find out what it costs to die. In any event, Mr. Speaker, I hope you will let me say that the excise tax on automobiles is not only discriminatory because the automobile is the only major commodity subject to special tax but also because the employees of the automobile industry are the losers.

Mr. Speaker: Perhaps the hon. member misunderstood me. I indicated that it did not appear to me to be beyond the proper scope of debate to complain that this bill should have included other taxes. However, if the hon. member proposes to debate one specific tax, for instance the sales tax on automobiles, he would then, in effect, be discussing a section of the bill that relates to that tax and would not be illustrating the restrictiveness of this bill.

I appreciate that there is some difficulty in applying a rule of that kind but it can be applied and it has been applied; and it is left to the good sense of the hon. members of the house to make sure that remarks in that category—that is, remarks about matters which have been left out of the bill—are general ones. It seems to me that the hon. member is using the privilege of procedure at this time by going into detail on this specific item. I would ask him to come back to the general discussion of it.

Mr. Badanai: Thank you, Mr. Speaker. I am not thinking of doing anything except to respect your ruling. Therefore in a general way I say that the Excise Tax Act amendments as presented by the Minister of Finance (Mr. Fleming) are, in my judgment, inadequate. They will not meet the requirements of the Canadian people at the moment. May I give this as an example? I am not now referring to the automobile business because I have already said something about that matter. But inasmuch as the act mentions indirectly bottling works, may I say that we have in Canada bottling manufacturers who at the present moment are handicapped by the sales tax of 11 per cent. It is estimated that if relieved of the sales tax each of the approximately 575 bottling plants in Canada might employ three or four additional persons, making a total of between 1,600 and 2,200 men who could be lifted from the unemployment rolls by this particular industry. The removal of this particular tax is not included. In other words, I am merely suggesting a beneficial move that could be made by the government and which it has the power to make, in order to relieve the Canadian people from some unjust action and at the same time to make it possible for a number of employers to give employment to a greater number of people who are now on the relief rolls or are drawing unemployment insurance. I am sure the Minister of Labour (Mr. Starr) will be only too glad to know that certain excise tax changes would bring about a beneficial result in connection with the entire unemployment situation.

There are a number of things about which I should like to speak in connection with the Excise Tax Act amendment which are not included in this bill unfortunately but conclusions can be drawn from the fact that they are absent. That is one of the reasons why it was my intention to point out the omission. It is not always fair just to point out what is in. Sometimes it is important to know what the omissions are and what they could mean to the communities across Canada. I should like to ask the minister, if and when he considers it appropriate to do so, to bring in some amendments which are not included in this bill to amend the Excise Tax Act and which would reduce or eliminate the tax on automobiles. That is one of the things that is really of great importance to the automobile industry in general and to the people in Canada, in particular those who are working in the automobile plants. I have no doubt that the minister is acquainted with the submission made by the greater Windsor industrial commission in a brief prepared for consumption—

Mr. Speaker: It seems to me that the hon. member is disregarding entirely the direction I have given to him. If he has not some other submission to make which is relevant, I suggest that he resume his seat.

Mr. Badanai: I shall conclude, Mr. Speaker, by merely expressing a hope that the minister will take to heart some of the things that I have been attempting to say notwithstanding

the interjections and objections that have been made. I know that he means well. However, I cannot help feeling that there are some things that can be done and that the government has the power to do. I am glad to see the Prime Minister (Mr. Diefenbaker) now sitting beside his Minister of Finance. They have the power to do these things that would be beneficial to the country. The country expects them to do these things. The country expects the excise tax on automobiles to be removed as soon as possible.

Hon. Paul Martin (Essex East): Only because this matter is of the greatest importance, Mr. Speaker, do I run the risk of incurring displeasure. Because this matter is important and because one has a duty to perform, one must perform it in accordance with one's conscience and one's sense of obligation.

Mr. Fleming (Eglinton): And in accordance with the rules of the house.

Mr. Martin (Essex East): In so far as the rules of the house are concerned, Mr. Speaker, may I say that I shall try to do exactly what my friend the Minister of Finance did as a private member when he addressed himself not to the amendment to the Excise Tax Act but to those things which he thought should have been embraced by way of amendment to that act.

On the occasion to which I directed the attention of the house earlier when the hon. member for Fort William (Mr. Badanai) was speaking, the hon. member had been speaking to the introduction of amendments to the Excise Tax Act which were being moved to the resolution thereon; I refer to the resolution for leave to introduce Bill No. 418 to amend the Excise Tax Act. That last observation of mine is in answer to the question to which Your Honour directed my attention some few moments ago and to which I was unable to give an answer, Mr. Speaker. But I find that the Minister of Finance directed his attention for a very minor portion of the time to the amendment and then he went on to complain about excise taxes generally. However, he did not confine himself to excise taxes only. He talked also about the sales tax. He talked about hon. members of this house not being in order. My hon. friend is perhaps the best authority we have for going much further than anyone today has sought to go. I think it would be well to remind my hon. friend of some of the things he said about excise taxes generally. As reported at page 4375 of *Hansard* of June 2, 1955 he said this:

> It is well that we should remind ourselves also that these taxes are levied at the manufacturer's or producer's level and, as everyone knows, as these goods pass from hand to hand, to the wholesaler, to the jobber, to the retailer, and finally to the consumer, they attract mark-ups. Concrete cases have been given to the house on similar occasions without number in the past, to demonstrate beyond all challenge or question that a tax that begins as a 10 per cent tax at the manufacturer's level will in most cases become a tax of 20 per cent or more when the goods are sold by the retailer to the consumer.

Mr. Benidickson: That is what he said in 1956.

Mr. Martin (Essex East): It is interesting, by the way, that the hon. member for Kenora-Rainy River was piloting that legislation but he does not seem to have given the kind of difficulty to the opposition which almost at every turn today and in other debates the Minister of Finance gives. The Minister of Finance says that the particular matter of the excise tax on automobiles could have been raised on the budget. If it had the Minister of Finance would have found some pretext to raise some procedural objection which would include even mention in that debate, forgetting, of course, that events have taken place since the budget which well warrant the present discussion. If we were to try and raise this matter on the minister's departmental estimates he would rise in his place with righteous indignation and complain that this was a matter which did not involve administration.

Mr. Speaker, this is a matter which concerns thousands of people in this country and this is the only opportunity we have to raise it. I am not now dealing with a particular subject; I am dealing with the hon. minister's concept of the Excise Tax Act as enunciated by the former administration. What the hon. member said on that occasion still applies, but he has now given us an opportunity to remind him that the very objections which he raised to the Excise Tax Act of the previous administration continue to be adopted by him and this government. They were going to change everything, including the tax structure and the provision of tax relief as well.

Mr. Benidickson: And they have been three years in office.

Mr. Martin (Essex East): Three years in office, as the hon. member says. The consumer, as in the case of these direct taxes, is never told what portion of the price he pays for goods goes to taxes. Is the situation improved in that particular by the government of the right hon. gentleman who now sits with the Minister of Finance and who undoubtedly has come in to help the Minister of Finance in his present difficulties?

The minister went on:

> They are hidden; and because they are hidden they are popular with a government that chooses to go on levying these taxes and avoiding as far as it can the wrath of the taxpaying public, by not letting the taxpaying public know what portion of the price is collected by the government in taxes.

That still applies. Then the minister went on in these memorable words, and it is well he be reminded of them. Incidentally, all of this illustrates how apt and adept the Minister of Finance is in the passage of items which he brings into this house. I would suggest to him that if he would show a little more patience in these procedural obstructions which he raises so constantly he would find that his measures would get through the house much more rapidly than they do now. If any minister of this house has prolonged this session of parliament it is the Minister of Finance. However, he served a great purpose today in allowing us to remind him of some of the mischiefs of this kind of tax—

Mr. Speaker: Order. I do not now whether the hon. member for Essex East is under the apprehension that a point of order is being discussed, but he seems not yet to have got to the subject matter of the debate.

Mr. Martin (Essex East): Mr. Speaker, I must respectfully take issue with you on that. I am now dealing with the principle of this bill, not discussing what I particularly propose to come to. I am dealing with the principle of this bill and this is certainly in order; there can be no question about that.

Mr. Speaker: What I wish to comment on particularly is that the hon. member seems to be reverting to discussion of the point of order raised prior to his having risen to speak. Surely that has been disposed of and it is in order now to proceed.

Mr. Martin (Essex East): Then I will proceed and I do not think I have said anything yet which could be regarded as properly out of order. The Minister of Finance went on:

> A tax of that kind as applied to the type of commodity of which I am speaking is doubly iniquitous.

What is the minister doing in this bill to amend the Excise Tax Act which could be regarded as a change of attitude from the former administration? What is there in this bill which is less iniquitous than the former excise tax amendments? Let the Minister of Finance admit that when he introduced this bill—and he gave us a very abbreviated statement today about its purposes and its intents—he was wrong when he made these famous observations in June of 1955. The minister continued:

> It is bad enough that there should be taxes upon these basic necessities of life, but far worse that they should be applied in such a manner as to go on attracting mark-ups, mark-ups on mark-ups, and mark-ups on mark-ups on mark-ups, all at the expense of the consumer.

There is nothing in this bill which changes that.

Mr. Fleming (Eglinton): Yes, there is. The whole scope of the tax is reduced.

Mr. Martin (Essex East): The minister says yes, there is. If he would look at the underlined sections he will see a whole series of commodities which are not touched by these amendments at all. He will see cast iron soil pipes, on the next page structural steel for buildings, and so on, which has not been covered at all. Yet the minister says that by this bill he is doing something that is consistent with his denunciations of 1955. The minister continued:

> That is another feature of this tax which in my submission this house can no longer tolerate.

If the minister could no longer tolerate it in 1955, how does he tolerate it now when as a minister of the crown he has had the opportunity to do something about it? He continued:

> The government is not going to remove these taxes from the necessities of life, nor substitute a fairer system of collecting taxes than through the medium of indirect taxes in the way I have described. unless hon. mmebers of this house, aroused and indignant, make that demand.

That was the language of the minister.

Mr. Bell (Carleton): That is the best speech the hon. member has made in a long time.

Mr. Martin (Essex East): The parliamentary secretary who assists his minister by making these little hush-hush observations from time to time might well use his time more advantageously by reminding his chief of these eloquent words used on another occasion and which apply now in such great measure to the bill before the house.

This reflects the whole attitude of this government which has been in office now for three years, confronted day by day with their former declarations but which makes no changes whatsoever, notwithstanding the fact that the minister said that this situation was one which should arouse hon. members, make them indignant and cause them to enforce their demands on the government of the day.

The fact is that this bill is not only deficient for many reasons, including, to use the context of the hon. member's thinking, the very argument which I have quoted which the

hon. member addressed to a former administration when discussing former legislation, but it is deficient because it fails to comply with promises made by hon. members opposite to the Canadian people. Now when one particular industry finds itself face to face with a serious economic situation, competition and very high unemployment, and when they are told on all fronts that if there was a removal of the excise tax there would be some improvement in that industry, the hon. minister, notwithstanding the assurances and the promises of the Prime Minister, sits in his seat in his third year of office and ignores these promises.

That is the gist of the complaint of the hon. member for Fort William. As one who represents the constituency where these automobile companies are situated, using the general application that the minister did when he was discussing amendments to the Excise Tax Act in 1955, I say in a general way, why is the excise tax on automobiles not completely removed? That was a promise given by the Prime Minister of this country to the people of Canada.

The minister and I have had an exchange of letters in this regard and only because I am afraid that he would object do I fail at this time to put this exchange of letters on the record. It is an exchange wherein he addressed me in the friendliest terms in the first letter but addressed me in the most distant manner in the third letter.

Mr. Fleming (Eglinton): Wait for the fourth now.

Mr. Martin (Essex East): This exchange would, I am sure, be most edifying. Notwithstanding what the minister has failed to do in this particular bill now before the house, my hon. friend cannot get away from these words of the Prime Minister (Mr. Diefenbaker) uttered in my city on May 10, 1957:

> The present 10 per cent excise or "luxury" tax on new cars is discriminatory to automobile producing centres. Its continuance brings unjustified unemployment and should have been removed by the Liberal government at the last session of parliament.

It will be no answer to say that the previous administration should have done it.

Mr. Fleming (Eglinton): Why not?

Mr. Martin (Essex East): Because unemployment was not then anything like as serious as it is today.

Hon. gentlemen receive delegations; they give all kinds of assurances. But the way to assure a delegation representing a community that feels it suffers from a serious economic situation is not by general words that give evidence of diplomatic skill; the way to prove one's sincerity in this matter is by concrete action.

[Mr. Martin (Essex East).]

The Minister of Finance can now bring in a bill abolishing the excise tax on automobiles. While that in itself would not correct the situation, it would go a long way toward doing it and in closing I regret that my hon. friends greet my remarks with laughter.

Mr. Speaker: Is the house ready for the question?

Motion agreed to, bill read the second time, and the house went into committee thereon, Mr. Flynn in the chair.

On clause 1—*Bond.*

Mr. Benidickson: The regulations hitherto have been confined to a bond from a fidelity company, or something of that nature. Is not that so?

Mr. Fleming (Eglinton): The terms of the present act are set forth in the explanatory note, Mr. Chairman. This particular clause corresponds with paragraph 14 of the resolution.

Mr. Herridge: Section 35(4) of the present act reads as follows, according to the explanatory note:

> The security shall be by a chartered bank or by bond of an incorporated guarantee company authorized to do business in Canada, acceptable to the government of Canada, or by deposit of Dominion of Canada bonds.

The clause in the present bill reads:

> The security shall be by a chartered bank or by bond of an incorporated guarantee company authorized to do business in Canada, acceptable to the minister, or by deposit of bonds or other securities of or guaranteed by the government of Canada.

Can the minister explain why there is that change in wording, and why the wording now reads "acceptable to the minister", language which is not now in the present act?

Mr. Fleming (Eglinton): I may say, Mr. Chairman, this provision widens the scope of the securities which are acceptable. When providing bonds in this particular case some minister has to take the responsibility of passing on the acceptability of certain securities other than those of the Dominion of Canada. This duty is placed on the shoulders of the minister. The following words indicate that bonds or other securities of or guaranteed by the Dominion of Canada shall in all cases be acceptable.

Clause agreed to.

On clause 2—*Schedule III amended.*

Mr. Benidickson: I assume we shall get to the schedule subsequently and call it page by page.

Clause agreed to.

Clause 3 agreed to.

On the schedule.

The Chairman: Shall the schedule carry?

Mr. Benidickson: On the first page of the schedule we find certain underlined items such as drainage, waste, and vent copper tubing. Will the minister not acknowledge that the construction industry finds this rather a handicap; that they think it would be better to amend this schedule in a way which would provide a general exemption for tubes and pipes that had relation to irrigation, sewage and supply of water to homes, and so on?

Mr. Fleming (Eglinton): This new exemption has been welcomed by the industry.

Mr. Benidickson: We were a bit careless last Wednesday in looking at the resolution item that referred to the articles and materials to be used exclusively in the manufacture or production of building materials except hardware for doors and sash, and the words "except hardware for doors and sash" are underlined. I think the parliamentary secretary was piloting the legislation at the time. I do not blame him at all, but on reflection I find that this item did not exempt these items from sales tax but rather narrowed the opportunity for exemption from sales tax. Part of the paragraph reads "except hardware for doors and sash". If one looks at the main statute he finds that such things as locks and a number of other things that might appear on doors would normally be exempt. In our debate it was indicated that except for manufacture and production those other items would be normally exempt. I ask the minister to have a look at this paragraph. I am sure he recalls the debate of last week. What about the items that go into the manufacture of doors and sash that are in this specific item of the schedule? I think of locks, and so on. Are they still exempt.

Mr. Bell (Carleton): Mr. Chairman, as I endeavoured to indicate last Wednesday, the purpose of this amendment is really to bring about uniformity and to make certain that however the hardware is used in doors and sashes it will be in the same status. In order to ascertain the tax status of the particular hardware one must look elsewhere in the particular schedule. What had been happening was that when hardware was in fact attached to a door or sash it was in a different tax status from when it was not so attached. This particular amendment brings about uniformity, puts all the hardware in the same status and thereby prevents the discriminations which heretofore existed.

Mr. Benidickson: I may be dense, Mr. Chairman, but I am not quite satisfied. In schedule 3 to the Excise Tax Act there is an item under the "building materials" section which refers to door and window screens and some other items related to doors.

Mr. Bell (Carleton): Yes, they continue.

Mr. Benidickson: I understood that the government had found that some articles were being added to doors that is felt should not be exempt from a sales tax. Be that as it may, is this doing what is intended. I assume that these items under "building materials" will be in the schedule:

> Articles and materials to be used exclusively in the manufacture or production of the foregoing building materials, except hardware for doors and sash.

That is on page 3 of schedule 3. Some years ago—I believe in 1956 or 1957—we as a parliament extended the sales tax exemptions to quite a number of things including locks, and so on.

Mr. Bell (Carleton): Yes.

Mr. Benidickson: Even if they are an article that is to be used in the manufacture or production of a door, are they to be exempt?

Mr. Bell (Carleton): Yes, Mr. Chairman, I think I can assure my hon. friend that the items to which he refers—door and window screens, lock and latch sets and hinges, the type of thing which might be regarded as the basic hardware for doors and windows—will continue to be exempt and are not in any way affected by the proposed amendment.

Mr. Benidickson: Despite this peculiar language—

> —except hardware for doors and sash?

Mr. Bell (Carleton): The language which my hon. friend finds peculiar only takes over into another section of the schedule the particular exemptions. In other words, the exemptions must be found and will be found elsewhere in the schedule. The hon. gentleman, for example, will find on page 2, some of the things to which I have referred, the latch sets, the lock sets, the hinges, sash, doors, and so on. This is simply a drafting technique of putting them over into other exempting sections of the schedule.

Mr. Benidickson: On the same page, Mr. Chairman, we are asked to deal with exemptions of a charitable nature and those relating to health, and other things. What has been the recent experience of the government with respect to appeals relating to drugs? I recall we got quite a number in the past relating to some drugs that were close to cortisone. I believe they were refinements of that drug but because they were not called cortisone, although very expensive and used widely in the cure of arthritis particularly, they were not exempt. I think of meticorten and things of that kind.

Mr. Martin (Essex East): ACTH?

Mr. Benidickson: ACTH is specifically named in the appendix. I was thinking of meticorten and some other drugs close to cortisone. I know that if the hon. member for Sudbury were present he would deal generally with this item and say it is narrow and restricted. There are a great number of essential drugs prescribed today for some of our more prevalent diseases that are exceedingly expensive and should be added to this list. Would the minister comment?

Mr. Fleming (Eglinton): Mr. Chairman, I think it is perfectly clear that at the present time the act taxes drugs except those that are made specifically exempt by enumeration in the schedule. Those that are exempted are now specifically enumerated in the schedule.

Mr. Benidickson: I take it the minister is not considering any extensions even up to date to include some of the new designations of these drugs?

Last week the hon. member for Nickel Belt dealt very effectively with the question of coverings. We have here a change of definition which I want to remind the committee will bring into tax for the first time under a new principle—not an old one as the minister referred to last week but under his new idea of what should be taxed—certain containers that have not heretofore borne a tax. This, in some instances, will be of considerable significance. This is also contrary to a ruling made by the tariff board, I believe, between now and the last time we had an opportunity to consider the language of the Excise Tax Act.

The minister referred to anomalies. The anomalies are in his mind. Some of these containers and coverings never bore a tax before but in the view of the present minister they should now bear a tax and he is proposing the amending language in the amendment to the act in order to gather tax upon these items which in the past have not been subject to tax.

[Mr. Bell (Carleton).]

Mr. Pugh: Mr. Chairman, I want to clear up one point under the heading of coverings. In the Okanagan we have a new method of handling fruit including apples in the orchard. The system is known as the bulk-bin method of handling. These bins are large in construction and hold approximately 50 bushels of apples. I understand that they have been used extensively in New Zealand and are in use here on an exprimental basis. I am wondering if the bins will come under the heading of coverings and be included in the exemption for boxes for fruit and vegetables.

I should also say with regard to the construction of the bins that they are a heavy box made of plywood with reinforced corners and have no covers. They hold many boxes of apples. The bins are taken to the orchard and are placed there by the packing houses. They are filled with apples and then taken back to the packing houses where they are emptied. The apples are run over the grader. In the alternative, the apples are left in the bins for storage purposes in cold storage until such time as they are taken out and run over the grader or processed in some other way.

The bins have proved to result in a substantial saving for the farmer. I know that prior to this they did not come under the exemptions in the act but because it has resulted in a saving to the farmer whose costs have been rising I am wondering if on that basis alone or on any other basis the bins could be included as an exemption under the act.

Mr. Fleming (Eglinton): Mr. Chairman, if I have correctly apprehended the description of the particular box or container to which the hon. member refers it has not been exempt from taxation hitherto but it will be under this amendment.

Mr. Benidickson: We are glad to hear that indication from the minister. We remember, however, that this is not the original proposal for taxation change the minister intended to present to parliament. The original proposal was quite different. I am wondering if such a thing as a box for gathering apples or other agricultural produce would have been taxable under the proposition the minister presented on budget night, March 31? I am thinking of the boxes, baskets, crates, etc. that may not be used to actually deliver the product but are used to gather fruit from the orchard, and so on.

Mr. Fleming (Eglinton): I believe not.

Mr. Herridge: What about the fruit grower who makes his own orchard boxes? There are

quite a number who do that in our district. They are made on the property and not purchased.

Mr. Fleming (Eglinton): There is no difference in that case.

Mr. Benidickson: When the minister made his budget speech on March 31 and gave notice of certain budget resolutions consequent upon his proposed tax changes he made some references. Would he indicate what change has been effected by the amendment passed by the committee of ways and means the other day in which the wording was much different from that in the resolution presented by him on budget night?

Mr. Fleming (Eglinton): The amendment which was approved in the committee of ways and means and which now is embodied in the bill accomplished the twofold purpose of clarifying the amendment and widening the exemptions.

Mr. Benidickson: What items would have been taxable under the proposal on budget night that are not now covered under the amended wording as presented to us in this schedule?

Mr. Fleming (Eglinton): The original budget resolution contained the expression "and sold with the goods". There is a detailed enumeration here as applied to coverings used with respect to a number of foods which have been made specifically exempt. This clarifying amendment puts the question beyond all doubt and accomplishes, as has already been indicated today, a widening of the exemption.

Mr. Benidickson: What articles might not be exempt that would have been exempt from taxation under the ruling of the tariff board with respect to representations by the bread industry that their containers perhaps were covered by the former legislation? What items will not be exempt now and will bear the 11 per cent tax which would not have borne the tax before amendment of the act?

Mr. Fleming (Eglinton): Some containers that are capable of repeated use might have been affected by the resolution as originally introduced.

Mr. Benidickson: Could the minister give some examples?

Mr. Fleming (Eglinton): Perhaps the hon. member might read the amendment approved in the committee of ways and means. We are not going back now to discuss the original resolution that was amended in committee of ways and means and reported to the house. The present bill is based upon the resolution as amended in the committee of ways and means. With great respect, I think it is completely unprofitable to go back and ask what might have been the case if the resolution had not been amended in committee of ways and means. We have the amendment.

Mr. Benidickson: I do not know whether the minister said "unprofitable" or "improper" but if he said "improper" I would certainly take issue with him. I think that at any stage of the debate members of the House of Commons are entitled to get from the ministry some explanation on the basis of the technical knowledge that is available to them about the bases for changes that they propose in legislation. This is one instance and I thought that the minister was perhaps not advocating this change in a haughty way. I thought he had perhaps discussed the matter with his officials and knew just which trades and articles of trade might be affected. I thought he would condescend to give that information to the committee.

Mr. Herridge: Is it not correct to say that the minister introduced the amendment exempting containers that would be used over and over again as a result of representations on the part of opposition members?

Mr. Fleming (Eglinton): No, Mr. Chairman. The amendment was introduced as a result of representations we had had from some industries and the further study of the language that had been employed in the resolution as originally introduced.

The Chairman: Shall page 3 carry? Carried. Shall page 4 carry? Carried. Shall page 5 carry? Carried.

Mr. Bell (Carleton): Mr. Chairman, may I draw to the attention of the committee and particularly to the attention of the hon. member for Kenora-Rainy River an error of which I was inadvertently guilty in the committee of ways and means. I refer to *Hansard* of June 8, page 4674. At that time the hon. member for Kenora-Rainy River asked if the resolution would drop the restrictive words, "whose pelts have commercial value", and to that I gave the answer "yes".

I have to say that it was originally intended that these words would be dropped when the various exemptions in the schedule for feeds and feed supplements for livestock and fur-bearing animals were consolidated. However, it was apparently thought by the draftsman that it would not be proper to drop these words without a specific provision in the resolution itself.

I am advised, however, that the presence of these words in the bill in fact imposes no restriction on the exemption. The only fur-bearing animals one can think of whose pelts

might be considered not to have commercial value would be household pets or perhaps some wild animals and rodents. Prepared cat and dog foods have been ruled to be exempt under one or more of the other exemptions for foodstuffs such as "fish and edible products thereof" or under the exemption for meats. Any other feed for fur-bearing animals would also be covered by the items listed under the heading "foodstuffs". Therefore, while my answer was erroneous the net effect is the same and in fact there is no real restriction on the exemption by the continuation of the particular words.

Mr. Benidickson: I thank the parliamentary secretary for his explanation. When I saw the bill I was a bit alarmed in that it seemed to be in conflict with what I thought was a fairly positive assertion made by the hon. member last week. I was not aware that dog and cat foods were already exempted in some other way. May I say quickly that I have some doubts that the phrase "whose pelts have commercial value" is necessary, but I know that the parliamentary secretary has had the benefit of the advice of the law officers of the crown and I would certainly abide by the advice he has received. From the point of view of doubt, however, I think that consideration should be given on another occasion to the possibility of removing these words to which I referred last week.

Mr. Herridge: Mr. Chairman, there is reference on this page to forest products when produced and sold by the individual settler or farmer. Does that include lumber?

Mr. Fleming (Eglinton): That is not part of the amendment. We are only amending in respect of the words underlined.

Mr. Herridge: I realize that but I wanted to ask the question while this matter was before us. Does that include lumber and in what quantity?

Mr. Fleming (Eglinton): Lumber is made exempt by the schedule as applied to building materials. The hon. member will see that on page 2 about nine lines from the bottom of the page.

The Chairman: Shall page 5 carry? Carried. Shall page 6 carry? Carried. Shall page 7 carry?

Mr. Benidickson: Mr. Chairman, I confess I have not done adequate research here. One item, item 692a, in the list of goods enumerated in customs tariff items is underlined. I have forgotten the significance of that.

Mr. Fleming (Eglinton): This is the item that applies to presentations from abroad in recognition of the saving of human life.

[Mr. Bell (Carleton).]

The Chairman: Shall page 7 carry? Carried. Shall page 8 carry?

Mr. Benidickson: I asked last week, on June 8, I believe, about an item at the bottom of page 8 which is underlined. The words are, "Materials for use only in the equipment and repair of ships over ten tons net register tonnage". The minister was kind enough to give an explanation at that time but after reviewing the explanation I was not completely satisfied. I found that the minister was clear when he said that the equipment or construction or anything relating to a ship sold for export would not be subject to the 11 per cent sales tax. However, I was not satisfied, in connection with the explanation given, that all items connected with the building of a ship in Canada for a Canadian customer had been in the past exempt and would in the future be exempt. I think the largest purchaser of ships in this country is actually the Canadian government. I hope we are not embarking on a rigmarole in which we impose a tax on the construction of ships of a very high value which, in turn, are purchased largely by the Canadian government and it is the sort of situation in which we take money from one pocket and put it into another.

Mr. Fleming (Eglinton): So far as the ships purchased by the federal government are concerned, the federal government pays sales tax just like any other purchaser.

Mr. Benidickson: No, that is not the answer. Have we always imposed the sales tax on the construction of ships over ten tons being built for a Canadian purchaser, government or otherwise?

Mr. Fleming (Eglinton): Yes, Mr. Chairman, except fishing boats or ships licensed for the Canadian coasting trade. The words are to be found on page 8, about three lines from the bottom of the page.

Mr. Herridge: With respect to this section, I may say there has been an increase in the use of diesel engines which makes it possible to use a smaller tug for towing purposes than was possible when steam power was used. Does this mean that if an individual interested in the lumber business built a tug of 9.5 tons he would escape this tax which is imposed in connection with the equipment and repair of such ships?

Mr. Fleming (Eglinton): If the ship is licensed to engage in the coasting trade, it is exempt. The hon. member will find the words at the bottom of page 8. Similarly,

there is a provision in the first item, under marine and fisheries, about halfway down the page, which reads:

Boats bona fide purchased by fishermen for use in the fisheries, and articles and materials to be used exclusively in the manufacture, equipment or repair of such boats;

Mr. Herridge: This boat would be for use on inland and minor waters for towing purposes and not for fishing. My question was, if it were built of a tonnage of 9.5 tons, would it escape taxation under this section of the act?

Mr. Benidickson: This brings up a question which intrigues some of us. If a ship were one purchased by the Ontario Hydro, would it be subject to sales tax?

Mr. Fleming (Eglinton): Yes, if the ship was otherwise taxable.

Mr. Benidickson: What do you mean by "otherwise taxable"?

Mr. Fleming (Eglinton): If it were not licensed to engage in the Canadian coasting trade and is not purchased for use by fishermen.

Mr. Benidickson: Let us say that the ship was to be used for inspection or for various purposes which I will not define by a department of the government of a province, would it escape taxation on the general ground that you do not impose taxation on the provincial government departments?

Mr. Fleming (Eglinton): All purchases by provincial governments are exempt.

Mr. Benidickson: What is the situation—I think this is a situation about which we are all curious—

Mr. Fleming (Eglinton): Section 46, subsection 2 of the act says:

A refund of taxes paid under Part IV, V or VI may be granted to a manufacturer, producer, wholesaler, jobber or other dealer on goods sold to Her Majesty in right of any province of Canada if the said goods are purchased by Her Majesty for any purpose other than—

Then some other provisions are mentioned. Section 46 is the governing provision.

Mr. Benidickson: If a ship were to be constructed for a crown company or a provincial entity would it be subject to a tax? I am thinking of Ontario Hydro, for instance.

Mr. Fleming (Eglinton): I am told that the case put by the hon. member has not directly arisen. We do not know of a ship built in the way he mentions, so I think in the absence of something concrete I should not attempt to be specific in the interpretation of section 46.

Mr. Benidickson: In the territory which I represent, sometimes access to Ontario Hydro facilities representing many millions of dollars can be gained only by water and this requires the construction of a ship. I think analogous to that is the question of whether or not a province has the right to impose, under an act like this Excise Tax Act, a sales tax on a crown company, an entity of the federal government. Can the minister indicate whether or not a province which imposes—say British Columbia where they have a sales tax—such a tax has imposed the tax on a crown company out there?

Mr. Fleming (Eglinton): I am not aware of any particular case where British Columbia has sought to impose its sales tax on federal purchases or purchases by crown corporations. We have had a problem with respect to some provinces, and the matter is one under discussion at the present time.

Mr. Herridge: The hon. member for Kenora-Rainy River did not give the minister an opportunity to answer my question, so I will repeat it. Will a vessel with a tonnage of 9.5 tons used for towing purposes in the lumber industry in minor or inland waters be exempt from the tax under this clause?

Mr. Fleming (Eglinton): Mr. Chairman, it will depend entirely on whether the case can be brought under the clause here. I have made reference to ships licensed to engage in the Canadian coasting trade. Let us return to the amendment with which we are dealing now. We are, Mr. Chairman, getting very far away from the amendment that is being made here. Here we are getting into the whole scope of this whole part of the schedule to the act whereas all that is involved in the amendment is this expression:

Materials for use only in the equipment and repair of ships over ten tons net register tonnage;

This amendment has application to materials. If the hon. member has a question as applied broadly to something outside of the amendment, if he will speak to me about it or give me the particular facts we shall be glad to get him a ruling on the particular case. However, I do not think it would be prudent on my part to attempt to make rulings right and left on matters that are not raised by this amendment.

Mr. Herridge: To put it more simply, my question is this. Does this amendment apply to ships or tugs used in inland or minor waters for towing purposes?

Mr. Fleming (Eglinton): No, the amendment has no bearing on that situation.

Mr. Benidickson: I do not want to tread on the sensitive corns of the minister—

Mr. Fleming (Eglinton): Fortunately, the minister has no corns.

Mr. Benidickson: —but I know there have been some sensitive spots of taxation as between the provinces and the federal government. I wonder whether this is another area in which, if we pass this particular item, there might be an element of further annoyance on the part of the province of Ontario and in particular on the part of the crown entity Ontario Hydro. Does a crown company like Polymer or Eldorado operating in Ontario pay taxes such as a gasoline tax imposed by the province of Ontario? Do they pay that tax? I think the matter has some relevance to the question of whether we should impose a tax on a ship that might be purchased by or built to the order of Ontario Hydro.

Mr. Fleming (Eglinton): I think the hon. member has overlooked the fact that there has been a provision in the act all along. The only change this amendment makes is to delete the word "construction" from the present exemption. On June 8 I gave at some considerable length the reasons for the removal of the word "construction". They are to be found at pages 4681 and 4682 of *Hansard* of June 8. That is the one change that is involved here, namely taking out the word "construction".

Mr. Benidickson: On June 8 I was grateful for the minister's explanation in this regard. Now I have a new question, and it is this. If we accept this amendment, would a ship constructed at the instance of Ontario Hydro be subject to the 11 per cent sales tax?

Mr. Fleming (Eglinton): The situation would be just the same as it was before the amendment was introduced.

Mr. Benidickson: I quite agree; but what are the facts? I am ignorant of the facts. I think the minister is much better informed than am I. He has in front of him two very knowledgeable officials who are in the taxing department. I wonder whether he would indicate just what are the facts.

Mr. Fleming (Eglinton): I think I have already pointed out that in that case sales tax would be levied unless the ship was to be used in the coastal trade or was acquired for the use of fishermen.

Mr. Benidickson: In other words, it is possible for the federal government to impose an 11 per cent sales tax on a crown company that is an entity of a province. In order to decide whether or not this procedure is fair or whether or not this provision should be amended to prohibit that procedure, perhaps the minister might indicate whether or not, on the other side, our federal crown companies such as those I have indicated—let us say Eldorado which operates in Ontario or Polymer which operates in Ontario—are assessed and pay a provincial tax such as a gasoline tax?

Mr. Fleming (Eglinton): The hon. member is aware of the fact that the provincial gasoline tax is a different type of tax altogether. It is not a tax that involves an assessment at all. So far as crown corporations are concerned, the only ones from which any attempt could be made to collect such a tax would be those that operate vehicles on the highways of the province in question. I do not wish to speak too generally concerning all the crown corporations. Some crown corporations undoubtedly have been affected by the sales tax but others obviously are not affected.

Mr. Benidickson: I think this is a matter of some consequence. We sometimes hear from the minister in other debates that everything is peace and harmony between the Conservative government at Ottawa and the Conservative government at Toronto. Then we read that, on the contrary, there is a real conflict in that there is a great dispute between these two governments as to which has the right to impose taxes on crown companies pertaining to the other. Here for instance, is a case in which the Ontario Hydro might be commandeering or building a ship. I want to know whether they would be taxed or whether the minister wants to tax them. I understand that the treasurer of Ontario takes very strong objection to paying certain sales taxes in connection with Ontario Hydro in respect of other purchases that Ontario Hydro has been making in recent years. I understand that similarly some of our federal crown companies think they should not pay the gasoline tax. I wonder whether this matter is being resolved and should like to get some information before we pass this schedule which, without amendment, might apply to the purchase of a ship by a province as much as by an individual.

Mr. Carter: I was going to express gratitude to the minister for this amendment but when he explained to the hon. member for Kenora-Rainy River that the only change in the wording is that the word "construction" has been dropped I am at a loss to know whether or not I should be grateful to him. It looks as though this legislation is now taking a bigger crumb and giving us a smaller one in return.

First of all, I want to point out to the minister the difference in the way in which

the fishing industry is treated as compared with the assistance given to other industries in this schedule. For example, on page 3 we have mentioned barrels and boxes for fruits and vegetables but we have nothing comparable for the fishing industry. On page 4 we have mentioned internal combustion traction engines. We use a great many of these in manufacturing and processing in connection with the fishing industry but there is nothing comparable for the fishing industry. Then on page 8 we find the heading "machinery and apparatus to be used in manufacture or production" and down near the bottom of that paragraph we find an item which reads as follows:

Gasoline-powered and diesel-powered self-propelled trucks mounted on rubber-tired wheels for off-highway use exclusively at mines and quarries;

Here is a special concession given to the mining industry. In the fishing industry we have similar types of vehicles employed but they do not enjoy this same concession or an equivalent one. We have here a particular paragraph which reads in part as follows:

Rope and cordage of cotton, hemp, manila or other vegetable fibre,—

And so on. The Fisheries Council of Canada request that in this particular item there should be included rope with wire strands which is essential and which is very costly. The minister has not seen fit to grant even that small request. Then on page 5 steel pens are mentioned; they are under farm and forest. We have aluminum pens in the fishing industry but no equivalent consideration is given to items like that.

In this particular amendment materials for use only in the equipment and repair of ships over ten tons net register tonnage, I would like the minister to explain just what is comprised in the term "materials". Does it include articles of equipment? I cannot think of many materials which could be used for equipping a ship. I can see that in repairing a ship you would need paint, sheathing, metalwork and other materials of that kind, but when you come to equip a ship you use articles. I wonder if the word "materials" can be interpreted as articles such as anchors, sails, compasses, and other equipment a ship would require?

Mr. Fleming (Eglinton): Mr. Chairman, the question obviously goes far beyond the scope of the amendment. The word "materials" has its ordinary meaning. Materials are being scrutinized under this act every day as applied to all manner of use. Much of the answer to the hon. member's question is to be found in the first clause under the heading "marine and fisheries". I would invite him to read that and I ask that discussion be confined to the changes being made here.

Mr. Benidickson: On this particular item which I referred to a few minutes ago I know that Ontario Hydro do require the construction of boats of this kind in my territory. I want to know whether the minister thinks they would pay a tax on them. They are a crown company provincially incorporated; they serve the province. I understand the provincial treasurer of Ontario has rebelled against paying taxes of this nature to the federal government and he thinks the same exemption should apply to the provincial crown company as applies under the British North America Act, I think it is, with respect to taxation from one level of government toward another.

I think it is material to the passing of this amendment to decide whether this is going to aggravate a field in which we have difficulty with the provinces. The minister is always inclined to say that everything is hunky-dory between the administration in Toronto and the Ottawa administration. I believe there is a real conflict. There is some withholding of taxes between the governments. It is a very nasty business and I think it might aggravate the situation—

The Chairman: Order. I did not intervene before but it seems to me the hon. member is really going too far in discussing such a big problem as one concerning the relations of the federal and provincial governments in the matter of taxation. I might point out to the hon. member that the only change which is brought forward by the schedule here relates to materials for use in the equipment and repair of ships over ten tons register tonnage. It does not refer to the purchase of boats by the Ontario Hydro or by a crown corporation in a provincial or federal field.

Mr. Benidickson: I am respectful of your ruling, Mr. Chairman, of course, but this is a matter which I indicated could conceivably be purchased by a crown company sponsored by a provincial government. I will overlook some of the broad issues, such as the withholding of taxes between one government and another and the standing off and ill will which seems to have been generated in consequence. But my question is whether, if we pass this, we are getting into a new arena of ill will because Ontario Hydro might be taxed under this section. I am asking the minister whether or not a ship or materials for a ship which might be purchased by a crown company of one of our provinces would, in the judgment of the officials sitting in front of him, be brought into taxation by the federal government and, if so, does the

minister think under the present mood of the provincial government of Ontario that they would pay the tax?

Mr. Fleming (Eglinton): The answer is the same as when I answered it for the third time and it is the same when I answer it for the fourth time.

Mr. Carter: I would like to ask the minister if it would not be clearer if articles and materials were included and underlined so as to bring it into line with the first paragraph? The first paragraph does say "Boats bona fide purchased by fishermen for use in the fisheries, and articles and materials to be used exclusively in the manufacture, equipment or repair of such boats". But when we get down to the amendment, "articles" is left out and we only have "materials for use only in the equipment and repair of ships over ten tons net register tonnage". Offhand I cannot think of any material which you use in equipping a boat. I can think of all kinds of articles, and I would like the minister to give me an illustration of the use of materials, if he can.

Mr. Fleming (Eglinton): The hon. member insists on asking about things not involved in the amendment. I have already replied as to the meaning of "materials", the word contained in the amendment. It will continue to have the same meaning as it has had in the act in years past.

The Chairman: Shall page 8 carry? Carried. Shall page 9 carry?

Mr. Benidickson: May I refer to the new item, perforated pipe for drainage purposes not exceeding four inches in inside diameter. It is a little late to request an amendment at this stage, but I would urge the minister very strongly to look at this for amendment next year, because I think our definitions are sometimes too confined and unnecessary. I think generally we could exempt a building material that was for drainage purposes, for house construction, for irrigation and for sewage and matters of that kind and have a little broader definition which would make it easier for those that deal in these materials and supply them. I think there have been representations from the Canadian Chamber of Commerce along these lines and I wonder if the department could not agree to something like that. I understand they would have some difficulty on the production side, but I think we have many precedents along this line of end purposes being the determining factor and I would hope that instead of having these amendments every year or every two years of dimensions of pipe, and so on, we might be a little wider in our description of the uses for which exemption would apply.

The Chairman: Shall page 9 carry? Carried Shall page 10 carry? Carried. Shall page 11 carry?

Mr. Benidickson: On page 11, Mr. Chairman, am I perfectly correct in my understanding that in connection with protrait photographs of individuals, which is bringing about this amendment to our traditional pattern of taxation of sales in the photographic industry, no tax will be imposed on the process or the value of the process of photofinishing without some new presentation at another time to this parliament?

Mr. Fleming (Eglinton): I dealt with that subject very fully when we were in committee of ways and means. The hon. member will find the reference on page 4672 of *Hansard* in the second column.

Mr. Benidickson: In other words, I can be assured that the efforts of the officers of the Department of National Revenue will cease now. They have approached the Department of Justice and endeavoured to get a ruling on this subject. I do not say they were endeavouring to get a ruling one way or the other, but they have been wondering whether the present law did not permit them to impose a sales tax on the value of photofinishing as a production. I take it we have a definite assurance from this government that while it is in office there will not be an administrative change unless some new amendment is presented to this parliament to bring it about.

Mr. Fleming (Eglinton): I direct the attention of the hon. gentleman to the statement I referred to, Mr. Chairman.

Schedule agreed to.

Title agreed to.

Bill reported.

Mr. Speaker: When shall the bill be read the third time?

Mr. Benidickson: Next sitting of the house.

ESTATE TAX ACT

Hon. Donald M. Fleming (Minister of Finance) moved the second reading of Bill No. C-65, to amend the Estate Tax Act.

Mr. Benidickson: I had hoped that perhaps we would have an introductory statement from the minister explaining the purpose of some of the amendments.

Mr. Fleming (Eglinton): The house is already well aware of the purpose of the amendments to this bill. The resolution was

reviewed by the committee of ways and means on May 9 and May 26. These are specific amendments, Mr. Speaker, to the Estate Tax Act.

Mr. W. M. Benidickson (Kenora-Rainy River): Mr. Speaker, this is, of course, the first amendment that we have had to the Estate Tax Act, which is a new act involving a number of new principles which became effective on July 1, 1959. We on this side complained previously that when the proposed legislation was presented in 1958, and referred to the banking and commerce committee, we were pressed unduly in a hasty fashion for passage of the bill, and with our small numbers we were not able to give the attention that we would have liked to certain sections that were not popular.

I wonder whether the minister would consider referring these amendments to the banking and commerce committee? They are the first amendments to the new basic act since it was introduced in 1958. My reason for asking that the bill be sent to the banking and commerce committee is not the contents of the amendments. I must confess that people familiar with this type of thing have in the interim given a great deal of study to the basic legislation. They have considered the effect of the legislation since it became the successor to the succession duty act on January 1, 1959. I think the accountants, the legal fraternity and the trust companies who have experience with beneficiaries under the new law would like perhaps to make some recommendations to this house after we have had this experience of some 18 months with a completely new principle of taxation following death.

The minister might indicate what his intentions are in that respect. I wish to say that on examining this amending bill I found a great deal of help in perusing something that I do not think is too usual in so far as our federal statutes and our federal administration are concerned. I refer to a statement made by the administrator of the Estate Tax Act, Mr. Linton, which was presented to the Canadian Tax Foundation. It is a very frank statement of what he expected was in the original legislation, and he indicated some of the problems in connection with it. It was a great help not only to us as legislators but to those who have reason to be interested in the Estate Tax Act. This is a very useful thing. On the income tax side perhaps some of our officials have not fraternized sufficiently with those who in practice have to deal with the Income Tax Act and similarly with the Excise Tax Act. All of us should be very grateful for Mr. Linton's review and analysis of the new act which was presented in the session of 1958 and became law in 1959.

I can recognize that some of the amendments presented to us in the amending bill are closely related to Mr. Linton's analysis because they seem to refer to some of the arenas which he indicated were perhaps new and in law may be doubtful arenas, and perhaps the original intentions of the government might in practice not be given effect to. To the extent that there was a bona fide and proper intent announced in our committee and in our legislative discussions of 1958 I do not think there will be very much quarrel about the amendments that clarify that intent or those intentions.

With respect to some other items, I am sure that all hon. members of the committee will want to examine them very carefully because I felt that in 1958 we had all too little time to examine this important measure which was a substitution of one style of taxation in the event of death for another. Since the opposition was inadequately manned at that time, I would hope that perhaps we might have another review in the committee on banking and commerce.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Flynn in the chair.

On clause 1—*Insurance proceeds as death benefit.*

Mr. Benidickson: Mr. Chairman, perhaps the minister would advise the committee of his intention with respect to this clause. Am I right in thinking that this does not involve a new principle but rather clarifies an intent the minister had when he introduced the original measure?

I referred at an earlier stage in a complimentary way to information that had been given to the country at large by the chief administrator of this tax legislation, Mr. Linton. I find that with respect to the original section 3 (1) (k) referred to in this clause Mr. Linton rather indicated that he thought this was covered by the original legislation.

On page 5 of the booklet published by the Canadian Tax Foundation entitled "A Review of the Estate Tax Act" with reference to section 3 (1) (k) of the original statute of 1958, Mr. Linton said:

> We hope that under these two paragraphs all kinds of benefits payable by way of superannuation, retirement, death benefit, pensions of any kind (whether voluntary or otherwise, enforceable or otherwise, contributory or otherwise,) are taxable.

I take it that perhaps the administration found some difficulty in the intervening period. I wonder if that is the reason for this

clause. It will apparently bring into taxation benefits to the estate of a deceased under an insurance policy even if the policy was taken out by an employer of the deceased. This seems to be a reasonable conclusion but I wonder why the amendment is necessary. What is the conflict between the original law and this proposal?

Mr. Fleming (Eglinton): Mr. Chairman, the purpose of this clause is to ensure that death benefits arising out of employment which are now generally subject to estate tax will be taxable when they are in the form of life insurance payable to a beneficiary of the deceased. Although life insurance owned by the deceased at the time of his death is taxable, life insurance owned by the employer on the life of the deceased—for example under a company group insurance scheme—may at present escape tax even if payable to a beneficiary of the deceased. The proposed amendment will rectify this anomaly and in this respect will close what is a very obvious loophole.

Clause agreed to.

On clause 2—*Devise or bequest subject to provision against lapse.*

Mr. Benidickson: Mr. Chairman, there is a reference here to something with which I confess I am not familiar. It refers to the regulations. Before we undertake debate on this clause would the minister indicate to the committee what the regulations are that are applicable to this clause?

Mr. Fleming (Eglinton): Those are the regulations, Mr. Chairman, which apply to the calculation of present value of future periodic payments and are based upon the tables in relation to expectation of life.

Mr. Benidickson: I believe this relates to the subject of partial consideration, in other words an agreement prior to death to transfer certain assets in consideration of an agreement that an annuity will be paid. Am I right? What in effect is the difference? Is the difference mainly that the existing law omits reference to interest on the value of the payments that may have been received prior to death and that henceforth there will be regard not only to an arbitrary 5 per cent valuation on the annuity but also regard to the use of the amount of money that was received as an annuity?

Mr. Fleming (Eglinton): It is more than the interpretation placed upon it by the hon. member. The difference that the clause creates is clearly stated in the explanatory note, particularly the earlier portion of it. The explanatory note reads as follows:

[Mr. Benidickson.]

This amendment changes the method of determining the value of the consideration for property disposed of by the deceased during his lifetime in consideration of an annuity where the present value of the annuity at the date of the disposition exceeds the present value at the same date of a notional annuity computed on the basis of 5 per cent of the value of the property disposed of.

Mr. Benidickson: May I interrupt the minister to ask if the notional value is a 5 per cent interest calculation?

Mr. Fleming (Eglinton): It is the following words that illustrate the difference:

Under the existing method the consideration is the present value of the excess.

In other words the difference between the two calculations mentioned in the first sentence is that under the new method the consideration, as the explanatory note states:

—is the sum of the amounts of the excess of the actual payment made to the deceased over the notional annuity each year from the date of the commencement of the annuity to the date of his death, plus interest on those amounts.

The interest is a factor but that is not the entire difference between the two methods of calculation.

Mr. Benidickson: Mr. Chairman, may I call it six o'clock?

The Chairman: Shall clause 2 carry?

Mr. Benidickson: I shall probably have some further remarks to make, Mr. Chairman.

At six o'clock the committee took recess.

AFTER RECESS

The committee resumed at 8 p.m.

The Chairman: Shall clause 2 carry?

Clause agreed to.

Clause 3 agreed to.

On clause 4—*Gifts subject to power to appoint or appropriate.*

Mr. Fleming (Eglinton): Mr. Chairman, there is a slight amendment to clause 4 of which I have given notice to hon. gentlemen opposite. I would ask my colleague, the Minister of Mines and Technical Surveys, to move the amendment. It is in these words:

That Bill C-65, an act to amend the Estate Tax Act, be amended by striking out lines five and six on page 3 thereof and substituting therefor the following:

"all of the resources of which, if any, were devoted to charitable activities carried on or to be carried on by it or to the".

Mr. Comtois: I so move.

Mr. Fleming (Eglinton): Briefly, Mr. Chairman, the amendment would insert in line five the words "if any" after the word

"which" and in line six after the words "carried on" the words "or to be carried on".

Amendment agreed to.

Clause as amended agreed to.

On clause 5—*Idem.*

Mr. Benidickson: I suppose this amendment is for clarification only. Since the original measure we have had an understanding that 50 per cent of the aggregate net value of an estate is free from taxation. Is this just for greater assurance?

Mr. Fleming (Eglinton): The hon. member said 50 per cent; I think he meant to say $50,000.

Mr. Benidickson: Yes.

Mr. Fleming (Eglinton): The purpose of this amendment is clarification. As the note says, it explicitly provides an exemption for an estate whose aggregate value does not exceed $50,000. On examination it has been found that the existing provision in the act does require clarification.

Clause agreed to.

On clause 6—*Situs of property.*

Mr. Benidickson: I understand this interesting revision relates to property for which a situs might not have been determined up to the passing of the legislation. Is it correct that the chief point is that henceforth the situs of property, for which a situs has not been determined, will be determined under subclause 3?

Mr. Fleming (Eglinton): The effect of subclause 3 is that where hitherto there has been no specific rule for determining the situs this paragraph will now provide a residuary rule of general application.

Clause agreed to.

Clauses 7 to 11 inclusive agreed to.

On clause 12—*Consent to transfer.*

Mr. Benidickson: My impression was that these transfers would normally be from a corporation. I suppose the change relates to the amendments we made previously where we used the word "corporation" instead of "person" in connection with these matters.

Mr. Fleming (Eglinton): No, this change goes much further than that. This introduces quite an extension to the existing provisions of the act in relation to the consent to transfer and also those situations in which transfer may be made without waiting for consent.

Mr. Benidickson: In connection with clause 12 it has been my feeling that some corporations such as banks have not been as lenient as I think the law permits them to be when a person dies and has a deposit in a bank. The present limitations are that without notice to the minister certain transfers can be made. I think the banking fraternity in general should look at this section and consider their opportunities for making transfers with notice to the minister, thus saving estates a great deal of expense. This probably will not appeal to the parliamentary secretary who practices in Ottawa. However, I have had some experience with this matter and I think that trust companies, banks and so on have not properly understood their opportunities here. I think they do not know that with notice to the minister they could be more generous in releasing moneys on deposit in their institutions and thus save the heirs to an estate the necessity of having probate which is sometimes unnecessarily insisted upon, I think.

Clause agreed to.

On clause 13—*Ignorance of death or interest of deceased.*

Mr. Benidickson: In connection with clause 13, has the government had, up to date, any experience in which the Canada Council was named in a bequest on which the law hitherto has not made it possible to have an allowance?

Mr. Fleming (Eglinton): I understand not.

Clause agreed to.

Title agreed to.

Bill reported.

CANADIAN NATIONAL RAILWAYS

PROVISION FOR CAPITAL EXPENDITURES, ISSUE OF SECURITIES, ETC.

Hon. Donald M. Fleming (Minister of Finance) moved the second reading of Bill No. C-69, to authorize the provision of moneys to meet certain expenditures of the Canadian National Railways system.

(Translation):

Hon. Lionel Chevrier (Laurier): Mr. Speaker, concerning the motion introduced by the Minister of Finance (Mr. Fleming), proposing the second reading of Bill C-69, I should like to deal with a project, referred to the other evening, when the estimates of the Department of Transport were under consideration. I should like to say a few words about the speech made in the house by the hon. member for Gaspe (Mr. English), as well as about the question of a railway in the Gaspe peninsula, a subject that has been talked about for years. I gave notice to the hon. member for Gaspe that I intended to deal with this matter tonight.

Canadian National Railways

Mr. Speaker, if I do so tonight, it is because the subject has been discussed for several years, and because I should like to remind the house of the eight proposed routes that were considered by the government of the time, and therefore by the Department of Transport. We considered that project, and more particularly the possibility of buying the Canada Gulf and Terminal railway, in 1927, 1930, 1943, 1946 and 1949. Of course, the government of the time did seriously consider the matter, and I should like here to put on the record the eight proposed routes that were considered at the time.

First of all, we had to consider the purchase, by the Canadian National Railways, of the Canada Gulf and Terminal, that is the railway linking Mont Joli with Matane.

Extension of the railway from Matane to Ste. Anne des Monts was also considered, as well as the building of a line which would go from Ste. Anne des Monts to Gaspe Copper Mines on the one side, and on the other side to the property of the Federal Metals Corporation.

We also considered a route which would extend from Sayabec to the property of the Federal Metals Corporation. Another route extended from Amqui to the same property.

Also considered was the possibility of building a railway line extending from Gaspe Copper Mines, to Gaspe, along the York river, and another one which would also extend from Gaspe to the property of Gaspe Copper mines, but along the St. John river.

Finally, a route was also considered that would extend from the C.N.R. Cascapedia to the property of the Federal Metals Corporation.

Mr. Speaker, that clearly indicates that we did, at the time, make a serious study of proposed routes for a railway line in the Gaspe peninsula.

I also recall that we had carefully considered the possibility of having the Canada Gulf and Terminal purchased by the Canadian National Railways but the difference between the price asked for the Canada Gulf and Terminal and the price suggested by the Canadian National Railways was to considerable that it was impossible to come to any agreement.

So that, the government did have the matter considered from every angle. Unfortunately, eight or ten years later, I am unable to remember all that happened at that time. However, I did get a map of the Gaspe peninsula and with this, added to the circumstances that I do recall, I can remember to a certain extent what took place at the time.

If my memory does not betray me, a member of parliament was particularly interested in that matter. It was the former hon. member for Gaspe, Mr. Leopold Langlois, who was parliamentary assistant to the postmaster general and then to the minister of transport. He tried, on various occasions, to get some agreement between the mine owners who, at that time, were to settle in the Murdochville area, and the officials of the Canadian National Railways with whom he had several talks, which have prepared the way for this government if it should decide to settle the matter.

At that time, the government built many railroads and branch lines throughout Canada, including several in the province of Quebec. We might mention, among others, the Barraute-Kiask Falls line, which the Canadian National built to service the timber limits, which, according to what the president of the C.N.R. told us recently, at a committee sitting, is a very profitable proposition. There was also the railway from Beattyville to Chibougamau, and the one from Chibougamau to St. Felicien, both built under the former government and now in operation. There was also a short line of some 50 miles, from Sherridon to Lynn Lake, in Manitoba. There has been another one of the same length in British Columbia, without mentioning several small lines in New Brunswick and Ontario. Having undertaken to build those lines at that time the government was unable to give closer attention to the required railroad in the Gaspe peninsula.

But in the meantime, circumstances have changed as the hon. member for Gaspe (Mr. English) said in his remarks in this house, as may be seen on page 4476 of the official record. As a matter of fact, he pointed out to hon. members that the development of ore deposits and national resources now going on in that area might very well change the financial picture of a railroad. I was more particularly interested by what the hon. member said, as appears on page 4476 of *Hansard* dated June 2, 1960, and I quote:

> Ever since 1957, when I was first elected to represent the constituency of Gaspe, I have been asking that a railroad be built between Matane and Ste. Anne des Monts. I raised the matter in 1958 and 1959, and I raise it again in 1960.

With all due respect for the hon. member, I want to tell him that there are many members from the province of Quebec, on both sides of this house, who have requested this railway for many years. Now, not only must the hon. member request it, he must do more than that: he must act. He must convince the government that the circumstances have changed because of mining operations, because of the natural resources development in the

peninsula, and because the volume of traffic has increased to such a degree that the government must build it now. When he made a speech here on June 2 last, he quoted, according to page 4478 of the English *Hansard*, the words of the Minister of Transport, as well as those of Mr. Gordon, president of the Canadian National Railways. Here is what the Minister of Transport said:

Mr. Fleming (Eglinton): At what page?

Mr. Chevrier: At page 4478 of the English text of *Hansard* of June 2, 1960. I quote:

> Railways are a prerequisite to and not a consequence of progress, because railways are indeed a factor of progress.

Later on, he quoted Mr. Gordon who had made a statement on the occasion of the official opening of the Chibougamau-Beattyville and Chibougamau-St. Felicien railway:

> "In a country such as this, where distance is a vital factor in the cost of goods, you cannot think of developing natural resources without thinking of railroads."

And the hon. member endorsed those two statements which, I agree, are excellent. The conclusion he came to was as follows:

> Mr. Chairman, I am most surprised. I wonder if really Mr. Gordon was serious when he made that statement. If he really was, why did he refuse that to the Liberal party for so many years, even at the time when my hon. friend the member for Laurier (Mr. Chevrier) was Minister of Transport? Why did he refuse it, and why does he still refuse it?

Those are the words on which I want to make a few comments now.

I do not know what Mr. Gordon's attitude is today, because I left the department several years ago.

I do not know whether he has reconsidered the various locations, the least costly of which was $27 million at the time. But representations should be directed not so much to Mr. Gordon as to the government, and that is exactly what the hon. member for Gaspe (Mr. English) seems to overlook entirely.

There is a tremendous difference between Canadian National policy and government policy. Usually, though not always, the Canadian National considers a project from a budget or financial angle, and looks at the profits and particularly the volume of traffic to be expected on the suggested railway line.

That is exactly why the Canadian National decided to build the line I mentioned a moment ago between Barraute and Kiask Falls, in Quebec, namely because the government-owned railway thought such a line would be profitable.

As Mr. Gordon indicated recently in the railway committee, the line has been highly profitable and since its establishment, has reaped handy profits for the government railway.

However, Mr. Speaker, the government too has its say. If the government, in the public interest and to promote the development of natural resources in a particular area reaches the conclusion that a railway is justified, all it has to do is to pay it a subsidy. That, in fact, is what the government did when it decided to build the line between Chibougamau and St. Felicien.

At that time, the Canadian National Railways told the government something like this: We are ready to build the railroad, but we know that we shall need some help during the first years and we urge the federal government to grant us subsidies. The government then decided to grant the railway an amount of $25,000 per mile. Therefore, I say to the government members, and particularly to the ministers who are now at their places and are listening to me that if they really mean to build a railway in the Gaspe peninsula, they have only to do it because there are already seven proposed routes ready for use. They are there. The government can go on and study them right now. That is the first thing I wanted to say.

The second is that since those routes were laid out—the last one was made in 1949, I think—two events took place in the peninsula: first, a great development of natural resources and second, a remarkable rise in the mining industry.

There is no need to go into details, since the hon. member for Gaspe, who is more familiar with the subject than I am, has already dealt with it.

There is also another reason that I wish to put forward. Following the development of the St. Lawrence seaway, traffic has increased between the ports on the north shore of the Gaspe peninsula, and those of Seven Islands, Baie Comeau and elsewhere. Traffic is heavier than in 1949. Conditions are therefore different in 1960, and financially they have changed to such an extent that the government now feels justified in building that particular railroad.

Personally, I am not fully informed on the matter, and I do not know what exactly has occurred since that time, nor have I seen the files. However, I should like to refresh the memory of my hon. friends who, of course, promised in the 1957 and 1958 elections to reconsider this railway line project.

I have no doubt that if they will pay a subsidy to the Canadian National in view of the industrial development going on in the peninsula and of the increased volume of shipping between the north and south shore, a favourable decision could certainly be reached with regard to this railway line.

What prompted me tonight is that the hon. member for Gaspe directed his remarks only to the government owned corporation, apparently in the belief that the decision rested only with that corporation.

The government owned corporation, namely the Canadian National, can make recommendations to the government, but it is not responsible for taking a decision on the matter. It is the government, with its ministers, it is the cabinet which considers proposed locations and reaches a conclusion.

For all those reasons, I thought I was justified in discussing the bill on second reading, and in reminding hon. members on the government side of their election promises with regard to this proposed railway.

Again may I emphasize that conditions have changed over the 11-year period.

Finally, I would ask them, in view of the fact that they have been in power for three years, not only to consider existing locations, and complete them if necessary, but also to make a thorough study of the scheme, if necessary—though I feel the studies have already gone far enough—and to reach a decision which would meet the wishes of the people who have been asking for this railway line for many years.

(Text):

Mr. D. M. Fisher (Port Arthur): Mr. Speaker, we in this group support the bill. On the previous stage of the bill we all had our particular innings and I personally am glad to see it pass.

Mr. W. M. Benidickson (Kenora-Rainy River): Mr. Speaker, when we discussed the resolution prior to receiving this bill I indicated to the Minister of Finance (Mr. Fleming) that perhaps we might inquire whether or not these capital expenditures in their forbidding entirety would be necessary. I asked that question inasmuch as last year, just within a few days of our approval of a similar bill involving substantial sums for the capital expenditures of Canadian National Railways, Canadian National Railways by approval, I think, of its small directorate decided that some $20 million odd were not necessary.

We have a large sum of money involved in the implications of the clauses of this bill before us. I think it involves an expenditure on the part of Canadian National Railways of about $200 million and another $86 million in capital expenditures for a subsidiary wholly owned by Canadian National Railways, namely our well known Trans-Canada Air Lines.

I am not going to repeat what I said at the resolution stage. We are not proposing in 1960 to spend on capital expenditures sums which could in any way be related to these tremendous sums which are involved in this bill. I think that as disclosed in the annual report of the Canadian Pacific railway, inclusive of expenditures that the competing road proposed to make for its air line the capital expenditure for 1960 for the Canadian Pacific railway was the sum of about $83 million. I indicated that I thought that the executive—and I meant the cabinet—should at some stage examine these matters and that when the cabinet presented to us as legislation a bill such as this bill it should be prepared to indicate that it had taken the responsibility beyond what we gathered was the responsibility taken when we discussed these matters at the resolution stage. I indicated then that there had been considerable paring with respect to the total requirements at various stages within the Canadian National railways organization. I also indicated in that debate that the paring seemed to stop at that point.

Apparently the cabinet—and the Minister of Finance is representing the cabinet in this instance—have the feeling that when this crown company presents a requirement for capital expenditures of this magnitude—and I have indicated it is about $200 million for the railway and $86 million for the subsidiary, Trans-Canada Air Lines—there is no paring after it arrives at the public's level of executive consideration, namely the cabinet. When I suggested that the minister might refer back to the experience of 1959 when even the crown company a few days after parliamentary consideration of the matter decided that they did not need some $23 million, the amount involved in last year's bill, the minister was a bit haughty at the suggestion that he should go back to the crown company and ask whether any such paring on the part of the crown company was likely within a few days or a few weeks of our

consideration of the statute. The minister promised that eventually he would make some report to the house in that regard.

When we were discussing the resolution I indicated that unless there was some change in pattern either of budgeting or in custom and business done by the road the first four months operating experience of 1960 would show that the Minister of Finance would find that his budget calculations would be upset to the extent of $41 million. I related that to his very slender budget prospect of a surplus of $12 million and that, of course, was not picked out of the cocked hat.

At the resolution stage I pointed out that this was only one bill for capital requirements that would be presented this year on behalf of the crown company. I also pointed out that after our committee had given considerable study to the capital budget of Canadian National Railways we were presented by the government with another bill which involved a capital expenditure on behalf of the Canadian public of about $100 million for the Toronto terminal and for, I think, access facilities to the terminal. When I raised these points last week I did not get much satisfaction on the question why most of the expenditures for the Toronto terminal were not presented to parliament in a bill such as we have tonight. I asked why there was a difference in terminal costs of a capital nature in Toronto as compared with capital costs for terminals at Montreal, Moncton, Winnipeg and at other points that had hitherto always been taken care of in a bill similar to the one we have before us at the present time.

One of the reasons why I was curious about this was that a parliamentary committee was set up to examine the capital requirements of Canadian National Railways, its operating budget and, as I say, its capital expenditures and after it had finished its business we received from this government with respect to terminal requirements at Toronto a new bill altogether, something that we did not hear about when we had the opportunity to examine the officers of Canadian National Railways in a less formal manner in a committee of this house. An explanation of that has not yet been advanced. I think it should be.

I must indicate to all my colleagues that in the debate on the resolution stage prior to the introduction of this bill I had showed that the officers of Canadian National Railways were rather anxious to terminate their services before the parliamentary committee and get back to head office in Montreal. I have not the page references in *Hansard* before me but I recall that I was interrupted in my remarks by some hon. member who said, "Oh, oh". I said that perhaps in this respect I am understating the anxiety and desire of the executives of Canadian National Railways to be relieved of this inquiry and get back to Montreal.

I do not want to retract too much with respect to this statement, Mr. Speaker. I think it is well known that this examination of the accounts of this important crown company is all too hasty. It has always been that way. I do not say it is any different under the new regime from what it was under the old; but when I emphasize the aspect of understatement I feel I owe an apology to the vice president of Canadian National Railways, Mr. Dingle. At the committee meetings this session I raised the effect that certain capital expenditures had on the employees of Canadian National Railways in certain divisional points in the riding of Kenora-Rainy River. I want to say that while the committee itself was not prepared to receive evidence from the national and regional offices of the employees affected by this form of capital expenditure or automation, or whatever you wish to call it, when I reflect upon what I said last week at the resolution stage I think it was unfair perhaps to the vice president of the road, Mr. Dingle.

The committee would not listen to the union representatives or to the representatives from the community of Sioux Lookout, but I must say it was unfair because Mr. Dingle, vice president, was quite willing and anxious to stay over another day after our discussions had concluded. He saved the time of those delegations by staying here in Ottawa rather than going to Montreal, or asking them to come to Montreal. In fairness, I think I should make that statement, because Mr. Dingle's services and willingness to meet those people after the committee consideration was concluded were very much appreciated by all concerned.

I believe that we have here one or two items in clauses of the bill which are not similar to items that we normally have. The minister referred to one when he gave an explanation on the resolution stage.

We have here also a reference to certain adjustments which apparently are necessary in connection with relations between this crown company and the government in the government accounts. It relates away back to the 1957 operations. We should have an explanation of that. The minister should indicate whether or not the annual statements of Canadian National Railways for the year concerned, either 1957, 1958 or 1959, make

proper reference to this item or whether it is something that we are in a sense being advised of by surprise.

I recall there was a depreciation item in the 1958 annual statement that I questioned last year in the 1959 committee sittings. I imagine that this even has an effect on the minister's budget. I feel that the fullest possible explanation should be given with respect to an item that relates as far back as 1957 when a change in government accounts is to be authorized by this bill.

Mr. Speaker: Is the house ready for the question?

Mr. Benidickson: Is the minister not going to reply?

Mr. Speaker: If the minister speaks now he will close the debate.

Hon. Donald M. Fleming (Minister of Finance): Mr. Speaker, the last subject raised by the hon. member for Kenora-Rainy River (Mr. Benidickson) was discussed very fully on a similar measure a year ago and I trust we will not have to exhume that debate and spend more of the time of the house in repeating it here tonight.

The hon. member attached considerable importance to what he had to say about the calculation of the deficit of Canadian National Railways. I do not wish to repeat what I said on the subject at the resolution stage on June 7. So far as the capital budget of the C.N.R. is concerned the management operates on the assumption that the capital budget will not be exceeded without further authorization from the government and the record shows that the management has never over-expended its authorized capital budget. The operating budget, that is the net position of deficit or surplus after all charges, is, of course, an entirely different matter.

Before the budget of the company was submitted to the government in February the management had conducted a detailed investigation of all economic indicators which would enable it to estimate the revenue and traffic volumes. The operating budget prepared at that time, that is to say, in February 1960, was the best forecast that could be made as of that time. If, however, actual traffic results prove to be disappointing as the year proceeds it is not possible nor practical to reduce the expense side of the operating forecast every week or every month as many of the major expense items are spread over the year, so that sudden stoppages or changes in work in hand would be imprudent and uneconomic.

To put it another way, the railway revenues are highly variable whereas its expenses tend to be much less variable when spread out over the period of a year. After the first quarter of a year if it becomes apparent that revenue and traffic volumes are at a materially lower rate than what had been forecast then management through its headquarters budget committee begins an intensive re-examination of all traffic, revenue and expense factors. If a downward trend persists during the second quarter then management again through its budget committee begins the process of reviewing the operating budget and year-end position. Of course, this becomes in effect virtually a continuous operation and that can be expected of the company this year.

I think all the other items that were raised by the hon. member for Kenora-Rainy River were discussed, and I may say discussed at some length, at the resolution stage of this measure on June 7 and I believe there would be no advantage in repeating what was then said.

Mr. Benidickson: Mr. Speaker, may I ask the minister a question? The minister indicated that there would be a natural revision at the end of the first quarter of the operating year. We are now five months rather than three months advanced into 1960 with respect to information about the C.N.R. Does the minister still think that the deficit of the company will be $21 million or $23 million as indicated in his budget?

Mr. Fleming (Eglinton): Mr. Speaker, what I said was that it was the best estimate that could be made at that time. It naturally will be subject to revision as the year proceeds. The management does as well as anybody can do in that respect. I do not think anyone can be infallible in the matter of an estimate.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Flynn in the chair.

Clauses 1 and 2 agreed to.

On clause 3—*Capital expenditures authorized.*

Mr. Chevrier: Mr. Chairman, referring to clause 3(b) I should like to repeat briefly what I said earlier in connection with Trans-Canada Air Lines. It was indicated in the committee on railways and shipping that the year 1960 may not be a good one for T.C.A. in so far as its financial operations are concerned. I would think the main reason for this is the competition that the government has decided to allow foreign air carriers to enter into in so far as T.C.A. is concerned. I discussed this on a previous occasion in this chamber and will not repeat what I said then. Briefly, I think it should be brought

to the attention of the minister because he is the Minister of Finance and responsible in large part for the discussions which are entered into between Canadian National Railways—through his officers—and Trans-Canada Air Lines in relation to the budgetary position of the railway company and its subsidiary, T.C.A.

It would strike me that two, if not three, of the bilaterals that have been entered into between Canada and foreign countries are creating a serious hardship upon T.C.A. In the first place, three foreign carriers now travel non-stop from Montreal to Chicago in competition with T.C.A. which is not able to go to Chicago without coming down at Toronto. In other words, because of the bilateral between Canada and the United States, T.C.A. does not have fifth freedom rights between Montreal and Chicago whereas the three foreign carriers—Alitalia, Lufthansa and Air France—possess those onward rights.

Then again, there is the position of T.C.A. vis-à-vis B.O.A.C. B.O.A.C. has been given by the Canadian government stop-off privileges at Toronto in competition with T.C.A. I believe that has worsened the financial position of T.C.A. to such an extent that T.C.A. has found it necessary to enter into a pooling arrangement with B.O.A.C. for the trans-Atlantic services.

I ask the minister in his conversations with his officers—who in turn will be speaking to the officers of these two national companies —to discuss the position outlined by hon. members of the opposition as we see it. If this is not rectified either by a curtailment of the privileges given foreign carriers or by renegotiation of the bilateral air agreement with the United States, then I am afraid the profit and loss position of T.C.A. for 1960 will be far more serious than it was in 1959.

The other day I asked the Prime Minister on the orders of the day if in his discussions with the President of the United States the question was raised of T.C.A. entering into the lucrative Florida market by way of stop-off and onward privileges at Miami. He replied that no discussion had been had between himself and the President of the United States. It seems to me that those members of the government who are responsible, the chief one in my opinion being the Secretary of State for External Affairs, for the renegotiation of bilaterals should do everything they can to convince the United States authorities that T.C.A. has been placed in an awkward position because of rights which are being given foreign carriers and refused to Canadian carriers. How is it that these foreign carriers, Air France, Alitalia, Lufthansa, can travel from Montreal to Chicago, Montreal to San Francisco, Montreal to Los Angeles, whereas the same privileges are not given to the Canadian carrier?

I think I have said enough to convince the minister that serious consideration should be given to what we on this side of the house think is a very important problem. We think that the principle of competition, which seems to have been engendered by the government since it has been in office, is causing our own carriers to be placed in an awkward and impossible position vis-à-vis other carriers from the point of view of financial results. With that in mind I would ask the minister to give the matter of these bilaterals his careful consideration.

Mr. Fleming (Eglinton): Mr. Chairman, we have just been treated to what is virtually a repeat performance on the part of the hon. member for Laurier. He gave us the same speech in the house on March 7 on a motion to resolve the house into committee of supply. He introduced an amendment to give effect to the views he then expressed and the house negatived that amendment on March 8. But if the hon. member thinks this is worth repeating I am sure the committee is glad to hear what he has to say.

Mr. Benidickson: Mr. Chairman, as usual the Minister of Finance is rather contemptuous of suggestions that come from this side of the house, but may I point out to some of the backbenchers of the Conservative party that there are very large figures involved in clause 3. I talk to some of these gentlemen in the halls of the House of Commons and there they express some misgivings about advances such as are provided in clause 3 of the bill. The treasurer representing all the taxpayers of Canada is the Minister of Finance who is sitting in the house opposite us. I think he should indicate to us whether or not in three years he has seen fit to pare in any way any of the proposed capital expenditures for which authorization has been given to this crown company and, if so, when and to what extent.

I think we would like to hear from the minister what his projection is as to the possible earnings of the subsidiary of Canadian National Railways, Trans-Canada Air Lines; what they are likely to earn through betterment by virtue of the expenditure proposed in subclause 1 (b) of clause 3. The amount of $86 million by way of capital expenditures is forecast here. What is the minister's advice from this crown company as to its possible earnings and possible profit or loss for the year 1960?

In addition, with respect to subclause 1 (a) we find an item that I do not think is ordinarily found in a bill of this kind, a provision

for working capital. In this case the requirement is $10 million. Would the minister indicate how frequently, historically speaking, Canadian National Railways has asked parliament to provide additional working capital, when this has occurred and the amount involved? Is this simply an item that goes into the debt structure? Otherwise, what rate of interest is paid on an advance of working capital of $10 million?

In connection with the apparent requirement for working capital there is a reference to the Victoria bridge and the St. Lawrence seaway. As I recall, when the committee on railways and shipping, government owned, considered this matter there was some question whether or not this amount would be refunded to Canadian National Railways and when. The Minister of Finance of all people surely knows whether the St. Lawrence seaway authority is likely to refund this money or whether some other source is likely to refund it and how soon it will be refunded. If it is going to be refunded in the near future there is a possibility that perhaps this sum would not be necessary.

I go back to a request I made when we were at the resolution stage. I asked the Minister of Finance very specifically, because I thought it was his duty, to go to Canadian National Railways and inquire whether there was any possibility of amendment with respect to these immense sums. I indicated it was my understanding that the figures that are the basis of this bill were prepared by them many months ago. Many millions of dollars are involved and perhaps in some instances the directorate and management have decided that as of June 13 these funds will not be expanded in 1960. In accordance with my request of last week, did the minister make these inquiries and, if so, what has he heard from the management? Can he assure the house that every dollar of these immense requirements is likely to be spent in 1960 and therefore these clauses of the bill should be passed without amendment? If there is any possibility that these items are not required in full, why should parliament be asked to be simply a rubber stamp for capital proposals made by Canadian National Railways five or six months ago which are not valid today?

Mr. Fleming (Eglinton): Mr. Chairman, apparently the hon. member wishes me to present my credentials to the committee of the whole in relation to close supervision of the budgets of Canadian National Railways. All I can say to him is that I understand that the president and management of Canadian National Railways consider that the Minister of Finance has given their budget close scrutiny. Perhaps I need say no more than that on that score.

As to the various other matters that were touched upon by the hon. member, I think I might suggest to him, Mr. Chairman, that a lot of the information he seeks on the floor of this house is information which should have been obtained by him in the committee when the officials of the Canadian National Railways were there; that is the purpose of having such a committee. It is not for this committee to go into the details of the operating functions and financing of Canadian National Railways. I am happy to give to the committee any information that it is within my power to obtain, but I do think, Mr. Chairman—

Mr. Benidickson: On a question of privilege, Mr. Chairman—

Mr. Fleming (Eglinton): —it is a waste of the time of this committee to ask for information that should have been requested in the railway committee.

Mr. Benidickson: On a question of privilege, Mr. Chairman: It is true I was a member of that committee. However, I want to say that the rules are very clear that the committee of the whole has jurisdiction above and beyond any committee of the house, and when we are dealing in sums like $300 million it is quite proper to ask the Minister of Finance for Canada about his examination of the need for expenditures under some of these headings.

Mr. Fleming (Eglinton): Certainly it is quite proper to ask the Minister of Finance about his examination of these figures. We are not discussing that at the moment. What I was referring to was the attempt made here to ask for operating details pertaining to the functions of management of Canadian National Railways. I think the function of the committee, when it has the officials before it, is to obtain all information on that score. It is quite proper in this committee to ask the Minister of Finance for an accounting in relation to his functions and responsibilities, and I hope I shall be able to give that.

We were asked again, Mr. Chairman, about the $10 million of working capital to finance the temporary alterations of Victoria bridge to co-ordinate with the St. Lawrence seaway. Again I was asked about the matter of the claim in relation to the seaway. We were over this in the committee last week. I could repeat what I said then on this subject, but I feel it would be completely unprofitable to do so. It would be straight repetition because I dealt with this subject fully at that time.

Then we were asked questions about the anticipated operating results of Trans-Canada Air Lines this year. The hon. member must be aware that no net income is anticipated from Trans-Canada Air Lines this year. It had an operating net income in 1958 of approximately $550,000; that dropped in 1959 to approximately $152,000, and no net income from Trans-Canada Air Lines is anticipated by Canadian National Railways in 1960.

Mr. Benidickson: Do they expect a deficit and, if so, how much?

Mr. Fleming (Eglinton): That information was all available in the committee. Apparently the hon. member dit not see fit even to ask for the tabling of the budget. I was amazed to find that—

Mr. Benidickson: There are many members of this committee who were not members of the other committee, and I am sure they would be interested.

Mr. Fleming (Eglinton): There is no occasion for the hon. member to stand up and interrupt. I was surprised to find that the budget of Trans-Canada Air Lines had not been requested in the committee and was apparently not put on the record of the committee. I dealt with the requirements of Trans-Canada Air Lines for this coming year in the committee on June 7. The clause under consideration is 3 (a) which indicates that the investment of the national system in Trans-Canada Air Lines during this calendar year, 1960, is $82,350,000. Subclause (b) indicates also that the capital expenditures for the calendar year 1961, prior to July 1, to be authorized amount to $86 million.

I reviewed in the committee of ways and means last week the reasons for these very large requirements. They relate to new equipment which Trans-Canada Air Lines has acquired. It is ordered and delivery is expected within these next few months. This is an existing commitment and must be met. It is regrettable, as I pointed out on June 7, that the requirements of Trans-Canada Air Lines in this respect are not more evenly distributed from year to year. But that is the way the particular situation was met. Trans-Canada Air Lines considered that they required equipment and that equipment was authorized to keep the company in a position to give effective service and to meet competition.

In the last place, the hon. member asked about the possibility that some of the money to be authorized in this clause might not be required. I indicated on June 7 that most of the amount provided for equipment is to meet existing commitments. I drew attention, in line 5, to the fact that equipment will account for $34,977,000 of gross capital expenditure for the calendar year 1960. Of that amount, $20,707,000 represents the equipment which has already been authorized under financing and guarantee acts in prior years. This included 140 locomotives, 9 passenger train cars, 300 freight cars and 5 work equipment units. There is an additional amount of $5,638,000 for anticipated deliveries in 1960 consisting of a portion of the 1,366 freight cars and 5 work equipment units.

The hon. member for Kenora-Rainy River spent some time at the last meeting discussing the 40 diesels. I pointed out to him then that the diesels were already authorized; indeed, they were part of a larger group of diesels that had already been authorized and some of the units had been delivered. The cost of the anticipated deliveries of equipment already authorized, as I have already indicated, is estimated at $20,707,000, leaving a balance of $12,200,000 to be paid out after 1960 on equipment purchased and authorized by prior acts. Of this $12,200,000, between $7 million and $8 million represents the cost of the 40 diesel units already authorized but not yet ordered. These sums form part of the total of $86 million provided for in clause 3(1)(b) now under discussion.

The president of Canadian National Railways, Mr. Gordon, told the special committee when he appeared before it in the last week of March that he did not know whether the 40 diesel units would in fact be ordered at that time. There is still no absolute certainty that they will be ordered. However, it is considered advisable to authorize the provision of funds for the purchase in case they should be needed. Should later surveys indicate that traffic would not warrant the purchase of these units at this time the orders will not be placed and the amount involved will lapse.

Mr. Drysdale: I should like to make one or two remarks on this particular item. On June 7 I spoke during the resolution stage in connection with the money that had been allocated to the Canadian National for trucking, the sum of $5 million. I should point out to the Minister of Finance that I laid the foundation for these remarks in the committee and established that I could not get the information at that particular time. The hon. member for Vancouver-Kingsway also spoke in the committee. On June 8 there was a press release issued from Winnipeg by the Canadian National indicating the acquisition of some five truck lines. However, the press release did not indicate what proportion of the $5 million had been used by the Canadian

National, nor did the press release indicate the long range plans of the Canadian National.

In fairness to Mr. Gordon, the president, I should indicate to the minister that I have written him today. The press release just came to my attention over the week end. I have written to Mr. Gordon inquiring about the expenditure of $5 million and the proportion. But I was wondering, since this matter has come before the committee, whether the Minister of Finance is in a position to indicate what proportion of the $5 million was spent in acquiring these five trucking lines?

Mr. Fleming (Eglinton): No. Just today I received a copy of the release issued by Canadian National Railways in connection with the acquisition of these lines.

Mr. Chevrier: All members of the comittee received the letter.

Mr. Benidickson: Mine was not signed but I received it.

Mr. Fleming (Eglinton): Then I do not need to delay the committee by referring to the contents of this press release in relation to the acquisition of four trucking firms and the acquisition of an option on the fifth. The purpose of the Canadian National system in acquiring these trucking lines was indicated in the release.

Mr. Benidickson: The Minister of Finance was rather scolding the members of this committee which, I thought, worked fairly diligently under a rather heavy handicap of three or four meetings a day. He scolded the committee for not asking for the budget of Trans-Canada Air Lines which he suggests was available if asked for. If it was not asked for at the last sittings of the committee, the committee was perhaps exhausted. I have no doubt that the minister is well aware of all these items. In this larger assembly of the committee of the whole of the House of Commons perhaps he might indicate what the budget of Trans-Canada Air Lines would have disclosed if we had been smarter and had asked for it. He perhaps has it. I should like to know now, belatedly, what the budget disclosed for Trans-Canada Air Lines with regard to a profit or loss in 1960.

The Chairman: Shall clause 3 carry?

Some hon. Members: Carried.

Mr. Benidickson: No, Mr. Chairman. When the minister saw fit to cast these aspersions upon the diligence of the committee I am sure he must be well informed on this point.

Mr. Fleming (Eglinton): I have not brought that budget to this committee, Mr. Chairman.

If the hon. member wishes further information in detail on it, I will obtain it for him. So far as Trans-Canada Air Lines are concerned, we are dealing here with the capital requirements and the financing requirements they are making on Canadian National Railways. I have given the detailed information in that respect. If the hon. member wishes to go further and to ask with regard to the detailed operations of Trans-Canada Air Lines, I will obtain for him what information he indicates he wishes to have and will send it to him.

Mr. Benidickson: That is not the point, Mr. Chairman. We are asked here for the substantial sum of $86 million for capital expenditures related to Trans-Canada Air Lines, and I think all of us would want to know how that would be reflected upon the earnings position of this subsidiary of Canadian National Railways. I think it is fairly obvious to all members of the committee that the minister does not know. He apparently has not asked, before he asks the House of Commons to pass this bill, just how this will be translated into profit or loss with respect to Trans-Canada Air Lines. However, he gratuitously decided to say that the committee had been careless in not asking for this information when they had an opportunity to do so last March.

Mr. Fleming (Eglinton): Of course the hon. gentleman is quite wrong. The capital budget of Trans-Canada Air Lines, which is the only budget of Trans-Canada Air Lines upon which the Minister of Finance is called upon to pass, as I thought the hon. member was well aware, shows the following: application of funds, property and equipment, $83,485,000; refinancing of loans—these are loans by the C.N.R.—$4 million; increased materials and supplies, $10,015,000; or a total of $97,500,000. The source of the funds is as follows: net income, nil, as I pointed out earlier; depreciation provision, $15,150,000. Deducting that sum from the earlier sum of $97,500,000, we have the requirement of $82,350,000 to be financed through Canadian National Railways and that is the amount appearing in clause 3 (1)(a).

Mr. Benidickson: The minister has indicated that the net income for Trans-Canada Air Lines is reported to him as nil. I am sure he must have made inquiry beyond that point. It is not just nil. There perhaps is a deficit. If there is a deficit, how much is expected in 1960 and how will it be provided for? Will it be done by the parent company, namely Canadian National Railways? Will we be obliged to provide for it in a clause in a bill similar to this one in a subsequent session or will it be provided

for in an item in the estimates? Canadian National Railways have already indicated that they expect their deficit will be something about $20 million for 1960. I have suggested that unless they change their course it will be another $40 million beyond that figure. On these gigantic matters surely the Minister of Finance is taken into the confidence of these crown companies and he must have some estimate as to the expected operating results of Trans-Canada Air Lines, on a basis similar to that of the Canadian National Railways when many months ago they suggested to him that they would require the payment of a deficit of approximately $20 million. After four months of operation, as I say, we have found, that unless there is a change of trend, it will be some $40 million beyond that figure. Trans-Canada Air Lines is another big crown company. Surely they also have indicated to the Minister of Finance, even some months ago, what their forecast of profit or loss would be for the calendar year 1960.

Mr. Fleming (Eglinton): I have already reported to the committee several times that Trans-Canada Air Lines anticipate no net income this year. That means that where they show what would appear to be an operating deficit, that deficit will have to be provided for out of depreciation allowance. Therefore there is no net income. The Minister of Finance does not pass on the operating deficit or the operating budget of Trans-Canada Air Lines. He passes only on the capital budget. I have already given that capital budget and have placed in on the record. The total requirement provided by this bill in respect to Trans-Canada Air Lines is the figure to which we have already referred, namely the figure of $82,350,000 which is included in the gross capital expenditures.

Mr. Benidickson: We all see that figure, but I think we are all interested in knowing whether or not that amount, if voted, would improve the profit position of Trans-Canada Air Lines and, in particular, what reference it has to 1960 operations. I am astounded to find that apparently the Minister of Finance has not inquired into these matters and is not able to inform the house about them regardless of their magnitude.

The Chairman: Shall clause 3 carry?

Some hon. Members: Carried.

Clause agreed to.

Clauses 4 to 9 inclusive agreed to.

On clause 10—*Trans-Canada Air Lines.*

Mr. Benidickson: On this clause we are back to Trans-Canada Air Lines. Is the minister after reflection not able to indicate to parliament that he does get some forecast of operating results for a calendar year, such as 1960, from an important crown company like Trans-Canada Air Lines?

Mr. Fleming (Eglinton): I think I have already answered that about four or five times, Mr. Chairman.

Clause agreed to.

On clause 11.

Mr. Chevrier: I wonder if the minister would give some indication of whether consideration has been given to revising de novo the capital revision act of the Canadian National Railways. As the minister knows, it was revised by act of parliament some years ago; I have forgotten exactly what the date of the legislation was.

Mr. Fleming (Eglinton): It came into effect in 1952.

Mr. Chevrier: The minister says 1952. There was a deterioration of the budgetary operation of the Canadian National Railways in 1959 and I know that Canadian National Railways would not make any representations to the minister, but it is a matter which has to be determined by the government.

I remember when the legislation was passed earlier that it took a great deal of time before it was approved. A subcommittee of the cabinet was established composed of several ministers and many other officers of various departments, and it was after a careful and long study that the matter was finally determined and legislation introduced. I wonder if any consideration has been given to a revision of the capital structure of Canadian National Railways since that time?

Mr. Fleming (Eglinton): Mr. Chairman, at the resolution stage on June 7 I pointed out that this provision in the bill is new as compared with the annual similar bill of other years. The effect of this clause is to extend the authority of the Minister of Finance to purchase the 4 per cent preferred stock for one year. It will expire under the Canadian National Railways Capital Revision Act, to which reference has been made, on December 31, 1960. This is to extend it to 1961 so that it will be coterminous in that respect with the conclusion of the period within which the 20-year interest free obligation delivered to the minister by Canadian National Railways extends.

Obviously before December 31, 1961 plans will require to be made in relation to the future of the financial operations and financial structure in this respect of Canadian National Railways. This present provision will carry the present plan up to December 31, 1961

and before that date plans will have to be made as a result of the review of the whole picture.

Mr. Chevrier: Is the cabinet, either directly or indirectly through a subcommittee, giving study and consideration to the problem of capital revision?

Mr. Fleming (Eglinton): Mr. Chairman, as to the particular method, I do not think I should be asked to disclose that. But I have indicated that before December 31, 1961 some provision will have to be made for the period following that date, and that will require action on the part of parliament, of course.

Mr. Chevrier: I am not too sure that I follow the minister. I can understand why he cannot indicate what method is being followed as to the consideration of this problem, and I have no fault to find with that. I am not too sure if I heard him aright, but I take it from what he has said that consideration in some form or other is being given to the capital structure after 1961, and may I go a step further, to the capital revision of the financial structure of the Canadian National Railways.

Mr. Fleming (Eglinton): I can assure the hon. member that this subject is not absent from my thoughts.

Mr. Benidickson: When we discussed these proposals at the resolution stage last week I made some calculations. I have not my notes in front of me but I pointed out to the committee that there had been a write-off of certain debts to the government in 1951, I think it was, of some substance. I think they amounted to about $800 million. I made a calculation that following the write-off of this debt of $800 million odd there were subsequently obligations incurred by Canadian National Railways such as referred to in this section, that is, purchases of preferred stock.

My recollection is that over the years since 1951, or shall I say January 1, 1952, it was less than $200 million. I think it was less than $200 million, but the minister will correct me if I am wrong. None the less the over-all obligation of Canadian National Railways in that period of eight years after revision and write-down of its debts still showed an increase of over-all debt, either to the government or to the public, by deficits or otherwise, of about $1 billion. Am I very far wrong in my rather rough figures which I am offering without notes?

Mr. Fleming (Eglinton): At the time of the capital revision, which went into effect in 1952, the preferred stock acquired by the minister as at that time was $736,385,405. At May, 1961 the balance was $913,480,714.

Mr. Benidickson: May, 1960, you mean?

Mr. Fleming (Eglinton): I am sorry, May, 1960. As at May, 1960 it is estimated to have reached $913,480,714.

Mr. Benidickson: That is helpful but I think the minister should also give the figure as to the over-all obligations outside of preferred stock of the road after the write-off in 1959, and the forecast proposed, as he has indicated, for a certain date in 1961, and will the total not approximate an increase of about $1 billion, as I have suggested?

Mr. Fleming (Eglinton): In connection with the preferred stock I think I should give this figure to complete my statement. The figure at March 31, 1960, the close of that fiscal year, was $909,849,274. The principal amount outstanding on December 31, 1959 was $1,341,058,970.

Mr. Benidickson: What was it after the reorganization?

Mr. Fleming (Eglinton): On December 31, 1952 it was $605,494,829.

Mr. Benidickson: What happens to the annual deficits, if incurred? Are they simply written off? They are assumed by the crown and do not go into the capital structure?

Mr. Fleming (Eglinton): They are provided for as usual, in the final supplementary estimates which are passed in March of each year.

Mr. Benidickson: Once they are paid by the taxpayers they do not get into the figures such as the minister has given.

Mr. Fleming (Eglinton): They go into the figures of the net debt.

Mr. Benidickson: Are they considered a liability?

Mr. Fleming (Eglinton): That is an interesting question to ask of a company whose relations with the government are such as those between Canadian National Railways and the government. When you talk about debt, these are all matters of accumulation, as the hon. gentleman can see by referring to page 39 of the printed annual statement of the Canadian National system.

Clause agreed to.

Clause 12 agreed to.

Title agreed to.

Bill reported.

EMERGENCY GOLD MINING ASSISTANCE ACT

AMENDMENTS TO EXTEND APPLICATION, ETC.

Hon. Paul Comtois (Minister of Mines and Technical Surveys) moved the second reading of Bill No. C-64, to amend the Emergency Gold Mining Assistance Act.

(Translation):

Mr. Armand Dumas (Villeneuve): Mr. Speaker, I had thought the hon. minister would add something to the statement he made the other day, at the resolution stage. However, I intend to be very brief, because I would not want to hold up the adoption of this bill.

At the resolution stage, I called the attention of the Minister of Mines and Technical Surveys (Mr. Comtois) on the possibility of amending the act so as to increase the rate of assistance to gold mines. The fact that it was considered proper to increase the subsidy by 25 per cent, and that the part of the act related thereto has not been amended, constitutes, in my opinion, an anomaly.

At present, the rate of assistance to gold mines is determined by taking two thirds of the surplus differential between $26.50 and the cost price, the maximum being set up at $12.33. That is, in my opinion, the anomalous part of the act. If it was considered proper to amend the act, by increasing the subsidy by 25 per cent, I think an increase in the maximum rate should also have been considered. The subsidy was increased because it was believed that operation costs had increased, and that, in all fairness, things had to be arranged in such a way that our gold mines might be kept in production. It was felt that since the rate was increased, the subsidy should be increased by 25 per cent. However, mines whose operation costs reach $45 an ounce will not benefit from that subsidy in the same proportion as those whose production costs are less.

I hope the Minister of Mines and Technical Surveys will consider the matter so as to do justice to some of those mines which may perhaps be compelled to close down if they do not get an increase in the maximum rate. It is true that there are perhaps only one or two, three at the most, of those mines throughout the country; however I know two of them which employ from 150 to 200 men, and if they had to close down tomorrow, some difficulties might ensue, most particularly because a good many miners are now out of work. I know the government does not wish to bring about a situation which might increase the number of unemployed.

Mr. Speaker, this piece of legislation we are now considering would also, I am told, include another anomaly, but one resulting instead from the enforcement of the regulation—my information is perhaps inaccurate. However, at the committee stage, or when he takes the floor to wind up the debate, perhaps the minister could give us some definite information about that.

I note that, for the year 1959, the total amount of subsidies will reach $11.7 million. This figure is taken from the statement made by the Minister on May 25, 1960, at the resolution stage. The total amount of the grants for the year 1958 was $11,138,000.

I also find, according to the report, that for 1958, a total amount of $6,884,000 had been paid in the form of assistance as of March 31, 1959, which means approximately 54 per cent of the whole amount—whereas a proportion of 80 per cent could have been expected. In fact, according to regulations, the government agrees immediately after the mines have reported on their production, to pay 80 per cent of the total amount of ounces produced, and the production costs.

I realize that it takes some time before the government is able to pay those 80 per cent. Nevertheless, I am astonished to find that, on March 31, 1959, only $6,884,000 had been paid out of a total of $11,138,000.

Therefore, the minister might perhaps, when we come to discuss article 1 of this bill, give us information which would throw some light on the picture.

Everybody agrees, Mr. Speaker, that this legislation has been of great benefit to the industry. For that reason, I have no intention of detaining hon. members any longer, because I believe that everyone here tonight wants the legislation to pass as soon as possible. I therefore am closing my remarks at this point.

(Text):

Mr. D. M. Fisher (Port Arthur): Mr. Speaker, we indicated our support of this measure at the resolution stage. There has been some criticism of the stand taken by myself and my colleagues, the hon. members for Timiskaming (Mr. Peters) and Timmins (Mr. Martin). The criticism has taken such an extreme form that I feel called upon not only to qualify it but to explain and to a certain extent attack the interpretation placed upon our remarks on this measure at the resolution stage.

In the June 2, 1960 issue of the *Northern Miner* an editorial entitled "Masters of Innuendo" appears. The editorial begins by saying:

> Socialists Peters and Fisher, C.C.F. members representing Timiskaming and Port Arthur respectively are up to their old tricks again. Two years ago when the Emergency Gold Mining Assistance Act was up for renewal they indulged in an amazing display of innuendo. Now that E.G.M.A. is once more before the house, and they can hide behind the cloak of parliamentary immunity, they are at it again, doing their best to smear the gold mining industry by spreading false information.

An hon. Member: Is that true?

Mr. Fisher: I should like to make it perfectly clear that I am not hiding behind the cloak of parliamentary immunity in any remarks I make and if the *Northern Miner* wishes to give me a platform free from parliamentary immunity I will repeat anything I have said to date about gold mining.

This newspaper had some interesting things to say about the argument we presented some two years ago. At that time I wrote a letter to the editor of the newspaper setting a forth my position and suggesting he publish the letter. It was not published and I did not have the courtesy of a reply. I think it is an abomination when a member of parliament is accused of hiding behind a cloak of parliamentary immunity when he is only trying to underline the fact that the sum of $112 million, I believe—

An hon. Member: $131 million.

Mr. Fisher: My hon. friend says $131 million —will have been paid out this year in emergency aid to gold mines in Canada. In view of that amount it is our duty to be suspicious of the administration and the way things are going. If it is any consolation to the *Northern Miner* I am suspicious of many government departments and the way they spend their money as I am sure many hon. members are and should be. Surely it is our responsibility to check matters closely.

Our point throughout has been that we have not been completely satisfied with the checks carried on by the minister's officials in this regard. It is stated right in the act that the inspectors of the department have the right to go down into the mines and examine them. The minister's evidence is that they hardly ever do, that it is not considered necessary. In other words, the mines can be trusted and it is simply an accounting operation. Perhaps it is but I would feel much better if the provision in the act under which they can go down into the mines and inspect them was carried out.

It is not my purpose to smear the gold mines although I think I would have the right to do so from my past experience. After the war I returned and attempted to get a job in a mine but discovered that I was on the blacklist in northern Ontario for what were supposed to be some bunkhouse activities in a mine in which I formerly worked. I had only tried to see that we did not have money lopped off our pay without our consent and approval but for this I was put on the blacklist of all the mines in the Pickle lake and Red lake camps. I have some reason to be suspicious of the activities of gold mine management, but that is beside the point. Anyone who has travelled through northern Ontario or camped, portaged or canoed there will realize that there are thousands of mining prospects in gold that went through speculators and stock purchasers and collapsed. It has been said that only one out of approximately 1,000 mines in Ontario ever goes into production after the formation of a company. I say that to point out that there is every reason for us to be properly suspicious of the industry and of any group that receives $131 million out of the public treasury in order to keep the industry going. The article continues:

> These two are masters of innuendo. Mr. Fisher, in particular, is adept in the use of the ploy whereby he attempts to evade responsibility for what he says and tries to put the onus on somebody else. For instance, in charging the gold mines with "low grading" Mr. Fisher is cute enough to avoid making a direct accusation. He puts it in the mouth of other people by saying "every miner I have talked to . . . believes that low grading is going on."

I will repeat that every miner I have talked to thinks that low grading is going on. Last week I spoke to the electrical superintendent of a large mine. This man has worked in half a dozen large mines in northern Ontario. He says it is the easiest thing in the world for them to do.

An hon. Member: That is done to extend the life of the mine.

Mr. Fisher: I do not quarrel with that. I do not blame them for determining their ore grade. However, we should check to see that they are not low grading in the sense we mean. After all, when $131 million are being paid out of the public pocket we have every right to be suspicious. The editorial continues:

> Here's another example of the Fisher method of the false innuendo. Again, he tries to shift responsibility by saying, "the point was brought up by some people who correspond with me".

I took the case of one person who corresponded with me to the Minister of Justice (Mr. Fulton) and the Minister of Mines and Technical Surveys (Mr. Comtois) will recall that I took up the case presented in another letter with his department. It related to this

very matter. What is a member of parliament to do? The editorial goes on:

> This time he's concerned about the shareholders of the companies who get cost-aid. He says these companies take advantage of the act and yet never pay any dividends. The great example here, he says, is Little Long Lac. Now, is Mr. Fisher so ignorant of what goes on in his own riding that he doesn't know that the Little Long Lac mine closed seven years ago and, naturally, has not received cost-aid since. We think not. In fact, after having aired this bare-faced misstatement, Mr. Fisher later on reveals that he knows differently when he remarks that Little Long Lac receives cost-aid through some other subsidiaries.

This is simply a problem of semantics. I advanced the argument last year and again this year that Little Long Lac has become a large corporation, that is to say a management concern. The mine may have closed down seven years ago but it has built up a number of other mines which it manages in essence. One of these is the McLeod-Cockshutt mine. If you know anything about it, Mr. Speaker, you will be aware that it is a mine that is receiving cost-aid. It is in my constituency and a number of my constituents own stock in the mine. Since Little Long Lac took it over it has not paid a dividend. Before that dividends were paid regularly. The annual report of the company reveals no costs of exploration. The argument advanced by the management of Little Long Lac is that the shareholders really do not want the dividends but are interested in the value of the stock.

Mr. Speaker, may I call it ten o'clock?

Mr. Churchill: Mr. Speaker, I rise on a point of order. I did not want to interrupt the hon. member during the course of his remarks but it is contrary to the rules to debate in this house with the editor of a newspaper outside the house and I believe that is exactly what the hon. member was doing. The hon. gentleman might have risen on a question of privilege in dealing with an editorial but he should not use that material as an exchange of opinion between himself and someone outside the house. I hope this will not stand as a precedent for debate.

Mr. Speaker: We had a similar point raised the other day. I think it is contrary to the rules of the house to introduce editorial opinion to support your argument but I am not sure it is a breach of the rules to refute opinions expressed outside the house. However, I shall look at the point the minister raises in case the hon. member who calls it ten o'clock wishes to pursue the editorial he has mentioned.

BUSINESS OF THE HOUSE

Mr. Chevrier: May I inquire what the business is for tomorrow?

Mr. Churchill: For tomorrow the first item will be No. 8 on today's order paper, the resolution in the name of the Prime Minister, which we have called to the attention of the house before, dealing with the tenure of office of judges. The second will be No. 9 on today's order paper, the motion in the name of the Minister of National Revenue to set up a select committee on broadcasting. The third item will be the bill we have just been considering having to do with the Emergency Gold Mining Assistance Act. The fourth will be the second reading of Bill No. S-32, No. 1 on today's order paper, dealing with a bridge across the St. Lawrence river. If required, No. 5 will be No. 10 on today's order paper, the resolution in the name of the Minister of Finance concerning amendments to the Public Service Superannuation Act.

Mr. Chevrier: Can the house leader indicate what we will be doing on Wednesday?

Mr. Churchill: If these legislative items proceed satisfactorily, on Wednesday we will go on with estimates starting with the continuation of the estimates of the Department of Citizenship and Immigration followed by post office and mines and technical surveys.

Mr. Chevrier: That is only in case we dispose of the items that have been named?

Mr. Churchill: I was thinking chiefly in terms of the setting up of a committee on broadcasting. Should that not be finished tomorrow we might carry on that debate on Wednesday, but we are hoping we will finish the five items I have mentioned.

It being five minutes after ten o'clock the house adjourned, without question put, pursuant to standing order.

Questions

ANSWERS TO QUESTIONS

The following answers, deposited with the Clerk of the house, are printed in the official report of debates pursuant to standing order 39:

AIRPORT TERMINALS, HALIFAX-OTTAWA

Question No. 404—**Mr. Tucker:**

1. On what date was the contract let for the construction of the airport terminals at Halifax and Ottawa?

2. On what date is it expected that the terminals will be completed at each of these airports?

Answer by: **Hon. Georges H. Hees (Minister of Transport):**

1. Halifax, awarded March 28, 1958; Ottawa, awarded April 5, 1957.

2. Halifax, building to be fully operational about July 1, 1960; Ottawa, building to be fully operational about June 15, 1960.

SMALL BUSINESS BRANCH—FRENCH SPEAKING EMPLOYEES

Question No. 408—**Mr. Dupuis:**

1. How many persons are employed in the small business branch of the Department of Trade and Commerce?

2. Of those employees, how many are French speaking and who are they?

3. On what dates were the abovementioned French speaking employees admitted to the said branch, and what duties do they perform?

Answer by: **Hon. Gordon Churchill (Minister of Trade and Commerce):**

1. 8.

2. 1—Miss Frances Torontow.

3. December 17, 1958—statistical and clerical.

HOUSE OF COMMONS

Tuesday, June 14, 1960

The house met at 11 a.m.

MISCELLANEOUS PRIVATE BILLS

(Translation):

Mr. R. J. McCleave (Halifax) presented the tenth report of the standing committee on miscellaneous private bills, in French and in English.

(Text):

EXTERNAL AFFAIRS

TABLING OF CORRESPONDENCE BETWEEN CHAIRMAN KHRUSHCHEV AND PRIME MINISTER

Right Hon. J. G. Diefenbaker (Prime Minister): First, Mr. Speaker, in order to assure that the house will have the latest information with regard to a letter written to me by Chairman Khrushchev and the reply, I wish to table the letter and the reply and, with the leave of the house, to have both printed as an appendix to *Hansard*.

Mr. Speaker: Does the house give consent to the printing of the tabled documents as an appendix to today's *Hansard*?

Some hon. Members: Agreed.

Mr. Pearson: Can the Prime Minister give us some indication of what the letter contains?

Mr. Diefenbaker: I think the best procedure is for me to provide the hon. gentleman with copies. Then after perusal, possibly tomorrow, he might have some questions to ask respecting the exchange of correspondence. If that course is agreeable it will be followed.

[*For correspondence referred to above see appendix*]

BUSINESS OF THE HOUSE

STATEMENT ON FURTHER LEGISLATIVE PROGRAM FOR SESSION

Right Hon. J. G. Diefenbaker (Prime Minister): There are several matters to which I wish to refer. The first is this. I undertook to place before the house the general plan of the legislation to be introduced before this session ends.

The house, of course, is fully aware of the various items set forth in the speech from the throne on January 14, 1960. Generally speaking I think all the items referred to therein will have received the attention of the house before the session concludes, with one exception; that is the undertaking to bring in amendments to the Expropriation Act. The house will recall that an action was tried before Mr. Justice Thorson regarding the general field of expropriation, and that judgment laid open to perilous possibilities the expropriation proceedings which had been taken throughout the years. However, the Supreme Court of Canada reversed the judgment of Mr. Justice Thorson; therefore there is no immediate need at this session to proceed with the amendments to the Expropriation Act.

Now with respect to the matters yet to be dealt with; No. 1—and in numbering them in this way I do not, of course, undertake that they will be brought forward in this order—the bill of rights; No. 2, the act to set up the department of forestry; No. 3, the amendments to the Canada Elections Act; No. 4, the amendment to the Freight Rates Reduction Act made necessary by the probability that the royal commission on transportation will not have been able to report prior to the expiry date of the legislation now in effect, that date being July 31; No. 5, the Civil Service Act; No. 6, the Civil Service Superannuation Act.

In addition to these there are a number of matters of legislation now before the other place which will have to be dealt with here as well. There is the trade treaty with Russia; amendments to the Canada Shipping Act; amendments to the Criminal Code, and a bill respecting the international boundary. As I say, the four last named are now before the other place.

In general I think that covers the various matters which will be brought before the house this session in addition, of course, to such matters as are already on the order paper.

There is another matter on which the house desires information, and that has to do with the private bill on capital punishment introduced by the hon. member for York-Scarborough (Mr. McGee). I am not going into the details of the discussion with regard thereto. I will, however, refer to one or two references in *Hansard*. On March 11, as reported on page 2012, a question was asked about what was going to be done in this connection. At that time the house leader said:

> The matter is under consideration, but I know the house is anxious to press on with some of the legislation that is on the order paper.

He added:

> This will not prevent subsequent consideration of the debate on capital punishment at a later date.

Then on March 21 the hon. member for Laurier asked me when the government intended to make arrangements for the resumption of the debate on the private bill concerning capital punishment now before the house. There was some discussion regarding certain statements made outside the house by hon. members, and my reply that day, as will be found on page 2252, was:

> At the present time the order paper contains a number of matters which require attention. When these matters have received consideration then, as the result of consultation among the house leader, the hon. gentleman and a representative of the C.C.F., a determination in this regard can be made.

While there were other references made on other occasions, I feel that those to which I have referred are sufficient to indicate a summary of the situation.

The interpretation given to the words I used in the house in connection with this matter was that a further day would be allowed or provided for. That being so, while there is much yet to be done, I feel the proper course to follow would be this. Consultation having taken place among the leader of the house, the hon. member for Laurier and the hon. member for Assiniboia, if a motion made later on in the session to provide a private members' day were accepted by the house, then an opportunity would be provided to deal with this and other matters that are appropriate to a private members' day. In other words, the undertaking given is being carried out. The house will have an opportunity on a private members' day later in the session, when we have removed from the order paper many of the things which require to be done, to discuss the bill of the hon. member for York-Scarborough.

Hon. L. B. Pearson (Leader of the Opposition): We have reached June 14, and we began on January 14. The house has been in session now for five months and we have, on this five months' anniversary, received from the Prime Minister an indication of the work that remains to be done, including some important pieces of legislation which are not yet on the order paper. That is its own commentary on the manner in which the business of this house has been conducted.

May I mention first what the Prime Minister dealt with last. With regard to the private member's bill on capital punishment, the Prime Minister has indicated—and I have no quarrel whatever with the suggestion —that, if it is desired, a private members' day may be set aside on which this matter which has aroused so much interest in the country can be further discussed. I think the expression used by the Prime Minister was so that it could, if possible, be dealt with.

I do not know whether the Prime Minister had in mind using the expression "dealt with" coming to a decision by a vote of the house on this matter. If so, I am sure the Prime Minister will agree, as he has already indicated, that that decision can only be reached—in my view at least—if all those hon. members who wish to speak on this matter have had the same opportunity to do so as has been given to those who have already spoken. Perhaps, therefore, it will not be possible in a day to come to a decision on this matter, and possibly during the recess—if we do not run into the next session of parliament—the government may desire to give consideration to what action, if any, the government itself should take in a subsequent session.

So far as the business of the house is concerned, the Prime Minister has pointed out that there are seven or eight important pieces of legislation yet to be introduced, including a bill of rights. There are also, as I calculate, ten or eleven pieces of legislation in various stages of progress in the house at the present time. If these matters are to be given the consideration they deserve—and so far as we on this side of the house are concerned we will do our best to see that they get that kind of consideration—it is obvious that a good many weeks will be required before they can be dealt with. I am not complaining about that, but I think we should be quite aware of the situation. Consideration of all these items, some of which will require careful and long consideration, will surely mean that we cannot possibly finish the business of this house before the end of July.

Quite apart from the legislation, the list of which I have before me, including two or three new items the Prime Minister mentioned this morning, we have various committees sitting. Indeed, seven committees are meeting today and I believe ten committees met yesterday. This afternoon when we will presumably be discussing one of the most important subjects any Canadian parliament could discuss, the amendment of our constitution, there will be three committees meeting which will make it impossible for some hon. members to participate in that discussion. There is one important committee that has not yet even been set up, the committee on broadcasting. The committee considering the Civil Service Act amendments will require time to give these matters the consideration to which they are entitled. It is obvious that the work of this committee will take some time. There will be witnesses to be heard in the discussion of the amendments to the

combines act. I hope that even in the light of the experience that has already taken place the defence expenditures committee will hear witnesses on that subject.

So far as the estimates are concerned we have finished one department, agriculture, except for the supplementaries. That is the only department of government the estimates of which have been concluded at the present time. I mention this so that no one will be in any doubt as to the amount of time that will be required this session to give the business of government the consideration to which it is entitled, and to carry on that business in a careful, methodical and efficient way.

In those circumstances we can look forward, I believe, to a very active and I hope constructive summer.

Mr. Hazen Argue (Assiniboia): Mr. Speaker, the Prime Minister outlined a very elaborate program that must be dealt with before the conclusion of this session. It has always seemed to me that it would help expedite the procedure during any session if we could have this kind of tabulation at the beginning so we would know at an early date the things that we would necessarily be dealing with during the session. As to a number of items, we have been uncertain whether the government was going to proceed with them or whether they would be dropped.

The Prime Minister has said that he is quite agreeable to having the debate on capital punishment come forward for a further day of debate. We in the C.C.F. would like to see this bill come to a vote, and we are quite prepared to give consideration at any time to a motion to provide for an additional day's debate on the bill to abolish capital punishment in the hope that a vote could be reached, and that the result of the vote would be to have the bill passed at this session.

I think the duty of the members of the House of Commons is to deal efficiently and carefully with the business as presented to the house. It is obvious from the list that has been given this morning and from the statement of the Leader of the Opposition that if there is no adjournment of this session, to be resumed at a later date, we shall be here for the summer. Now, a summer in Ottawa dealing with parliamentary duties puts many members of the House of Commons at a very great disadvantage. Many members have their families a long way from Ottawa; children are out of school during July and August, and this is the time when hon. members like to be with their families. Therefore it is a great sacrifice that members must make if the session continues.

Those of us who have had the experience of sitting in Ottawa during the summer months know that summer conditions in Ottawa, with the house meeting morning, afternoon and evening, to say the least are not conducive to the health of members of parliament. We feel that there is growing evidence to support the suggestion of the C.C.F. party that parliament would be enabled to deal more adequately with our legislation if we had a summer adjournment and came back later this year to conclude the remainder of the business of this session. However, with the Leader of the Opposition, we shall deal with each piece of legislation as it is presented to the house in a way that we think is in keeping with our duties.

Mr. Diefenbaker: Mr. Speaker, I thank both hon. gentlemen for their ideas and the expression of their views. When the hon. member for Assiniboia says he could wish that such an elaborate program had been revealed earlier, I simply point out to him the fact that each and every portion of that program is set forth in the speech from the throne with the exception of the freight rates legislation, which could not have been anticipated in January last.

Mr. Pearson: The speech from the throne is not the order paper.

Mr. Diefenbaker: I agree with both hon. gentlemen that the proper responsibility of the House of Commons is to examine each piece of legislation carefully and exhaustively. All I can say in that regard is that I like parliament to be sitting, because it is very helpful to get the views of hon. members and to understand the thinking of Canadians as a whole. I think that is one of the reasons I suggested the setting up of a committee on rules, to the end that hon. members would be able, through that committee, to bring forward recommendations and suggestions which, without in any way limiting the first responsibility of the House of Commons for a careful examination, will assure efficient and effective discussion taking place without repetitious utterances which are not always synonymous with a careful examination.

Mr. Hellyer: Not even new rules would help a government like this one.

Some hon. Members: Oh, oh.

Mr. Speaker: Order.

Mr. Diefenbaker: I know I had difficulty in controlling myself when the hon. member for Assiniboia was speaking, but I listened to his observations with attention because we have not heard from him lately. Naturally I listened with the fullest attention.

Mention was made of the number of committees, and certainly we have a large number of committees sitting. I think it could be said for the establishment of these committees, on a more extensive scale than ever before, that they have been effective and thorough and that the members of the various committees are entitled to the commendation of the house as a whole. I know it is difficult when important matters come before the house for committee members to be always present. But I hope, as I said earlier, that when such matters of great importance are before the house the committees, as a whole, would agree to the necessary measures of adjournment to the end that those members of the committees who wish to participate in those discussions would be given the opportunity to do so.

That is all I intend to say. I feel sure that if we apply ourselves with energy, without in any way diminishing or abdicating our responsibility, we shall be able, before this session concludes as a continuous session, to have dealt with all the matters to which reference has been made.

Mr. G. J. McIlraith (Ottawa West): I wonder whether I might ask the Prime Minister a question arising out of his remarks. I should like to refer particularly to his remark about liking parliament and his later remark about the committee work of the house. How does he reconcile his liking of parliament with the fact that he has so arranged the business that three very important committees, namely those on banking and commerce, agriculture and colonization and railways, canals and telegraph lines will be sitting today while the House of Commons itself is debating an amendment to our constitution, a most important matter in which many hon. members are very much interested? Yet they will be expected to attend committee hearings and miss the debate in the house.

Mr. Diefenbaker: Of course the answer is obvious. The committees decide for themselves when they will sit.

Some hon. Members: Oh, oh.

Mr. Hellyer: Did the defence expenditures committee decide for itself?

Mr. Martin (Essex East): Mr. Speaker—

Mr. Speaker: Order; I suggest that further questions be reserved until orders of the day are called, which I shall do now, if there is nothing further under motions. The hon. member for Essex East.

[Mr. Diefenbaker.]

On the orders of the day:

Hon. Paul Martin (Essex East): Does the Prime Minister not recall saying that as Prime Minister and as leader of the house he would see to it that committee meetings were not held in a manner and at a time that would prevent members from discharging their responsibilities in this house? And if he recalls that, will he not agree that his answer to the hon. member for Ottawa West is not consistent with his earlier declaration?

Right Hon. J. G. Diefenbaker (Prime Minister): The paraphrase by the hon. member of the answer I gave is one that I do not accept. I have no authority, as I pointed out, to interfere in any way with the committees. I expressed the hope that there would be, in no way, any interference and that committees would realize that when important matters arose in the house there would be justification for not sitting on such occasions. However, the determination of that matter is for the committees. I do not know of any objection that was raised—it has not been brought to my attention—to any sitting of a committee today, the date for this debate having been fixed last week, because such a sitting would in any way collide with the fact we have today a debate on an amendment to the constitution.

Mr. Robichaud: On a question of privilege, Mr. Speaker: I did raise an objection in the committee on mines and technical surveys yesterday.

[*Later:*]

Mr. G. J. McIlraith (Ottawa West): I would like to direct a question to the Prime Minister based on a reference he made earlier to the business of the house, and in particular to a statement or commitment he gave to the house on February 13, 1959, when he said this, as reported on page 990 of *Hansard*:

> I for one will say unequivocally that if at any time there is any action taken that would deny members of the opposition a fair opportunity of discharging their responsibility—

Mr. Speaker: Order. It seems to me the hon. member is endeavouring rather to debate the question than to ask a question. If he has a question asking for information of fact and can put it, he is in order.

Mr. McIlraith: My question is as to the conduct of the business of the house with particular reference to today's business, and I think that is an appropriate subject.

Mr. Speaker: It would be appropriate if the hon. member asked the question without reading from *Hansard*.

Mr. McIlraith: Then I will put my question in this way. Why will the Prime Minister and the leader of this house not honour the commitment he gave—

Mr. Speaker: Order. The hon. member's question is an argumentative one and does not seem to me to be appropriate either to the business of the house or to orders of the day.

Mr. McIlraith: Then, Mr. Speaker, I would ask the Prime Minister whether it is his intention to carry out the commitment he gave to the house on February 13, 1959, as reported on page 990 of *Hansard* and repeated on February 25, 1960, as reported on page 1435 of *Hansard*.

Mr. Diefenbaker: Mr. Speaker, my commitments are carried out. The statement which I made then I do not alter in any way, except that I remember how much I was criticized for having made it. What I meant to convey, and still do, was that if at any time there is brought to my attention any unfairness in so far as a meeting of a committee is concerned which denies to hon. members of this house their full opportunity to be in this house, I shall, without in any way interfering, which I have no right to do, certainly bring to the attention of the committee concerned the fact that injustice should not be allowed. There has not been any injustice to anyone as far as I am informed.

Mr. McIlraith: In the light of the Prime Minister's answer to my earlier question, will he now arrange to have it made possible for hon. members of this house to be present for the debate on the amendment of the constitution today?

Mr. Diefenbaker: Mr. Speaker, again I say that I have no power to do that. If there has been any injustice to anyone by reason of meetings of committees taking place and denying hon. members the opportunity to be in the house to participate in those matters which concern them, I am sure the committees will assure and maintain the right of members to that opportunity.

ROYAL CANADIAN AIR FORCE

TRAINING PAMPHLET NO. 76—INQUIRY AS TO UNITED STATES INFLUENCE

On the orders of the day:

Mr. H. W. Herridge (Kootenay West): I wish to address a question to the major general, the Minister of National Defence. In view of the article in this morning's *Globe and Mail* entitled "Begone Drab Nights, R.C.A.F. Issues 118-Page Guide to Fun and Games", which deals with Royal Canadian Air Force pamphlet No. 76 and such games as blindfolded handshakers, barnyard din, the hot-rod race, etc., and in view of the recent publication of a similar pamphlet by the United States armed forces, would the minister inform the house whether the issuance of this pamphlet indicates the increasing influence of the United States air force over the training, procedures and practices of the Royal Canadian Air Force?

Hon. G. R. Pearkes (Minister of National Defence): The answer, Mr. Speaker, is a firm and emphatic denial. There is no increasing influence over the Royal Canadian Air Force by the United States air force. It might interest the hon. gentleman to know that this pamphlet was published in 1958. It is practically a rewording of a similar booklet which was published by the director of physical education and recreation of the Manitoba department of health and welfare. If the United States air force has recently issued a publication, as suggested by the hon. member, based on this pamphlet, then we are very pleased to co-operate with the United States air force.

Mr. Herridge: May I ask a supplementary question, Mr. Speaker. In view of the minister's concluding remarks, in which he said that the United States armed forces have recently published a pamphlet similar to ours, would the minister table pamphlet No. 76 in order that we may see whether it contains similar instructions on how to serve drinks and how to wash the dog?

PUBLIC SERVICE

POSTAL EMPLOYEES—REPORTED DISSATISFACTION WITH RECENT SALARY INCREASES

On the orders of the day:

Mr. Azellus Denis (St. Denis): May I ask a question of the Postmaster General. Is the Postmaster General aware that the Canadian postal employees association, representing 10,000 postal workers, is totally dissatisfied with the latest salary adjustments, according to reports in yesterday's newspaper? If so, does he intend satisfying these workers as he promised to do when he was a little, teeny-weeny member of parliament?

Hon. W. M. Hamilton (Postmaster General): The newspaper clipping from which the hon. member got his information, a copy of which he sent to me just a moment ago, indicates that this information is drawn from a letter written by this association to the Prime Minister. My job is to deliver the Prime Minister's mail, not to read it.

Inquiries of the Ministry

INQUIRY AS TO APPOINTMENT OF QUEEN'S PRINTER

On the orders of the day:

Mr. Azellus Denis (St. Denis): Mr. Speaker, may I ask a question of the Prime Minister. Has the Prime Minister put on the government agenda the nomination of the Queen's printer before the end of the session?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I am very pleased to see that the hon. member has now widened his field of operations, and I will just let him in on a secret. The answer is in the affirmative.

EXTERNAL AFFAIRS

NATO—REPORTED PROPOSAL FOR SUMMIT CONFERENCE OF MEMBERS

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): May I ask the Prime Minister whether he will confirm or otherwise a report in this morning's press that the secretary general of NATO is coming to Ottawa to discuss with the Prime Minister a proposed summit conference of NATO members?

Right Hon. J. G. Diefenbaker (Prime Minister): I noticed that report, Mr. Speaker. Mr. Spaak is coming to Ottawa to discuss in general problems in connection with NATO, a system of consultation which the hon. member knows was a regular course during the days he occupied the position of secretary of state for external affairs and which has been extended in the last couple of years under this administration. He comes here for the purpose of discussing those matters which are of interest to the members of the North Atlantic Treaty Organization. In the course of those discussions I am sure there will be references and representations regarding the extension of the field of consultation. I shall certainly bring to his attention what I believe is the need, preceded by the necessary and complete discussion among the experts and the officials, for a NATO meeting of heads of state.

REPORTED CLOSING OF DEPARTMENTAL PRESS OFFICE

On the orders of the day:

Hon. Lionel Chevrier (Laurier): I wish to direct a question to the Secretary of State for External Affairs. Can the minister confirm the report appearing in this morning's *Globe and Mail* to the effect that the press office in the Department of External Affairs has been closed? If so, what arrangements, if any, are being made to take over the duties formerly provided by this office?

[Mr. Hamilton (Notre Dame de Grace).]

Hon. Howard C. Green (Secretary of State for External Affairs): There has been a minor adjustment in this branch of the department, but that adjustment makes no change in the furnishing of information.

Mr. Chevrier: I have a supplementary question. The report indicates that Mr. Arthur Blanchette will no longer be authorized to answer reporters' inquiries, and that henceforth reporters' questions will be answered by the offices of external affairs minister Howard Green and Prime Minister John Diefenbaker. The supplementary question is this. Are these two offices being linked together in so far as this press bureau is concerned?

Mr. Green: That does not mean any real change. Statements with regard to policy have not been made by this office for a long time.

DISARMAMENT—STATEMENTS RESPECTING POSITION OF WESTERN GROUP

On the orders of the day:

Hon. Paul Martin (Essex East): I should like to direct a question to the Secretary of State for External Affairs. In view of the statement attributed to General Burns, as reported in the New York *Times* on Sunday last, and also the statement attributed to Mr. Moch, the delegate for France, yesterday in the session of the disarmament conference, that no member of the western group would take an independent position in the matter of disarmament, would the minister make a statement regarding those observations and more particularly on the discussions at the disarmament conference itself?

Hon. Howard C. Green (Secretary of State for External Affairs): Perhaps that matter could be best dealt with tomorrow when we are dealing with the correspondence which was tabled today.

AGRICULTURE

DEFICIENCY PAYMENTS—MEETING WITH WESTERN FARM ORGANIZATIONS

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I should like to direct a question to the Prime Minister. Can the Prime Minister inform the house what progress has been made in arranging a meeting between the government and the liaison committee of western farm organizations to discuss western farm income deficiency?

Right Hon. J. G. Diefenbaker (Prime Minister): I think the question would be more appropriately answered by the Minister of Agriculture.

Hon. D. S. Harkness (Minister of Agriculture): I have nothing definite I can tell the house at the present moment on that matter.

Mr. Argue: Can the minister say whether negotiations are taking place for a meeting at an early date, as indicated by the Prime Minister on June 9?

Mr. Harkness: No negotiations are taking place. Several of the separate member organizations of the western liaison committee have written asking for this meeting. A date has not yet been set for it.

Mr. Argue: I have a further supplementary question. Is the government prepared to meet the liaison committee?

Mr. Harkness: Mr. Speaker—

Mr. Speaker: In view of the previous answer it seems to me that the question becomes hypothetical.

Mr. Argue: There is no information in the minister's answer as to whether the government is prepared to meet the delegation, and the Prime Minister said this was the case.

Mr. Harkness: I think it has been made clear in this house on several occasions in the past, Mr. Speaker, that the government is willing to meet organizations of this sort at any appropriate time when the matter can be arranged and any useful discussion can be held.

HOUSING

NORTHERN ONTARIO—REQUEST FOR FURTHER LOANS

On the orders of the day:

Mr. O. J. Godin (Nickel Belt): I wish to direct a question to the Minister of Public Works. It arises out of a telegram I have received from the home builders association in an area in northern Ontario. I presume the minister has received a similar telegram. In view of the fact that only six loans have been made since January 1, and the fact that unemployment is considered to amount to 50 per cent in the building trades, will the minister consider making home loans available immediately so these may bring about a certain amount of relief from the present condition?

Hon. D. J. Walker (Minister of Public Works): I want to thank the hon. member for this question and to assure him that the matter of loans is under our constant consideration, particularly in his area. If any announcement can be made I assure the house that it will be made.

Mr. Godin: I have a supplementary question. Owing to the fact that if the parade of homes is to be held in the first week of September the homes should be started now, would the minister care to tell the house the decision before the end of the week?

Mr. Walker: I make the same answer that I made to the first question, Mr. Speaker.

SUDBURY—REPORTED REFUSAL OF INSURANCE COMPANY LOANS

On the orders of the day:

Mr. D. R. Mitchell (Sudbury): Mr. Speaker, I have a question for the Minister of Public Works. Following correspondence received by me from the minister advising that a certain insurance company is prepared to lend money for building purposes, will he comment on a telegram received by the building trades council in Sudbury to the effect that no loans by the Canada Life Assurance Company have been considered in this area?

Hon. D. J. Walker (Minister of Public Works): I will be happy to discuss this matter with the hon. member at any time to suit his convenience.

CRIMINAL LAW

OBSCENE LITERATURE—JUDICIAL DECISION RESPECTING "LADY CHATTERLEY'S LOVER"

On the orders of the day:

Mr. D. M. Fisher (Port Arthur): I should like to direct a question to the Minister of Justice. It stems from the decision of a Quebec judge that the book "Lady Chatterley's Lover" is obscene, a decision based upon the 1959 change in the Criminal Code. Has this decision the effect of banning the book throughout all of Canada as well? If not, by what stages may such a ban come into effect?

Hon. E. D. Fulton (Minister of Justice): That is too complicated a question to answer on the orders of the day, Mr. Speaker. If the hon. member will look up the debate we had on this matter last year I think he will find that the matter was discussed in detail there, and will see the answer to the question he has asked.

Mr. H. W. Herridge (Kootenay West): I wish to ask the Minister of Justice a question. Does the minister consider himself to be an expert on what constitutes obscene literature?

Mr. Fulton: No, Mr. Speaker. I leave that distinguished position to my friend the hon. member for Kootenay West.

Inquiries of the Ministry

DOMINION-PROVINCIAL RELATIONS

INQUIRY AS TO FEDERAL GRANT TO ONTARIO

On the orders of the day:

Hon. Paul Martin (Essex East): I should like to ask the Minister of Finance a question on this agreeable and beautiful day. In view of the fact that the federal-provincial committee, sometimes known as the ministers' seminar or study group, met yesterday, and that the distinguished premier of Ontario is now visiting Ottawa—

Some hon. Members: Hear, hear.

Mr. Martin (Essex East): I cannot believe that applause is for me, Mr. Speaker. In view of all these things, may I ask the minister if he is in a position to state whether the federal proposals to the provinces will provide for the additional $100 million so frequently asked of this government by the distinguished premier of Ontario?

Hon. Donald M. Fleming (Minister of Finance): I am happy, Mr. Speaker, to say that I am in a position to confirm the fact that the federal-provincial continuing committee on fiscal questions met in this city yesterday and is still meeting today. I expect their meeting will conclude this afternoon. I am also happy to be in a position to confirm the fact that the premier of Ontario is visiting Ottawa today.

Mr. Martin (Essex East): I have a supplementary question. I am sure the minister has forgotten what the question was. Will he indicate, while the premier of Ontario is in Ottawa, whether we have approached the time when he may expect some answers to his request for this additional sum of money from the federal government?

Mr. Fleming (Eglinton): I am happy to be in a position to confirm the fact that the federal-provincial conference of June 25, 26 and 27 is approaching.

Mr. Martin (Essex East): June?

Mr. Fleming (Eglinton): July.

GRAIN

WHEAT—INQUIRY AS TO FINAL PAYMENT FOR 1958-59 CROP

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I would like to direct a question to the Minister of Trade and Commerce. Can the minister report to the house the results of his conversation with the Canadian wheat board yesterday as to the amount of the final payment on last year's crop, and as to when this final payment will be made?

[Mr. Fulton.]

Hon. Gordon Churchill (Minister of Trade and Commerce): If everything is settled satisfactorily an announcement will be made in the house tomorrow dealing with the final payment and the time at which the cheques will be issued.

INDIAN AFFAIRS

SARNIA, ONT.—REPORTED THREAT TO DISPOSSESS KENNETH PLAIN

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I wonder whether the Minister of Citizenship and Immigration is in a position to answer the question I asked her about the locatee on the Sarnia Indian reserve?

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, I will have an answer for the hon. member tomorrow. I received an answer but I did not think there was sufficient information in it, and I intend giving the hon. member a full answer.

Mr. Pickersgill: I hope that when the hon. lady answers she will be able to assure the house—and I am asking now if she can—that no locatee will be dispossessed until he is fully paid.

CUSTOMS TARIFF

Hon. Donald M. Fleming (Minister of Finance) moved the third reading of Bill No. C-74, to amend the Customs Tariff.

Motion agreed to and bill read the third time and passed.

EXCISE TAX ACT

Hon. Donald M. Fleming (Minister of Finance) moved the third reading of Bill No. C-73, to amend the Excise Tax Act.

Motion agreed to and bill read the third time and passed.

ESTATE TAX ACT

Hon. Donald M. Fleming (Minister of Finance) moved the third reading of Bill No. C-65, to amend the Estate Tax Act.

Motion agreed to and bill read the third time and passed.

CANADIAN NATIONAL RAILWAYS

PROVISION FOR CAPITAL EXPENDITURES, ISSUE OF SECURITIES, ETC.

Hon. Donald M. Fleming (Minister of Finance) moved the third reading of Bill No. C-69, to authorize the provision of moneys to meet certain expenditures of the Canadian National Railways system.

Motion agreed to and bill read the third time and passed.

JUDGES

AMENDMENT TO BRITISH NORTH AMERICA ACT—ADDRESS TO HER MAJESTY THE QUEEN

Right Hon. J. G. Diefenbaker (Prime Minister) moved:

That a humble address be presented to Her Majesty the Queen in the following words:

To the Queen's Most Excellent Majesty:

Most Gracious Sovereign:

We, Your Majesty's most dutiful and loyal subjects, the commons of Canada in parliament assembled, humbly approach Your Majesty, praying that you may graciously be pleased to cause a measure to be laid before the parliament of the United Kingdom to be expressed as follows:

An act to amend the British North America Act, 1867.

Whereas the Senate and commons of Canada in parliament assembled have submitted addresses to Her Majesty praying that Her Majesty may graciously be pleased to cause a measure to be laid before the parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and commons, in this present parliament assembled, and by the authority of the same, as follows:

1. Section ninety nine of the British North America Act, 1867 is hereby repealed and the following substituted therefor:

"99. (1) Subject to subsection two of this section, the judges of the superior, district and county courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

(2) A judge of a superior, district or county court, whether appointed before or after the coming into force of this section, shall cease to hold office upon attaining the age of seventy five years, or upon the coming into force of this section if at that time he has already attained that age."

2. This act may be cited as the British North America Act, 1960, and the British North America Act, 1867 to 1952, and this act may be cited together as the British North America Acts, 1867 to 1960.

3. This act shall come into force on the first day of September nineteen hundred and sixty.

He said: Mr. Speaker, in rising to move that a humble address be presented to Her Majesty I wish to summarize the nature of the address and point out at once that later on during the course of this debate, which I trust will be carried on by the Minister of Justice (Mr. Fulton), an amendment will be asked of the house in respect to the last paragraph, section 99, subsection 3, to which I will make detailed reference in a moment.

I begin by pointing out that section 99 now reads as follows:

—the judges of the superior, district and county courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

Amendment to B.N.A. Act

The change, of course, is in respect to those courts mentioned—superior, district and county courts—to the effect that judges of those courts shall cease to hold office upon attaining the age of 75 years or upon the coming into force of the section if at that time they have already attained that age.

I wish to point out immediately that there is nothing unusual in the course being followed in connection with this address. In 1906, in the revised statutes, legislation respecting judges of the Supreme Court of Canada provided for no retirement age. Then in 1927 an amendment was made to the Supreme Court Act and also to the Exchequer Court Act which in effect was similar to the one being requested of the house today. As hon. members know, in the original constitution of those courts there was no provision for retirement on the basis of age, and on March 25, 1927, an amendment was brought before the House of Commons which read:

Provided that each judge whether heretofore appointed or hereafter to be appointed shall cease to hold office upon attaining the age of 75 years, or immediately, if he has already attained that age.

I feel that this legislation which we now introduce is exactly on a par with the legislation which was introduced in 1927 amending the Supreme Court Act. There was some discussion in the House of Commons at that time regarding the applicability of the legislation to existent judges, but it was answered by the then minister of justice. When the legislation found its way to the other place there was no discussion there of any consequence. The motion in the Senate was moved by Right Hon. Raoul Dandurand. There was some question raised by one of the opposition senators to the effect that the legislation applied to existent judges. He said he himself took no objection whatever, but there were one or two of his colleagues who would like to discuss the matter. However, they never did discuss it, and two days later the legislation was passed and came into effect bringing about a change respecting the two highest courts in the country which is now asked for in so far as the courts covered by this address are concerned.

I realize that it is always a matter of interest that we in Canada, an independent country within the commonwealth, have not yet secured the right to amend our own constitution. Endeavours have been made throughout the years; the subject has been discussed over and over again. To me it is a political paradox and inconsistent with Canada's status that Canada should be required to secure its amendments to the constitution, other than those amendments which come within the exclusive authority and jurisdiction of the federal parliament, by an

address being taken to the mother of parliaments at Westminster. But we have no other course open to us, for up to the present time it has been found difficult if not impossible to secure agreement with the provinces as to the means whereby the authority to amend Canada's constitution shall be vested in the parliament of Canada with the approval or co-operation of the provinces as determined by agreement.

For that reason—and it is not because the United Kingdom parliament is anxious to retain its power or its authority—the change has not been made. I reiterate, it is because Canadians have been unable to agree on a method of amendment that would be generally acceptable. Indeed, in so far as the other countries of the commonwealth are concerned—the British commonwealth or the old commonwealth, whichever term you choose to use—Canada is the only country which has no provision made for the amendment of its own constitution.

To date there have been 17 occasions since 1867 when amendments to the British North America Act have been made. The question as to whether the consent of the provinces is or is not requisite does not have any application to the present motion, for all the provinces have agreed on the amendment. Indeed, each and every one of them has given complete support to the provision that the judges of these courts—the judges of the superior, district and county courts—should retire at the age of 75 years. Incidentally, all parts of the world which recognize the parliamentary and judical system have accepted this age as an appropriate one at which judges should retire.

I have mentioned the various occasions upon which this procedure has been used, and I think it would be of interest that I should refer to them in general. Each and all of the amendments to date have been as the result of an address or resolution, either joint or individual, passed by both houses, except in 1878, at which time an amendment was made providing for parliament's right to pass laws to examine witnesses and in 1895 when an amendment was passed to provide for the removal of doubts as to the right of parliament to set up the office of deputy speaker.

In so far as the amendment itself is concerned, I have already mentioned the fact that this is similar in nature to the one that was accepted in 1927 under the administration of Right Hon. Mackenzie King; and the fact that the suggestion of retirement at 75 has been accepted by all the attorneys general is a fairly effective answer to any criticism that might be made, representative as these provincial governments are of every variety of Canadian political thought. Indeed, the only Liberal government is the government of Newfoundland. I am sure that the hon. member for Bonavista-Twillingate (Mr. Pickersgill), being a constitutional authority in his own right, will be much impressed in considering this matter and the attitude he will take on it by the fact that a letter from the attorney general of that province addressed to the Minister of Justice and incidentally concluding with the words "kindest regards"—

Mr. Martin (Essex East): But the letter is addressed to the Minister of Justice.

Mr. Diefenbaker: —reads as follows:

> The government of Newfoundland has no objection to the government of Canada requesting an amendment to the British North America Act—providing for the compulsory retirement of judges of the superior, county and district courts in each province on reaching the age of 75 years.

The letter in question appears in *Votes and Proceedings* of February 16, 1960.

I mentioned a moment ago the various motions that had been made for amendments to the British North America Act through the years, and for the purpose of the record I will place on *Hansard* the several amendments.

1. The amendment of 1871 was designed to remove doubts about the competence of the Canadian parliament to establish new provinces in the territories.

2. The amendment of 1875. In 1873 the Canadian parliament passed an act providing for the examination of witnesses on oath by committees of the Senate and House of Commons and the constitutionality of such an act was in question; hence the amendment.

3. The amendment of 1886. The purpose of this act was to empower the parliament of Canada to provide from time to time for the representation of the territories in the Senate and House of Commons.

4. The Canada (Ontario Boundary) Act of 1889, the object of which was to determine the boundaries of the province of Ontario in certain particulars.

5. The Canadian Speaker (Appointment of Deputy) Act of 1895 to which I have already made reference.

6. The amendment of 1907 to the British North America Act to remedy the difficulties involved in the application of section 118 of the British North America Act, which determined the amount of federal subsidies to the provinces.

7. The amendment of 1915, the object of which was to recast the composition of the Senate and to provide that a province should always be entitled to a minimum number of

members in the House of Commons equal to the number of senators representing that province.

8. The amendment of 1916, the object of which was to lengthen the term of the existing parliament for one year in order to avoid an election at a critical stage of the war.

9. The amendment of 1930 to transfer the resources of Manitoba, Saskatchewan and Alberta to those provinces.

10. The passing of the statute of Westminster in 1931 constituted in effect an amendment to the British North America Act particularly with reference to the application of the colonial laws validity act.

11. The amendment of 1940. By this act the authority to legislate on unemployment insurance was transferred from provincial to federal jurisdiction. This was a case in which all nine provinces assented to the proposed constitutional amendment.

12. The amendment of 1943. The object of this act was to suspend until after the war the operation of the constitutional provisions requiring that the representation of the provinces in the House of Commons be readjusted on the basis of the census of 1941. This was a very interesting amendment in so far as the reaction of the province of Quebec was concerned. The legislative assembly of Quebec unanimously protested against the proposal and requested the federal authorities to modify their position.

13. The amendment of 1946. The object of this act was to change the system of representation in the House of Commons. In this case there was no consultation with the provincial governments. This gave rise to some controversy. In the meantime, between 1943 and 1946, if I remember correctly, there had been a change in the administration in the province of Quebec. The provincial government again protested. The government of Mr. Mackenzie King contended that since the jurisdiction given to the federal parliament over certain matters is exclusive, no body other than parliament is competent under the constitution to decide on amending the constitutional rules which govern the exercise of that jurisdiction.

14. The amendment of 1949. The object of this act was to bring Newfoundland into confederation. Arguments were advanced at that time. The Progressive Conservative opposition contended that the constitution should not be varied in any important way except by consultation with the provinces, but that did not command the support of parliament and the address was passed.

15. The amending act of 1949. The object of this act was to enact a new section 91 (1) which gives power to the federal parliament to amend the constitution of Canada except in a number of matters concerning provincial sovereignty or minority rights and also concerning certain rights of the House of Commons. At that time protests were made by the premier of Quebec and the premier of Alberta against the proposed unilateral action of the federal parliament and requesting that the government resolution be held in abeyance until a proposed constitutional conference could meet. The premier of Ontario expressed doubt, and I quote—

> —as to the advisability of dealing with the matter without first attempting general agreement.

Mr. Martin (Essex East): I was not able to follow the beginning. What was the particular resolution involved?

Mr. Diefenbaker: That was the all-comprehensive amendment that dealt with the right of the parliament of Canada to pass any amendments to the constitution which came exclusively within the federal jurisdiction.

Mr. Pickersgill: Which did not come within provincial jurisdiction.

Mr. Diefenbaker: Yes.

Mr. Pickersgill: It is not the same thing.

Mr. Diefenbaker: Yes; the hon. gentleman puts it in the negative form. I presume that putting it that way is more appropriate.

Mr. Pickersgill: It is the language of the statute.

Mr. Diefenbaker: For the sake of accuracy I agree with the hon. gentleman on this occasion.

Mr. Pickersgill: It does not mean the same thing.

Mr. Diefenbaker: I mentioned what the attitude was. In any event, there was a vote in the house on the question. The amendment of the Conservative opposition at that time was that action should be deferred on the resolution until the proposed constitutional conference could deal with the whole problem of amending procedure, and that was negatived.

Then in 1951, following the federal-provincial conference held in December, 1950, it was decided to amend the British North America Act, by adding a section, 94 A, giving to the parliament of Canada the power to make laws in relation to old age pensions, provided that those laws would not affect the operation of any law, present or future, of a provincial legislature in relation to old age pensions. In this case there was unanimous consent on the part of all the provinces.

Amendment to B.N.A. Act

In 1952 there was a further amendment to provide for the readjustment of representation in the House of Commons, establishing a floor whereby the representation of any province would not fall by any more than 15 per cent in any one adjustment; subject, however, to the qualification that the rule would not work out in such a manner that the representation of a province with a smaller population would be greater than that of a province with a larger population. To that the Progressive Conservative opposition presented an amendment requesting previous consultation with the provinces with regard to the readjustment of representation, but the views of the opposition did not command the support of the house and were voted down by a vote of 121 to 27.

These are the amendments to date which have come before parliament in the 93 years since confederation. In so far as the merits of the measure are concerned, my learned and honourable colleague the Minister of Justice, will deal with those factors in detail, and also carry on the debate throughout its course.

I trust that the measure will appeal to the house. The judiciary represents the hard basis of freedom, and above everything else it must be assured that it shall operate as efficiently and effectively as it does honestly and objectively. The judiciary of Canada, of all the courts, have never been subject to challenge. Its inviolability is accepted by all. The assurance that our courts have at all times justice as their objective is recognized and accepted by all Canadians. The reason for the amendment is simply the fact that experience has shown that, while there are exceptions, when one attains the age of 75 in the judicial field it is an appropriate time and anniversary for retirement.

I mentioned, Mr. Speaker, that there was one change in the resolution that the house would be asked to accept. Clause 99 subclause 3 reads:

> This act shall come into force on the first day of September nineteen hundred and sixty.

My colleague the Minister of Justice will move an amendment whenever his opportunity to speak comes, to change the date to the first day of March, 1961. The reasons which I advance in support of the change are, first, that when the resolution was placed on the order paper it was thought that it might be found possible to deal with it at an earlier time in the session, thereby making it appropriate to have the effective date September 1. This is an address to Her Majesty, praying that she will cause legislation to be enacted by the United Kingdom parliament, and it is not desirable that there be in the terms of such an address any limitation on time which could have the appearance of putting pressure on the sovereign to whom the prayer is addressed, or to the United Kingdom parliament which will be asked to deal with it.

Second, there are a number of adjustments which will have to be made at the time the legislation becomes effective. Parliament is being asked in other legislation, notice of which has been given in a resolution now before the house, to make changes in the pension provision affecting all judges, including those whose retirement becomes automatic by virtue of their reaching, or having reached, the age of 75. It seems appropriate, especially in dealing with the judiciary, that time be given to consider the nature and effect of such changes, and without there being any appearance of undue haste.

In view, therefore, of the fact that this resolution and the concurrent legislation are not being dealt with until some months after the speech from the throne, it is hoped that the house will agree to extend the period a further six months, and the clause will then read:

> This act shall come into force on the first day of March nineteen hundred and sixty one.

Sir, I think that is all I have to say with regard to this motion for an address. My hope is that it will commend itself to the house.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, on a point of order, the Prime Minister has indicated—and I am not complaining about it—that this resolution will be further explained by the Minister of Justice. In view of that, perhaps the house would agree to have the Minister of Justice carry on now so that we can get the complete case for the proposal before we discuss it. We on this side would like to have the Minister of Justice follow the Prime Minister immediately.

Mr. Diefenbaker: No doubt there will be arguments raised and questions asked; and without in any way trying to press the Leader of the Opposition to give the house the benefit of his views, I feel that after he has expressed his views and after any other hon. members have done the same, then the Minister of Justice will be able to answer the arguments that have been raised or the questions propounded.

Mr. Pearson: I am quite happy naturally, Mr. Speaker, to fall into the normal procedure which has been mentioned by the Prime Minister. If the Minister of Justice, when he speaks, makes some of my observations unnecessary, then perhaps I shall not be accused of that repetitious irrelevancy which has been mentioned already this morning.

May I say at the very beginning that so far as the amendments to this address are concerned that have been proposed by the Prime Minister this morning, they are non-contentious, as I understand them. They are no doubt inevitable because of the delay in dealing with this matter in this House of Commons. It would not be possible, perhaps, to have all the necessary action taken here and in Westminster by the first day of September, 1960; therefore the change from that date to the first day of March, 1961, seems to me to be necessary.

Now, Mr. Speaker, it is obvious that there can be nothing much more important that can come before this house than a resolution which in effect, if it is adopted, amends our constitutional changes. This possibility could care in a matter of this kind because we are asking another parliament to take this action for us, for reasons which the Prime Minister explained this morning but which do not, as I understand the situation, cover all the provisions of this particular address.

However, I will come to that later. The necessity for special care and special consideration is made the greater because at this time, as the Prime Minister pointed out, we have at least the right, by action of the Canadian government, to amend our own constitution in respect of matters which are not exclusively within provincial jurisdiction; to that degree the amendment of our constitution has been cleared up, as the Prime Minister pointed out. There is no difficulty, of course, about matters which are exclusively provincial in character. There has been difficulty which up to the present has been insurmountable in respect of matters between those two extremes, matters which are of concern and interest and which fall in part within the jurisdiction of both federal and provincial governments.

Unfortunately over the years we have not been able to make any progress or very little progress in this field, so that the situation today is that this country of ours, which is a free and independent nation, this federal state, is still required to go to another parliament for action in respect of the amending of its own constitution in many important respects. Until we can reach agreement on this matter we will never be able to talk with the conviction with which we would like to talk about the sovereignty and independence of our country in these matters. I know that we have adopted this course by our own action, of our own free will. There is no question of any other jurisdiction imposing its will upon us.

As a matter of fact, our inability in this country to solve this constitutional problem is becoming more and more an embarrassment to the United Kingdom parliament itself. That parliament has already indicated in recent years that it would be very happy indeed to get rid of this responsibility, even if it is only, as I suppose it is now, a technical responsibility. The difficulty, of course, lies in the nature of our federal constitution; because I think we all agree in this house—I hope we all agree—that there can be no procedure for amending our own constitution which would be acceptable in Canada which does not preserve inviolate the rights of every province.

There can be no other solution found which would be acceptable. But sometimes we forget that the implication of this stand—and it is the only proper stand as I see it that we can take—might mean that a situation could arise where a provincial government, supported perhaps in the last election by not more than 25,000 or 30,000 Canadian electors, would have a veto power over certain constitutional changes. This possibility could arise because every province would have the same right as every other province in a matter which concerned all provinces. I do not see what other principle could be adopted if the matter concerned every province. This is the price we pay for our federal system.

We have managed to work it fairly successfully up to the present, but it does, in principle at least, imply a certain rigidity which attaches, I suppose to every federal structure and which might create its own difficulties if it is not effectively managed. When I use the word "managed" I do not mean managed in a way which would interfere in any way with the rights of any particular province. The Prime Minister has made quite a point of the fact that the Minister of Justice in respect of this particular amendment, has consulted every provincial government, and that is on the record in *Hansard*.

Now, the care and consideration which would naturally be required in respect to any amendment to the constitution is all the greater, and I think should be all the greater, for this particular government because of words the Prime Minister used earlier in this session, when he said as recorded on page 65 of *Hansard:*

> Here at this session of parliament, in order to secure an amendment to our constitution on a matter that is of national importance affecting the jurisdiction of both the federal and provincial parliaments and legislatures of our country, it is still necessary for us to seek an amendment from the parliament in the United Kingdom. My hope is that the time will not be too long delayed when as a result of an agreement between the federal and provincial authorities we will arrive at a point where this particular phase will be eliminated, to the end that we will be able within our own

country to arrive at a basis for the amendment of our constitution agreeable to all and within the constitutional limitations of sections 91 and 92.

I think every member of this house will echo that hope, and add the hope that progress might be made in the solution of this problem. But in view of the situation that confronts us today, and the necessity of going to another parliament for an amendment, it seems to me that unless there is urgent need for such an amendment we should not ask the parliament at Westminster to discharge what is after all, in effect if not in law, our own responsibility in Canada. Even when there is no possible doubt about the matter being one that requires a British rather than a Canadian parliamentary decision, or a British decision in addition to a Canadian parliamentary decision, we should be careful.

The first question that occurs to me with regard to this address, Mr. Speaker, is whether there is any urgency about this matter, quite apart from the question of its desirability. I suggest that the Prime Minister has not made out any case for urgency. Indeed, a look at the resolution will indicate why it would not be easy to do so. This resolution seeks the adoption of an address to be presented to Her Majesty praying that she be pleased to cause to be laid before the parliament of the United Kingdom a measure to amend the British North America Act by repealing the present section 99 and replacing it with a new section which would, if it became law, contain two paragraphs which would read as follows, and I am not quoting from the address. The new section 99(1) would read as follows:

99. (1) Subject to subsection two of this section, the judges of the superior, district and county courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

Subsection 2 of the new section 99 would read as follows:

(2) A judge of a superior, district or county court, whether appointed before or after the coming into force of this section, shall cease to hold office upon attaining the age of seventy five years, or upon the coming into force of this section if at that time he has already attained that age.

It is clear, then, that three changes are proposed in this resolution which, if carried and if action were taken in Great Britain, would amend our constitution. These three changes are as follows:

1. To provide, by an amendment to the B.N.A. Act, for the compulsory retirement of judges of the superior courts at the age of 75 years.

2. To add a provision to the British North America Act to the effect that judges of district and county courts shall be removable only on address of the Senate and House of Commons.

3. To fix in the constitution, by a provision in the British North America Act, the age of compulsory retirement of judges of district and county courts.

I should like to deal with each one of these changes separately. The first is the provision for the retirement of superior court judges, that is to say judges of the superior or supreme courts of the various provinces, including appeal courts. All such judges now hold office during good behaviour, that is to say, for life; and they do so, of course, because section 99 of the British North America Act, which it is now proposed to change, provides expressly as follows:

99. The judges of the superior courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

By this resolution the government is now proposing that all these judges of superior courts, without distinction, shall compulsorily retire at the age of 75 years. The proposed amendment does not say, as it might have said, that judges of the superior courts hereafter appointed shall cease to hold office when they attain the age of 75 years. Indeed, that was the course that was followed in the United Kingdom parliament in 1959, last year, in an amendment to the judicial pensions bill which applied only to judges hereafter appointed. That was the course that was followed in the United Kingdom.

Mr. Fulton: They had the option to come under it.

Mr. Pearson: Yes, but it did not apply to existing judges. As I understand this British amendment—and the minister will correct me if I am wrong—it did not prejudice the financial position of any judge appointed before the act was passed. This resolution is different, however. To all the judges now in office in these courts it says, "Although you were appointed for life, and although you accepted the appointment on that understanding, the government is proposing that these conditions should be altered and therefore you will now retire when you reach 75 years of age, even though you are still capable of performing the duties of your office".

We should realize that no amendment of the British North America Act is required in order to bring about the compulsory retirement of judges who are incapable of fulfilling their duties, whether or not they have attained the age of 75 years. The Judges Act makes this fact perfectly clear in section 31, which gives to the Minister of Justice the

means of bringing about the retirement of any judge, whatever his age, who has become "incapacitated or disabled from the due execution of his office by reason of age or infirmity".

Mr. Diefenbaker: Will the Leader of the Opposition allow a question?

Mr. Pearson: Yes.

Mr. Diefenbaker: I have looked into the matter, and I did not find any case in which this power had ever been used or exercised. Has he located any?

Mr. Pearson: No, I have not located any. In the case of superior court judges I have not found any cases. However, I must say I have not made any searching examination. No doubt the Minister of Justice has done so.

Mr. Fulton: I do not think there ever was one.

Mr. Pearson: Irrespective of that consideration, Mr. Speaker, what this amendment really seeks, I repeat, so far as those who are now in office are concerned, is the summary removal of superior court judges over 75 years of age—if the amendment is carried —on March 1, 1961, even though they are not necessarily incapacitated or disabled from the due execution of their office. That is what the present amendment boils down to so far as the present superior court judges are concerned.

The Prime Minister himself has given us no facts, or very little to go on, that would justify, in our view, the action the government desires this parliament to take and desires the parliament of Westminster to take in respect of superior court judges who are now in office. I should like to say at once, however, that I am not objecting to 75 years as the retiring age for superior court judges. I have read the discussions on this matter that have taken place in the past. The Prime Minister referred to some of them. We have had great service in this country from judges over 75 years of age. However, I think there is a great deal to be said for abolishing life appointments of this kind and for setting an age limit, if you like to call it that, of 75 years. If this proposed amendment applied only to judges hereafter appointed, we on this side would not quarrel with this part of it at all.

But of course, as I have just said, this resolution goes much further. It turns out of office on March 1, 1961 all judges of these courts who have attained the age of 75 years. That, in our view, if I may use the words of Right Hon. R. B. Bennett on a similar occasion when there was discussion of this question, involves a breach of the contract between the individual who holds office at the present time and the state, because his patent of office declares that he shall hold office during life or good behaviour.

Those who accepted appointments to the superior courts, many of them no doubt at very considerable financial sacrifice, undoubtedly did so on the understanding that so long as they were able to carry out the duties for which they were appointed they would continue to hold judicial office.

Mr. Diefenbaker: Would the hon. gentleman say whether the statement of Mr. Bennett was accepted by the Mackenzie King government?

Mr. Pearson: No, it was not. I am coming back to that, and I am glad the Prime Minister has brought it to my attention. Mr. Bennett's views were not accepted at that time, but I shall be glad to point out that in a subsequent session the government realized that perhaps it had gone too far in this matter and took steps to rectify the situation in so far as existing judges were concerned.

Judges of the superior court at that time had every reason to believe that the terms upon which they accepted office, which were set forth with such clarity in the British North America Act itself and which therefore gave those terms a special constitutional sanctity, would be maintained, or at least would not be changed unilaterally in this way. But now these judges are to be told that despite the formal declaration of their patent of office, which was based on an express provision of our constitution, they will after a certain date, having attained 75 years of age, cease to be judges.

Now I come to the point which the Prime Minister mentioned about the precedent I cited, in so far as I was quoting Mr. Bennett as a precedent. I fully realize that in 1927—the Prime Minister mentioned this himself—the parliament of Canada provided for the compulsory retirement at the age of 75 years of judges of the supreme court of Canada and of the exchequer court, even though appointed during good behaviour. That action by parliament was within the constitution and it was done—but as it cannot be done in this case—by legislation of the Canadian parliament. It was, however, as I have indicated, very strongly attacked by Mr. Cahan, who called it a serious breach of contract, and by Mr. Bennett. I would like to read what Mr. Bennett said about it, because it was Mr. Bennett's words and the attitude taken by the opposition at that time that were probably responsible for subsequent legislation which rectified the situation about which

Mr. Bennett and Mr. Cahan had been particularly complaining. Mr. Bennett said in 1927, as reported on page 1556 of *Hansard* for that year:

> —it will be remembered that under the British North America Act a judge is appointed during good behaviour or for life and when his commission is issued one of the terms of the commission is that very provision that he should hold office during good behaviour or life.

Then later he said:

> I think we must have regard to the terms and conditions under which the original contract was made... although it may seem out of the ordinary that a judge should draw full salary when he is retired compulsorily, nevertheless good faith and morals, in my judgment, impose upon us that obligation and it is an obligation which we should not lightly disregard.

Finally he said:

> —I do not believe that the Canadian people would approve of our departing from the general principle that the government must—as in times past—have respect for the sanctity of a contract made between a servant of the crown when he entered the employment of the state...
>
> If this bill applied only to future appointments, it would not be so objectionable.

The minister of justice of that day, Hon. Ernest Lapointe, at first did not accept this view, and the government proceeded to put the bill through. It was passed and compulsory retirement of the supreme court and exchequer court judges at age 75 was brought into effect. Later legislation was introduced, as the Minister of Justice no doubt knows, which provided that all judges who were affected by the 1927 legislation should be granted an annuity equal to their full salary at the time of retirement, and therefore no judge from that time on—I think it was in 1929 or 1930 that the change was made—sufferred in a financial way from that legislation.

Notwithstanding the stand taken especially by Mr. Bennett and Mr. Cahan, and the Conservative opposition in 1927, in 1933 the solicitor general of a Conservative administration, Hon. Maurice Dupre, introduced legislation which attempted to do by indirection what his party had previously condemned when they were in opposition, namely to force judges of the superior courts to retire at age 75; not by direct action such as we have before us today, but by introducing a provision which would have reduced their salaries when they reached age 75, thus perhaps making it desirable for them to retire at that age.

That legislation was introduced by the Conservative government of that time, and Mr. King and Mr. Lapointe, among others, took very strong exception to that particular bill. It was passed, however, in the House of Commons but was killed in the Senate, notwithstanding an amendment moved by Mr. Jacobs, I think it was, to take the word "hereafter" out of the bill.

So, Mr. Speaker, we now have the situation that if this resolution is passed and this address is acted upon we will have a breach of contract with superior court judges. Because of that fact it is our duty to see that these new provisions regarding compulsory retirement should be made applicable only to those who are to be appointed hereafter as judges of superior courts. Knowing beforehand this limitation upon their tenure of office, those who are invited to become judges in the future can accept or refuse on the basis of those terms, and they would have no complaint if this action were taken.

May I call it one o'clock?

At one o'clock the house took recess.

AFTER RECESS

The house resumed at 2.30 p.m.

Mr. Pearson: At the luncheon recess I was discussing the effect of his resolution on the tenure of office of judges of superior courts, and I was pointing out that if the resolution leads to an amendment of the British North America Act it will be a breach of contract in so far as these judges are concerned.

While I recognize that action of this kind was taken by a previous parliament in 1927 which dealt with the tenure of office and the compulsory retirement of judges of the supreme court and the exchequer court, apart from the fact that if that action was wrong then it is not right now, the government of that day did make provision to ensure that no judge was prejudiced financially by the action taken by parliament.

I realize that there is a resolution on the order paper which deals with pensions for superior court judges, and that some action may be taken by this government to deal with this question. I do not know what that action may be. It may be that provision will be made for a retirement allowance equal to the salary on retirement, or it may be judges will be granted the same kind of pension they would receive if they were retired for disability under the Judges Act. No doubt we will learn later what the government has in mind. But there is no question but that if this amendment to the act is made, judges who accepted office on certain conditions will be retired at 75, and this would be, I believe, a breach of contract.

There is a second question which arises, and that is the change which is proposed with regard to the procedure for removing district and county court judges. It is proposed in this resolution to request the addition to the British North America Act, that is to our constitution, of an express provision that judges of district and county courts shall, after September 1, 1960 according to the resolution and after March 1, 1961 according to the amendment, be removable only on an address of the Senate and House of Commons. The provision that county and the district court judges hold office during good behaviour is not, of course, in contrast to that affecting supreme court judges, to be found in the British North America Act. Their appointment has always been according to statutes of this parliament, which from time to time over the years have fixed the term of the appointment for as far back, if I am right, as 1882. Now it is proposed to change the procedure set forth in the Judges Act, which has remained substantially the same since parliament first legislated on this matter, and to substitute for the discreet but essentially fair process outlined in the Judges Act another procedure which apart from the fact that it will be enshrined in our constitution, would be characterized by great formality and, I believe, great publicity if it were ever adopted. Hereafter under this resolution, if the removal of a district or county court judge is sought for any reason, everything will have to be done under the spotlight that is always focused upon acts of parliament. There will be an atmosphere of unnecessary publicity, I think, for such an occasion.

It is essential of course that any proceedings, if they should ever be required, for the removal of a judge should be characterized by the greatest impartiality and justice, as I am sure they would be in any circumstances. But is it necessary that they should be carried out in what is bound to be distressing circumstances in the full glare of publicity which would attach to proceedings of this parliament? Surely our past experience in this country has been such that we can safely leave untouched what had been for many years, and still is, a satisfactory provision, even though the number of instances in which it has been applied is extremely limited if, indeed, it has been applied at all.

However, the government is going much further than merely changing the procedure to be followed if it proves necessary to remove a judge of a county or district court. This brings me to the third and last point I want to mention, and that concerns a further change which I think is altogether without precedent, namely a change which would fix in the British North America Act, in our constitution, the age for compulsory retirement of judges of district and county courts.

I do not know why the government is making this change in the constitution. The minister in the correspondence which has been tabled refers to serious doubts in regard to the constitutionality of action of this kind by the parliament of Canada. The Prime Minister has referred to the fact that the attorneys general of all the provinces have accepted the proposal, but there seems to be, at least in my mind, some ambiguity in regard to the acceptance of some of the attorneys general, or at least ambiguity in regard to the implications of the acceptance.

Turning to the appendix to *Votes and Proceedings* I find that the attorney general of British Columbia in his letter to the Minister of Justice, under date of November 4, 1959 said:

> —I agree wholeheartedly with this recommendation and would go further to suggest that if it is not possible to secure the unanimous consent of all ten provinces that the act be made applicable to those provinces who have expressed approval of the legislation through their executive council.

The attorney general of Saskatchewan in his reply to the minister dated July 20, 1959 had this to say:

> This government feels that it would prefer to have all provincial judges, including district court judges, retire at age 70 rather than age 75—

Mr. Fulton: Should the hon. member not read on?

Mr. Pearson: I will be glad to read on:

> —but it is quite prepared to concur in an amendment to the British North America Act providing for superior court judges retiring at age 75 if the dominion and the other provinces are not prepared to concur in an amendment providing for their retirement at age 70.

We are proposing that this matter in regard to county court judges should be put in our constitution so that if in future any change of the kind suggested by the attorney general of Saskatchewan or the attorney general of any other province were desired it would have to be made by an amendment to the constitution, that is by going to the parliament of the United Kingdom.

The British North America Act in section 96 empowers the governor in council to appoint judges of the superior, district and county courts in each province except those of the courts of probate in Nova Scotia and New Brunswick, but it is only with respect to superior court judges that the British North America Act provides for tenure during good behaviour, that is to say normally for life. That section contains no such provision

for district and county court judges. Indeed, after providing for their appointment the act is silent concerning them.

There is only one reasonable deduction to be drawn from this; that the parliament of Canada was meant to have and indeed has had and has exercised the necessary legislature authority over the terms of appointment of district and county court judges. This is confirmed by precedent. These judges have been subjected, without any constitutional question being raised, to acts of this parliament providing for compulsory retirement, acts of this parliament going back as far as 1903, I believe. Why is this change being made now?

There was a discussion of this matter in a debate in this house in 1927 to which I referred this morning. The then hon. member for Simcoe, Mr. Boys, a member of the opposition, as reported at page 1080 of the 1927 *Hansard* asked the following question of the then minister of justice, Mr. Lapointe:

> Is there any special provision in the British North America Act with respect to the retirement of county court judges?

The then minister of justice replied "No", Mr. Boys went on to ask:

> Is it suggested that such legislation—

That is, Canadian legislation for the compulsory retirement of county court judges.

> —was ultra vires?

The then minister replied:

> No, not at all. Section 99 applies only to the judges of the superior courts.

Mr. Lapointe went on to add:

> There is nothing in the British North America Act preventing us from dealing with the tenure of office of county court judges.

Indeed the tenure of office of district and county court judges has long been established by federal statutes which parliament has been free to amend any time it saw fit without reference to any outside parliament. Now we propose to put it in the British North America Act that they must retire at 75. This will mean we will have to go to the parliament of the United Kingdom and ask it to amend our constitution accordingly in this matter. We are asked to accept the doctrine that henceforth any change in tenure of a district or county court judge would presumably not only have to be agreed to by every province but also by the parliament of the United Kingdom, which in the past has not been approached in these matters.

We are being told for instance I assume from this resolution, that while it is constitutional for the Canadian parliament under section 32 of the Judges Act to remove a district or county court judge for inability to perform his duties, it would be unconstitutional to remove him at the age of 75. Therefore this address seeks to replace our parliament by the British parliament in regard to something which was never previously considered to be a function of any other parliament but our own. It was never previously considered by any government to be that, even by governments representing the party to which my hon. friend the Minister of Justice belongs.

By this resolution parliament is asking that its own power to deal with the tenure of office of district and county court judges be now limited by the constitution, and that action to bring about such limitation be taken by the parliament of the United Kingdom. In other words we are being asked in 1960 to expatriate to Westminster a part of our own constitution. I ask the minister, what kind of colonial vision is this? I ask him, if he can, to justify taking action of this kind at this time; to go to the parliament of the United Kingdom to make a change in our constitution through action of that parliament in a matter with which we in this parliament over the years since 1882 have managed to deal.

For this and for the other reasons I have mentioned I move, seconded by the hon. member for Essex East (Mr. Martin), that the resolution be amended in proposed section 99 as follows:

> That the words "district and county" be deleted from line two of subsection one; the words "district or county" and the word "whether" be deleted from line one of subsection two; the words "before or" be deleted from line two of subsection two, and all the words after the words "seventy five years" be deleted from subsection two.

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, my remarks will be somewhat brief for reasons which are, of course, obvious. First of all, I do not consider myself an expert on constitutional matters. The second reason is that I have not had the time to work on this resolution as I should like to have done.

We have now reached the stage in the proceedings of this session where we have legislation, as one wit put it, by exhaustion. I am suffering from that and so are some other hon. members. Since the house rose at one o'clock I recorded a radio address to my constituents; I dictated several letters; I had an interview with two people and drank a hasty cup of coffee before coming down to the house. I mention that to you, sir, so that you will have some sympathy for members of this house who are plugging away under very difficult circumstances.

I might say that this group does support the purpose of this humble address which is to be presented to Her Majesty the Queen recommending certain amendments to the British North America Act. We support the

purpose because we believe the terms of the resolution are a progressive step toward a further recognition of Canada as a nation, and of changing circumstances.

However, I must say that we do wonder to some extent whether the amendment has been caused solely by the government's concern for the efficient administration of justice. While the principle and purpose of the amendment are quite good, we are not altogether lacking in suspicion as to the reason for its advancement; but no doubt the Minister of Justice will deal with the matter further when he rises to speak.

When I was listening to the Leader of the Opposition prior to the noon recess I was interested in his belabouring of the government; in his indication that the Liberals had recognized that Canada was a nation and that the amendment of the constitution should be within the confines of this country, and that Canada should not be required to seek the legislation through another parliament. I must bring this to his attention. If I heard him correctly he quoted the former prime minister, Mackenzie King, in this respect, and mentioned something about his hoping that constitutional changes would take place that would bring the amending of the constitution strictly within the powers of the Canadian parliament. But I must bring to your attention, Mr. Speaker, the fact that it was only a hope and that those words were uttered years ago. I must also bring to the attention of the house the fact that the Liberal party was in office for 22 years and that on this question, as on a good many questions, they hoped, but we did not get any action in that direction.

As compared with that, I want to bring to the attention of the house the policy of the C.C.F. The policy of the C.C.F. since its formation as a movement in 1932 has been that Canada as a self-governing nation should have the right to amend its own constitution without reference to another parliament. We recognize that these things cannot be done overnight, but I would challenge the Leader of the Opposition to bring to the house any evidence that the Liberal government took any steps in that direction, or any evidence of any conversations between former prime ministers and the appropriate persons in Great Britain with the end in view of changing the present practice so that Canada would have the right to change its own constitution. If there is that evidence I should be very willing to have it put forward, but I do not know of it. I just mention that point.

However, as far as this group are concerned, we have been advocating this change for years because, as I said before, we believe that Canada as a self-governing and independent nation should have the right to amend its own constitution. However when one considers and discusses this question I am sure that any fair person recognizes it is not all quite as simple and easy as it looks on the surface.

Now I deal with the resolution itself. Subsection 1 of the humble address reads as follows:

> Subject to subsection 2 of this section, the judges of the superior, district and county courts shall hold office during good behaviour, but shall be removable by the governor general on address of the Senate and House of Commons.

While we support this section, I presume—and I am sure the Minister of Justice will correct me if I am wrong in this—that even prior to this amendment it was accepted throughout the years that the parliament of Canada had the right to take this action, although it was not so stated in the constitution. No doubt the Minister of Justice will inform us in that respect. However, we support this amendment and we believe it is better to put these powers in the constitution in language which is in exact terms. Subsection 2 reads:

> A judge of a superior, district or county court, whether appointed before or after the coming into force of this section, shall cease to hold office upon attaining the age of seventy five years, or upon the coming into force of this section if at that time he has already attained that age.

We support this amendment; we believe it is a progressive amendment. In fact it is the type of amendment that has been suggested by the C.C.F. for many years. The question of the earlier retirement of justices and judges has been brought up in our conventions, from time to time. In saying this I am not intending to cast any reflection on the gentlemen of the bench, as I am sure there are many members of the legal profession who have a better knowledge of this than I have. I am just an ordinary peasant farmer living in the backwoods. But we are all subject to the effects of age. I have been in courts myself where I have noticed the justices. While they have had a very creditable past and were recognized as authorities, on account of age they were testy and impatient, and at times I thought they were somewhat unfair to the legal counsel when they were presenting their arguments. That is natural as a result of age, and I think on that account this is a good amendment.

Second, I think it is quite unfair that people who would not otherwise suffer financially should continue to hold these very important and highly placed positions until very late in life, and not leave the vacancies which would provide opportunities for many of the

younger members of the legal profession, barristers and solicitors, to serve their country in that capacity.

I think it is a sound argument that at 75 years of age a person who is considered to have served his country well in such a capacity should retire. I must say that when I make these remarks I am not intending them to apply to the hon. member for Dufferin-Simcoe (Mr. Rowe) as a member of parliament, because he is a rather exceptional person, always an ornament to the house. But I must say frankly that at times I am inclined to look at life in a personal way. I frankly say that I could miss his cheery countenance on the other side. He always inspires me to speak when I look at him.

For these two sound reasons, first, the facts of life so far as age is concerned and second, the provision of opportunities for younger members of the bar to occupy these very important positions, we support section 2 of the amendment. So we agree with the Prime Minister when he said this morning—when I say we agree with the Prime Minister I mean we believe what he said this morning is worthy of support, because there are occasions when we do not agree with the Prime Minister—if I heard him correctly, that age 75 was an appropriate time or anniversary for retiring. I think that was very well put, to make it a sort of farewell party at the same time.

In any event, for the reasons I have stated we support this humble address. I might say as well, Mr. Speaker, that I understand these honourable gentlemen, the justices and judges, are reasonably well provided for by way of pension, and that they have the opportunity of enjoying their pension anywhere in the world. They have had this opportunity since the establishment of the pension scheme. I understand also that the pension is on a non-contributory basis, a very interesting aspect, since it is a pension for life after retirement at about 50 per cent of the salary paid. Well, I believe that is a very reasonable provision for justices and judges when compared with the pensions received by many people when they retire. So, in supporting this legislation, we believe we are supporting something that is a step in the right direction, that will be to the advantage of efficiency in the administration of justice, and that will provide opportunities for younger members of the legal profession while at the same time not causing any injustice or hardship to the persons particularly affected.

I have not had an opportunity of reading the amendment moved by the Leader of the Opposition very carefully. I just hurriedly consulted with the hon. member for Vancouver East before I rose and at this moment I would say on behalf of this group we are not inclined to support this amendment because we look upon it as a somewhat subtle attempt to emasculate the purpose of the legislation. That is all I have to say.

(Translation):

Mr. Paul Martineau (Pontiac-Temiscamingue): Mr. Speaker, I should like first to emphasize the vital importance of the duties performed by judges. On consideration, one realizes readily that in the administration of justice, judges carry out a mandate that derives from the Creator himself.

The early Romans had given justice a divine status, and even in our modern times, I think that justice must hold a very high rank, because it is the very basis of our society.

As the Prime Minister (Mr. Diefenbaker) so rightly said this morning, we have been particularly fortunate in the choice of judges in this country. If the British system of justice is so highly regarded, not only in our country and in commonwealth countries, but throughout the world, it is due largely to the excellence of the judges who have presided over the various courts in Canada, or in Great Britain and in other commonwealth countries.

I should now like to consider some of the points raised by the Leader of the Opposition (Mr. Pearson).

He said he is in favour of the retirement of judges at age 75 and, if I am not mistaken, he also favours compulsory retirement, because normally a man of 75 lacks the alertness and the working capacity of a younger man. I do not think anyone will deny that.

This does not mean, of course, that a person of 75 has outlived his usefulness to society.

Thinking of the plight that is now the lot of our older people, I remembered the words spoken a few days ago, in this building, by one of the most eminent Canadians we know, Dr. Wilder Penfield.

He has studied the psychological situation that each man has to face on reaching the age of retirement.

He said that a man who has reached 65, 70 or 75 certainly still had a contribution to make. Indeed he suggested that, when a man has reached the age of retirement, he should not confine himself to his room and patiently wait for the passing of the hours, the days and the years, waiting for death, but rather start on a second career. And that is the point I have in mind: a second career.

Is it not logical and normal that a man who has served his country with distinction in

the very significant office of a judge might, at age 75,—i.e. the limit established by the resolution—go on retirement but continue to serve his people in another occupation where his wealth of experience will be of great help to him? That is why I believe that the principle of compulsory retirement for judges is an excellent one.

The Leader of the Opposition said that compulsory retirement is a good thing, but that it should not apply to judges already appointed, because there is some kind of contract between the state, which appointed the judge, and the judge himself. In other words, if I rightly understood his argument, he thinks that, once appointed, a judge has a vested right to continue to occupy his post until death. But what would happen if a judge, because of his health, was unable to continue exercising his functions or, for some personal reasons—which I would not like to mention—did not like to give up his position? If some judges have to cease their functions at age 75, I say that they should all be treated equally. Otherwise, we would have a rather abnormal situation. There would be two kinds of judges, that is: newly appointed judges who, on reaching age 75, would have to retire under the terms of the address we are submitting to Her Majesty, and, on the other hand, judges who would continue in office.

I say that the personal interest of judges now in office should not have priority over the general welfare of this country. Moreover, as the opposition leader stated, a man having reached a certain age loses some of his faculties. When saying this, he only repeated certain truths which were advanced by the great philosophers of the past, including Aristotle who stated that, when he gets old, a man loses not only his physical but also his mental vigour—in any event he certainly loses some of his adaptability.

The rolls of courts today are increasingly heavy, and judges need not only particularly acute minds and great legal ability, but also great physical endurance if they are to go on giving their full measure.

Mr. Martin (Essex East): We all agree on that point.

Mr. Martineau: In this respect, we agree: if some judges are to be retired, all should be.

The second point I want to raise is this. I do not see eye to eye with the Leader of the Opposition when he states that judges have a vested right, because that right entirely depends on the judge's ability to discharge the duties of his office. There is certainly no vested right for a judge.

The third point is that, according to the retirement system, a judge does not stand to lose much financially; in any case, he is in no way unfairly treated when he retires.

Mr. Martin (Essex East): Is the hon. member—

Mr. Martineau: He is not abandoned, he is not left in want.

Mr. Martin (Essex East): Could the hon. member tell us what pension plan is being proposed by the government? We have no information at all on that.

Mr. Martineau: Mr. Speaker, I am not discussing the details of a pension plan; I am merely saying that the judges who will be retired will come under a pension plan. Whether the plan is adequate or not—and I am convinced that it is, I do not wish to discuss the point, because I feel that it cannot be discussed in detail within the framework of this debate.

Therefore, from that standpoint, I certainly cannot accept the claims of the Leader of the Opposition.

The Leader of the Opposition also wondered why we had to proceed by way of a joint address of the house and the Senate to relieve a judge from his office. In my opinion, that system is the best, precisely because of the importance of the functions of a judge. And a judge should not be relieved of his office unless there are very serious reasons for it; besides, the very formalities attached to the procedure are a guarantee that it will not be lightly resorted to.

Now, Mr. Speaker, I should like to say a few words about the address to be submitted to Her Majesty the Queen, in order to obtain a constitutional amendment.

The Prime Minister indicated this morning that since confederation—that is to say since 1867—there have been 17 occasions on which constitutional amendments were sought.

Today, another one is to be sought and we have not yet found a means that would meet the wish of everyone, that is to say, one that would allow us to amend our constitution ourselves. The Prime Minister said he hoped that, in the near future, some means could be found to completely repatriate our constitution, so that we would not have to resort to the services of a parliament of another country to amend our constitution as we see fit.

It is true that the restriction to the sovereignty or total independence of our country

is a result of the very will of the Canadian government, of the people of Canada. However, we hope, Mr. Speaker, that this anomaly may soon be removed. I feel this is a matter which goes beyond the scope of a political debate, and that the most enlightened efforts, wills and brains of this country should strive to achieve that end.

Mr. Speaker, everybody knows that in a few years, our country will celebrate the centenary of its foundation. Would it not be a lofty objective, one worthy of our energies and our hope that, by that time, an agreement acceptable to all sections of our population, to all governments and to all ethnic groups will be entered into which will bring understanding between those various groups? Would this not indicate that our country has attained maturity?

It is not a matter of putting forward strict and dogmatic amendments; what is required is that discussions be held between groups to achieve a goal that everyone considers desirable.

This goal is surely not impracticable, and I remember that during his recent visit to Canada, General De Gaulle said something which struck me very much. He said that he had faith in the ability of human beings to find answer to their problems. In other words, he believes there is no problem, however serious, that cannot be solved by the concerted good will of men.

Mr. Speaker, I respectfully submit that it is with that attitude that we should approach this problem of the repatriation of the constitution which, I admit, is quite serious and is bound to interest all groups in our country.

Mr. Speaker, I am glad of having had the opportunity, during the debate on this resolution, to suggest the attitude we must take and that will surely lead us to the solution of the problem of the repatriation of the constitution.

Mr. Martin (Essex East): When will the government start?

Mr. Martineau: Mr. Speaker, I believe that the views which the hon. member for Essex East (Mr. Martin) may express will be such that they will help the government to find the right solution.

Mr. Martin (Essex East): Indeed, but a start must be made.

Mr. Alexis Caron (Hull): Mr. Speaker, while listening to the hon. member for Pontiac-Temiscamingue, (Mr. Martineau), I was rather surprised at some of his statements. He suggested that a man's efficiency and mental powers decrease with old age. He mentioned that he had come to that conclusion after listening to Dr. Penfield—

[Mr. Martineau.]

Mr. Martineau: Mr. Speaker, I rise on a question of privilege. That is not at all what I suggested. I said that, in listening to Dr. Penfield, I understood that at a certain age, a man does not have the same working capacity, the same alacrity of mind, and that it is a good thing for him to change his occupation, to start on a second career; that even after giving up his first career, he can still contribute to the progress of his country.

Mr. Caron: Mr. Speaker, my statement and the correction made by the hon. member for Pontiac-Temiscaminque amount practically to the same thing. The purpose is exactly the same.

May I remind him of this: there may be exceptions, cases where mental powers grow less, where the brain is less active, but this is not necessarily the case with everybody. I only wish to give a few examples.

Let us take the case of Dr. Penfield himself. Is there anyone with a more alert intelligence than Dr. Penfield? Yet he is over 70. John XXIII has been elected pope at the age of 78. Was he so elected because the church considered him an inadequate representative.

We have seen in the past—

Mr. Martineau: Would the hon. member allow me—

Mr. Caron: Mr. Speaker, this is not a question of privilege, it is only an explanation of his earlier statement.

Mr. Martineau: Would the hon. member allow me a question?

Mr. Caron: Certainly.

Mr. Martineau: Is the hon. member aware that Dr. Penfield recently retired and is starting on a second career, that of a writer?

Mr. Caron: He has a perfect right to do so, but it should not stop him from availing himself of the privilege of continuing in the same field. He has enough knowledge and ability to do so.

Let us, for instance, take the case of Leo XIII, who was made pope at the age of 73 and remained in that high office until he was

93. He was recognized as an authority, not only in his time, but of all times. The encyclicals he wrote when he was 90 are still outstandingly valid today.

Let us now examine the case of Sir Thomas Chapais who, until the age of 93, was considered an outstanding authority in the field of Canadian history.

Therefore, that matter of lessened mental power cannot be made a general rule.

I admit it would be preferable, as Dr. Penfield said, that a man, at a certain age, should quit his regular occupations and enjoy leisure, or take up some hobby. On this I agree with the hon. member, but we cannot accept that, in general, a man's faculties dwindle with age. At least, if it is so for some people, I hope it will not happen to the hon. member for Pontiac-Temiscamingue or to myself. I hope to live beyond age 75.

Mr. Speaker, I did not rise only to say this to the hon. member. I simply wanted to say that, in my opinion, this is a backward resolution. We are losing ground instead of going forward. If we look into the history of our country, more particularly since 1887, we see that at all times we have striven to secure independence from the government in the British Isles.

In 1897, at the time of Queen Victoria's jubilee, Sir Wilfrid Laurier in a memorable speech, asked the British government to give more latitude to the governments of the dominions, which needed it to reach their full expansion. He was supported in this by General Smuts, of South Africa.

Later, in 1918, Sir Robert Borden insisted that Canada, which had taken part in the 1914-18 war, and which was still a colony at the time, be made a party to the Versailles treaty, and he signed that treaty on behalf of Canada. It was another step towards our independence.

In 1921, I believe, the Hon. Ernest Lapointe signed a fisheries treaty with the United States and, at the time, objected to the presence of a representative from the London government.

In 1927, the Right Hon. Mackenzie King set up the basis of what later on was to become the treaty of Westminster, in order to confer greater authority to Canada, and a greater measure of autonomy.

In 1931, Mr. Bennett signed this treaty of Westminster which granted us complete freedom and a status of equality with the London government. Later, the government eliminated appeals to the privy council and decided that the Queen would no longer be sovereign of England and the dominions, but the Queen of Canada, our own sovereign and not just the Queen of England. Those are the moves we have made since confederation and it shows we have always aimed at greater independence.

And now, this government is again going to ask London permission to do this or that. It will be said: "Oh, it is because this matter is not clear," as the Prime Minister said this morning.

If it is not clear, if there is some doubt, why do we not get the benefit of the doubt?

Besides, if we refer to the British North America Act, we see that in the field of exclusive powers of provincial legislatures, section 92, paragraph 16, says the following:

> Generally all matters of a merely local or private nature in the province.

I admit that what is specified there as far as the provinces are concerned, is not specified from a federal point of view. We see there an indication that what is allowed in matters of a purely local or provincial nature should by that very fact, be allowed in matters of purely national nature. Reference to the Quebec resolutions will show that it was the intent of the fathers of confederation to establish that the federal government would have the exclusive right to legislate of itself in purely federal matters.

In paragraph 37, section 29, of the Quebec Resolutions, we note the following:

> And generally respecting all matters of a general character, not specially and exclusively reserved for the local governments and legislatures.

That proves, therefore, that the fathers of confederation wished that it be so, and that if that does not appear in the British North America Act proper, it is because it had been felt it was so clear that it was not necessary to include it.

Later, in the London Resolutions, paragraph 36, section 28, we note the following:

> And generally respecting all matters of a general character not specially and exclusively reserved for the local legislatures.

It may be inferred from the thinking of the fathers of confederation, at the time the discussions took place, either at Quebec or in London, that it was their wish to reserve to the various governments the various rights which were theirs.

The governments of the provinces, as I said a moment ago, in quoting section 92, have the right, in purely provincial matters, to legislate for themselves, in their own province, at any time. In reading over the report of the Quebec and London discussions, we realize that it was the intention of the

fathers of confederation to grant that same privilege to the federal government, in purely national and federal matters.

I admit that where there is a dual character, that is a federal one and a provincial one, we might perhaps have the right—it seems to me, after a century, now that the Canadian nation has reached maturity, now that it is 93 years old—to be in a position to settle our own problems by ourselves.

I know Right Hon. Mr. St. Laurent wanted to repatriate the constitution altogether in 1949, but the Quebec government opposed the move, claiming it feared the federalists. Well, there are those matters of a dual character, federal and provincial, which must still be submitted to the London government, for settlement. Besides, the sections of the B.N.A. Act, which I have quoted, seem to indicate that it was clearly the aim of the fathers of confederation to leave to the federal government and to the provincial governments the care of settling their own respective problems.

Now, if we examine the Statute of Westminster, which granted full freedom to Canada and to the other dominions of the time, we see in the third paragraph of the preamble the following:

Whereas it is in accord with the established constitutional position that no law hereafter made by the parliament of the United Kingdom shall extend to any of the said dominions as part of the law of that dominion otherwise than at the request and with the consent of that dominion.

Therefore, if we want to take a backward step, we may do so; if we want to go to London and ask the people there to render a judgment, to adopt a law, we can do so, but it is only at our request that it can be done. But if we are not compelled to do so, why should the government, seeing that all other governments, even Conservative, have sought to achieve greater freedom, take a retrograde step and ask the London government today to legislate in its stead? Section 2 reads as follows:

The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this act by the parliament of a dominion.

And paragraph 2 of that section reads as follows:

No law and no provision of any law made after the commencement of this act by the parliament of a dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future act of parliament of the United Kingdom, or to any order, rule, or regulation made under any such act, and the powers of the parliament of a dominion shall include the power to repeal or amend any such act, order, rule or regulation in so far as the same is part of the law of the dominion.

[Mr. Caron.]

Any parliament can repeal, modify or improve legislation, without having to go to London. And the Statute of Westminster gives us the most absolute independence, as stated in section 2.

And in section 3, what do we see?

It is hereby declared and enacted that the parliament of a dominion has full power to make laws having extra-territorial operation.

And section 4 tells us:

No act of parliament of the United Kingdom passed after the commencement of this act shall extend or be deemed to extend, to a dominion as part of the law of that dominion, unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

It is therefore the dominion government that may do the asking; and never the London government. If it wants to take a retrograde step, that is its own business. It has the right to ask London to legislate on behalf of Canada. But, in my opinion, that would be a backward step. We should not go back to colonialism, under which we were governed before the Statute of Westminster. I suggest that no truly Canadian government has the right to take such a retrograde step; it should settle that problem itself, since this is a purely national problem, coming within the scope of its own responsibility.

And here is what we read in section 6 of the Statute of Westminster:

Without prejudice to a generality of the foregoing provision of this act, and as soon as the latter is in force, they must cease to be in effect in the dominions, section four of the Colonial

And section 7 reads as follows:

Courts of Admiralty Act—

(1) Nothing in this act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

(2) The provisions of section two of this act shall extend to laws made by any of the provinces of Canada and to the powers of the legislatures of such provinces.

(3) The powers conferred by this act upon the Parliament of Canada or upon the legislatures of the provinces shall be restricted to the enactment of laws in relation to matters within the competence of the parliament of Canada or of any of the legislatures of the provinces respectively.

Therefore, as regards matters within national or provincial jurisdiction, it is the government of Ottawa and the provincial governments which have the authority to legislate.

Is the matter now being considered a concern of ours as members of the federal parliament, or does it come under provincial

jurisdiction? If it is a matter for the federal government, I do not see why we should be going to London for permission to do something that is already granted to us under the Statute of Westminster and, by inference, in the British North America Act.

In my opinion, we have no right to allow the government of Canada to take this backward step.

Mr. Martineau: Would the hon. member allow me a question?

Mr. Caron: Certainly.

Mr. Martineau: Is the hon. member suggesting that the administration of justice and of courts is a strictly federal matter?

Mr. Martin (Essex East): That is not what he said.

Mr. Caron: I said, if this is a matter for the federal government, why should we go to London for permission to settle it, and if it is a provincial matter, why not let the provinces settle their own affairs.

If this matter comes under federal jurisdiction, why would we not have the right to settle it? If it is of provincial jurisdiction, why not let the provinces legislate in those cases?

In answer to the hon. member, I must say that, as far as courts of justice are concerned, there are strictly provincial courts, such as magistrate and municipal courts.

A few years ago, someone went so far as to question the right of provinces to establish such courts. It was being claimed that under the British North America Act the field of justice should be left entirely to the federal government.

But following an agreement between the provincial and federal governments, those courts were allowed to be established and, since that time, this legislation has been disregarded. However, there are still certain jurists who believe that the provinces have no right to establish those courts of justice.

Mr. Martineau: Would the hon. member allow me another question?

Mr. Caron: Certainly.

Mr. Martineau: Does the hon. member know that the administration of the superior court, in the province of Quebec, comes under provincial jurisdiction, even if the judges of that court are appointed by the federal government?

Mr. Meunier: The appointments—

Mr. Caron: I think that part of the administration comes under provincial jurisdiction, but the appointments themselves are made by the federal government.

There is a definite relation between the appointment and the retirement of a person. The same government is responsible for appointing and retiring a judge.

Since the present act seeks to establish that judges may be retired at age 75, I suggest that this bill, which deals particularly with their removal or retirement, is of a general character and that we have a right to legislate in this matter, without any reference to the parliament in London.

Section 11 reads as follows:

> Notwithstanding anything in the Interpretation Act, 1889, the expression "colony" shall not, in any act of the Parliament of the United Kingdom passed after the commencement of this act, include a dominion or any province or state forming part of a dominion.

That is clearly to establish that we got rid of our colonial status in 1931, when the treaty of Westminster was signed.

Mr. Speaker, now that Canada has gained international status, now that it is a member state of the United Nations in its own right and not as a member of the British empire, and also a member of NATO in its own right, and not as part of the British empire, I maintain that the action now taken by this government is a step backward and that we have no right to let it be so.

If we want to legislate in this matter, the government may, if it sees fit, establish that judges are to be retired at age 75.

However, there are men who, at 75, have acquired a rare maturity, a very sound judgment, and who are endowed with a physical energy which enables them to continue in office. But—and that is the point I want to stress—if the legislation were to pass here in Canada the London parliament should not be asked to legislate in a field which is our own concern.

That is why I favour the proposed amendment, because I am satisfied that it would benefit Canada and safeguard our independence.

(Text):

Hon. E. D. Fulton (Minister of Justice): Mr. Speaker, I should like at the outset to establish that in speaking now I will be speaking to the amendment moved by the Leader of the Opposition (Mr. Pearson) because I

should like to deal with that matter inasmuch as the hon. gentleman did advance some arguments that require to be dealt with. As Your Honour knows, however, I do have to move an amendment myself and I should like to have it clear therefore that in speaking now I am speaking to the amendment of the Leader of the Opposition. At a later stage I will speak, I expect very briefly, mainly to move the amendment that the Prime Minister (Mr. Diefenbaker) indicated this morning should be moved.

I am certain that all hon. members appreciate and certainly I appreciate the spirit in which this subject has been approached by the hon. members who have taken part in this debate. Indeed, I appreciate very much the constructive if critical approach of the Leader of the Opposition to the resolution now before the house. With regard to his remarks concerning the position in connection with constitutional amendments generally, I think it is correct to say that there is no disagreement in principle between this side of the house and that side of the house. In fact, I thought I detected a substantial measure of agreement between what the Prime Minister had to say and what the Leader of the Opposition had to say in that regard.

This is not, it seems to me, a matter upon which one should indulge in a betting or racing contest. I know that when my hon. friends opposite had responsibility of office they made sincere and conscientious efforts to find a method under which, by general agreement, the constitution could be repatriated, brought home to Canada and made capable of amendment in Canada. It is true that on occasion one seeks to make political capital out of the failure of his opponents to solve the problems that confront us. But I think in this connection one should attempt—although one is not always successful at least one should attempt—to resist that temptation and approach this subject as I do on the basis that if my hon. friends were not successful that was something to be regretted by us indeed as much as by them.

With respect to this subject, this is an attempt that we intend to carry on sincerely and conscientiously. We have hopes of success. All I can say at the moment, however, is that we are working on that subject and that at a time when it seems appropriate, when we have been able to record some progress, then the Prime Minister will announce to the house what progress has been made. So with respect to the question of the constitutional amendment itself I am not going to go into detail because I think that at least in principle and with respect to objective there is no disagreement between us. I should like therefore to confine the detail of my remarks to the arguments and criticisms advanced by the Leader of the Opposition with respect to the resolution itself.

The resolution, if I apprehended the hon. gentleman's remarks correctly, was criticized on three main grounds by the Leader of the Opposition and I shall deal with his three chief criticisms in a moment. But before making those criticisms the hon. member raised a general question, which was: Is there any urgency with respect to this proposal? As the hon. gentleman said, "Here you are amending the constitution; you are still having to do it in the old and time-honoured method by an address to Her Majesty praying that she will cause the United Kingdom parliament to take certain action," and therefore as the hon. gentleman said and I think quite properly, "you must be satisfied that there is urgency about the question when you are asking parliament to adopt such a resolution."

I should like then to deal briefly with the question of urgency. I think there is urgency about this and I believe the question of urgency can be answered on three grounds. First, there are the requests that have come from people who are outside the House of Commons and the government, but who are concerned with the position of the judiciary. Second, there are the efforts that have been made over the years to find some method of achieving this result, that is bringing about a situation under which the judges of superior courts will be retired at 75. Third, there is the fact that for the first time in the history of this matter we now have agreement of all the ten provinces that in fact this proposal should be put forward.

Mr. Martin (Essex East): Would the hon. gentleman repeat number one?

Mr. Fulton: The first ground on which I say there is urgency is that of an analysis of the requests received from persons and bodies outside parliament and the government itself. We in the government believe it is urgent and I bring to my support of that view the requests we and other governments have received over the years particularly from such organizations as the Canadian Bar Association.

I have here a list of the various occasions on which the Canadian Bar Association has

requested such action. It may go back further than the period covered by my list but mine goes back as far as 1936 when there was a resolution of the council of the Canadian Bar Association urging upon the minister of justice to adopt the necessary means to put into effect the principle, and I quote:

—that a judge should generally retire when reaching the age of 75 years.

Then, in 1937, a report of the committee on the administration of civil justice of the Canadian Bar Association included the recommendation that the judges of superior courts of provinces should be subject to the same compulsory retirement rules as judges of the federal and county courts. In 1944 a resolution of the Ontario section of the Canadian Bar Association urged the establishment of a compulsory retirement age of superior court judges at 75. In June, 1952 there was a letter from the president of the Canadian Bar Association requesting the consideration of the requirement of judges of superior courts at 75; in 1953 a letter from the president of the Canadian Bar Association expressed the hope that the necessary amendment to the British North America Act would be passed soon. That was January 23, 1953.

On September 12, 1953 a resolution of the Canadian Bar Association urged the government of Canada to take the necessary step to bring about the compulsory retirement of superior court judges at the age of 75. Then on March 10, 1955 there was a letter from the president of the Canadian Bar Association, on behalf of the council of the bar, urging generally that action be taken to deal with this matter. The most recent one is the resolution of the annual meeting of the Canadian Bar Association in Vancouver on September 4, 1959, reading as follows:

Resolved that the Canadian Bar Association reiterates its recommendation for the compulsory retirement of superior court judges at the age of 75 years, and suggests that the question whether parliament has under the British North America Act No. 2, 1949, power to amend the constitution of Canada to so provide be submitted to the Supreme Court of Canada.

So, Mr. Speaker, over the period of years, at least from 1936 until the present, there have been no fewer than eight submissions from the governing body of the bar of Canada urging that the parliament of Canada take action to deal with this problem and to provide for a retirement age of judges of the superior courts at 75 years.

Mr. Martin (Essex East): As to the age of retirement there is no difference of opinion.

Mr. Fulton: Quite so. I am dealing now with the general question raised by the Leader of the Opposition as to whether there is urgency to deal with this matter. I think that what I have said establishes that, in the view of that organization, which apart from parliament itself is most responsible and has most responsibility as well as authority in this matter, it is a very urgent problem.

The second ground upon which I say the question of urgency raised is completely answered is the history of the efforts over the years to deal with this matter. Surely it would be agreed by my hon. friends opposite that if there was no urgency, governments of which they have been members and which their party has supported over the years would not have made the quite strenuous efforts which have been made to deal with this problem and find a solution of it. This, however, is the fact; the governments of which my hon. friends were supporters and of which some of my hon. friends were members, have made conscientious efforts to find a solution to this problem. It is a fact also that the solution which my hon. friends thought was the proper one when they had the responsibility, was to bring forward an amendment to the British North America Act to provide, with the consent of the provinces, that there should be inserted an amendment to section 99 of that act providing for compulsory retirement of superior court judges on reaching the age of 75.

Reference was made in passing by the Prime Minister this morning to some of those attempts. Perhaps I could just add some details. Not every attempt in this field has been by way of amendment of the British North America Act but I think the majority of them—and certainly the sound ones—have been along those lines. In 1920 consideration was given to the amendment of the British North America Act to provide for removal of judges by the governor in council upon the finding of a commission of inquiry that a judge was disabled from the due execution of his office by reason of age or permanent infirmity. Indeed, in 1920, the then minister of justice—and this, of course, was a Conservative minister of justice—introduced a resolution to this effect which, however, remained on the order paper all during that session and was not dealt with.

Then in 1926-27 there was the provision which has been referred to this morning dealing, of course, only with the Supreme Court of Canada and the exchequer court and not requiring a constitutional amendment. In 1933, as the Leader of the Opposition pointed out, there was what perhaps might be fairly described as an attempt to overcome the difficulty of the constitutional amendment and find another method of providing in effect for the retirement of judges of superior courts. That bill, although passed by the House of Commons, was defeated in the Senate.

Then in 1936 I am informed a bill was drafted giving superior court judges who had served 20 years or more and who resigned at 75 an annuity equal to their salaries, but nothing came of it.

In 1944 there was a further attempt by way of a private bill introduced by Mr. Stanley Knowles, on the same lines as the 1933 bill, except the retirement on salary would have applied at the age of 70 instead of 75. That bill did not pass the House of Commons.

In 1945 the then minister of justice, the Right Hon. Mr. St. Laurent, made an attempt to reach an agreement with the provinces on this matter. On January 2, 1945 he wrote to the attorney general of each province suggesting for his consideration an amendment to the British North America Act to provide for the retirement of superior court judges upon reaching a certain age. He suggested that the matter should be brought up at the next dominion-provincial conference. Replies were received from six of the provinces, and there is a letter on file indicating the matter was placed on the agenda. However, at that time Alberta disagreed with the whole method of amending the constitution and wished to discuss this question in full. No replies seem to have been received from the provinces of British Columbia, Saskatchewan and Nova Scotia. My hon. friends will find a full statement by Mr. St. Laurent reported at page 2711 of the House of Commons debates for 1946, in which he outlined his attempts to get agreement on this matter and to have it discussed, and reported the failure of those efforts.

A further attempt was made in 1955 by my immediate predecessor in the position of minister of justice when Mr. Garson urged the Canadian Bar Asociation to suggest to the provincial attorneys general that they might co-operate with the government of Canada on this matter. The results of those efforts are recorded in a letter from the then president of the Canadian Bar Association to Mr. Garson, dated March 10, 1955, in which the president reported that all the provincial vice presidents had been in touch with the attorneys general of their respective provinces, and he records the result which again unfortunately was lack of unanimity. That letter from the then president of the Canadian Bar Association concludes with these two paragraphs:

> I have found that the members of the association all across Canada consider that this matter is an urgent one and that, in the interests of the administration of justice, action is required thereon.
>
> I would bespeak your early consideration of the earlier and continuing recommendation of the Canadian Bar Association.

Mr. Pugh: Will the minister indicate whether that which was requested was an amendment of the British North America Act?

Mr. Fulton: There have been a variety of requests. However, the majority of them have recognized that amendment of the British North America Act is the proper method of bringing about this result. There are letters from the bar association which refer specifically to the desirability of getting amendment of the British North America Act. The majority of the recommendations take that form. There are other letters which merely refer generally to the desirability of bringing about the retirement of judges of superior courts at age 75.

The last recommendation from the bar association, that is the one of 1959 to which I referred earlier, recognized that an amendment to the British North America Act is essential, and actually suggested that this question be referred to the Supreme Court of Canada.

Mr. Martin (Essex East): Will my hon. friend permit a question? Has he any reference there that would indicate that the national bar association has at any time indicated that compulsory retirement of district or county court judges can be effected only by way of constitutional amendment?

Mr. Fulton: Oh, no, Mr. Speaker; I have not attempted to suggest that.

Mr. Martin (Essex East): I know that.

Mr. Fulton: I will come to the question of district and county court judges, in the course of my reply to one or two points made by the Leader of the Opposition. I am dealing, at this time, only with the question of urgency of the provision of a retirement age of 75 for superior court judges. I have, I believe, covered the second point in answer to the question of urgency, the answer which is given by the number of attempts made by governments over the years in Canada to find a formula under which this might be accomplished.

The third ground of urgency as to why this proposal should be put forward now and why the government urges upon parliament that it should adopt the resolution presenting the address is that for the first time in the history of this matter we do now have the unanimous consent of all ten provinces. This is the first time that has occurred during a period extending back at least as far as 1936, if not farther than that. I am not going to attempt to lay down any constitutional principle here, but I do suggest to my hon. friends that since governments are not bound

by decisions of previous governments with respect to matters of this kind, I am not at all certain that it would be proper for me to obtain the consent of a province to a certain proposal in 1959, shall we say, and then not act upon that proposal until perhaps 1961. In my view, I am under an obligation to act promptly, and in so far as we present to parliament the consent of the provincial governments as a basis for what we are asking parliament to do, then I think parliament should proceed on the basis that it must act with reasonable expedition with respect to the proposal to which the provincial governments have consented.

I do not believe it would be a proper thing for a minister of justice, or a prime minister, to come before parliament two or three years from now and say, we had the consent of all the provincial governments back in 1959, so we are asking parliament now to act upon that consent or to act with the knowledge of that consent. My position is not to attempt to lay down any constitutional principles on this point; but my position is simply that as a responsible minister and a minister who expects to have good relations and businesslike relations with the ministers of provincial governments with whom I deal I cannot too long delay acting in accordance with the consent I have received. I do not believe good relations could be furthered or maintained if one were to wait for more than a reasonable period and then, without going back to the provinces, come before parliament and say that we did have the consent of the ten provinces.

I suggest to parliament, therefore, that having now for the first time in the history of this subject obtained the unanimous consent of the ten provinces, having it established as I conceive it to be established that this is a sound, desirable proposition, it is then incumbent upon parliament in the national interest to deal with the proposition while that consent of the provinces is real consent in the sense that it has recently been given.

I am quite certain I do not need to labour the point. All hon. members would agree with me that it would be, if not a breach of faith at least a straining of good relations, if we were to allow this matter to lie over for another year or two years and then attempt to deal with it, without going back to all the provinces to ascertain if they were of the same view as they had expressed in the latter part of 1959 when they consented to this proposal. I do state quite emphatically and categorically, Mr. Speaker, that it seems to me the question of urgency raised by the Leader of the Opposition is effectively answered on the three grounds I have advanced.

I should like, then, to go to the three specific criticisms that he made of the proposal contained in the address which we are asking parliament to adopt. One was that what is involved here amounts to a breach of contract with respect to the judges who have been appointed to office before this resolution is adopted by parliament. The second point was that he objected to the equation of district and county court judges on the one hand with superior court judges on the other in the resolution and the proposed address. The third point was that he criticized us for including the position of county and district court judges, in effect, under the constitution of Canada instead of leaving them where they have been in the past, in his submission, to be dealt with exclusively under the Judges Act with respect to their tenure of office.

I should like to leave the first point to the end because it seemed to me to be the most important of the points raised by the Leader of the Opposition, and go directly to the second point in which, if I understood him correctly, he objected to the equation of district and county court judges on the one hand with superior court judges on the other in so far as their tenure of office is concerned. In answer to this criticism I would point out to you, Mr. Speaker, that in my view this is a very proper equation to make. The only provision for retirement of county court judges at the present time is found in sections 31 to 33 of the Judges Act. This is a very difficult, far-reaching, and indeed I might almost say terrible procedure. This provision calls for the appointment of a commission by the minister of justice to inquire into the question of whether or not a judge has become incapacitated or disabled from the due execution of his office by reason of age or infirmity. Then, sections 32 and 33 provide for the carrying on of that commission of inquiry, for the laying of the report before parliament.

This, I have described, as a very terrible method of procedure and one that, to my knowledge, if I recollect correctly, has only been resorted to once in the whole history of Canada. If I understand it correctly, this is the only procedure available at the present time for the removal from office of a district or county court judge prior to his reaching the age of 75 years.

It is true that the constitution does give the government or rather the governor general the power to appoint a district, county or superior court judge under section 96, but the constitution is silent on the removal of district and county court judges. Section 99 does provide for the removal of superior court judges. This is the reason I say that at the present time the only method of removal of

county or district court judges, prior to reaching the age of 75 years when they automatically retire, is this very difficult and terrible provision under the Judges Act.

This situation, however, does not apply to superior court judges. In so far as superior court judges are concerned, there are three ways by which they can be removed from office at the present time. The first is by virtue of the provisions of section 99 which mentions good behaviour. There could be a court action bringing into question the good behaviour of a judge and calling for his removal; that would be the first method. Second, there is the simple method of an address of both houses of parliament, and I shall have more to say about this in connection with the alleged breach of contract. As I have said, section 99 provides that superior court judges can be removed by an address of both houses, and that is the second method.

I said there were three methods by which we could at the present time remove superior court judges, but actually we are providing the third method by this proposed address; that is that by the limitation on their age they will be removable or will cease to hold office at age 75 years. If therefore we did not include district and county court judges under the same general provisions we would have in effect only two methods of removing these judges whereas we would have three methods of removing superior court judges.

The other important feature to be considered in this connection is that we would not have provided for district and county court judges any security of office. They would not be appointed to hold office during good behaviour. There is an interesting comparison between the position of district and county court judges now and the position of superior court judges. Section 99 of the British North America Act provides that the judges of the superior courts shall hold office during good behaviour. It makes no mention whatsoever of the judges of district or county courts. It therefore seems to us to be entirely defensible that when we are instituting the last provision or the ultimate provision which now will make all judges appointed by the federal authority subject to termination of office at the age 75 years, that we should equate the conditions under which they hold their office, one with the other. It is therefore a perfectly proper and indeed a desirable thing that the conditions of tenure of office as well as the circumstances regarding the removal from office of district and county court judges on the one hand should be equated to and made similar with those conditions applicable to superior court judges on the other. We therefore propose to amend the constitution in order to make the situation clear.

With regard to the question of why it is desirable to place the district and county court judges provision in the constitution, may I point out that, as my letters to the provinces which are on record have indicated, it is our view that there is a question as to the constitutional validity of that provision of the Judges Act which now provides that county court judges should retire at age 75 years. May I point out that under section 92(14) of the British North America Act the provinces are given exclusive authority over the administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and of criminal jurisdiction. In those provinces which have county and district courts the organization, constitution and authority of those courts are matters to be dealt with by the provinces in exactly the same way and to exactly the same extent, so far as I have been able to appreciate, as is the case with the superior courts. Both courts are regulated, organized and have their jurisdictions established by the provinces. It seems to me that the courts at both levels have their organization and jurisdiction established under the authority conferred on the provinces by section 92(14). If that be the case, then it seems to me to be an anomaly, and to raise a serious question as to why, if it requires a constitutional amendment, as I believe it does, to impose a retirement age of 75 years on judges of superior courts, it does not take the same sort of amendment to impose that same retirement age on county court judges.

Mr. Martin (Essex East): Because of the B.N.A. Act—

Mr. Fulton: The B.N.A. Act is silent on the point.

Mr. Pearson: It mentions others.

Mr. Fulton: The B.N.A. Act may mention others but it does not mention the retirement age of either county or superior court judges. The B.N.A. Act, section 96 states:

> 96. The governor general shall appoint the judges of the superior, district, and county courts in each province,—

That is all it says. Then in section 99 states as follows:

> 99. The judges of the superior courts shall hold office during good behaviour, but shall be removable by the governor general on address of the Senate and House of Commons.

The B.N.A. Act is completely silent as to retiring age, whether it be with respect to district and county court judges or judges of superior courts. If therefore we say—as

we say here—that it takes a constitutional amendment, with agreement of the provinces, to impose a retiring age on judges of the superior courts which are courts under provincial authority, then we say it takes a similar constitutional measure to impose a retiring age on judges of county and district courts which are also courts of provincial organization and authority.

Mr. Martin (Essex East): Will the minister permit a question?

Mr. Fulton: Yes.

Mr. Martin (Essex East): Because of the importance of this matter and because of the long standing practice on the part of all governments, has my hon. friend been able to find in the departmental files any suggestion on the part of his predecessor that there was in the British North America Act any implication that would warrant the interpretation with regard to district court judges that the Minister of Justice has given us this afternoon?

Mr. Fulton: Yes. I have discussed this matter at great length with my departmental officials because I realize that what I am doing is not to be lightly done. That is the view of my advisers. I do not wish to shelter behind their opinion or in any way to suggest that the responsibility is theirs. It is my view which coincides entirely with theirs—or shall I put it the other way, that their view coincides entirely with mine—and upon which I am resting my case here in the House of Commons this afternoon, that while the provision has not been challenged in the courts, it is true, there is involved a residual doubt as to the authority of this parliament to impose a retiring age on a judge of a county court, which court is organized and constituted by a province. If, as we believe is the case, it requires a constitutional amendment with the agreement of the provinces to impose a retiring age on superior court judges, then we should remove the residual doubt as to county courts. We are not changing the situation as to retirement age, we are merely removing a doubt as to the validity of the provision, by including district and county court judges in the same constitutional amendment in which we are now providing for the judges of superior courts with respect to their retiring age.

Mr. Pearson: I do not wish to interrupt my hon. friend but can he give us the date of the first act passed by this parliament which provided for the compulsory retirement of district and county court judges?

Mr. Fulton: Yes; I think it was 1920. No, it was 1912.

Mr. Pearson: It was prior to that time.

Mr. Martin (Essex East): It was in 1889.

Mr. Pearson: 1903.

Mr. Fulton: Perhaps I should ask to be allowed to answer that question at the conclusion of my remarks and in the meantime I will get the authoritative information.

Having attempted and, I believe, having succeeded in establishing the desirability on constitutional grounds of making the same provision with respect to county and district court judges as is made in respect to superior court judges, may I deal with the third point made by the Leader of the Opposition, namely that this is a constitutionally regressive step. The Leader of the Opposition said that to enact now a constitutional amendment providing the retirement age of 75 years for district and county court judges means that if you want to change that retiring age, it will be necessary to go to the United Kingdom parliament for that change whereas, previously, when the authority for district and county court judges retirement age rested in the Judges Act it was not necessary to refer the matter to the United Kingdom parliament if you wanted to change that age.

With the facts of the argument I have no quarrel. It is quite true that if we now embody in the constitution a provision governing the retirement age for county court judges, we can only change it by further constitutional amendment. But again I think this is a desirable feature; and I think it is also desirable that the retirement age for superior court judges should be in the constitution rather than elsewhere. The reason is this. There has been criticism advanced in the country, criticism which must be dealt with, that parliament is being asked here by the government to make an attack upon and to remove the basis of the independence of the judiciary; that this is just the opening wedge for interference by the government with the judiciary because—this criticism runs—the government is now saying to parliament that with respect to those who have previously enjoyed a life tenure of office that tenure is now ended at 75 years of age.

Mr. Speaker, this is not in my view a criticism which can be substantiated because I do not think anyone disagrees with the principle that judges should be retired at 75. I do not think it has to be met on that ground, but perhaps it should be met on the ground that this is not giving the government as such—the executive—the right to determine the conditions under which judges will hold office or under which they will leave office.

I think it would have been most undesirable had we adopted one course which might have been adopted, and that is to ask for a constitutional amendment conferring upon the government of Canada the right to determine the retirement age.

Mr. Martin (Essex East): That is what you should have done.

Mr. Fulton: That is not what we should have done. We were urged in some quarters to do this, and not to put the age in the amendment itself but to ask for an amendment which would say that the government or the governor in council or parliament may determine the retiring age of the judges. Hon. members are familiar with all the arguments in that regard and the argument as to whether or not it is more difficult to get a constitutional amendment than it is to get a bill through parliament. But by enshrining it in the constitution, I say that we have taken advantage of all the arguments made by my hon. friends and others in other spheres, that we are placing beyond the whim and reach of the government of the day the right to determine what shall be the retiring age. We can now only change this retiring age by asking parliament to enact a further constitutional amendment, and we do it this way quite deliberately simply because we think it is important that the principle should be maintained, that it is not this government or this parliament alone which determines the retirement age of judges of provincial courts. Since the judiciary is in fact established under the constitution, and the relationship between the judiciary, the executive and the legislatures is established by the British North America Act itself, we feel that this change and further changes as important as this should be made only as the result of a constitutional amendment and not placed within the reach of the unfettered legislative authority of one of the legislatures which make up the total of legislative authority in Canada.

That seems to me to be a very good reason for enshrining the age limit with regard to county and district court as well as superior court judges in the constitution. This, of course, is quite different from the case of the Supreme Court of Canada and the Exchequer Court of Canada. Those courts are creatures of the federal parliament exclusively. Their judges are not, as in the case of district, county and superior courts, joint responsibilities in the sense of being appointed under the federal authority in Canada to courts established under the authority of the legislature of a province. So we believe it to be quite sound to place the retirement ages of all judges of such courts in the constitution rather than under the legislative authority of the dominion parliament alone.

Mr. Deputy Speaker: I am sorry to interrupt the minister but his time has expired.

Mr. Pickersgill: Mr. Speaker, on a point of order, surely the minister is replying to what could be regarded as a vote of want of confidence and therefore has unlimited time.

Mr. Deputy Speaker: I think it would be preferable, rather than discuss the point raised by the hon. member for Bonavista-Twillingate for the house to give consent to the minister continuing his remarks.

Some hon. Members: Agreed.

Mr. Martin (Essex East): May I ask the minister, before he goes on, if he could tell us how many superior court judges and how many district court judges it is estimated will be affected as a result of the completed act?

Mr. Fulton: Yes; may I answer that now. District court judges will not be affected at all because they already have a retirement age; we are merely continuing that by the address. With regard to superior court judges I think the figure is 12, but I have it here and I will give an authoritative answer later. That is, there are 12 who are now 75 or will be 75 by March 1, 1961.

I appreciate what the house has done with respect to extension of time, if it be an extension. I have a third point to deal with and I shall be as brief as I can, but I think it is the most important point, and that is the question whether there is in this proposal anything amounting to a breach of contract with judges who have already been appointed to the superior court.

Mr. Speaker, in my view this is a point which it is in a sense difficult to refute but which on a proper analysis of the situation can be refuted completely and specifically. I recognize this is a criticism which was made by Mr. Bennett of the legislation in 1927, although it was disregarded by the government of that day; but that does not seem to me to establish one way or the other the accuracy of the point, merely the fact that it was disregarded.

Mr. Pickersgill: Especially as that government changed its mind.

Mr. Fulton: It took it three years to do it, and they did it not because they realized the error of their ways; reading of history convinces me that they did it because they were embarrassed over the retirement of a particular judge three years later, but that may be a difference of interpretation too.

The fact of the matter is that there is in my view a fundamental fallacy in this argument that there is a sanctity of contract in this field which is being breached by the legislation now before the house. If hon. members will refer to section 99 of the British North America Act they will find it reads as follows:

> The judges of the superior court shall hold office during good behaviour, but shall be removable by the governor general on address of the Senate and House of Commons.

The important thing to bear in mind in reading that section is that there is no mention there that the Senate and House of Commons must assign cause for the removal. I recognize fully that no Senate or House of Commons would act capriciously and simply vote an address to remove a judge from office because it pleased them to do it and it suited their fancy at the moment. It is true they would only act on what to them at that time was represented and accepted as good and sufficient cause. But the fact is that the British North America Act now says that a judge of the superior court can be removed from office by a joint address of the Senate and House of Commons. That is all it says on that point.

That is a provision that has been in the British North America Act since 1867. It is under that provision that every judge appointed to a superior court since 1867 has been appointed, and has been subject to being removed under the provisions of section 99 at any time that the Senate and House of Commons so decide.

What we are submitting to the House of Commons today is that the Senate and House of Commons should decide that the attainment of the age of 75 by a judge of the superior court is sufficient reason to suggest that his office be terminated. That is all that is being suggested. No new legislative principle is being introduced regarding the power of removal from office. All that is happening is that the House of Commons—and the Senate when the address comes up there—will be asked to lay it down as a sound and fundamental rule that with respect to judicial office the attainment of the age of 75 is sufficient reason for the demission of office. That is a right which the Senate and the House of Commons has today and has had since 1867.

On the basis that I have not heard a single member of this house suggest that the general principle of a retirement age at 75 is not sound, it seems to me that all we are asking this house to do is to make that rule of general application instead of leaving it to be applied in any specific case where it would have to proved with regard to a particular individual by a terrible and dreadful process, that he had in fact as a result of his attaining the age of 75 become incapacitated in the discharge of his judicial function. I recognize the solidity, if you like, of the point. It is an argument which requires to be dealt with, but in my view it can be dealt with and disposed of completely on that basis alone, as well as on a number of others that I should like to mention.

Mr. Pearson: Before the minister leaves that point, would he inform me, an unqualified layman on these matters, in view of his argument, what does the expression "good behaviour" mean?

Mr. Fulton: The expression "good behaviour" has been judicially interpreted on a number of occasions but, with respect to the Leader of the Opposition, that point does not arise in connection with the argument I have been making, since section 99 does not lay down any condition for the passage of an address by the Senate and the House of Commons. It says—and let me read the section again:

> The judges of the superior court shall hold office during good behaviour but shall be removable by the governor general on the address of the House of Commons—

Mr. Pearson: Surely one is related to the other.

Mr. Fulton: I have suggested it was obvious that the Senate and the House of Commons would not act on the basis of caprice or whim, and they are not being asked to do so now. They are being asked to establish that one of the good reasons for the removal of judges from office is the attainment of 75 years, and that is the simple principle before the house.

There are a number of other points I wish to deal with, and I will try to be brief. There is, in addition to the reasons I have advanced, the question of the necessity of uniformity. If we were to accept the argument of the Leader of the Opposition, the result would be that we would have a number of judges appointed prior to this year who could carry on after the age of 75 until they chose to retire or until they died. There would be a number of other judges appointed after this date who would have to retire at the age of 75. Thus there would be a lack of uniformity as between judges with regard to pension rights, retirement rights and terms of office. Apart from the arguments I have advanced on principle, it seems to me that this would be a most undesirable situation, and the undesirability of this situation outweighs in itself any argument advanced by the Leader of the Opposition on the other side.

Mr. Pearson: Is that not the situation in the United Kingdom now?

Mr. Fulton: That is the situation in the United Kingdom, but what suits the United Kingdom and what may be applicable there is their responsibility. What is applicable here is our responsibility to determine.

I suggest there is really not much prejudice —if this be one of the grounds of opposition —to the judges who will be affected. As has been pointed out, another resolution now on the order paper will provide for an amendment to the pensions provisions. This amendment will relate the pensions of all judges to the salaries they are now receiving. Whereas at the moment they are related to the salaries in effect before 1955, it will be provided that the judges affected by this measure will have their pension rates adjusted so that they will receive two thirds of the salary they now receive instead of two thirds of the 1955 salaries. It will not be as much, it is true, as though they went out in receipt of their full salaries, but they will retire in receipt of an appreciable advance in comparison with what they would have received had they retired without such provision.

Mr. Martin (Essex East): In principle, the same as the situation in 1933.

Mr. Fulton: Not at all. Further, we shall be extending to March 1, 1961, by an amendment I shall be moving later, the effective date of this amendment so that there can be no suggestion that judges are being hurried out of office willy-nilly notwithstanding the many years of faithful service they have given.

Finally, I come back to the fact that we have the approval of the provinces. That approval was received on the basis of the letters which I wrote to them and which are recorded in *Votes and Proceedings*. These letters made no reference to any question of retroactivity with respect to this legislation; I believe I have used the wrong word: they made no reference to the possibility that judges previously appointed would not be affected by this legislation.

Mr. Pickersgill: One way or the other.

Mr. Fulton: One way or the other, and it was not intended that the letters should create that impression. The letters and the discussion I had proceeded on the basis that the legislation would become effective immediately and with respect to all judges whether previously or subsequently appointed. It was on the basis of these letters and that discussion, that provincial consent was received.

In my view, therefore, it would not be open to me to suggest at this stage that I could consent to an amendment to give effect to the point made by the Leader of the Opposition. Before I could do so I believe I would have to go back to the provinces and ask further consent to what to my mind would be a new proposal rather than the proposal which we have placed before the House of Commons and the Senate.

For all these reasons, while I do not say that the arguments made by the Leader of the Opposition have not got weight—they have, and they must be dealt with, and I have attempted to do so openly and frankly—it is my submission that the interests of the country and the interests of the judiciary are served by imposing a retirement age on the judges of the superior courts and imposing it now so it will be of universal application. As a result, the position of the courts will be uniform throughout the country. The resolution is in the interest of the judiciary and in the interest of the public who go before the courts and are affected by the decisions of the courts; it is in accord with the consents we have received from the provinces and I hope the house will proceed on the basis of the address in its present form subject to the one amendment which I will move later.

Hon. J. W. Pickersgill (Bonavista-Twillingate): The Minister of Justice (Mr. Fulton) has spoken with moderation and restraint, and I will endeavour to do the same, although it is very hard—

Mr. Fulton: I am sorry to interrupt. I was asked if I could give certain dates. I am advised that the first amendment as to age was in 1903, chapter 29 of the statutes. It was 80 years for county and district courts, which was changed to 75 years by the statute of 1913, chapter 28.

Mr. Pickersgill: As I was saying, the minister spoke with great moderation and restraint, and I shall endeavour to do the same, but again it is very hard for anyone who believes in parliament and the rights of parliament to speak with moderation and restraint after having listened to the last argument advanced by the minister, namely that the parliament of Canada as well as the parliament at Westminster must become a mere rubber stamp because the provincial governments have approved first—

Mr. Fulton: Oh no. May I—

Mr. Pickersgill: That is what the minister said; that we could not amend this because he had already reached agreement with the provinces. I can just imagine—

Mr. Fulton: Would the hon. member permit me—

Mr. Pickersgill: Perhaps the minister will allow me at least to finish my sentence.

Mr. Fulton: Very well, if the hon. member wishes to persist in this misstatement of fact.

Mr. Pickersgill: I can just imagine what would have been said by the Minister of Justice or by the Minister of Finance (Mr. Fleming) to say nothing of the Prime Minister (Mr. Diefenbaker) if any hon. member of the previous administration had insulted parliament in that fashion. I do not think it was a deliberate insult—that is what makes it worse—it was an unconscious insult.

Some hon. Members: Oh, oh.

Mr. Fulton: May I be permitted to intervene at this point. In order that we may have the debate on a proper footing perhaps I may be permitted to point out that what I said was that I could not consent to the change without going back to the provinces. I did not say that was the only reason I would not consent; and the reason, as I made clear, is that I believe the present proposal is the best one. But in any event I could not unilaterally consent to the change without going back to the provinces. That is all I said.

Mr. Pickersgill: I suggest to the minister that he read his own correspondence with the provinces. The minister will find that with the exception of the government of Quebec in none of the rest of the correspondence is this matter, as I read the correspondence, spelled out in such detail. It is quite true that the hon. gentleman had additional correspondence with the government of Quebec which was not tabled at the time the rest was but I believe it has been made public since.

In any event we know that an address was adopted by the Quebec legislature. We also know that the question of county and district courts is quite irrelevant in the province of Quebec in any case. However, I do not intend to spend very much time on that argument because it is not intrinsically of any importance at all. It is only important as a reflection of the sad state of the minister's mind. What I really think is much more important is the doubt that was raised—and perhaps even more than a doubt in his own case—by the hon. member for Hull (Mr. Caron) in his reference to the British North America Act 1949, No. 2 which the Prime Minister erroneously referred to this morning as an amendment which gave to this parliament the power to amend the constitution in matters that came within the jurisdiction of this parliament. What it actually does, of course—and I think it is perhaps as well to read the relevant section of it—is to confer upon this parliament the capacity for:

> The amendment from time to time of the constitution of Canada, except as regards matters coming within the classes of subjects by this act assigned exclusively to the legislatures of the provinces, or as regards rights or privileges by this or any other constitutional act granted or secured to the legislature of the government of a province—

The rest of it is irrelevant to this debate. That quotation may be found at page 476 of Beauchesne's fourth edition. It is perfectly obvious, in spite of the minister's reference to the administration of justice in section 92, that no one would seriously argue for one moment that the legislature of any province could legislate with respect to the appointment of these judges, either superior court judges or county court judges, or with respect to their tenure; that an attempt on their part to legislate in this particular would be completely beyond their competence because the appointment of these judges at least and the tenure by implication, we argue, in the case of county court judges is given to this parliament; but at any rate the appointment is given to the governor in council and not the provincial governments—

Mr. Fulton: The governor general, if you want the accurate reference.

Mr. Pickersgill: Yes, the governor general, that is quite true. What can be argued, I think, is that it may come within the second part of this quotation:

> —or as regards rights or privileges by this or any other constitutional act granted or secured to the legislature of the government of a province—

I know many eminent jurists in this country—indeed they are among the most eminent—who take the view that there would be no doubt since that amendment was made in 1949 that parliament could legislate with respect to the tenure of superior court judges. I am rather surprised since the minister emphasized so much the advice of the Canadian Bar Association that he did not take that advice which could have been taken last autumn right after they gave it in September, and make the reference they suggest to the supreme court, because it is perfectly obvious that the eminent members of the Canadian Bar Association who drafted the resolution were of the view that it was at least arguable that it was within the competence of this parliament to legislate in this matter or they would not have suggested a reference to the supreme court.

Mr. Fulton: I suggest it might have been because they never thought we would get the consent of the provinces, which in fact we did.

Mr. Pickersgill: The minister is making a reflection upon the bar association of Canada which I would not wish to make.

Mr. Bell (Saint John-Albert): You are making a reflection on the provinces.

Mr. Pickersgill: I would not like to suggest that the eminent members of the Canadian Bar Association would suggest to the government that it do something of dubious constitutional validity because they simply did not think it could be done in a proper way. I think more highly of the Canadian Bar Association than does the Minister of Justice.

Mr. Fulton: Is my hon. friend suggesting that this is an improper way we are embarking on now? Is my hon. friend suggesting it is improper to get the consent of the provinces?

Mr. Pickersgill: No, I am suggesting that I agree with the Canadian Bar Association that there is a question, a doubt. That is all I am suggesting.

Mr. Fulton: The hon. member does not suggest then that this is an improper way?

Mr. Pickersgill: Not at all and if the minister will allow me to proceed as I allowed him to proceed he will soon find out.

Mr. McPhillips: Why do you not proceed with your law course; then maybe you will learn something.

Mr. Speaker: If hon. members wish to ask questions they should rise.

Mr. Pearson: If the hon. gentleman rose he would not be able to speak.

Mr. Pickersgill: You know, Mr. Speaker, one is awfully tempted to answer that question but I will resist the temptation. As I was saying when I was interrupted, I do not think that anyone would question that if the British parliament does do what this parliament is going to ask it to do, if the government is successful in getting this motion through in the form in which it wants to put it through, or even in the form in which we are willing to have it go through, I do not think there will be any doubt about the fact that the courts would say that so far as superior courts are concerned it would be valid.

There is some question in my mind, but it is only a question in my mind, and I do not consider I am a sufficiently eminent authority —I do not think perhaps anyone is because in the end it would have to be settled by the court of final resort—but there is some doubt that this parliament, even by a joint address, could confer again upon the British parliament a jurisdiction of which under the Statute of Westminster it would have appeared to have divested itself. There is no doubt that the British North America Act of 1867 as amended from time to time is the law of Canada and what we usually call the constitution of Canada, but there is nothing in that act which says anything whatever about the tenure of county and district court judges. I question whether in the year 1960 the parliament of Canada by an address can confer upon the British parliament a jurisdiction of which it divested itself when we ceased to be technically a colony in 1931. That it seems to me is a strong additional objection to those made by my leader to the inclusion of county and district courts.

I am going to deal in the opposite order with the arguments of the Minister of Justice and before dealing further with the subject I just mentioned I want to say something about this business of breach of contract. I must say that I thought I had heard the ultimate in casuistry in the past, but I never heard an argument that quite equals the argument put before us today by the Minister of Justice, the suggestion that because this parliament is sovereign it could or would or was designed or intended capriciously to remove judges without cause. The minister went on very quickly to say that we would never do it. I hope we would never do it, but I never thought I would hear any minister of justice get up in this house and say it is a theoretical possibility.

An hon. Member: We can do anything theoretically.

Mr. Pickersgill: It is part of a sentence; not a separate sentence, but part of a sentence the other part of which refers to good behaviour which, as the minister has said, is a term of art which has been defined by the courts. What I have understood and what I think most plain-minded people have always understood is that the only way a judge who was guilty of a breach of good behaviour could be removed was by an address of both houses but that this was merely a procedure which could be followed in cases where it was warranted.

Since 1867 we have had life tenure in the superior courts of this country and, as the Prime Minister pointed out this morning—and I do not go about looking for reasons to agree with the Prime Minister but this time I do—the courts of this country are held in as high repute as the courts of any other country, and the judges of this country in as high repute as the judges of any other country, notwithstanding the fact that they have had life tenure for 93 years and, indeed, in

colonial times before that. It does not appear to me that they are suddenly, precipitately, going to deteriorate after March 1, or whatever the date is, 1961, and suddenly become corrupt and incompetent after the age of 75. If we have been able for 93 years to endure the regime that we have now I would think the country would not suffer damage by allowing those judges who have already been appointed to serve out the tenure on which they had accepted their positions from a government and a parliament and a country which on a whole have kept their word.

There is another gentleman with whom I did not often agree in his lifetime but with whom I certainly agree on this occasion. I think that what Mr. Bennett said in 1927 was right, and I am very proud of the fact that Mr. Lapointe came to see that it was right and was a big enough man to change his mind over it. I do not think there is anything to be ashamed of in that at all. But I do think with that precedent it is all the more shocking to ask us to take a course which I can only regard as a dishonourable one.

Mr. Martineau: Will the hon. member permit a question?

Mr. Pickersgill: Certainly.

Mr. Martineau: Does the hon. member disagree with his leader who stated that he was in favour of the retirement of judges at 75?

Mr. Pickersgill: Well, Mr. Speaker,—

Mr. Martin (Essex East): That is not the point.

Mr. Pickersgill: The parliamentary secretary to the Prime Minister should take a course in listening because the Leader of the Opposition said at the very outset of his—

Mr. Ricard: He said he was in favour.

Mr. Pickersgill: I am answering the question. I allowed the hon. gentleman to ask it; I surely might be allowed the courtesy of answering it without any help from the hon. member from St. Hyacinthe-Bagot.

Mr. Martineau: You need his help.

Mr. Pickersgill: The hon. member can speak only from his seat.

Mr. Ricard: That is another one of your innuendoes.

Mr. Speaker: Order. It does not expedite debate for hon. members to interrupt, particularly from their seats. If they have questions to put, the proper course is to rise and get the consent of the member who has the floor; otherwise they are duty bound to observe silence.

Mr. Pickersgill: The Leader of the Opposition said at the very outset of his remarks that we in this party are in favour of the retirement of judges, appointed after this legislation goes into effect, at the age of 75, but we do not believe we should unilaterally terminate existing contracts. I was astounded to hear the hon. member for Kootenay West (Mr. Herridge) suggest that it was quite all right to terminate a contract unilaterally. I can imagine what the hon. gentleman and members of his party would have said if the government had brought in legislation to change unilaterally a collective agreement between labour and management and yet, because those judges are not allowed to enter into collective bargaining, apparently it is quite all right to treat them in a dishonourable fashion, to legislate unilaterally a change in their terms of employment.

Mr. Fulton: One more question on that point. Does the hon. gentleman suggest that even after the legislation of 1930 judges of the supreme court and the exchequer court were not compulsorily retired and their contracts terminated?

Mr. Pickersgill: No, I do not suggest that. I do think that while I would not wish to do it and I would not wish to be a party to it, there would not be very much strength in my argument if the government put forward a proposal even for compulsory retirement on full salary. It then seems to me—

Mr. Fulton: That is the difference between us, then.

Mr. Pickersgill: No. I say to the minister I would not wish to be a party to that, but I would think my criticism would be on very much less solid ground if that were done, as was done in 1930.

Personally I do not think the country would suffer any very great damage from carrying on throughout the lifetime of those judges who do want to stay on after 75—and we know many of them do not, anyway—and are capable of doing it, and if they are not capable of doing it there is machinery now for dealing with them even though the governments have not often used it. They have never used the other machinery of a joint address. Therefore, I say, so far as I am concerned and so far as the amendment moved by the Leader of the Opposition is concerned, which I am supporting very strongly, I do think that to take this course is to take the course of dishonour.

Mr. Bell (Carleton): Will the hon. member permit another question?

Mr. Pickersgill: Certainly.

Mr. Bell (Carleton): Does the hon. gentleman assert that Mr. Lapointe and Mr. Mackenzie King acted with dishonour in 1927 in respect of the Supreme Court of Canada and the Exchequer Court of Canada?

Mr. Pickersgill: I suppose that is really what my argument means. That is what Mr. Bennett said it was.

Mr. Fulton: No; Mr. Bennett never used the term "dishonour".

Mr. Pearson: Breach of contract.

Mr. Pickersgill: I have always considered a breach of contract dishonourable. That is the way I was brought up. I believe it was because Mr. Lapointe and Mr. Mackenzie King came to realize what they had done was not right that they changed their minds and were men enough to come into this house and have the law changed. I know we have been accused—we were accused a few years ago—of considering that we were infallible, but Liberals never have considered they were infallible; they have never considered that they could not learn, and even learn from their own mistakes, but I must say other hon. gentlemen make many more mistakes to learn from.

Mr. Speaker: It being five o'clock, the house will now proceed to the consideration of private and public bills, the former having precedence, pursuant to standing order 15.

PRIVATE BILLS

Mr. Speaker: The house again in committee of the whole on certain divorce bills.

Mr. Hanbidge: Mr. Speaker, before we proceed to divorce bills may I get the consent of the house to deal with order No. 265, Bill No. S-31, to incorporate Northern Pipe Line Company, in advance of the other business of the house?

Mr. Speaker: The hon. member is asking for unanimous consent to take up order No. 265, the house in committee of the whole on Bill No. S-31, to incorporate the Northern Pipe Line Company, in advance of the other business of this hour. Does the house give unanimous consent?

Some hon. Members: Agreed.

CONSIDERED IN COMMITTEE—THIRD READING

Bill No. S-31, to incorporate Northern Pipe Line Company—Mr. Hanbidge.

EARL BERNARD LAPIERRE

The house in committee on Bill No. SD-53, for the relief of Earl Bernard Lapierre—Mr. McCleave—Mr. Flynn in the chair.

[Mr. Pickersgill.]

On clause 1—*Marriage dissolved.*

Mr. Howard: Mr. Chairman, the petition in this particular instance indicates that the petitioner and respondent were married on June 9, 1943, and also that they were domiciled in Canada, in the province of Quebec, both at the time of the marriage and on the date of this petition. In clause No. 6 of the petition there is an indication that adultery was committed on or about May 6, 1959, and the street address in the city of Montreal is given, as well as the name of the corespondent who is also indicated as living at the same address. Mr. R. A. Cohen appears as counsel for the petitioner.

The petitioner was sworn and gave certain evidence to the clerk of the committee with respect to his name, age, occupation and address. He is asked to give the particulars of the marriage. The first question is:

Q. Are you married?
A. Yes.

Then, he gives the name of his wife and when they were married, which was June 9, 1943, and which date coincides with the date given in the petition. He gives the religious faith to which he belongs, and that of his wife. Then he is shown his marriage certificate. He identifies it and indicates that the statements therein are true. The clerk of the committee states that there were no photographs filed in this particular case and subsequent evidence is given, which I shall relate in a moment, as to how the respondent was identified in this instance.

Then Mr. Cohen asks the petitioner his address, which he gives, and the petitioner indicates he has lived in the city of Montreal for 36 or 37 years which would be almost all of his life. Then Mr. Cohen inquires again about the date of the marriage, as follows:

Q. What year were you married?
A. June 9, 1943.
Q. How long did you live together?
A. About six months.

The next question relates to children and I shall dispense with that because we are forbidden to mention the children here. Then Mr. Cohen says:

Q. Now, after six months of marriage can you tell me why you separated?
A. Well, she was nervous and high strung, and she left a few times, and one time when I came home she was not there, and she never came back.
Q. Did you ever see her over a period of many years?
A. No.

I imagine he means he did not see her for some time, and then there is this question to clarify the situation:

Q. You never saw her since 1943?
A. I have seen her once or twice after that, but it was on the street.

Then he is asked about discussing the question of divorce with his wife, and he says he has not discussed the question of divorce. He indicates also that there is no hope of a reconciliation. The petitioner is asked:

Q. Do you know anything about this—

He gives the name of the corespondent, and the petitioner answers:

A. No, I have never met him. I seen him once on the street, but I never met him.

The subsequent questions are about when he went to see the lawyer, and so on. Then he is asked some questions about why he went to see the lawyer at that time.

Q. Can you tell us why you came at that time?
A. Well, I received a telephone call from her—well, my sister received a call from her, and I was to call her, and I did not get home until late that night, and I called the next day. That was at her mother's home. She had given that number.

This is, presumably, his wife who phoned, and then Senator Farquhar follows this point up by asking:

Q. What is that you said?
A. Doris called me at my home, and I was not home. I was working. My sister received the call and she told me to call her, but I did not call her that night, and the number to call was her mother's home, you see. So I called the next day, and her mother answered the phone.

Then Mr. Cohen wants to know something and asks if he could indicate something about that conversation. He answers:

A. I spoke to her mother, and she said: "You know, Doris does not live here. She is living on Souvenir street"—

Then he gives the name of the corespondent with whom she is living. Subsequently the petitioner went to see his lawyer, and Mr. Cohen asks:

Q. Did you meet anybody there?
A. You introduced me to Mr. Wiseman.
Q. An investigator?
A. Yes.
Q. Where did you go after that?
A. It was May 2. Mr. Wiseman and I went down to Souvenir street, and we waited on the street—I was at your office at about ten, and we waited from about 10.30 until two, and she came out with this man.
Q. Did you point your wife out to Mr. Wiseman?
A. Yes, she walked right up to us, and Mr. Wiseman told me to—

Here, he is interrupted by the chairman, Senator Croll, who asks:

Q. Did you speak to her?
A. Yes, I said: "Hello", and then he took over. He told me to go.

I imagine that was Mr. Wiseman who told him to go.

Q. You spoke to her?
A. I just said hello to her.
Q. While Wiseman was there?
A. He was right with me, yes.
Q. And—

Then he gives here the name of the co-respondent.

—was with her?
A. I believe it was—.

And the same name is given.

I am not sure.
Q. Some man was with her?
A. Yes.
Q. There can be no mistake that was your wife?
A. Oh, no.

This is the part which substitutes, I imagine, for the photographs, Mr. Chairman, and which was the personal identification, or I would imagine almost an introduction to the investigator, of the respondent. Then Mr. Cohen asks some questions with respect to collusion:

By Mr. Cohen:

Q. Did you ever place other men in the way of your wife?
A. No.
Q. And Mr.—

He gives here the name of the corespondent.

—in particular?
A. I never met Mr.—

Giving the corespondent's name.

—outside of that time.

Then Senator Farquhar wants to know why this marriage was discontinued after a six-month period. He asks this question:

Q. What reason did your wife give for leaving you? She must have had a reason.
A. I don't really think so. She was just high-strung and she was very nervous. She was only sixteen years old, I think, and she went home to her mother's place. I know that. I went to a lawyer and sent her a letter and he spoke to her on the phone and she just said she didn't want to live with me.

Then Mr. Cohen asks a question:

Q. How many years ago was that?
A. At the end of 1943.

Senator Gershaw queries further about this matter and asks the following questions:

Q. If she was so high-strung and nervous and only sixteen years old, did you try to console her and try to continue the marriage?
A. I called her back several times, and this lawyer I hired, he called her.
Q. I know, but what I mean is she was young and apparently sick. You said she was nervous and high-strung. Did you get any medical care for her?
A. No, she wasn't that bad that she needed medical care, I don't think. She wasn't that bad. She was just nervous and high-strung.

Then there are questions about work in the house and so on. Then Senator Croll asks how long they had known each other before marriage and the age of the petitioner when he was married and he indicates that he was 21, something like that.

Then Mr. Wiseman appears as a witness on behalf of the petitioner, and here we come to the question of proof of adultery. Mr. Cohen asks Mr. Wiseman questions, the first of which was as follows:

Q. Mr. Wiseman, I don't have a photograph to show you, but could you tell this committee when you saw the respondent—

He gives there the name of the respondent.

—for the first time.

A. She was pointed out to me by her husband on May 2, 1959.

Q. Where, sir?

A. By her place of domicile,—

He gives there the address which is the same as the address indicated in the petition as being that where adultery had taken place and also of the residence of the respondent and the corespondent. I might say that this is an instance of a common law arrangement. These two people had been living together for a number of years. Evidence to that effect was given later on. Mr. Wiseman is asked additional questions by Mr. Cohen about this particular meeting when the wife was pointed out to him:

Q. Could you tell us something about that meeting? How was she pointed out?

A. Mr.—

And he gives there the name of the petitioner.

—went with me simply because we didn't have a photograph. To make positive identification I requested he come with me, and he pointed his wife out to me when she came out of the building.

Q. Was there anybody else present?

A. The corespondent.

Q. You had never seen this man before that?

A. No.

Then there are questions again about the particular investigation. Mr. Wiseman answers by saying as follows:

A. Between May 2nd and May 6th, 1959, I conducted an investigation very discreetly, asking several people questions in the neighbourhood and I learned that the respondent was living with Mr.—

He gives here the name of the corespondent.

—as man and wife and was known as Mrs.—

He gives here the surname of the corespondent.

—at that address. On May 6th, 1959, my associate, Mr. O'Neil and myself proceeded to the domicile of the respondent, arriving shortly after 11 o'clock. We rang the bell of the domicile of the respondent and it was answered by her. We asked for Mrs.—

He gives here the married name of the respondent.

—and she first said "There is no Mrs.—"

He gives here that same name.

She was very sketchy about it. She said "I am Mrs.—,

And he gives here the surname of the corespondent.

—and I said "Aren't you known as Mrs.—?"

And he gives here her true name or married name.

—and at the same time I identified myself to her when I said that, and she said "Yes, I am Mrs.—"

And he gives here her correct name.

—and she asked me to come in. We went into the flat and the corespondent—

[Mr. Howard.]

And he gives here the name.

—was in there. They had evidently been watching television. The television set was on. I can remember quite well because the news was on at the time we arrived.

Q. What time was that?

A. Between 11 and 11.15.

Q. Could you describe to this committee Mrs.—?

And there is given here the name of the respondent.

A. I would say she is a woman in her early thirties, about five foot four, five foot five, with jet black hair, medium build, about 110 or 115.

Q. How did Mr.—

And here there is given the name of the corespondent.

—look?

A. Mr.— is a man in his mid or early thirties, quite tall, five foot eleven or six foot, fairly heavily built.

Q. Did you have any conversation with her?

A. Yes. As a matter of fact, they were most co-operative when they learned I was there, although she was a little surprised that Mr.—

And here there is given the name of the petitioner.

—was taking this action after a separation of over ten years. She seemed to be quite happy and they invited us in and we must have spent every bit of a half hour in the place. They were talkative people and he went on to explain that he was a chemist employed at C.I.L. and he was working on some photographic formula at the time for coloured picture for a polaroid camera, for instant colour shots.

Q. Were there any other people there?

A. No.

Q. Could you describe the house?

A. Yes, it is what I would call a five-room flat with a bedroom, living room-dining room combination and there was an archway and there was what I would call a utility room with a washer, a dryer and a deep freeze in there. It was all very orderly.

Q. Did they admit living there together as man and wife?

A. Oh, yes, and that they had been for quite a number of years.

Q. How long did you wait after you left the premises?

A. We were in the house for half an hour when they admitted being together, and through my prior investigation having learned they were living together as man and wife I didn't see any reason to wait when I came out. They were both dressed for bed, in pyjamas, just as any ordinary married couple would be or if I was spending the evening at home with my wife I would have been spending the evening just about in the same way.

Mr. Ronald O'Neil is called to give evidence. He was the partner of Mr. Wiseman. He is questioned by Mr. Cohen as follows:

Q. I don't have a photograph to show you, but could you describe to this committee if you ever saw a—?

A. —yes.

Q. Where did you see her?

A.—near Cannon street, Montreal.

Q. About what time?

A. 11.15, 11.10 p.m. on May 6, 1959.

Q. Could you describe to this committee what Mrs.—looked like?

A. She was about five five, five six, maybe 115 pounds.

Q. Approximate age?

A. Thirty two, thirty three, something like that, in that area.

Q. Did you go into this residence at—?

A. Yes, I did.

Q. Could you tell us what happened when you were inside?

A. A Mr. Wiseman and myself entered the premises and Mrs.—is the one who answered the door—that is the name she gave us when she answered the door, and Mr. Wiseman said "Are you Mrs.—?" and she said that she was Mrs.—and Mr. Wiseman said, "Aren't you Mrs.—?" and she said yes, and she invited us in and Mr. Wiseman told her what we were there for and she said "I don't understand it after so many years"—they had been separated ten years—"why he is doing that now?" We said "We don't know."

Q. Was there anybody else in the house?

A. Yes,—

Q. What did he look like?

A. He was a man of about thirty six, thirty seven, maybe six foot tall, 180, 190 pounds, somewhere in that area.

Q. Was there any conversation that went on that evening when you were in the apartment with Mrs.—, Mr. Wiseman, Mr.—and yourself?

A. Yes, Mr.—told us a bit of his history and what he was doing, and asked us how divorce worked and he thought there had to be pictures taken and he said he was working for C.I.L. colour pictures, and the conversation was regarding that kind of stuff.

Q. How were they dressed?

A. He was wearing apair of bluish-gray pyjamas.

Q. And Mrs.—?

A. She had on a pair of pink pyjamas with a house-coat or robe down to her knees.

Q. Did they admit in front of you that they were living as man and wife?

A. Yes, they had for several years.

By Senator Gershaw:

Q. From the general appearance of the place were you convinced that they had been living there as man and wife for some time?

A. Yes, I would say so. There was one bedroom with women's and men's clothes hanging in the clothes closet; there was only one bed in the house, a large double bed.

Q. A three quarters or double bed?

A. I don't think I would be able to recognize the difference.

Mr. Chairman, it is necessary to indicate all that for this reason. The petition says that on or about May 6, 1959, at a particular address adultery was committed. The preamble to the bill, which we have not read yet, indicates that the marriage was on such and such a date and that adultery had been proved by evidence adduced, and so on. I submit that it is jumping to conclusions to say that adultery took place on that particular day. If the basis of a common law arrangement is such that this could be ground for divorce perhaps there might be some validity to the suggestion that adultery had been proved.

According to the evidence, at no time during the half hour that these two investigators were on the premises talking with the respondent and corespondent did they get around to talking about adultery. They talked about polaroid cameras and photographic formulas, about why he would want to take action to get a divorce, and I presume they talked about a number of other things too. Presumably they went through the premises and got a good look at them because they give evidence of the number of rooms there, what was in them, such as a washer, dryer, deep-freeze, that there were clothes in the closets, and so on.

In my opinion all that has been proved is that this couple lived together as man and wife under a common law arrangement. From what we have been able to gather as to what is adultery, even though we are not allowed apparently to speculate about what the word means, that is not the case in this particular instance. That is why I went extensively into the evidence, to show that all that had been proved was that this couple were in their pyjamas and were spending the evening somewhat in the same manner as Mr. Wiseman would spend the evening with his wife if he were not out investigating divorce cases, and that they sat and talked for half an hour. While they admitted that they had been living together as man and wife and that there was a common law arrangement, I submit that that is the basis upon which we should consider granting this divorce, not on the basis of adultery having taken place, because according to the evidence given by Mr. Wiseman and Mr. O'Neil there is not a word about adultery. We do not know whether they discussed it in the half an hour they were there or whether they attempted to discover whether adultery had taken place between this particular couple on that particular day.

Mr. Chairman, I submit there is not one shred of evidence to indicate that adultery did take place. It may well have after the detectives left. This is a possibility if they were living together as man and wife but I submit that this is the basis upon which we should consider granting a divorce, their living together as common law man and wife, and not on the basis of adultery having been proved.

Mr. Peters: Mr. Chairman, in this particular case, as in a number of other cases, we have the odd situation where a couple were married many years ago. They broke up in 1943. At that time the girl was 16, her husband was 21 or in that neighbourhood, and they lived apart with no particular attempt to dissolve the marriage for 16 years. They now come before us asking for dissolution of marriage and charging that adultery has taken place.

It has not been proved that this is the gentleman. If the case is to be accepted at face value it is not indicated whether this was the alliance that this young lady set up

in 1943. In any case, from reading the evidence it is clearly indicated that no attempt made on the part of the husband during these years from 1943 to 1959 to do something about this situation and either relieve himself of an unwanted wife or the wife seek relief from a husband with whom she had no contact. On page 12 of the evidence appear the following questions:

Q. Did you ever see her over a period of many years?
A. No.
Q. You never saw her since 1943?
A. I have seen her once or twice after that but it was on the street.

Under English law, one of the discretionary bars is this matter of delay and it would seem to me that in this particular instance we have not got the whole story about what happened. It would seem to me that the husband would have been more interested at the time in retaining his wife. As a husband he would have been interested in keeping his wife with him. I am not too impressed about the evidence he gave as to her keeping house. He seemed sketchy about whether she kept house or not but he finally admitted she did. There must have been some loss about her leaving home.

Kent Power points out that discretionary bars are not absolute in the prevention of divorce but they are a large factor. He has this to say on page 82:

The delay which under the act of 1857 is a discretionary bar is "unreasonable delay" in presenting or prosecuting the petition. The same discretion exists in New Brunswick and Nova Scotia.

The reason these two provinces are mentioned is that both follow the original British law.

The delay of the respondent in putting in a defence is a factor to be considered in deciding whether cross-relief asked for therein should be granted. The reason for the court frowning on delay was thus expressed by Sir Francis Jeune in Johnson *v.* Johnson—

Mr. McCleave: We cannot allow this to go on. The hon. member is reading about a respondent's rights, the rights of respondents instead of the rights of petitioners. He has neglected the evidence on page 12 which clearly shows that the husband was not aware he had recourse to parliament until April, 1959. It is a typical type of debating such as we have heard for months and months; the reading of some evidence and then the picking up of a law book to try to get a paragraph to throw into the pot as well. I submit that what the hon. member is reading is completely irrelevant. It has nothing to do with the facts. If the hon. member would follow the argument as to how the husband found he had a cause of action he will find he is out of order.

[Mr. Peters.]

Mr. Peters: English law says that the defence or prosecution of the case must take place within a reasonable length of time, and I suggest that by no stretch of the imagination can 16 years be considered a reasonable length of time. A contract of marriage carries with it certain obligations and privileges and when those privileges are withdrawn the plaintiff has the right if he does not condone or connive, to take discretionary action as soon as possible. Sixteen years in this case constitutes in my opinion an unreasonable amount of delay. I should like to refer to what has been said in connection with other legal decisions which have been made by the courts on this question.

Mr. McCleave: If I may again refer to the point of order, may I point out that the cause of action was not discovered by the husband in 1943; it was discovered in April 1959. When he had a cause of action he pursued it forthwith, so this argument based on the marriage breaking up after 17 years is not relevant. The woman might have been anywhere during that time, living as a single person, by herself. We are getting into an irrelevant line of legal discussion. No matter how the hon. member tries to twist or interpret facts there is still sworn evidence, and it is the only evidence we have on this point.

Mr. Peters: If I may just continue the discussion on this aspect, I suggest that the fact that 16 years had gone by before an application was made is only an indication that the plaintiff in this particular case had made a liaison or a connection; he had found a girl friend, and therefore he was ready to pursue this—

Mr. McCleave: I rise on a question of privilege. I do not think any member of the House of Commons has the right to get up on his feet and make an allegation against a member of the general public who is not here to defend himself, without a jot or tittle of evidence to back it up. I think it is unjust and a corruption of the processes of the house for any hon. member to come in and abuse someone without one single solitary fact of evidence to support the allegation.

The Chairman: Of course, the hon. member has taken the responsibility for the statements he makes in this house. I can only say that for his guidance.

Mr. Peters: In discussing this matter of unreasonable delay I do so because I think it has some bearing on this case. I think this should answer the hon. member for Halifax who is concerned, or should be concerned, with this particular matter.

Mr. McCleave: So should you.

Mr. Peters: I am. I quote again:

The reasons why this court insists on steps being taken promptly, if they are to be taken at all, and why it should be very strenuous on the subject of delay, are that it is a terrible thing that people should be going about the world neither married nor unmarried, possibly liable to contract fresh and illegal matrimony and certainly exposed to temptation to commit adultery. That is a state of things which ought not to be prolonged for a moment longer than it can properly be avoided.

It goes on:

Referring to the argument that the stringent rules of earlier decisions had been relaxed, McLaurin said—

Mr. McCleave: Again I rise on a point of order. The point I have been trying to make, with success I imagine with everyone except the hon. member, is that if there was any evidence of any delay in bringing this case before parliament then the hon. member's reading would be relevant, but all the evidence we have on record here indicates that the man found his wife was living with somebody else in April, 1959. Apparently he did not know what she had been doing in the interim. That being so, he proceeded with due haste to present himself to parliament, and this talk about delay is, I submit, entirely irrelevant unless the hon. member can point to one jot of evidence which would help support his contention.

The Chairman: Of course, the rule of relevancy applies when we discuss this kind of bill just as when we are discussing any other kind of bill, but I must say I can hardly decide that an argument which would appear to be unfounded, as explained by the hon. member who rises on the point of order, is irrelevant. I cannot assess the value of the arguments that are brought forward by hon. members who have the floor. What the hon. member for Halifax says may be so. I think it would then be a matter for the hon. member for Halifax to answer when he has the floor.

Mr. Peters: I agree that we should have some ground for believing this, and I believe we have. I would just like to read some of the evidence which leads me to that conclusion:

Q. What year were you married?
A. June 9, 1943.
Q. How long did you live together?
A. About six months.
Q. Are there any children of this marriage?
A. No.
Q. Now after six months of marriage could you tell me why you separated?
A. Well, she was nervous and high strung and she left a few times and one time when I came home she was not there and she never came back.
Q. Did you ever see her over a period of many years?
A. No.
Q. You never saw her since 1943?
A. I have seen her once or twice after that, but it was on the street.
Q. Have you ever lived with her since 1943?
A. No.
Q. Now, did you ever discuss divorce with your wife?
A. No.
Q. Is there any hope of reconciliation?
A. No.
Q. Do you know anything about this Mr. Arthur Patterson personally?
A. No, I have never met him. I seen him once on the street but I never met him.
Q. When did you come to my office?
A. At the end of April.
Q. At the end of April, 1959?
A. Yes, that is right.
Q. Can you tell us why you came at that time?
A. Well, I received a telephone call from her —well, my sister received a call from her, and I was to call her, and I did not get home until late that night, and I called the next day. That was at her mother's home. She had given that number.

By Senator Farquhar:

Q. What is that you said?
A. Doris called me at my home, and I was not home. I was working. My sister received the call and she told me to call her, but I did not call her that night, and the number to call was her mother's home, you see. So I called the next day, and her mother answered the phone.

By Mr. Cohen:

Q. Would you tell us something about that conversation?
A. I spoke to her mother, and she said: "You know, Doris does not live here. She is living on Souvenir street with Mr. Patterson."
Q. So, what did you do?
A. I came to see you.
Q. You came to my office?
A. Yes.

I take it from that that he did not care what happened to his wife and over a period of 16 years made no serious attempt to contact her. Suddenly he decided she was doing something terrible. Did he know the reason for his wife's call? For all we know she may have lived with this man for 16 years, although the question was not asked.

The learned judges have spoken about the obligation that rests with the community not to place people in circumstances that may be conducive to the committing of adultery.

Mr. McCleave: I know the hon. member would like to be fair. Has he read the evidence on page 15 where the question is asked:

Q. Did they admit in front of you that they were living as man and wife?
A. Yes, they had for several years.

I suggest that "several" is far from 16 and and I think this simply buttresses the argument I made before.

Mr. Peters: I am pleased to have that pointed out but I think it makes no difference one way or the other. I do not object to the grounds that are indicated. I object because the divorce is sought 16 years after the husband was deserted. She may have lived with the man only a couple of years. I fail to find that.

Mr. McCleave: A quarter way down the page.

Mr. Peters: Oh yes, I see. You cannot legitimately draw the conclusion that he condoned her conduct but it is difficult to draw any other. We could understand the man's position if he came and said he had made attempts throughout the years to be reunited with his wife and had asked her to come back. It does not matter whether the alliance lasted 2 or 16 years. Divorce is being sought on the grounds of something that would likely have happened to either of them during the course of 16 years. After all, he was only 21 when the marriage broke up. I imagine they were not too grown up. Although these parties lived together for a time the divorce is sought not on the grounds of the alliance as a relief to the community and the end of an intolerable situation but on the grounds of adultery.

I doubt if many hon. members of this committee or the other place have satisfied themselves as to what constitutes adultery in legal terms. I will read the evidence which purports to show that adultery occurred. On page 14 Mr. C. Wiseman, a Montreal investigator who has figured in other cases was questioned by Mr. Cohen as follows:

Q. Could you tell us what happened with your investigation thereafter?

A. Between May 2nd and May 6th, 1959, I conducted an investigation very discreetly, asking several people questions in the neighbourhood and I learned that the respondent was living with Mr. Patterson as man and wife and was known as Mrs. Patterson at that address. On May 6th, 1959, my associate, Mr. O'Neil and myself proceeded to the domicile of the respondent, arriving shortly after 11 o'clock. We rang the bell of the domicile of the respondent and it was answered by her. We asked for Mrs. Lapierre and she first said "There is no Mrs. Lapierre". She was very sketchy about it. She said, "I am Mrs. Patterson" and I said "Aren't you known as Mrs. Lapierre?" and at the same time I identified myself to her when I said that, and she said "Yes, I am Mrs. Lapierre" and she asked me to come in. We went into the flat and the corespondent, Arthur Patterson, was in there. They had evidently been watching television. The television set was on. I can remember quite well because the news was on at the time we arrived.

In my opinion this is sufficient evidence to establish a common law alliance and yet it is not indicated that adultery had been committed. I would point out that before long this committee is going to be asked to rule on a number of cases where people did live together as man and wife for some time. We are being asked to grant an annulment when no cohabitation by these people has been established in the sense that marriage was consummated. I am suggesting that this type of common law evidence, while I think it is sufficient in my mind to grant the divorce, does not constitute adultery and adultery is one of the grounds that is mentioned in the petition before us today.

They go on to discuss the case; they talk about the things that were discussed. The corespondent and the respondent in this case were very cordial people. They discussed photography. I agree that this always interests me. The corespondent was of the impression that pictures should be taken in this type of situation; that pictures were necessary. He was surprised that they were not necessary. He was enlightened by the investigators who informed him what the procedure was.

This is a case where they did not break down the door. The atmosphere seemed to be fairly friendly and quite informal. The corespondent explained his photographic habits and the detectives explained their job and the requirements of their job. There is nothing in the evidence to indicate to me and I think to any hon. member that adultery in the true sense of the word was committed on this particular date. The questioning continued:

Q. Could you describe the house?

A. Yes, it was what I would call a 5-room flat with a bedroom, living room-dining room combination and there was an archway and there was what I would call a utility room with a washer, a dryer and a deep freeze in there. It was all very orderly.

It was all very orderly but the previous husband indicated the housekeeping was something that one could not be too proud about in so far as the previous marriage was concerned, but this is only an incidental thing. It does not carry too much weight or lend too much weight to the arguments of the plaintiff. I continue:

Q. Did they admit living together as man and wife?

A. Oh, yes, and that they had been for quite a number of years.

Q. How long did you wait after you left the premises?

A. We were in the house for half an hour when they admitted being together, and through my prior investigation having learned they were living together as man and wife I didn't see any reason to wait when I came out. They were both dressed for bed, in pyjamas, just as any ordinary married couple would be or if I was spending the evening at home with my wife I would have been spending the evening just about in the same way.

This again is an indication that a common law alliance had been set up, but I ask hon. members, would they not have to stretch their imaginations considerably to establish an adultery charge on those grounds? I would imagine that we would see people wandering around in this condition or a condition very similar to it—maybe the clothing would be a little more expensive—at most of the summer resorts where people sit around with not too much on, usually shorts and a halter and the men wearing shorts and swimming

trunks, or whatever they are, that they sit around in. At the ski lodges they sit around with very little more on than this watching television. The apparel may be a little more costly because it is considered to be casual toggery, lounging wear instead of sleeping wear. There is very little difference in this case. We do not charge or claim that adultery has taken place in these other instances.

I am in complete agreement that the divorce could be granted in this case on other grounds and probably should be, but there has been no admission that adultery took place on this particular day.

I should like to draw your attention to the fact, Mr. Chairman, that they did not even wait to see whether these people remained there overnight. At no time did they stay or observe the house during the period that they normally stay around and watch places. They did not wait until 2.30 in the morning to see whether the people came out or to collect a few extra bucks. They did not wait because they found the people were both dressed for bed. They were a very congenial couple. I presume they saw no point in staying up and they said, "We will just go home." They didn't even stay outside the house.

Mr. McCleave: Why would they if they were living there as man and wife?

Mr. Peters: I do not know why they have to in other cases.

Mr. McCleave: Why would they have to?

Mr. Peters: I do not know why they have to in other cases. I think the grounds of common law are sufficient on which to grant the divorce.

Mr. McCleave: The hon. member does not know what common law is. It has nothing to do with this case. He does not know what it means.

Mr. Peters: I am quite familiar with what a common law arrangement is.

Mr. McCleave: You will find you are absolutely wrong in saying that this one was. There is no common law attached to it at all.

Mr. Peters: I am suggesting that adultery is not proved in this case, and if adultery has not been committed and there is no common law, then on what do we grant the divorce? Certainly there is an indication that the two people are living together as man and wife.

Mr. McCleave: You are wrong.

Mr. Peters: The hon. member thinks I am wrong. I am quite happy to read what is the legal aspect of common law.

Mr. McCleave: You are legally wrong.

Mr. Peters: I do not know whether in the House of Commons you can be legally wrong. You may be wrong legally but I do not know whether you can be legally wrong.

Mr. McCleave: Legally wrong.

Some hon. Members: Six o'clock.

Mr. McCleave: That is the best part of your speech today.

Mr. Peters: Mr. Chairman, we would be quite happy to refer to this case again and point out what common law is.

Mr. McCleave: Mr. Chairman, on a question of privilege, before you rise and report whatever progress has been made in the last hour I would simply point out that in a speech in the House of Commons in January an hon. member who is no longer here estimated that it cost $1,818 an hour to operate the House of Commons, and this has been the most expensive type of garbage bilge that this house has ever enjoyed for that amount of money.

Progress reported.

Mr. Speaker: At eight o'clock the house will resume the business which was interrupted at five o'clock.

At six o'clock the house took recess.

AFTER RECESS

The house resumed at 8 p.m.

JUDGES

AMENDMENT TO BRITISH NORTH AMERICA ACT—ADDRESS TO HER MAJESTY THE QUEEN

The house resumed consideration of the motion of Mr. Diefenbaker for an address to Her Majesty the Queen praying that a measure be laid before the parliament of the United Kingdom to amend the British North America Act, 1867, relating to the amendment of the constitution of Canada, and the amendment thereto of Mr. Pearson.

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, when the business of the house was interrupted at five o'clock I had, I think, rather thoroughly disposed of the shabby, casuistical arguments of the Minister of Justice, that in breaking a contract he was not breaking a contract because this was a sovereign parliament that could do anything anyway. This is the kind of argument that I hardly expected to hear from the Minister of Justice in a government that is proposing, later in this session, to introduce

a bill of rights. I do not believe I need to labour that argument any longer, because I think it is equally important that I should deal with the two other arguments that the Minister of Justice made.

He seemed to argue that there was something unsatisfactory about the status and tenure of county and district court judges at the present time; that they did not have a security of tenure equal to that of high court judges. Of course, that is true, and it is well understood. There have been a good many cases I believe since confederation when county and district court judges have been removed by the procedure that is provided. I speak subject to correction, but I know of no case in which there has been an address of the two houses of parliament to remove a high court judge. In effect, what we will be asking the parliament at Westminster to do, if we pass this address in the form in which the government is asking to have it passed, is to make the county court judges virtually as irremovable as high court judges are now. I do not feel competent to discuss the question—

Some hon. Members: Hear, hear.

Mr. Pickersgill: —of whether or not county court judges and high court judges should have the same tenure and the same status. I am not, and if the good wishes I see manifest in some parts of the house are any indication, there are many people who think I am never likely to be a member of the bar, and I am rather inclined to agree that is unlikely. Many of my learned friends on this side of the house are much more competent than I would ever be to discuss this question, and will discuss it.

In so far as the constitutional point is concerned, I do have some observations to make. My view is that if the tenure of county court judges should be assimilated to the tenure of high court judges, that would be a competent thing for this parliament to do. I must say I am quite unimpressed by the arguments of the Minister of Justice that in these latter days he has suddenly discovered that all his precedessors throughout history were wrong; that Sir John Macdonald was wrong when he thought this parliament was competent to legislate with respect to the tenure of county court judges; that Sir Charles Fitzpatrick was wrong when in 1903 he introduced a limitation on the age of county court judges; that Mr. Doherty was wrong when in 1913 he asked parliament, and parliament acceded, to reduce the age to 75 years. It does seem extraordinary, when one comes to think about some of the people who have occupied the position the minister now occupies that they could all have been wrong. There was Sir John Macdonald, Sir Charles Fitzpatrick, Mr. Edward Blake. There were ministers like Mr. Lapointe, Mr. St. Laurent and great legal luminaries like Mr. Bennett. It seems extraordinary that all these great lawyers of the past should have been mistaken in the view that parliament had undoubted jurisdiction, and that suddenly a great light dawned upon the hon. member for Kamloops when he became minister and he discovered that what had been done without any question up to this time had some constitutional doubt about it.

In my opinion, this is a preposterous suggestion. Like some other members of the house, I have known a few county court judges who have retired at the age of 75 rather unwillingly. Some of them were quite good lawyers and, if it is not disrespectful to say of a retired judge, some of them were rather cantankerous people, too. I would guess that if any of these gentlemen had suspected there was any constitutional flaw in the legislation by which they were retired they would have taken the case into court. If the minister did have a doubt, and I cannot believe that the minister is so self-assured about this matter as to think that where all the ministers of justice in the past were wrong he is right, we have a constitutional procedure for resolving these doubts. I refer to the procedure which was suggested by the bar association in the resolution which the minister himself read to us, the resolution that was adopted last September. It does seem to me very difficult to comprehend the course being followed.

The Canadian Bar Association did suggest to the government the course to take in dealing with this matter. After all, the bar association did not call into question the status of county court judges or district court judges; they only raised the question with respect to superior court judges. They suggested that at least there was an argument. Otherwise they would never have suggested, I submit, a reference to the supreme court. They suggested that at least there was an argument that it was competent for this parliament, under the terms of the second amendment of 1949 to the British North America Act, to legislate with respect to the tenure of superior court judges.

As I say, a reference to the court could have been made last September and by this time this parliament could have had the opinion of the supreme court as to whether it would be competent, as the bar association apparently thought it might be, to do it in this way. But the government has chosen to do it in the other way. As the Leader of the Opposition (Mr. Pearson) has indicated, we do not quarrel with that procedure with

respect to superior court judges who may be appointed after the coming into force of this legislation, if the amendment of the Leader of the Opposition is accepted and if the address passes in the amended form, as we would be quite satisfied to have it pass. We feel that there will be no reasonable doubt if this is done, that it will be a valid amendment to the constitution and that it will be respected by the courts in so far as the superior court judges are concerned.

But with respect to county court judges there does not seem to us to be any kind of argument that can seriously be considered. I said earlier that I could not really believe that anyone would argue that a provincial legislature could validly legislate to determine the tenure of county court judges or superior court judges. I would certainly think that a provincial legislature could not legislate with respect to superior court judges as long as the British North America Act contains the present provision. But I suppose an argument could be made that in the constitution of the courts it might be possible for the provinces to limit the tenure of county court judges. But I repeat that it is surprising that such an argument never seems to have occurred to Sir John Macdonald or Sir Charles Fitzpatrick or to Mr. Charles Doherty, all of whom dealt with this matter and none of whom ever called into question the jurisdiction of this parliament over this matter.

In view of the fact that outside of the Minister of Justice nobody else seems to have had any doubts about this matter, I hope that the government, if it feels that this matter needs to be resolved, will do it by accepting the amendment offered by the Leader of the Opposition and will refer this question to the courts, if they feel a reference is needed. I myself confess that I do not feel that it is needed; I do not think there is any doubt that is worth considering. However, if they feel there is a doubt, I hope they will refer the matter to the courts. Surely it is the height of colonialism—and no other word can be applied to it—to seek to vest in Westminster a jurisdiction which they have never had—which they did not assume in 1867 and of which certainly, once the Statute of Westminster was passed, they divested themselves—and to seek to put into a British statute something no one has ever questioned since 1867 until the minister had this bright idea quite recently, namely the right of this parliament to do something which this parliament has done over and over again and which has been the basis of the tenure of county and district court judges since the year 1913 without any kind of question. It almost passes comprehension why a government should seek to be so abject.

Mr. Bell (Carleton): Nonsense.

Mr. Pickersgill: What purpose they think this is going to serve it is very hard to perceive.

Mr. Bell (Carleton): Argue it on a sensible basis.

Mr. Fulton: The hon. member does not know what that means.

Mr. Pickersgill: The hon. member for Carleton says "argue this on a sensible basis". If the hon. member for Carleton belongs to the school of thought that wants to vest in Westminster again the control of parts of the constitution of this country that have always since 1867 been vested in this parliament, I do not know what other convenient words could be found for such an attitude than a colonial attitude.

Mr. Bell (Carleton): That is the worst tommyrot I have ever heard.

Mr. Pickersgill: The hon. gentleman can make a speech in his own time and refute the argument and give any good reason at all why this should be done. As I said at the beginning of my remarks, I think there is some real question whether by an address of two houses of this parliament, we can properly and constitutionally vest once more in the parliament of Westminster something of which it divested itself at the time of the Statute of Westminster. This is not an amendment to the British North America Act at all. This is not an amendment at all. This is putting into the British North America Act something that has never been there. In so far as county and district courts are concerned, it is a new enactment. As far as superior court judges are concerned, I quite grant that it is an amendment and quite a valid one. Our only objection to that amendment—and, as I said before the dinner recess, it is a matter about which we feel strongly—is this breach of contract which we think is totally unnecessary in view of the fact that we have had this regime for 93 years and, as the Prime Minister said in his opening speech, the courts of this country and the judges of this country will compare favourably with those of any other country.

Mr. Bell (Carleton): Will the hon. gentleman permit a question?

Mr. Pickersgill: Certainly.

Mr. Bell (Carleton): Will the hon. gentleman indicate why he thinks the attorney general of Newfoundland agreed to this proposal in the light of the strictures which the hon. gentleman has been uttering?

Mr. Pickersgill: I am not the keeper of any other man's conscience. I speak for myself in this house and I will go on doing so. If I disagree with any man, however eminent he may be, whether he is the attorney general of any province, the Minister of Justice, the Prime Minister or anyone else and if I think I have a sound view, in a free country and in a free parliament I will express those views. The hon. gentleman does not need to think that he embarrasses me in the slightest by asking a question of that sort. In the first place, of course, that letter from the attorney general of Newfoundland which the Prime Minister read earlier today and which I will not read into the record again merely says that they are quite agreeable to this amendment. But in the language of any of those letters, except the correspondence with the government of Quebec, there is nothing that indicates anything pro or con their feeling on the question of retroactive legislation.

Mr. Ricard: What is your stand?

Mr. Pickersgill: The hon. gentleman knows perfectly well what my stand is. I stand for honouring contracts, not for breaking them. That is our view. I am sure the attorney general of any province receiving that letter from the minister would have thought that obviously the minister was not going to break contracts but that what he was going to do was to ask for legislation regarding the tenure of appointments to be made from now on and not to change the terms of employment, the terms of a contract between Her Majesty and the judges of this country; and that is what the government in this address is seeking to do.

The worst feature of it all is that we are content to dishonour ourselves in this parliament. We are asking the British parliament to pass an act breaking contracts in this country. We are asking the British parliament to say that the tenure of office and remuneration of judges which they accepted and the terms of their employment should be changed by a statute of another country than their own. It seems to me that this is a shocking disrespect for the parliament of another country, to ask them to rubber stamp legislation which is so manifestly unjust, as this would be, as applied to the present incumbents.

I want to make it very clear again that so far as any appointments that may be made, if this legislation goes through, after the passing of this act are concerned, we are entirely in favour of the 75 years retirement age for anyone who accepts his employment on that basis. We think that is quite right and proper, as far as I am concerned for the reasons the Prime Minister gave at the beginning of the discussion. But we think that it is equally wrong to make these unilateral changes, and we think it would be wrong in the case, above all, of the judges whose position and independence should be safeguarded above that of anybody else in the community.

I return again to this other totally unnecessary, totally uncalled for and totally hypothetical proposal with respect to county and district court judges. It really is quite impossible to comprehend why the government should want to do this. What do they think they are going to accomplish by doing it?

Mr. Ricard: You will vote against it.

Mr. Pickersgill: Of course we are going to vote against it, and we will vote against the breaches of contract too; let there be no doubt about that.

Mr. Monteith (Perth): You are voting against "Joey".

Mr. Pickersgill: The hon. member can say all the silly things he likes. We are concerned with the business of this parliament, not about debating with people outside it.

Mr. Bell (Carleton): But surely with some reality too.

Mr. Pickersgill: What reality is there about this Alice in Wonderland legislation? It is totally unnecessary. It is a subject which has been covered without question by this parliament—

Mr. Pearson: For over 90 years.

Mr. Pickersgill: —as the Leader of the Opposition says, for over 90 years. It makes no sense at all.

We do hope that the government, having heard our arguments in this matter, will accept the amendment of the Leader of the Opposition, and if that is done it would seem to me there would be no difficulty at all about the amended resolution receiving the support of the whole house.

The house divided on the amendment (Mr. Pearson) which was negatived on the following division:

YEAS

Messrs:

Badanai	Forgie
Batten	Garland
Benidickson	Godin
Caron	Habel
Carter	Leduc
Chevrier	Macnaughton
Denis	McIlraith
Dumas	McMillan
Dupuis	Martin (Essex East)

Meunier
Mitchell
Pearson
Pickersgill
Ratelle
Richard (Ottawa East)
Richard (St. Maurice-Lafleche)
Roberge
Robichaud
Rouleau—28.

NAYS

Messrs:

Aiken
Aitken, Miss
Allmark
Argue
Baldwin
Beech
Bell (Carleton)
Bell (Saint John-Albert)
Bigg
Bissonnette
Brassard (Chicoutimi)
Broome
Browne (Vancouver-Kingsway)
Brunsden
Cadieu
Campbell (Lambton-Kent)
Campbell (Stormont)
Campeau
Cardiff
Cathers
Chambers
Charlton
Chown
Clancy
Coates
Comtois
Cooper
Crouse
Danforth
Diefenbaker
Drysdale
Dubois
Fairclough, Mrs.
Fairfield
Fane
Fisher
Fleming (Eglinton)
Fleming (Okanagan-Revelstoke)
Forbes
Fortin
Frechette
Fulton
Gillet
Grafftey
Grills
Gundlock
Halpenny
Hamilton (Notre Dame de Grace)
Hanbidge
Henderson
Herridge
Hicks
Hodgson
Horner (Acadia)
Horner (Jasper-Edson)
Horner (The Battlefords)
Howe
Jones
Jorgenson
Kennedy
Kindt
Knowles
Kucherepa
Lahaye
Lambert
Lennard
Macdonald (Kings)
Macdonnell
MacEwan
MacLellan
MacRae
McBain
McCleave
McDonald (Hamilton South)
McFarlane
McGee
McGrath
McGregor
McIntosh
McLennan
McQuillan
Maloney
Martel
Martin (Timmins)
Martineau
Martini
Matthews
Monteith (Perth)
More
Morris
Nesbitt
Nielsen
Nowlan
Nugent
O'Hurley
O'Leary
Ormiston
Pallett
Parizeau
Pascoe
Payne
Phillips
Pratt
Pugh
Rapp
Regier
Ricard
Richard (Kamouraska)
Rogers
Rompre
Simpson
Skoreyko
Smith (Calgary South)
Southam
Speakman
Stanton
Starr
Stearns
Stinson
Thomas
Thrasher
Walker
Webb
Webster
Weichel
Winch
Winkler
Wratten—128.

Mr. Speaker: I declare the amendment lost. The question is on the main motion. Is the house ready for the question?

Mr. Fulton: Mr. Speaker—

Mr. Speaker: I must inform the house that if the minister speaks he will close the debate.

Hon. E. D. Fulton (Minister of Justice): Mr. Speaker, the main purpose for which I rise now is to move the amendment to which the Prime Minister (Mr. Diefenbaker) referred this afternoon but before doing so there are one or two other things which I think should be said. In my remarks this afternoon I attempted to keep the discussion on a factual and non-political level but in the remarks that he made during the course of the afternoon and so far this evening the hon. member for Bonavista-Twillingate (Mr. Pickersgill) did his best to remove the discussion from that sphere and take it into the sphere of Alice in Wonderland—to use a phrase the hon. member himself used.

Rumour has it that the hon. member for Bonavista-Twillingate stayed up all last evening to prepare his address for today and I must say that after listening to him I can well believe that is a fact because his remarks did seem to lie more in the realm of dreamland and fantasy than in a realm in which his remarks could have any relationship or bearing on the facts of the situation.

Mr. Bell (Carleton): Just a plain nightmare.

Mr. Fulton: My friend the hon. member for Carleton (Mr. Bell) says, "Just a plain nightmare" but I think the remarks of the hon. member for Bonavista-Twillingate were perhaps not nightmare so much as fantasy because fantasy, as I understand it, is a matter that has no relationship to reality, whereas nightmare is sometimes founded on reality.

The reality of this situation is that the government asks parliament to consent to an address to Her Majesty to bring in a provision that judges of the superior courts will retire at the age of 75. In this respect the hon. member for Bonavista-Twillingate, in so far as he addressed himself to the proposition before the house, dealt with two subjects: First, the question of whether or not there is here a breach of contract; and, second, whether or not there is a retrograde step in placing the position of district and county court judges under the constitution.

I have seldom heard so distorted an argument as that made by the hon. gentleman to the effect that to seek to place the position of judges of district and county courts of

Canada under the constitution is a retrograde step. Yet that was the argument made by the hon. member for Bonavista-Twillingate.

Mr. Pickersgill: Not at all.

Mr. Fulton: In an attempt to bolster his political position the hon. gentleman used charges of colonialism and similar inept words. Of course if we were to follow the course of my hon. friends opposite and the government that preceded us of which the hon. member for Bonavista-Twillingate was a member there might be some foundation for that charge but as I said this afternoon it is our intention—and we believe it will be successful—that the constitution of Canada will be repatriated. That is unlike the history of this matter under our predecessors when I recall the minister of justice of those days riding into battle dressed in shining armour as the great emancipator, the one who was to free the constitution of the slavery in which it was then enthralled and whose efforts of course fell to the ground. From there on it seemed quite acceptable to hon. gentlemen opposite including, the hon. member for Bonavista-Twillingate, that they should rest there.

Mr. Pearson: What have you done?

Mr. Fulton: If, therefore, we were to be content with that position there might be some foundation for the hon. member's charge. But as it is, his charge rests on no surer foundation than a suggestion that it is improper to regulate the relationships between parliament, the executive and an important branch of the judiciary by reference to the constitution.

Of course, as I recall some of the things that were done by the former government I can well understand their resentment of the attempt now being made to place the position of the judiciary with respect to the county and district courts on the sure basis of the constitution—

Mr. Pearson: Of the British parliament.

Mr. Fulton: My friend the hon. member for Bonavista-Twillingate and the Leader of the Opposition by his endorsement of that argument would prefer to have the judiciary—the county court judges particularly—left to have their tenure of office—

Mr. Pearson: In Canadian hands.

Mr. Fulton: —determined—

Mr. Pickersgill: By the parliament of Canada.

Mr. Fulton: —by the government with no reference to the constitution whatever.

[Mr. Fulton.]

To show how inept and inapplicable all these arguments are may I refer to a case of 1930 which dealt with the question of whether or not there is a breach of contract involved in the address which is before the house. I believe this is the only serious point that has been made by my hon. friends opposite. I attempted to deal with it on a factual basis this afternoon but nothing of factual argument appears to impress my hon. friends opposite so perhaps I might reinforce my argument by a reference to judgments of the Supreme Court of Canada and of the privy council which dealt with that case.

I must refer to the stand taken both by the Leader of the Opposition and the hon. member for Bonavista-Twillingate when they charged us with introducing through this address a form of breach of contract. It was interesting, Mr. Speaker, as Your Honour will recall, shortly before five o'clock to find the seriousness with which my hon. friends held to that view. You remember the vigour with which they made the charge that this represents a breach of contract. But I am sure you will remember also the answer of the hon. member for Bonavista-Twillingate to two or three questions that were asked him in that regard when it became apparent that all he was concerned about was not principle but price, and the only thing—

Some hon. Members: Oh, oh.

Mr. Pickersgill: Mr. Speaker, on a question of privilege, the minister has said something which he knows is completely untrue. The truth is I said I would not wish to be a party to this kind of proposition at all, but that my argument would not be as strong if the persons who are to be retired did not suffer at all financially. I said I would not be a party to it at all.

Mr. Fulton: Mr. Speaker, I appreciate the sensitivity of the hon. gentleman. Just how he distinguishes between an argument which is strong and an argument which is less strong when neither of them rests on any secure foundation at all I am unable to say. The fact of the matter is that my hon. friend in effect agreed that the main difference between us was the extent to which—

Mr. Pickersgill: No, I did not agree.

Mr. Fulton: —the judges who would be affected by this resolution might lose some monetary interest that they had in their present position.

Well, sir, that is a concern that I can understand, and I attempted to deal with it on a factual basis this afternoon by pointing out that they would not really suffer any

great disadvantage in that the effective date of the change had been postponed to March 1 and in the interim we were bringing in substantial changes to the pension provision. Notwithstanding that argument, notwithstanding that my hon. friend had to agree that the real difference between us was price and not principle, he went on to repeat that there was here a breach of contract. Let me refer him to a case which arose as the result of certain actions taken by the government of Mr. Mackenzie King in 1930, as they affected the case of a Mr. Reilly. I think it was in 1923 that Mr. Clifford B. Reilly had been appointed a member of a commission dealing with pensions. The case of Clifford B. Reilly and His Majesty the King is reported in the Supreme Court of Canada Reports, 1932, and the case before the privy council is reported in the Law Reports, Appeal Cases, 1934.

Mr. Reilly had been appointed by order in council and by commission as a member of the federal appeal board under section 10 of an act to amend the Pension Act, 1923. His appointment was extended on a number of occasions, the last extension being for a period of five years from August 17, 1928. Now, notwithstanding the high regard which my hon. friends opposite had for this principle of sanctity of contract, notwithstanding that they had appointed a man and then extended his appointment at, he alleged, great personal sacrifice on assuming the office and on retaining it—they extended his appointment for a period of five years from August 17, 1928—my hon. friends opposite or their predecessors by solemn legislative enactment abolished the office as one of their last acts as a government on May 30, 1930. Mr. Reilly accordingly sued the crown, claiming damages for breach of contract—

Some hon. Members: Shame.

Mr. Fulton: The Supreme Court of Canada in a judgment delivered by Mr. Justice Orde, judge ad hoc, gave the following judgment:

> Here there was no dismissal from office by the crown in the ordinary sense. Parliament abolished the office. The power of the crown to abolish a civil office and thereby to deprive the holder thereof of any right to further compensation is recognized in Young *v.* Waller. If in cases where its power is not restricted by statute the crown may abolish an office, *a fortiori* parliament which created it must surely possess the power.

This is a judgment of the Supreme Court of Canada, and I always understood, in spite of what he said this afternoon that my hon. friend, the hon. member for Bonavista-Twillingate, does have, when it consorts with his argument, a due regard for the courts of the land. Then I would hope that he would recognize that in this case the Supreme Court of Canada has itself established the basis of the refutation of his argument, his absurd argument, his nightmarish, fantastic argument, his Alice in Wonderland argument, that there is here a breach of contract—

Mr. Pickersgill: Will the minister permit a question?

Mr. Fulton: —for the parliament under whose authority a man was appointed to office—

Mr. Pickersgill: Will the minister permit a question?

Mr. Fulton: Yes.

Mr. Pickersgill: Will the minister tell us whether the office that Mr. Reilly held was an office consecrated under the British North America Act guaranteeing tenure for life during good behaviour? If not, of course the case does not apply at all.

Some hon. Members: Oh, oh.

Mr. Fleming (Eglinton): Is that part of the question?

Mr. Fulton: It is quite obvious that even if I read the whole of the judgment my hon. friend would not agree with it, and therefore I am not going to read the judgment because the question is answered by what I have already said and quoted from the judgment.

Mr. Pickersgill: It has no bearing whatever.

Mr. Fulton: Perhaps the hon. member may be more impressed by the judgment of the privy council. As I say, Mr. Reilly appealed the case to the privy council. The judgment was given in the privy council by Lord Atkin, as reported at page 176 and 177 and following pages in Appeal Cases, 1934. Lord Atkin had this to say, among other things, with respect to the question of contract. You see, Mr. Speaker, what my hon. friends fail to realize is that they have based their case on the argument that there was a contract between the government and the judges who are appointed, and in so far as that is their allegation, then this case and this judgment are exactly in point. If my hon. friends would come to the heart of the matter and recognize that there is no contract then, of course, the situation might be different. I am taking it on their basis.

Mr. Pearson: What did Mr. Bennett say about it?

Mr. Fulton: If I have to get into Alice in Wonderland a little bit I apologize, but I have

to follow the arguments that have been made. Lord Atkin said as follows:

> So far as the rights and obligations rested on contract, further performance of the contract had been made by statute impossible, and the contract was discharged.

Then this is an interesting part of the judgment:

> It is perhaps unnecessary to add that discharged means put an end to and does not mean broken. In the result, therefore, the appellant has failed to show a breach of contract on which to found damages.

Then Lord Atkin goes on a little later:

> Finally, and almost inevitably in such a case, an appeal was made to the British North America Act, and it was said that legislation abolishing the office without compensation was an interference with "property and civil rights". But, as before, if the right was in itself determinable by statute, there was no interference with it.

Then he continues:

> It would be strange that the dominion should have power to create an office but no power to abolish it except on the terms of awarding compensation apparently for the full term of the original office.

This is exactly what the hon. member is asking us to do.

Mr. Pickersgill: Will the minister permit a question?

Mr. Fulton: Not for just a moment. They have agreed there is no difference in principle but only in price, and what they say is—

Mr. Pickersgill: That is not true.

Mr. Fulton: What they are saying in effect is because you are terminating the services you can only do it on the basis that you have to continue the salary.

My hon. friend has said his argument would not be nearly as strong if we were prepared to allow those judges to continue at the same salary even although they ceased to serve as judges which is, to my mind, an entirely untenable position. I come back to the point made by Lord Atkin that it would be strange that an authority or authorities having the power to create an office have no power to terminate it except on the condition that they should continue to pay compensation, measured by the full salary that the incumbents were receiving before the office was terminated.

Mr. Pickersgill: Will the minister now permit my question?

Mr. Fulton: Yes.

Mr. Pickersgill: My question is this: Is the minister contending that the dominion, in the sense Lord Atkin used it, created the office of superior court judge or that the office was created by the British North America Act, because if he takes that position his whole argument falls to the ground.

Mr. Fulton: I am contending that the right to appoint to the office of superior court judge is established under the British North America Act. What we are asking for is an amendment to the British North America Act to provide that judges cease to hold office on attaining the age of 75 years. The principles enunciated in the judgment to which I have referred are exactly applicable in this case. If the power to appoint to an office is established by statute, which is the British North America Act, and if that statute is amended in the proper constitutional method, to terminate the tenure of that office in a certain event, then any talk about breach of contract is just so much nonsense, so much fantasy, so much Alice in Wonderland, as was indulged in by the hon. member this afternoon.

Mr. Pearson: Page R. B. Bennett.

Mr. Fulton: Of course, I know the Leader of the Opposition (Mr. Pearson) was a fervent follower of the Right Hon. R. B. Bennett.

Mr. Speaker: I am sorry to interrupt the minister, but it seems to me he is debating the amendment which has been disposed of by the house. He might proceed now to the main motion.

Mr. Fulton: Mr. Speaker, I think I could establish a case to the contrary but I will not do so, because I think it is important that we should get to the amendment which I propose to move with regard to the extension of time for the effective date of the coming into force of this legislation.

I had intended to refer to the question of whether or not this proposal should be founded upon an amendment to the British North America Act, and to refer my hon. friends to some statements by Right Hon. Mr. St. Laurent, which I hope Your Honour will agree is a matter germane to the part of the discussion upon which I am now engaged.

There has been a question as to whether the main motion, which is the resolution before the house, should in fact be presented to the house by way of a constitutional amendment or whether it should have been referred to the Supreme Court of Canada for an opinion or whether, indeed, this parliament should not simply have assumed the right to amend the British North America Act instead of presenting an address to Her Majesty praying that the United Kingdom parliament should enact an amendment to the British North America Act. I think that what Mr. St. Laurent had to say in that regard is important, and I trust that whether or not the Supreme

Court of Canada and the privy council will be accepted as authorities by my hon. friends opposite, at least what was said by so eminent an authority as their recent leader and the recent prime minister of Canada will be accepted by them and might dispose of this argument.

In 1944, the Right Hon. Mr. St. Laurent had this to say as reported on page 2248 of *Hansard* of that day:

> Mr. Speaker, I think in about two minutes I can give the assurance that hon. members have sought, that at the very first opportunity the matter of an amendment to the British North America Act to deal with the provision which now gives judges of the provincial superior courts a life tenure in their office will be considered.

It was quite apparent that Mr. St. Laurent was prepared to introduce legislation or present to parliament a motion ending the so-called life tenure of superior court judges and to establish a retirement age. He went on to say this:

> This is in my opinion a matter which should not be presented for amendment to the imperial parliament without previous discussion with the provinces, because the administration of justice and the establishment of the courts are matters that are within provincial jurisdiction.

It was obvious that Mr. St. Laurent felt that before you could bring in legislation which in effect provided for the elimination of an office in the courts or touched on the organization of the courts, that was a matter upon which you had to have the consent of the provinces and you had to submit the legislation to the United Kingdom parliament. This is exactly what we are doing here.

Mr. Pickersgill: Can the minister repeat the date of that?

Mr. Fulton: It is 1944, page 2248.

Mr. Pickersgill: That was before the act of 1949.

Mr. Fulton: Before the act of 1949; yes, but if my friend is referring to the amendment to section 91 (1) of the British North America Act, let me direct my friend's attention to the important words of Mr. St. Laurent:

> —the administration of justice and the establishment of the courts are matters that are within provincial jurisdiction.

Surely my hon. friend, who has made this passing, fantastic reference to section 91 (1) of the British North America Act, will not contend that this subject is within the purview of section 91 (1) when he himself pointed out today that that section enacted in 1949 applies only to matters that are not within provincial jurisdiction. Mr. St. Laurent continued:

> It is my view that the proper procedure with respect to amendments to the British North America Act when dealing with any portion that gives jurisdiction to provincial legislatures should involve prior conference and consultation with the legislatures, and if it is sought to take away from them something which has been allotted to them, their consent should be obtained.

Then Mr. Bence interrupted:

> That is not the case here, may I suggest.

Mr. St. Laurent replied:

> I would consider that it is a case where there should be consultation with the provinces, because under section 92 they have jurisdiction in respect of the constitution of the courts, and section 99 is not placed specifically within dominion or provincial powers because it is something which affects both the powers of the governor in council and the powers of the provinces with regard to the setting up and the manning of the courts of justice. It is a matter which was on the agenda for discussion at the last provincial conference, and it certainly will be one of the matters to be considered at the next provincial conference.

As the house knows, unfortunately the government of that day was not able, nor was the following Liberal government able, to get any agreement whatever with the provinces with respect to this important matter. It was not until the year 1959, under the government of the present Prime Minister, that we were able to arrive at an agreement with the provinces with respect to this amendment. Now we find my hon. friends opposite indulging in the extraordinary tactics of suggesting that somehow or other, notwithstanding what their own former leader, an eminent prime minister and eminent jurist said, there is something improper, something vaguely doubtful about the method being followed by the present government in respect of the office of superior court judges. What we now see is quite the opposite from what I hoped and thought this afternoon would be the case, namely that my hon. friends opposite would recognize that, politics apart, here was a real step forward which could solve a constitutional dilemma of this country, on the contrary they appear to be so jealous and so activated by their jealousy they are prepared to attack what is being done on the flimsiest of grounds.

Mr. St. Laurent next discussed this subject in the House of Commons in 1946, as reported at page 2711 of *Hansard*, when he said, initially using a rhetorical question:

> Is it still the opinion of the Minister of Justice that an amendment to the British North America Act, which would provide power to retire judges at a stated age, would require the consent of the provincial legislatures? To that my answer is that, notwithstanding the vote of last night, I persist in that view. I attempted to make it clear in that debate that I considered there had been an allocation of jurisdiction and that this parliament had no right to deal with matters which had been allocated to the provincial legislatures, and that when there was joint responsibility, if any change was to be made that would affect such

control as the provincial legislatures and governments have under the constitution, their consent would have to be obtained.

The present Prime Minister then asked:

Would it have to be the consent of all the provinces?

To this, Mr. St. Laurent replied:

In my opinion it would have to be the consent of all the provinces that would be affected thereby. I consider that they have been given jurisdiction sovereign powers, which they get not from this parliament but from the imperial parliament, and it is their jurisdiction; so we cannot take it from them without their consent, any more than if we wanted to take from a legislature of a state of the American union some of its powers.

Again, the present Prime Minister asked:

Every province would be in that position.

Mr. St. Laurent replied:

Every province would be in that position.
my view.

It is in recognition of that position that the government has introduced this proposal in the form in which it is before the house, namely a resolution asking this house to adopt an address to Her Majesty praying that she will cause to be laid before the United Kingdom parliament an amendment to the British North America Act. This amendment covers not only the retirement age of judges of superior courts but, in order to make the matter clear beyond any doubt, it asks the United Kingdom parliament to provide, by way of an addition to the constitution of Canada, that the judges of district and county courts will also have their retirement age at 75 years confirmed. Inasmuch as the constitution of district and county courts is a matter of provincial jurisdiction and inasmuch as they are covered by section 92 (14) of the British North America Act I am at a loss to understand why my hon. friends take the extraordinary position that it is a retrograde step to ask that the matter be regularized by having it included in the constitution.

As I have pointed out it is the objective of the present Prime Minister—and it is one which we believe he will be successful in achieving in the same way as we have been successful in achieving this constitutional step forward, unlike our predecessors—it is his objective to reach a measure of agreement, which will result in the repatriation of the constitution so that the control of all the judges of Canada will be brought back to the parliament and to the legislatures of Canada instead of being left, as now, in the United Kingdom. On that basis we say that not only does this proposal not require any defence but that what is being done is right and proper and will place the position of district and county court judges on the basis on which they should be.

Mr. Pearson: And on which they have never been.

Mr. Fulton: What would happen if they were not included in this address? One would have an extraordinary situation if he considers what would happen if they were left out. Section 1 would say that judges of superior courts shall hold office during good behaviour and shall be removable by the governor general on address of the Senate and House of Commons. Section 2 would say that judges of the superior, district and county courts shall cease to hold office on attaining the age of 75 years. This would be a most intolerable distinction and differentiation between the position of judges of district and county courts on the one hand and judges of superior courts on the other. Hence, on any basis on which you care to put it, Mr. Speaker, whether it be on the basis of rationalization of the position of judges of these courts or whether it be on the basis that we will not have any difference between judges of one court who are over 75 who may continue in office and judges who are appointed later but must retire at 75,—on whatever basis you put it—the proposal now before the house will bring a degree of rationality and a degree of order that is most desirable in establishing the position of the judges of our courts.

The only thing that remains then is to move the amendment on which I believe all parties in the house are agreed, namely that the effective date of the legislation to be adopted by the United Kingdom parliament be postponed to March 1, 1961. Accordingly, seconded by the Minister of Finance (Mr. Fleming), I move:

That the resolution be amended by deleting paragraph numbered "3" at the end thereof and substituting therefor the following:

3. This act shall come into force on the first day of March nineteen hundred and sixty one.

Hon. Paul Martin (Essex East): Mr. Speaker, the amendment which the Minister of Justice (Mr. Fulton) has just moved is, of course, necessary for the purposes which the government has in mind. However, I think I should point out that if this resolution had been proceeded with, as it should have been, much earlier than the present date, it would not have been necessary to provide for this amendment. In any event, the minister has not made clear that the amendment is really essential. However, there is nothing fundamental in the amendment itself, and one need not spend any time on it except to observe that once this resolution is passed the matter could be dealt with by the United Kingdom parliament, certainly before the

end of the date referred to in the third clause of the section of which this is an amendment.

This is an important matter, as both the Prime Minister (Mr. Diefenbaker) and the Leader of the Opposition (Mr. Pearson) have indicated. Any matter affecting the constitution of our country is a matter of great importance; and generally speaking, this debate has reflected our appreciation of the importance of the matter. Certainly any question affecting the judiciary of our country—whether it be the judges of the district and county courts or of the superior courts or, for that matter, anyone holding judicial office—is a matter of great importance.

It is true that in this common law jurisdiction we do not have the same mathematical appreciation of the division of the functions of government which Montesquieu thought applied to the form of government in Britain and perforce in Canada. But the fact is that the legislature and the executive share with the judicial arm the important function of preserving order in our free society. Any step taken that in any way violates or depreciates the integrity or the security of the judiciary in any of these levels is or should be a matter of concern.

Mr. Pallett: Will the hon. member indicate the article from which he is quoting?

Mr. Martin (Essex East): I was not quoting from any article. I was simply saying, for my hon. friend's benefit, that the great French writer Montesquieu referred to the British system of government as being made up of the executive, the legislature and the judiciary. I hope my hon. friend, who has had some training in political science, will remember who Montesquieu was.

The Prime Minister said that there was nothing unusual in what was being done today.

Of course, I do not know whether he had in mind that on previous occasions addresses had been presented to the United Kingdom parliament with regard to differing proposed constitutional amendments. I think that what we are now doing is unusual in that we are seeking to endow through this parliament which owes its existence constitutionally to a legislature outside of this country an authority to that legislature which that legislative body never claimed or never had. We are also seeking to ask this other authority, the parliament of the United Kingdom, to assume and to continue to assume a power which we might have removed from the United Kingdom parliament and placed forever within our own country.

For example, I would have liked to have seen this amendment provide, not that the United Kingdom should fix the ages of judges but that we should receive from the United Kingdom parliament the power ourselves to determine the circumstances of retirement of our superior court judges as to age or any other circumstance of tenure. But that is not what is being done in the resolution introduced by the Prime Minister.

Much of the argument has surrounded an alleged breach of contract. In so far as superior court judges are concerned what is now proposed by the government is that not only with regard to judges to be appointed but judges who are now serving on the bench they shall serve under conditions that did not attend when they were appointed. Because of that the hon. member for Bonavista-Twillingate (Mr. Pickersgill) has argued that there is a breach of contract.

That in itself is an important matter. It is not the only point on which I would register complaint but it is a point of importance and one to which the Minister of Justice has addressed himself. He has said, of course, that to say there is a contract between the state and the judge under the circumstances outlined by the hon. member for Bonavista-Twillingate is nonsense, and he cites as his authority the Reilly case. The Reilly case had nothing to do with a judicial appointment whatsoever. There may have been a breach of contract in that particular case—I am not saying that there was because I am not familiar with the details—but certainly that case does not in any way help us in the particular instance.

We do have parallel situations. Some of these were referred to today by the Leader of the Opposition. He referred to the amendment of 1927 and the arguments made on that occasion by Mr. Bennett, who complained along with Mr. Cahan—and there were not at that time, and perhaps not since, two better lawyers serving as members of this house—about the particular amendment on the ground, inter alia, that this was a breach of contract that the judges had been appointed under circumstances which they had a right to assume gave them an unlimited tenure of office, except for removal because of bad behaviour.

Mr. Bennett had dealt with this matter forcefully. When in 1933 the then solicitor general, Mr. Dupre, on March 4, moved the first reading of a bill to amend the Judges Act to provide that any judge continuing in office after 75 should suffer a reduction in salary of an amount equal to that which he would receive at 75, the leader of the opposition of that day, reminding the house of the

position taken by the opposition in 1930 which had caused Mr. Lapointe, the minister of justice of that day, to alter the course which he had adopted, went on to remind the house that the provisions of the bill appeared to violate contracts between the crown and members of the judiciary.

In support of this position Mr. Lapointe the then minister of justice quoted Mr. Bennett as having said in 1927, under circumstances that are exactly the same as those which now confront the house:

> What we are now doing involves a breach of the contract between the individual who holds office at the present time and the state, because his patent of office declares that he shall hold office during life or during good behaviour.

Then Mr. Bennett, in speaking of a particular judge, went on—

Mr. Speaker: Order. I wonder if the hon. member would allow me to intervene at this point in order to say that if he pursues this argument I think it should be by leave of the house. I have allowed him some latitude because I did not check the minister until he had introduced the case to which the hon. member who has the floor has now referred, but the point which concerns me is this. The amendment on which the house has voted was directed to a deletion of the words in subsection (2) of section 99, which when deleted remove the question of breach of contract from this debate. The house has negatived that principle now by its vote, and it would appear to me that just as the minister was out of order in pursuing the argument that a breach of contract would occur if this resolution were given effect to with respect to judges already appointed, so is the hon. member for Essex East out of order. Therefore he should not pursue that argument. If his argument with respect to breach of contract relates to judges appointed afterwards, that of course would put him in order; but I fail to see how this argument could relate to that matter.

Mr. Pearson: Mr. Speaker, on the point you have just raised you will recall that the Minister of Justice at the beginning of this debate made a long speech. He said that he would be moving subsequently another amendment but that he did not wish to take advantage of the second opportunity to make any more of a speech than to move the amendment, and he was right, of course, in moving an amendment. When the minister got up to move that amendment, he then took advantage of that opportunity to reply to the hon. member for Bonavista-Twillingate (Mr. Pickersgill), who had spoken before the original amendment was voted on. Therefore if the Minister of Justice can make that speech on the very point the hon. member is on now, surely the hon. member is entitled in his first speech to deal not only with the amendment but with the motion before the house in order to explain the stand we will be taking on the resolution.

[Mr. Martin (Essex East).]

Mr. Speaker: I have, of course, acknowledged the exact point which the Leader of the Opposition makes and I did not intervene until the hon. member for Essex East had fairly well dealt with what had been raised by the minister. I suggest that if he proceeds it should be by leave of the house, because it is clear he is out of order.

Mr. Pickersgill: Mr. Speaker, I wonder if I could raise a point of order in this context. Perhaps I should have raised it when you raised the point with the Minister of Justice. My point of order is that the house has negatived an amendment, it is true, but we are still surely debating whether this whole resolution should carry. What we are seeking to do now is to argue that the resolution contains offensive material and therefore should not be passed by the house.

Mr. Speaker: I am quite content, if the house is, that the hon. member proceed with the argument which he is making, but I felt I was duty bound to raise the point because I had raised it with the Minister of Justice.

Mr. Martin (Essex East): Mr. Speaker, in view of your ruling I do not know whether or not I have the leave of the house I do feel that the Minister of Justice spent some time on this point, I think quite properly in view of the importance of the subject. I submit an opportunity ought to be afforded to reply. But I am in the hands of the house and I do not know whether the house has extended its consent or not.

Mr. Speaker: The hon. member may proceed until objection is taken.

Mr. Martin (Essex East): The point I was dealing with was that this very question had arisen and was dealt with by Mr. Bennett in terms similar to those used by the hon. member for Bonavista-Twillingate. I had not completed the sentence that Mr. Bennett had used when speaking of the case of a particular judge. He said:

> That judge undoubtedly has a contract with the state which entitles him to receive a salary for life or until such time as he resigns. I think the government will be well advised to consider whether or not in all cases of this kind where the contract has been amended the judge should receive full salary. I think we must have regard to the terms and conditions under which the original contract was made. Although it may seem out of the ordinary that a judge should draw full salary when he is retired compulsorily, nevertheless good faith and morals in my judgment impose on us that obligation and it is an obligation we should not likely disregard.

So the hon. member for Bonavista-Twillingate was in good company. It must seem obvious that even though there might have been no written contract there are all the elements present in an implied contract when a judge is appointed to office. The argument of breach of contract is a strong argument, and one with which the Minister of Justice has not properly dealt.

I submit there is another argument, one which is even stronger, one that should impress the Minister of Justice. The judiciary must in every way be independent. Judges must be able by virtue of their tenure to carry out their functions in such a manner as not to be open in any way to interference except with regard to the matter of good behaviour, whether by parliament or by any body or authority in the country. This was what Sir Winston Churchill had in mind on April 23, 1954 when this kind of question was being discussed. That right hon. gentleman had this to say of the judges, and I think his words apply with equal force to the present situation:

> There is nothing like them at all in our island. They are appointed for life. They cannot be dismissed by the executive government. They cannot be dismissed by the crown either by the prerogative or on the advice of ministers. They have to interpret the law according to their learning and conscience. They are distinguishable from the great officers of state and other servants of the executive, high or low, and from the leaders of commerce and industry. They are also clearly distinguishable from the holders of less exalted judicial office. Nothing but an address from both houses of parliament, assented to by the crown, can remove them.

With regard to those judges now on the bench, what is involved is this: we are interfering, by this measure, with their independence, an independence which is guaranteed to them under our system of law and under the governmental practice which prevails both here and in other commonwealth countries. That is what we are doing. It is not that we on this side of the house do not agree, in view of the acceptance in the public mind of a retiring age for judges, that the age of 75 is, perhaps the correct age. Our opposition does not arise because we are opposed to that principle. We are in favour of it, although we recognize that in our own country there have been judges away past the age of 75 who have rendered distinguished service in the prosecution of our system of law. Sir William Mulock, the late chief justice of the Supreme Court of Canada, Sir Lyman Duff, occur at once to my mind and we know the record in the United States of Mr. Justice Brandeis and Mr. Justice Holmes. We know the record of Lord Chief Justice Goddard in the United Kingdom, and other judicial luminaries who have contributed to the cause of justice notwithstanding their age. Nevertheless, we are in agreement with the government on the age of retirement. We ask simply that this should be applied in such a way as not to weaken the independence of the judiciary; that it should apply only to judges yet to be appointed, not to those who have already been appointed.

What is involved here is not only a breach of contract with regard to superior court judges but something more important. We are taking a step which I am sure any student or any serious lawyer would recognize as being a violation in principle of the necessary independence that must attach to the judiciary. Sir Winston Churchill felt so strongly on the subject that he went on in the same debate to say:

> The principle of the complete independence of the judiciary from the executive is the foundation of many things in our island life. It has been widely imitated in varying degrees throughout the free world. It is perhaps one of the deepest gulfs between us and all forms of totalitarian rule. The only subordination which a judge knows in his judicial capacity is that which he owes to the existing body of legal doctrine enunciated in years past by his brethren on the bench, past and present, and upon the laws passed by parliament which have received the royal assent. The judge has not only to do justice between man and man. He also —and this is one of his most important functions, considered incomprehensible in some large parts of the world—has to do justice between the citizens and the state. The British judiciary, with its traditions and record, is one of the greatest living assets of our race and people and the independence of the judiciary is a part of our message to the ever-growing world which is rising so swifty around us.

Those words apply no less to the judiciary in this country. We should hesitate before taking any step which could be regarded in any way as a violation of the independence of the judiciary which we all postulate as an essential condition of our legal system.

Mr. Bell (Carleton): And which is perfectly preserved in this legislation.

Mr. Martin (Essex East): I do not believe that to be the case, if I may say so to the hon. member with respect, because we are saying to judges who have already been appointed for life: hereafter you will retire at the age of 75 years, notwithstanding the fact that when you were appointed no such limitation was part of the arrangement made by the government of the day. That certainly is an interference in theory at least, in principle, with the independence of those judges. One can conceive of situations—and I am not saying these presently exist, because I do not think the Prime Minister, who is a responsible lawyer, would concur—such as have happened in another country where the highest court was packed under conditions which caused

the greatest controversy. Many learned societies and individuals in the United States were greatly concerned with the place of the judiciary in regard to the constitution as a result. That sort of thing could happen here. I am not saying that is the situation in the case before us. It is not, obviously. What I am saying is simply this: once a judge has been appointed for life we should not by an act of parliament take any step which they would not take in the United Kingdom parliament, as the words of Sir Winston Churchill so well establish.

With regard to the future, that is another matter. Judges if appointed in the future will know the circumstances and conditions of their appointment and if they are forced to retire at 75 no one could argue then that that compulsion or requirement in any way interfered with their tenure of office or with their independence. I am sure that the Prime Minister will agree that these words of Sir Winston Churchill have a cogency, a relevancy and an application to this situation in principle and it is the principle of the matter, of course, with which we are concerned.

The other matter on which we have differed from the administration is with regard to the position of district and county court judges. Those judges now hold their office under the Judges Act, Revised Statutes of Canada, 1952, chapter 159, section 35. As both the hon. member for Bonavista-Twillingate and the Leader of the Opposition stated, this provision is one of long standing. It has been in practice ever since this confederation of ours came into being. The first act taken by this parliament to fix the age of judges of the district or county courts was in 1903. No one at that time contested that it was within the exclusive competence of this parliament, without any reference to the United Kingdom parliament, to limit the tenure of district judges. That question has never arisen. Notwithstanding that the administration of justice in this country has been under Liberal and Conservative administration, distinguished ministers of justice like Sir Charles Doherty, Mr. Lapointe, Mr. Guthrie, Mr. St. Laurent—

Mr. McDonald (Hamilton South): Mr. Fulton?

Mr. Martin (Essex East): —have never questioned the right of this parliament to deal with the tenure of district court judges. To my knowledge the first suggestion ever made was in 1927 when a question was put to the then minister of justice by an hon. member of this house. The only other occasion to my knowledge when any doubt was raised about the situation is today through the resolution now before us. It will be remembered that in 1927 Mr. Boys, the then hon. member for Simcoe, addressed a question to the then minister of justice, Mr. Lapointe, in this form:

> While the minister is upon that point may I ask if there is any special provision in the British North America Act with respect to the retirement of county court judges? There was an amendment put through, if I remember correctly, in the year 1913 or the year 1914, providing for the compulsory retirement of county court judges upon reaching the age of 75 years. Is there any special provision in the British North America Act which provides for legislation of that character?

The minister said, "No". Mr. Cahan and Mr. Bennett were also active participants in the debate. They did not take exception to Mr. Lapointe's statement when he said:

> No, not at all, but I would point out that section 99 applies only to the judges of the superior courts.

There was never any doubt about that. Apart from the question asked by Mr. Boys, the first doubt expressed was the suggestion we now have had from the Minister of Justice. What is the argument he adduces? The hon. gentleman tabled some correspondence with the attorneys general. I have read that correspondence and I am not aware that there is any letter in which real doubt is expressed as to the constitutional competence of the federal parliament to deal with the tenure of district judges. There is no suggestion in any of those letters that warrants the grave doubt which the Minister of Justice has sought to indicate exists in this matter by the attorneys general of the provinces.

If there were any doubt surely rather than take what might be regarded as a regressive step the Minister of Justice, before withdrawing from this parliament a power which we say undoubtedly exists should have sought an opinion from the Supreme Court of Canada as to whether or not this matter of the tenure of district judges was or was not a matter that came within the exclusive competence of the parliament of Canada.

We are asked by this resolution that the power which we have had for so many years, the power to deal with the tenure of office of district and county court judges, the duration of their function and their removal from office, be limited by the constitution, and by asking for the approval of the provinces the present government may well have made it necessary in future to consult the provinces if further changes become desirable.

The present government by this action will impose on the United Kingdom parliament additional power at a time when the effort of all of us is to bring to this country in the course of time, and we hope at the earliest possible time, full power to amend our own constitution. That is what our objective is. What the Minister of Justice

is now doing represents a regressive step. It will endow the United Kingdom parliament with a power which I am sure it does not want to exercise and which through the common endeavour of all of us in this house and I am sure of all provincial governments, we are anxious to see settled finally in this country once agreement can be obtained between the two senior levels of government.

Up until now this parliament has been free at any time to amend the constitution without reference to the provinces or to the British parliament in matters affecting the district and county court judges. The Prime Minister said that all of us in this house want to see reside in this country the power to amend our own constitution. The provinces now have that power in respect of matters that come under section 92 of the British North America Act. We have that power with regard to matters that come within our exclusive competence. But in respect of those matters that are of common concern to the federal government and the provinces the objective of most of us in this country, if agreement can be achieved on the part of the two senior levels of government, is to see that the power of constitutional amendment is given to the proper authority in this country.

What the minister is doing by this resolution is to reverse the process. If this resolution is passed, as undoubtedly it will be, it will extend to the parliament of the United Kingdom a power which since 1867 has resided outside the United Kingdom. Can anything be more unjustifiable in view of the fact that we all take pride in our sovereign status?

I ask the Minister of Justice to reconsider this particular phase of the resolution. I am sure that the point made by the hon. member for Bonavista-Twillingate is valid. It is doubtful if we have any power to do what is proposed in the case of district court judges. It is certainly doubtful that the United Kingdom parliament will have any power to deal with this matter at all in so far as the tenure of district court judges is concerned. I should not be surprised if the United Kingdom parliament would refuse to deal with this particular phase of the resolution, as a matter outside its competence. If that should eventuate—and I am not so sure that it is not a pretty good anticipation—then we would be faced in this country with a most ridiculous situation.

By incorporating an express provision of the British North America Act in this resolution the government is now putting itself in the position of making it necessary hereafter to consult the provinces if at any time it seems desirable to change this provision and to seek from the British parliament a further amendment of the British North America Act. A moment ago my hon. friend referred to Mr. St. Laurent.

Mr. Martineau: Will the hon. member permit a question? Does he feel that the provinces should have been consulted on this particular address?

Mr. Martin (Essex East): I am not saying whether or not it is a good thing that there was no consultation in this matter, but what I am saying is that it is our duty in this house to follow the constitution. The constitution of Canada, the British North America Act, by its clear, implicit terms does not impose any obligation on this parliament, or on the executive of this parliament, to consult the provinces with regard to the tenure of district court judges.

The situation with regard to superior court judges is different. Mr. St. Laurent took the position that with regard to superior court judges it was a matter of common concern to the federal and the provincial governments. It is not a question of what my hon. friend would like to see. The question is, what is the law? The law is clear in this regard. Section 96 of the British North America Act provides that the governor general shall appoint the judges of the superior district and county courts in each province except those of the courts of probate in Nova Scotia and New Brunswick. The act makes no provision whatsoever as to the tenure of offices of judges of the district and county courts; but section 99 does provide that—and it is worth while to read it:

> The judges of the superior courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

Therefore it is not very difficult to see it is obvious that if the British North America Act provided only with respect to judges of the superior courts that they could hold office during good behaviour, that is to say for life, it must follow that no such condition attached to the appointment of district and county court judges, and that those who appointed them would be free to make the appointments for a lesser time than life. That has been the practice for 90 years of Liberal and Conservative administrations. That principle was practised in the days of Mr. Bennett, in the days of Sir Robert Borden, in the days of Mr. Meighen, in the days of Sir Charles Tupper, in the days of Sir John A. Macdonald, and now it is going to be changed by the Hon. Davie Fulton. Surely, that is the answer to my hon. friend.

Amendment to B.N.A. Act

Mr. Martineau: May I ask the hon. member a supplementary question? If that appears to be the answer of the hon. gentleman, if the provinces should have been consulted, then does it not follow that this parliament has not the right by itself to amend the constitution on a matter in which both the federal government and the provinces have an interest, a matter of mixed jurisdiction?

Mr. Martin (Essex East): All I can say to my hon. friend is that if the foundation was as he stated then I would perhaps be inclined to find some reason for agreeing, but that is not the situation. The British North America Act is clear in the matter.

Mr. Martineau: Exactly.

Mr. Martin (Essex East): It does not say that the federal parliament is in any way restricted with regard to district court judges. If it said so, then obviously there would have to be consultation and there would be consultation. But what we are arguing now is that by including the district court judges in this particular address we are limiting unnecessarily, and I say unconstitutionally, our powers, powers actually given to us. Now we are seeking to extend these powers to an outside authority instead of getting additional power or greater freedom to amend our own constitution. What hon. gentlemen are now doing—it is apparent, unwittingly and unintentionally—is binding us more and more to an outside authority, the parliament of the United Kingdom.

Mr. Martineau: Answer the question.

Mr. Martin (Essex East): My hon. friend says "answer the question". That surely is the situation.

We have argued the matter, Mr. Speaker, and I am sure it will be recognized that this is an important matter. There are differences of opinion. We find it difficult to understand how the Minister of Justice and the Prime Minister can take the view which they must be assumed to take in this matter of the district court judges—

Mr. Diefenbaker: May I ask the hon. gentleman a question? I do not want to disturb him. When the hon. gentleman says it has not been done before does he forget the act to amend the Supreme Court Act in 1927?

Mr. Martin (Essex East): I dealt with 1927. The act of 1927 dealt with superior court judges. I have been talking about district court judges.

Some hon. Members: Oh, oh.

Mr. Martin (Essex East): With regard to 1927 there is no doubt that that was a move made along parallel lines by the then minister of justice. He corrected his position in 1930 by recognizing the validity of what Mr. Bennett had said. What I have been saying—

Mr. Speaker: Order. I interrupt the hon. member promptly when there is still one minute before ten—but his time has expired —in order to see whether the house is ready for the question.

Mr. M. W. Martin (Timmins): Mr. Speaker, this is not the first time I have had the unhappy chore of following my namesake, the hon. member for Essex East (Mr. Martin). I must confess that I feel a bit inadequate to do so. I console myself in the fact that like a Holstein cow which gives a great volume of milk there is not too much butterfat in it.

As a relatively new member in this house, with only three years experience, I have listened very attentively to this debate today and I have come to the following conclusions. The Liberals are willing to retire any Tory judges at 75 years of age but not Liberal judges. The Tories are willing to retire Liberal judges at 75 years plus any future Tory judges who may be appointed. The C.C.F. are in the happy position that they are willing to retire both Liberal and Tory judges at 75 years of age.

Amendment (Mr. Fulton) agreed to, on division.

Resolution as amended agreed to, on division.

BUSINESS OF THE HOUSE

Mr. Chevrier: May I inquire what the house leader intends to do tomorrow?

Mr. Brooks: Tomorrow we will take item No. 5 on today's order paper, the house in committee on Bill No. C-71, to amend the War Veterans Allowance Act, 1952. After that we shall go on with the estimates of the Post Office Department, followed by the Department of Mines and Technical Surveys.

On Thursday we shall continue with the estimates of the Department of Citizenship and Immigration, followed by the estimates not finished on Wednesday.

At ten o'clock the house adjourned, without question put, pursuant to standing order.

APPENDIX

DISARMAMENT—LETTER AND SOVIET PROPOSALS—PRIME MINISTER'S REPLY

Text of Letter on disarmament dated June 2, 1960 from the Chairman of the Council of Ministers of the U.S.S.R. to the Prime Minister of Canada.

His Excellency Mr. John G. Diefenbaker,
Prime Minister of Canada,
City of Ottawa.

Dear Mr. Prime Minister:

I would like to address you on the question of general and complete disarmament, which is the most important question confronting the world at the present time. Nowadays, in the age of atom, space rockets and electronics, the necessity to take daring and far-reaching actions aimed at finding a solution of the disarmament problem has become especially acute. Is it not obvious that now common sense cannot be reconciled any longer with the whirl of armaments, which is pulling toward an unprecedented disaster and which is indeed perniciously affecting all aspects of the life of society?

In the course of its preparations for the Paris conference of the heads of government, the Soviet government has worked out proposals which constitute the elaboration of the general and complete disarmament program which I, on behalf of the Soviet government submitted to the fourteenth session of the U.N. general assembly last September.

In those proposals we took into consideration certain observations expressed by our partners in negotiations and, in particular, the ideas expressed by the government of France to the effect that at the beginning of the implementation of the disarmament program measures should be undertaken to eliminate the means of delivering nuclear weapons to targets. Some other proposals put forward by a number of governments, including those made in the course of discussions in the ten-nation committee on disarmament, have also been taken into consideration. However, we were unfortunately unable to discuss those proposals at the meeting of the heads of government.

Latest developments have not reduced but on the contrary increased the determination of the Soviet government to seek a radical solution of the disarmament problem, the liquidation of the armaments race, which is dangerous and useless for the peoples. The Soviet government, being guided by its invariable policy of peaceful co-existence among states, intends, as it has before, to do everything necessary for the invigoration of the international situation and the improvement of relations among states.

Upon my return from Paris to Moscow the Soviet government discussed the situation obtained and came to the conclusion that it was necessary to submit the proposals on general and complete disarmament which had been prepared for the conference of the heads of government for the consideration by the governments of all states.

A relevant document containing the proposals of the Soviet government on the implementation of general and complete disarmament is transmitted to you together with this message.

We are convinced that these proposals meet the requirements set forth in the resolution on general and complete disarmament unanimously adopted by the U.N. general assembly on November 20, 1959.

I would like to draw your attention to the fact that the program of the Soviet government envisages already at the first stage prohibition and destruction of all means of delivering nuclear weapon missiles of all ranges, military aircraft, surface naval vessels which can be used as carriers of nuclear weapons, submarines of all classes and types, all artillery systems, as well as other means which can be used as carriers of atomic and hydrogen weapons.

Obviously, the security of states can be duly safeguarded if only all means, without exception, of delivering atomic and hydrogen weapons are eliminated from the armaments of states and are destroyed. It goes without saying that a simultaneous elimination of all military bases on foreign territories and withdrawal of foreign troops therefrom is necessary, since the retention of such bases and troops could be used for aggression against nearby states.

The implementation of these measures at the very beginning of the disarmament program would remove the danger of a surprise nuclear war being unleashed and would change radically the international situation.

At subsequent stages measures for the prohibition of nuclear and other weapons of mass destruction, for the elimination of armies and war machinery of states would be put into practice, thus making it possible to preclude

war from the life of human society finally and for all time and to put an end to the arms race.

With the gradual implementation of the disarmament program a part of the funds thus released should be used to render economic assistance to the underdeveloped countries.

You will see from our proposals that they contain detailed provisions for control over disarmament measures which would not allow anyone to evade the observance of the agreement on general and complete disarmament. We have worked out specific measures on control according to respective stages of the disarmament program, we have indicated objects for control, defined the structure and composition of the control body, the rights and powers of on the spot inspectors. Our new proposals containing detailed provisions for the control constitute still another proof of the Soviet union being in favour of a strict and effective control over disarmament.

The Soviet government believes that these proposals should be given a comprehensive study first of all in the ten-nation committee on disarmament which is to resume its work in Geneva in a few days.

I would also like to emphasize that the Soviet government entertains serious doubts that the western powers represented on this body really want disarmament. Although these powers did vote in the general assembly for the resolution on general and complete disarmament, the impression is that, in fact, they are not prepared to implement it.

As is known, the western powers came out in the committee with such a plan which, given all the desire, cannot be called a plan of general and complete disarmament. Even after the implementation of that plan there would remain armies, military aircraft, tanks, guns, military bases in foreign territories, general staffs and nuclear bombs. As a matter of fact, the western powers propose control without disarmament. Frankly speaking, such control is nothing else but intelligence and espionage.

No government attentive to the sovereign rights of states can accept this.

The Soviet union desires actual and complete disarmament, destruction of all types of weapons and establishment of a strict control over disarmament so that no one would be able to arm and no one would be able to threaten with war.

May I express, Mr. Prime Minister, the hope that the proposals of the Soviet government, prompted solely by the desire to facilitate and expedite the conclusion of an argeement on this most important question of our time, the question of general and complete disarmament, will meet with understanding and support of your government.

Respectfully,

N. Khrushchev.

The Basic Provisions of a Treaty on General and Complete Disarmament

On the 18th of September 1959 the Soviet government put forward for consideration by the United Nations a proposal for general and complete disarmament. It submitted that proposal, proceeding from a firm conviction that the complete disarmament of all states, elimination of all means of war constitute the most efficient and—under the existing conditions—the most practicable way to prevent the outbreak of a rocket and nuclear war, so disastrous for nations; and to ensure a lasting peace on earth.

The balance of power obtained at present in the world when an aggressor is not able to unleash war against peace-loving states with impunity; the destructive power, without parallel in the history of mankind, of the modern weapons, which are able to effect a quick annihilation of whole states; the feasibility of almost instantaneous delivery of such weapons to any point on the globe—all these factors make war as a means of solving international arguments an obvious folly. The peaceful coexistence of states with different social systems, which the Soviet union, as well as other socialist countries, has always been championing, is a real fact. Peaceful coexistence, however, cannot be durable enough, peace cannot be considered to be reliably secured as long as the arms race is being continued, as long as states have at their disposal the means to attack other countries with lightning speed and possess gigantic stockpiles of weapons, nuclear weapons included.

Nowadays truly fantastic sums of money are being spent on armaments. Suffice it to say, that certain types of modern bombers cost more than their weight in gold. And is it not a fact that many types of armaments become obsolete even before they are shipped from the factories and are scrapped? The arms race becomes a senseless waste of human labour and of material. Sums at present spent by states to produce and stockpile weapons would alone suffice to put an end to starvation on the whole of the globe.

The fact that the energy of hundreds of millions of people and the values they create are spent on the preparation for war, whose inadmissibility becomes clearer with every day, cannot be tolerated any longer. The mankind of today with its wonderful achievements in conquering nature and developing spiritual values deserves a better fate.

At present the great goal, the dream of many generations—to put an end to wars, to preclude war from the life of human society altogether—have become practicable, possible to achieve. This goal can be achieved by means of destroying all types of weapons and disbanding all armies of the world, that is by general and complete disarmament. This is the only genuinely reliable basis, on which under the present conditions a lasting, unbreakable peace among all states can rest.

General and complete disarmament cannot give advantages to any party. This makes it possible to remove many of the obstacles which arose whenever it was only partial disarmament measures that were dealt with and when some states feared that the implementation of such measures might upset the balance of forces and prove detrimental to their security. The conclusion of an agreement on general and complete disarmament would also make it much easier to exercise international control over the disarmament measures for, if complete disarmament is arrived at, states will have no reasons to conceal anything from one another and it will be possible to exercise complete control.

The proposal of the Soviet union on general and complete disarmament met with enthusiastic approval in all the countries of the world. It added new strength to the aspirations of peoples to rid forever of the nightmarish threat of a rocket and nuclear war. No government opposed that proposal. The United Nations unanimously endorsed the idea of general and complete disarmament and confirmed that the question of such disarmament is the most important one facing the world today. The appeal of the U.N. general assembly to the governments to do their utmost to reach a constructive solution of this problem as soon as possible puts great moral obligation upon all states.

To implement that appeal of the United Nations and to make come true the hopes of people who call for disarmament, it is necessary that the governments on whom rests the main responsibility for reaching an international agreement on this question take concrete steps toward the preparation and conclusion of such an agreement without any further delay.

The Soviet government makes all efforts to achieve as soon as possible practical results in the disarmament talks—to work out and sign an agreement on general and complete disarmament.

As is known, the Soviet union's proposals of September 18, 1959, contain a concrete program for carrying out general and complete disarmament by three stages within the time limit of four years. It was proposed to effect at the first stage under international control a substantial reduction of conventional armed forces and armaments of states, at the second—to complete the elimination of the remaining contingents of these armed forces and to eliminate military bases on foreign territories and at the third—to destroy all types of nuclear and rocket weapons and to carry out other measures concluding general and complete disarmament.

When proposing this sequence of disarmament measures the Soviet union took into account the views of the western powers who referring at previous disarmament negotiations to the superiority of the U.S.S.R. in the armed forces and conventional armaments, spoke out for the measures in the field of nuclear disarmament to be put off to the last stage. As regards the Soviet government it has always been in favour of making a war with the use of weapons of mass destruction impossible and it considers the sooner it is carried out, the better.

During the meetings and talks among leading statesmen that have taken place in recent months, as well as in the course of the work of the 10-nation committee on disarmament which was entrusted with the elaboration of measures for the realisation of the decision of the U.N. general assembly on general and complete disarmament, the views and proposals of sides on the questions concerning disarmament have been set forth in detail and specified.

The Soviet government invariably upholding its proposal for general and complete disarmament as one consistent with the great goal of ensuring a durable peace on earth, in which all nations barring none are interested in, at the same time is prepared to take into consideration any constructive observations and wishes of other participants of the negotiations, that are conducive to the achievement of an agreement on the practical realisation of disarmament.

In the course of the negotiations an opinion was expressed by some powers, particularly by France, that disarmament should be started with the prohibition and destruction of the means of delivering to target nuclear, chemical and biological weapons such as war missiles, air force, naval vessels and so on, and at the same time the necessity for the simultaneous elimination by states of their military bases on foreign territories was taken into account.

The government of the U.S.S.R. is still of opinion that the order of carrying out disarmament measures stipulated in its proposal of September 18, 1959, is fully consistent with the goal of the practical realisation of general and complete disarmament. Nevertheless, trying to facilitate in every possible way an early

achievement of agreement on this problem in the interests of ensuring a lasting and durable peace among all states, the Soviet government is again prepared to make steps forward to meet the western powers and to agree on a different sequence of carrying out disarmament measures, if that sequence is more acceptable to the western powers.

Being an ardent champion of the earliest deliverance of mankind from the threat of a rocket and nuclear war, the Soviet government proposes that agreement be reached to begin the process of general and complete disarmament by the prohibition and destruction under international control at the first stage of all means of carrying nuclear weapons to target with the simultaneous elimination of military bases on foreign territories.

When war missiles of all ranges, air force, submarines and surface naval vessels, artillery capable of firing nuclear shells and all other means of delivering to targets weapons of mass destruction will be eliminated and states will not have armed forces and military installations beyond their national borders, one country's attack against another with atomic and hydrogen weapons will become practically impossible.

Being desirous to reach this goal the Soviet union expresses its willingness to begin disarmament by the destruction of all means of delivering nuclear weapons to targets, notwithstanding its generally recognized superiority in the most modern and effective means of that kind, namely, in intercontinental ballistic missiles.

In this case during the next, second stage of the disarmament program such measures could be carried out as banning nuclear, biological and chemical weapons, destroying all their stocks and terminating their further manufacture. The menace of a nuclear war in whatever form would be removed for good. At the same time a considerable reduction of armed forces and conventional armaments of states would be carried out.

The third stage would mark the completion of general and complete disarmament, the disbanding of all armies, war ministries, general staffs, the abolition of military service and of military training of youth, the complete cessation of appropriating funds for military purposes.

It is proposed that all this disarmament program shall be implemented on the basis of an international treaty in the course of a definite period of time—within four years or during another period agreed upon, and under effective international control.

In the course of discussing the question of general and complete disarmament in international bodies a great deal of attention has been drawn to the question of measures to be taken for ensuring the peace and maintaining international law and order in the relations between states under the conditions of general and complete disarmament. The Soviet government proposes that the states parties to the treaty would jointly examine this question in detail so that in the course of the implementation of the third and final stage there would be taken necessary measures in accordance with the U.N. charter for the maintenance of peace in the conditions of general and complete disarmament including the obligation by states to place, when necessary, police (militia) detachments at the disposal of the security council to ensure keeping the peace. Naturally, such police (militia) detachments can be used exclusively for the maintenance of peace among nations and not for the suppression of peoples who are struggling for their independence and social progress, and not for the interference in the internal affairs of states.

It is proposed that all disarmament measures be implemented under strict international control from the beginning to the end. For this purpose the parties to the treaty shall set up an international control organization whose scope of competence will include all disarmament measures and will expand as these measures will be assuming still more comprehensive and far-reaching nature.

In accordance with the abovestated the Soviet government submits the draft basic provisions of a treaty on general and complete disarmament.

Basic provisions of a treaty on general and complete disarmament

The governments of the states members of the 10 nation committee on disarmament set up in 1959, being guided by the resolution of the XIV session of the U.N. general assembly of November 20, 1959, "On general and complete disarmament", in the interests of saying mankind from the threat of a new war and in the interests of securing stable and inviolable peace on earth recognize it necessary to proceed without delay to the practical solution of the task of general and complete disarmament, and have resolved to this end to work out a treaty on general and complete disarmament, which will include the following basic provisions:

I. General and complete disarmament envisages:

—the disbanding of all armed forces of states and the prohibition of their re-establishment in any form whatever;

—the prohibition and the destruction of all stockpiles of and the cessation of the manufacture of all kinds of armaments, including

atomic, hydrogen, chemicals, bacteriological and other types of weapons of mass destruction;

—the destruction of all means for delivering the weapons of mass destruction to targets;

—the liquidation of all kinds of military bases, the withdrawal and the disbanding of all foreign troops stationed in the territory of any states;

—the abolition of all kinds of military services of citizens;

—the termination of military training of the population and the abolition of all military educational institutions;

—the abolition of war ministries, general staffs and their local agencies, as well as of all other military and paramilitary establishments and organizations;

—the discontinuance of the appropriation of funds for military purposes whether from state budgets or from public organizations and private individuals.

After the completion of general and complete disarmament states shall retain at their disposal only strictly limited contingents of police (militia), the size of which shall be agreed upon for each country and which shall be equipped with small firearms and intended for the maintenance of internal order and the protection of personal security of citizens.

II. General and complete disarmament shall be implemented by all states at one and the same strictly defined time which shall be agreed upon; and the disarmament process shall be carried out gradually, by three consecutive stages, having in mind that at no stage a state shall obtain military advantages, flowing from the course of disarmament, over other states.

For the consideration of the question of other states joining the agreement on general and complete disarmament a conference shall be held with all countries participating.

III. All disarmament measures from the beginning to the end shall be carried out under strict and effective international control, that is:

(a) immediately after the signing of the treaty a preparatory commission shall be set up, whose task will be to implement practical measures for establishing an international organization of control over general and complete disarmament;

(b) a control organization shall be set up within the framework of the United Nations on the treaty coming into force.

It shall consist of all states, parties to the treaty, and their representatives shall meet periodically for conferences to consider questions related to the carrying out of effective control over disarmament. The conference shall elect a control council, consisting of permanent and non-permanent members, which shall have its own local agencies. The control council shall consist of the representatives of socialist countries, the representatives of states that participate now in the western military and political alliances, and the representatives of neutral countries. Barring cases specially agreed upon, decisions in the control council shall be taken by the two third majority of votes on the questions of essence and on the questions of procedure —by a simple majority of votes.

(c) The control council shall effect practical guidance of the control system, work out instructions as well as make timely analysis and processing of reports it shall receive. States shall submit the information on their armed forces and armaments to the control council.

(d) The control organization shall have in all countries parties to the agreement its own personnel, recruited on the international basis with the principle of just geographical distribution taken into consideration, and in accordance with the provisions of the treaty. The control organization shall place its inspectors on the territories of states in such a way as to enable them to start exercising their functions the moment states begin the implementation of measures in the field of disarmament. Each party to the treaty shall undertake to ensure timely and unrestricted access to inspectors and inspection teams within its territory to any point where disarmament measures to be verified will be effected, or to any area where on the spot inspection of such measures will be carried out. With this purpose parties to the treaty shall at the expense of the control organization make all necessary means of transportation available to the personnel of the control organization for travelling within their territory.

(e) The control organization personnel shall enjoy on the territory of each party to the treaty such privileges and immunity that are necessary for independent and unrestricted implementation of control over the fulfillment of the disarmament treaty.

(f) All expenditures of the international control organization shall be covered at the expense of the states parties to the treaty. The scale of the contributions of states shall be fixed in the text of the treaty on general and complete disarmament.

The control organization shall at each stage have powers with regard to the scope and nature of measures in the field of disarmament.

The basic measures in the disarmament field are distributed by three stages of the program of general and complete disarmament in the following way:

The first stage

1. All means of delivering nuclear weapons shall be removed from the armed forces of states and destroyed; their manufacture shall be stopped. It includes:

—strategic and tactical missiles, pilotless planes of all types, all military aircraft capable of delivering nuclear weapon;

—surface naval vessels that can be used as carriers of nuclear weapon;

—submarines of all classes and types;

—all artillery systems as well as other means that can be used as carriers of atomic and hydrogen weapon.

2. All foreign troops shall be withdrawn from alien territories to within their national frontiers. Foreign military bases and depots of all kinds, both relinquished after the withdrawal of troops and alternate ones, shall be abolished.

3. From the very beginning of the first stage and until after the final destruction of all means of delivering nuclear weapons the putting into orbit or the placing in outer space of special devices, the crossing by naval vessels of the limits of their territorial waters and the flights beyond their national territory by military aircraft, capable of carrying weapons of mass destruction shall be prohibited.

4. The launching of rockets shall be carried out solely for peaceful purposes and in accordance with predetermined and mutually agreed criteria and shall be accompanied by agreed measures of verification including the inspection on the sites of launching such rockets.

5. States having at their disposal nuclear weapons shall undertake not to transfer such weapons or information necessary for the manufacture thereof to the states which do not possess such weapons. At the same time the states possessing no nuclear weapons shall undertake to refrain from the manufacture of such weapons.

6. Accordingly states shall reduce their military expenditures.

7. The following control measures shall be carried out at the first stage:

On the spot international control shall be established over the destruction of rocket weapons, military aircraft, surface naval vessels, submarines and other means which could be used as carriers of atomic and hydrogen weapons.

International inspection teams shall be dispatched to the places of deployment of military bases and troops on foreign territories to supervise the elimination of the said bases and the withdrawal of military personnel and troops to within their own national territories, control shall be also established on airfields and at ports to ensure these airfields and ports not being used for military purposes. At the same time the destruction of missile launching sites shall be carried out under the supervision of an international control organization with the exception to the sites which will be maintained for the launching of rockets for peaceful purposes.

The control organization will be entitled to unrestricted inspection of all enterprises, plants, factories and shipyards which were previously engaged fully or in part in the production of missiles, aircraft, surface naval vessels, submarines and all other means of delivering nuclear weapons to prevent clandestine production of armaments which could be used as carriers of atomic and hydrogen weapons. On agreement fixed control teams may be established at some works and intallations.

International inspection teams dispatched by the control organization shall be entitled to carry out comprehensive examination of rocket devices, being launched for peaceful purposes and to be present at the time of launching.

The inspectors shall communicate with the control council through existing channels of communication and there shall be provided such privileges which will ensure prompt delivery of reports and instructions.

8. At the first stage joint studies shall be undertaken of the measures on the discontinuance of the manufacture of nuclear, chemical and bacteriological weapons and on the destruction of the stockpiles of such types of weapons, i.e. of the measures which are to be implemented at the second stage.

9. The first stage must be accomplished within 1-1.5 years. The international control organization shall review the results of carrying out the measures of the first stage to report on them to the states parties to the treaty as well as to the security council and U.N. general assembly.

The second stage

1. There shall be a complete prohibition of nuclear, chemical, bacteriological and other weapons of mass destruction along with the cessation of the manufacture and the destruction of all the stockpiles thereof.

2. The armed forces of all states shall be reduced to agreed levels, the armed forces level for the U.S.A. and the U.S.S.R. shall not exceed 1.7 million men. Conventional weapons and ammunitions thus released shall be destroyed and military equipment shall be either

destroyed or be used for peaceful purposes. Military expenditures of states shall be reduced accordingly.

3. The following measures of control shall be undertaken at the second stage:

Representatives of the control organization shall make on the spot inspection of the destruction of all available stockpiles of nuclear, chemical and bacteriological weapons. The control organization shall be entitled to inspect all enterprises engaged in the extraction of atomic raw materials, in the production or use of atomic materials and atomic energy. Fixed control teams may be established, subject to agreement, at some enterprises and installations.

On the spot international control shall be established to supervise the disbandment of troops and the destruction of armament.

Inspectors shall:

Supervise the exact and timely compliance with the decisions on the disbandment of military formations and units, elimination and destruction of material of conventional arms, military equipment and ammunition; report to the control council and to the government of the host country.

International inspection groups shall include experts depending on the nature of units subject to disbandment and the types of weapons to be destroyed.

The control organization shall have unrestricted access to the documents pertaining to budget allocations of states for military purposes including all the decrees of legislative and executive bodies on this subject.

4. Joint studies shall be undertaken at the second stage of the following measures to be implemented at the third stage;

(a) measures to assure compliance with the treaty on general and complete disarmament upon the implementation of all measures stipulated in such a treaty;

(b) measures to safeguard peace and security in accordance with the U.N. charter in the conditions of general and complete disarmament.

5. Similar to the transition from the first to the second stage, the international control organization shall sum up the results of the second stage steps to report them to the states parties to the treaty as well as to the security council and the general assembly of the United Nations

The third stage

1. The elimination of the armed forces of all states shall be completed. States shall retain at their disposal only strictly limited contingents of police (militia) the size of which shall be agreed upon for each country and which shall be equipped with small firearms and be intended for the maintenance of internal order and the protection of personal security of citizens.

2. All remaining types of conventional armaments and ammunitions both in the armed forces and in depots shall be destroyed and the military equipment shall be subject to destruction or use for peaceful purposes.

3. Military production at all factories shall be terminated including the manufacture of conventional armaments with the exception of the strictly limited manufacture of small firearms designed for the contingents of police (militia) retained by states after the completion of the program of general and complete disarmament.

4. War ministries, general staffs and all military and paramilitary establishments and organizations shall be abolished. All military training of reservists shall be terminated. In accordance with their respective constitutional procedures, states shall enact legislation prohibiting military education of young people and abolishing military service in all its forms.

5. The appropriation of funds for military purposes in any form, whether from state bodies and private individuals and public organizations, shall be discontinued. The funds released as a result of the implementation of general and complete disarmament shall be used to reduce or abolish taxation of the population, to subsidize national economies and to furnish economic and technical assistance to underdeveloped countries.

6. At the third stage the following additional measures on control shall be undertaken:

The international control organization shall send controllers for on the spot inspection of the abolition of war ministries, general staffs, all military and paramilitary establishments and organizations, and of the termination of military training and all other kinds of military activities.

Control shall be established over the discontinuance of the appropriation of funds for military purposes.

The control organization may, when necessary, institute a system of aerial observation and aerial photography over the territories of states.

7. After the implementation of the program of general and complete disarmament the control organization shall be preserved and shall carry out constant supervision over the implementation by states of the obligations assumed. The control council shall have

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the right to send mobile inspection teams to any point or any establishment in the territories of states.

States shall furnish to the control organization data concerning the places of deployment of the contingents of police (militia), their strength in every place (area) as well as any transfer of sizeable contingents of police (militia) near state boundaries. International inspection teams shall carry out comprehensive control so that the strength of police (militia) and their armaments be in conformity with norms agreed upon for each country.

8. Other measures worked out to assure compliance with the treaty on complete disarmament shall enter into force.

9. Measures for preserving peace and security in accordance with the UN charter shall be implemented. States shall undertake to place, when necessary, at the disposal of the security council formations out of the contingents of police (militia) remaining at the disposal of states.

Gradually with the implementation of the program of disarmament and the reduction of military expenditures of states the funds thus released as a result of this shall be partly used to render economic assistance to underdeveloped countries.

This is the proposal of the Soviet union concerning the order of the implementation of general and complete disarmament with considerations expressed by the western powers taken into account.

Submitting this proposal the Soviet government expresses its readiness to reach agreement on the implementation of disarmament on the basis of the present proposals constituting an elaboration of the program put forward on September 18, 1959. The most important thing is to conclude an agreement and to finally commence general and complete disarmament which is awaited by the peoples and urged by the United Nations. The Soviet government is prepared to do it without delay, without waste of time, and it expresses its sincere hope that other states will do likewise being fully conscious of the responsibility for disarmament which rests upon the governments of all states, particularly on the governments of great powers.

* * *

The texts of the documents published have been sent to the governments of all countries with whom the U.S.S.R. maintains diplomatic relations. The text of the proposals of the Soviet government on the basic provisions of a treaty on general and complete disarmament has also been sent to the governments of other states.

OTTAWA, June 6, 1960

Dear Mr. Chairman,

Thank you for your letter of June 2 enclosing a series of proposals on disarmament. The implications of these proposals will require careful study in consultation with other interested governments and in the light of other proposals which have been placed before the 10 nation committee in Geneva.

The government of Canada is now engaged in this process of study and consultation and for this reason I welcome your decision formally to present the proposals in the 10 nation committee where they can be the subject of discussion and clarification.

Yours sincerely,

(sgd.) J. G. Diefenbaker

Mr. N. S. Khrushchev,
Chairman of the Council of Ministers
of the Union of Soviet Socialist
Republics, MOSCOW

HOUSE OF COMMONS

Wednesday, June 15, 1960

The house met at 11 a.m.

COMMITTEES OF THE HOUSE

Eleventh report of standing committee on miscellaneous private bills—Mr. McCleave.

Sixth report of standing committee on banking and commerce—Mr. Cathers.

ST. LAWRENCE SEAWAY

ANNOUNCEMENT OF APPOINTMENT OF PRESIDENT OF AUTHORITY

Hon. George H. Hees (Minister of Transport): Mr. Speaker, I am pleased to announce the appointment of Robert James Rankin, vice-chairman of the national harbours board, to the office of president of the St. Lawrence seaway authority as of August 1. Mr. Rankin will succeed B. J. Roberts, C.B.E., president of the seaway authority since February, 1958, who retires on July 31. Mr. Rankin has been vice-chairman of the national harbours board since February 1, 1958.

In going to his new post Mr. Rankin will add to his already extensive experience in marine matters. He formerly served as chairman of the port of Halifax commission for five years, and was a member of the commission at the time of his appointment as vice-chairman of the national harbours board. He played a notable role prior to that appointment in the economic development of the Atlantic provinces, and was president of the Atlantic provinces economic council in 1957. He is a former newspaperman, joining the staff of the Halifax *Herald* in 1921 and rising to the post of managing editor of the Halifax *Chronicle-Herald* before being named vice-president and member of the board of directors. He is a past president of the Canadian Press, serving in that capacity from 1954 to 1956.

Mr. Rankin was born in Chatham, Ontario, a son of the late Mr. and Mrs. J. B. Rankin, and received his education in the schools there. His wife is the former Constance Marguerite Buckler of Annapolis Royal. They have two sons. Mr. Rankin is a veteran of world war I, serving as signals officer with the 1st battalion, C.E.F.

I would also like to refer to the notable contribution Mr. B. J. Roberts has made to Canada over a long period of years. He is a former member and chairman of the national harbours board and a former assistant deputy minister of finance. Over a period of 30 years he served on a number of important boards and commissions, and he was financial adviser to the British commonwealth air training plan during world war II. He was named a commander of the British empire after the war ended.

Mr. Roberts took over as president of the St. Lawrence seaway authority early in 1958, and supervised the final year of construction and the operation of the project since its opening in April last year. His contribution to the present successful operation of the seaway has been a very real one indeed.

GRAIN

WHEAT—ANNOUNCEMENT OF FINAL PAYMENT FOR 1958-59 CROP

Hon. D. S. Harkness (Acting Minister of Trade and Commerce): Mr. Speaker, yesterday the Minister of Trade and Commerce gave an undertaking to the house to make a statement on the final accounting for the 1958-59 pool account of the Canadian wheat board. In his unavoidable absence he has asked me to make his statement for him.

The 1958-59 pool account for wheat was closed as at May 20, 1960. The final accounting has been completed and I am now in a position to advise the house of the operating results of this pool.

Producers delivered 367.0 million bushels of wheat to the 1958-59 pool. An interim payment was made in respect of this pool in the period from February 22 to March 11, 1960 and involved the distribution of $36,699,415.19. After providing for payment costs and the Prairie Farm Assistance Act levy the final payment will amount to $33,919,322.24. The average final payment, therefore, basis producers' deliveries, will be 9.2425 cents per bushel.

The final payments on the principal grades of wheat delivered to the pool are as follows:

	Cents per bushel
No. 1 northern	9.374
No. 2 northern	9.869
No. 3 northern	6.342
No. 4 northern	5.009
No. 5 wheat	19.548
No. 6 wheat	24.518
No. 1 amber Durum	17.910
No. 2 amber Durum	16.784
No. 3 amber Durum	12.618
Extra No. 4 amber Durum	15.217
No. 4 amber Durum	7.707
No. 5 amber Durum	19.548
No. 6 amber Durum	24.518

Starred Questions

In respect to the principal grades of wheat delivered to the pool, the total prices realized by producers were slightly less than the total prices received for the preceding pool. Before deduction for the Prairie Farm Assistance Act levy the total realized prices are as follows:

	Dollars per bushel	
	1958-59	1957-58
No. 1 northern	1.59569	1.62120
No. 2 northern	1.56069	1.58592
No. 3 northern	1.48507	1.49794
No. 4 northern	1.40161	1.39630

I have been advised by the Canadian wheat board that the issuance of cheques to producers will commence about June 15, and payment will be completed during the first week of July.

Mr. Hazen Argue (Assiniboia): The statement made by the minister is very similar to the statement made a year ago at this time. It further emphasizes the desirability of retaining the wheat board organization, since it does mean that producers marketing a given grade and quality of grain receive the same price. Final payment this year is about one-quarter of a cent higher than the final payment last year. When one considers that the producers' cost has gone up by more than 5 per cent in that period, this emphasizes the continuing need for the government to take supplementary measures to increase farm income in the west.

STARRED QUESTIONS

PURCHASES OF PLAYS BY C.B.C.

Question No. 169—**Mr. Pigeon:**

1. How many plays (texts and copyrights) have been bought each year by the Canadian Broadcasting Corporation since the French network was set up?
2. How many of these texts bought by the said corporation have been used each year?
3. What has been, for the same period, the total amount paid each year for the texts actually used?

Mr. M. J. A. Lambert (Parliamentary Secretary to the Minister of National Revenue): Mr. Speaker, I am informed by the Canadian Broadcasting Corporation that they are able to provide data on the purchase and use of plays on the French television network for the past three and a half years, from July, 1956, at which time the script bureau in the Montreal studios was organized, until the end of 1959. However, to obtain the information prior to July, 1956 would entail a great number of man hours and a survey of daily records. Therefore it is hoped that the information I have here, and which because of its statistical nature it is proposed be printed as an appendix to *Hansard*, will be sufficient for the purpose of this question.

[Mr. Harkness.]

Mr. Speaker: Is it agreed that the statistical information referred to be printed as an appendix to *Hansard*?

Some hon. Members: Agreed.

[*Editor's note: The document above referred to is as follows:*]

1. and 2.

1956

July to Dec. 1956	Bought	Used
60 minute plays	14	4
90 minute plays	4	4
Childrens programs	196	196
Half hour plays	255	255
Quarter hour plays	52	52
	521	511

1957

60 minute plays	51	49
90 minute plays	10	10
Quatuor—2 hour plays (presented in four parts)	5	5
Children's programs	117	117
Half hour plays	285	285
Quarter hour plays	114	114
	582	580

1958

60 minute plays	38	35
90 minute plays	14	12
Quatuor—2 hour plays (presented in four parts)	11	9
Children's programs	89	89
Half hour plays	255	255
Quarter hour plays	39	39
Spectaculars	5	3
	451	442

1959

60 minute plays	26	23
90 minute plays	7	7
Quatuor—2 hours (presented in four parts)	2	2
Children's programs	223	223
Half hour plays	398	398
Quarter hour plays	39	39
	695	692

3.

Expenditures for plays (texts and copyrights) for the Montreal region covers French and English plays:

Year 1952-53	$ 22,000
1953-54	106,000
1954-55	244,000
1955-56	401,000
1956-57	556,000
1957-58	614,000
1958-59	620,000
1959-60	633,000

We have no breakdown of the cost of French plays versus English plays. To abstract the payments made related to plays used on the French television network would require an analysis of weekly performers' payrolls for each year. This would entail a great deal of work, and it is therefore hoped that the above information will suffice.

RADIOLOGICAL PROTECTION REPORT, 1959

Question No. 177—**Mr. Martin (Essex East):**

1. Has the government received a copy of the 1959 report of the international commission on radiological protection?

2. If so, has the government taken any steps to follow the recommendations of this report insofar as lowering the permissible strontium 90 level in food and water is concerned?

Hon. J. W. Monteith (Minister of National Health and Welfare): Mr. Speaker, the answer to part 1 is yes.

The answer to part 2 is as follows. The data contained in the new report of the international commission on radiological protection have been used in the preparation of the annual report of the radiation protection division for 1959. They will continue to form a basis for interpretation of the findings of my department until further recommendations are published by the international commission on radiological protection.

It is to be emphasized, however, that the recommended maximum permissible concentrations given in the new report do not refer to food, but only to air and water. Using additional data contained in the report, members of my department have calculated a maximum permissible level of strontium 90 in the average diet of Canadians. This figure is 79 micromicrocuries strontium 90 per gram of calcium as compared with the ICRP value for water of 33 micromicrocuries strontium 90 per litre. The previous permissible level for strontium 90 in the average Canadian diet based on the 1955 ICRP recommendations was similarly calculated to be 98 micromicrocuries per gram of calcium.

C.M.H.C. LOW COST MINIMUM HOUSE DESIGNS

Question No. 178—**Mr. Fisher:**

1. Has the Central Mortgage and Housing Corporation developed any so-called low-cost minimum house designs?

2. If so, how many, when, and to what estimated cost (by regions if there are estimated variations)?

3. How many such minimum houses have been started since the publicizing of the designs?

4. What is the pattern of such housing starts by region?

Hon. D. J. Walker (Minister of Public Works): Mr. Speaker, since these answers involve much statistical information, are rather lengthy, and will in any event be printed in *Hansard,* may I ask for the consent of the house to dispense with the reading of the answers?

Mr. Speaker: Is it agreed?

Some hon. Members: Agreed.

[*Editor's note: The answers above referred to are as follows:*]

Starred Questions

1. Yes.

2. In October 1958, Central Mortgage and Housing Corporation made available a plan known as design 2,000. This design provides the minimum accommodation permissible by the building standards. The plan has been useful in rural areas and smaller centres. The corporation also has available 11 house designs with floor areas of less than 900 square feet. The estimated cost excluding land varied in each region (see answer No. 4 below).

3. From January 1, 1959 to April 30, 1960, a total of 1,829 loans were approved under the National Housing Act on houses with floor areas of less than 900 square feet.

4. Housing units under N.H.A. with floor area under 900 square feet—January 1, 1959 —April 30, 1960.

Province	No. of Units	Average Estimated Building Cost
Newfoundland	5	$ 9,500
Prince Edward Island	1	8,400
Nova Scotia	46	8,500
New Brunswick	183	9,100
Quebec	360	8,200
Ontario	501	9,200
Manitoba	172	9,200
Saskatchewan	157	9,800
Alberta	263	8,900
British Columbia	130	9,300
Northwest Territories / Yukon Territory	11	12,100
Canada	1,829	$ 9,000

HUSSARS ARMOURY, COTE DES NEIGES, MONTREAL

Question No. 179—**Mr. Hellyer:**

1. Was the Hussars Armoury at Cote des Neiges painted recently by casual labourers employed by the Department of National Defence?

2. If so, is this the practice which has been followed on previous occasions?

3. If not, what is the reason for the change?

Hon. Pierre Sevigny (Associate Minister of National Defence): Mr. Speaker, the answers are as follows:

1. Yes; some interior painting was done at this armoury during March, 1960.

2. Yes.

3. Not applicable.

IMMIGRATION—PERMANENT LANDINGS AND DEPORTATIONS

Question No. 180—**Mr. Crestohl:**

1. How many people were admitted to Canada for permanent landing during each of the years 1956, 1957, 1958 and 1959?

2. How many people were ordered deported, and by whom, during each of the aforementioned years?

Starred Questions

3. How many of these deportations, in each of the above years, were appealed to the minister?
(a) How many deportation orders in each of the above years were reversed by the minister?
(b) How many were taken to the civil courts?
(c) How many were quashed by the courts?
(d) How many are still under consideration by the minister?
(e) How many are still under consideration by the courts?

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, the answers are as follows:

1. In 1956—164,857.
In 1957—282,164.
In 1958—124,851.
In 1959—106,928.

2. In 1956, by the minister—12.
In 1956, by special inquiry officer—2,597.
In 1957, by the minister—14.
In 1957, by special inquiry officer—1,670.
In 1958, by the minister—5.
In 1958, by special inquiry officer—2,335.
In 1959, by the minister—2.
In 1959, by special inquiry officer—2,753.

3. In 1956—873.
In 1957—543.
In 1958—743.
In 1959—960.

3(*a*) In 1956—308.
In 1957—137.
In 1958—129.
In 1959—159.

3(*b*) In 1956—1.
In 1957—6.
In 1958—4.
In 1959—8.

3(c) In 1956—0
In 1957—4.
In 1958—1.
In 1959—0.

3 (d) 1956, 5.
In 1957, 8.
In 1958, 8.
In 1959, 13.

3 (e) 1956, none.
In 1957, none.
In 1958, none.
In 1959, 3.

STATELESS PERSONS—PERMANENT LANDINGS AND DEPORTATIONS

Question No. 181—**Mr. Crestohl:**

1. How many stateless persons who arrived in Canada in each of the years 1956, 1957, 1958 and 1959, were given permanent landing (a) on arrival; (b) after arrival?
2. How many were refused permanent landing?
3. How many were ordered deported?
4. How many were actually deported?
5. Were any of these deportees returned to their countries of birth? If so, how many?
6. To what other countries were these stateless persons deported from Canada? How many to each country?
7. How many were deported to countries commonly known as being behind the iron curtain?
8. How many were deported to countries commonly known as Arab countries?
9. How many are still in Canada without landing?
10. What is their status?

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): The answer to parts 1 (a) and (b) is that it is not possible to distinguish in immigration records those persons granted permanent admission on arrival and those granted permanent admission at some time subsequent to their arrival.

The answer is 1956, 4,867; 1957, 7,725; 1958, 5,817; 1959, 2,785.

The answer to part 2 is, in 1956, 70; in 1957, 33; in 1958, 42; in 1959, 52.

The answer to part 3 is the same as the answer to part 2. These questions are synonymous.

The answer to question 4 is in 1956, 4; in 1957, 2; in 1958, 1; in 1959, 1.

The answer to question 5 is that it is not known whether the countries to which these people were deported were also the countries of their birth.

The answer to part 6 is that in 1956 one person went to Australia, one to Austria, one to Germany, one to the Republic of Sudan. In 1957 one went to Brazil, one to the United States of America. In 1958 one went to Austria and in 1959 one went to France.

The answer to part 7 is none.

The answer to part 8 is none.

The answer to part 9 is that the number is unknown.

Part 10 is answered by part 9.

CHIPPEWA INDIAN RESERVE, SARNIA

Question No. 182—**Mr. Hellyer:**

1. Under the terms of the contract between Dimensional Investments Limited and the Chippewa Indian band for the purchase by Dimensional of part of the Indian reserve at Sarnia, what are the dates and amounts of payments due to date?
2. Have all payments been made on the dates due? If not, what extensions have been granted and for what periods in each case?

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, the answer to the first part of this question is that due dates of payments and amounts are:

(a) On or before the signing of the agreement for sale, March 14, 1959, $1,101,435.63;

(b) Ten monthly instalments of $50,000 each commencing April 30, 1959, $500,000;

(c) Four quarterly instalments of $25,000 each commencing June 15, 1959, $100,000;

(d) For entitlement of conveyance of four parcels of land, $459,042.55;

(e) Two half yearly interest payments September 15, 1959 and March 15, 1960, $241,908.46.

In reply to the second part of the question I may say that all payments have been made on due date or within the 30 days' grace allowed by the sale agreement.

UNEMPLOYMENT INSURANCE FUND INVESTMENT TRANSACTIONS

Question No. 183—**Mr. Martin (Essex East):**

1. What changes were made in the investment portfolio of the unemployment insurance fund during the months of April and May of this year?
2. What were the amounts involved in the buying and selling of bonds and other securities?
3. On the individual transactions, what were the amounts of the profits realized or losses sustained?

Hon. Donald M. Fleming (Minister of Finance): Mr. Speaker, during the month of April the unemployment insurance fund sold $13 million of Canada bonds maturing September, 1965. On the sale there was a recorded book loss of $910,000. At the beginning of April the fund held $6½ million of treasury bills. These were disposed of during the month of April. There are several transactions—I perhaps should have mentioned this in my answer the other day—where the fund simply acquires bills to earn interest for a few days, when it has some money, but does not accumulate any treasury bills. Those that were purchased in April and simply held for a few days, and which were not reported to me the other day, were all disposed of in April.

Mr. Martin (Essex East): This is the third time this has happened.

Mr. Fleming (Eglinton): The net result in April was that there was a net profit of $15,826.50 made on these transactions.

During the month of May bonds of the September, 1972 maturity totalling $8,750,000 par value were sold with a recorded book loss of $812,500. So far as treasury bills are concerned, there was one transaction where the commission simply held money in treasury bills for eight days in order to earn interest. It put in $500,000 and took it out at the end of eight days with a profit of $220. No treasury bills were held at either April 30 or May 31.

CIVIL DEFENCE EXPENDITURES

Question No. 184—**Mr. Martin (Essex East):**

1. What was the total amount spent in all departments of government during 1959-60 fiscal year on civil defence, survival and emergency measures?
2. What is the total amount of the estimated expenditures in all departments of government for the 1960-61 fiscal year for civil defence, survival and emergency measures?

Hon. Leon Balcer (Acting Secretary of State): Mr. Speaker, this question should stand as an order for return, as the information has to come from more than one department.

Mr. Speaker: Order for return.

QUESTION PASSED AS ORDER FOR RETURN

CIVIL DEFENCE EXPENDITURES

Question No. 184—**Mr. Martin (Essex East):**

1. What was the total amount spent in all departments of government during 1959-60 fiscal year on civil defence, survival and emergency measures?
2. What is the total amount of the estimated expenditures in all departments of government for the 1960-61 fiscal year for civil defence, survival and emergency measures?

MOTIONS FOR PAPERS

IMMIGRATION REGULATIONS AND AMENDMENTS

Motion No. 118—**Mr. Crestohl:**

For a copy of the immigration regulations and all amendments to-date; the orders-in-council approving same; all departmental rulings which are being used in determining the admissibility of immigrants under general and special circumstances and conditions.

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, with regard to the first part of this motion, regulations under the Immigration Act are made by order in council and are printed in The Canada Gazette which, of course, is available. If the hon. member wishes we will be glad to gather them together for him.

With regard to the second part of the question, departmental rulings and decisions on individual immigration cases are not codified, and in any event they would be regarded as privileged documents. If the hon. member wishes me to supply him with the information as to the first part of the question I will be very glad to do so.

Mr. L. D. Crestohl (Cartier): Mr. Speaker, may I point out that the second part of the question refers to any departmental rulings which become general standards for admissibility into Canada. These are the only rulings in which I am interested, not individual rulings.

Mrs. Fairclough: I am sorry, but under these circumstances I am afraid we consider these rulings to be privileged documents and, as I said, they are not codified. I could not collect them in any event.

Mr. Speaker: Shall I put the motion?

Mr. Crestohl: Mr. Speaker, I do not think any good purpose would be served or that any satisfaction would be afforded to me by putting the motion. I trust I will be able to

address myself to the minister and perhaps she will be able to give me information as to some departmental rulings which have become generally accepted.

Mr. Speaker: Shall the motion stand?

Some hon. Members: Agreed.

Mr. Speaker: Stand.

Motion stands.

CHIPPEWA INDIAN RESERVE, SARNIA

Motion No. 119—**Mr. Hellyer:**

For a copy of all papers and other documents, filed by Dimensional Investments Limited with the Department of Citizenship and Immigration prior to its purchase of part of the Chippewa Indian reserve for the purpose of demonstrating its financial ability to undertake the proposed transaction.

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, all of the information described in this motion was supplied on July 16, 1959, in response to notice of motion No. 105 moved by the hon. member for Trinity.

Mr. Speaker: In the circumstances, shall I put the motion?

Some hon. Members: No.

Mr. Speaker: Does the hon. member wish the motion to be withdrawn?

Mr. Hellyer: I think what the minister is saying, Mr. Speaker, is that there are no such documents. There were none included in that return to which she has just referred. If there are no such papers I am willing to have the motion dropped.

Mrs. Fairclough: Everything was given to the hon. member.

Mr. McIlraith: Nothing was given to him.

Mr. Speaker: Does the house agree that this motion be withdrawn?

Some hon. Members: Agreed.

Order discharged and motion withdrawn.

DOMINION-PROVINCIAL RELATIONS

REPORTED STATEMENT BY PREMIER FROST RESPECTING FEDERAL GRANT

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): I should like to ask the Prime Minister whether he has any comment to make on a statement made by Premier Frost yesterday during what is described as a mixed business and pleasure trip to Ottawa, when he said that when he comes to Ottawa next month he will ask for much more than the $100 million he sought on the hustings in 1957. "I want a lot more now", said Mr. Frost.

Right Hon. J. G. Diefenbaker (Prime Minister): The answer, Mr. Speaker, is no comment.

Mr. Pickersgill: Oliver Twist.

NATIONAL PARKS

POINT ROBERTS, B.C.—INQUIRY AS TO ESTABLISHMENT OF INTERNATIONAL SITE

On the orders of the day:

Mr. Harold E. Winch (Vancouver East): I should like to direct a question to the Secretary of State for External Affairs. Is the minister able to comment on the request he received from the lower mainland park advisory committee for information as to the progress being made toward the establishment of an international park at Point Roberts?

Hon. Howard C. Green (Secretary of State for External Affairs): No, Mr. Speaker. I just received a similar letter myself this morning. I have not been able as yet to look into the question.

TRANSPORT

CHIGNECTO CANAL—INQUIRY AS TO INCLUSION IN ST. LAWRENCE SEAWAY

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): May I ask the Minister of Transport whether the announcement he made this morning of a new chairman for the St. Lawrence seaway authority foreshadows inclusion of the Chignecto canal in the St. Lawrence seaway?

Hon. George H. Hees (Minister of Transport): Mr. Speaker, I think the announcement I made spoke for itself.

GREAT SLAVE LAKE—COMMISSION REPORT ON PROPOSED RAILWAY

On the orders of the day:

Mr. M. A. Hardie (Mackenzie River): I wish to address a question to the Prime Minister, and ask whether he has received any report or recommendation from the commission set up over a year ago to study the route of the proposed railway to Great Slave lake.

Right Hon. J. G. Diefenbaker (Prime Minister): No, sir.

Mr. Hardie: Does the right hon. gentleman not think that since this commission held its final hearing some time in November last, it is high time it made a decision?

Mr. Diefenbaker: I have been in communication with the chairman of the commission on a number of occasions, and I understand that the report will shortly be available. I was assured by the chief commissioner that he and those associated with him had given the matter the fullest consideration, and that they could not have given such consideration had they made an earlier report.

AIR TRANSPORT

DORVAL—REQUEST FOR REGULATION OF JET PLANE TAKE-OFFS

On the orders of the day:

Mr. John Pratt (Jacques Cartier-Lasalle): I should like to direct a question to the Minister of Transport. I am sorry not to have had an opportunity to send him notice of it. However, there has been a great exchange of correspondence and I am sure he is well aware of the situation. The question I should like to ask him is this. In view of the many complaints received by his department, is it his intention to prohibit jet aircraft from taking off from an airport such as Dorval during the normal hours of sleeping? If so, when? If not, why not?

Mr. Pearson: What are the normal hours?

Hon. George H. Hees (Minister of Transport): I feel that the hon. member, being an aggressive, up to date and constructive member of this house, would not want Canada to do anything that would impede the progress of the jet age in conformity with what is being done in most other countries throughout the world today.

(Translation):

[*Later:*]

On the orders of the day:

Mr. Guy Rouleau (Dollard): Mr. Speaker, as a member for parliament interested in the welfare of my fellow citizens who have elected me for many years, I should like to put a question to the Minister of Transport which he might consider as supplementary to the one directed by the hon. member for Jacques Cartier-Lasalle (Mr. Pratt).

Is it the minister's intention to meet today, as reported in the press, with his worship the mayor and the council members of Ville St. Laurent, who wish to make representations about the too frequent and intense noises made, in the last two months, by jet planes from Dorval airport flying over the residential district of Ville St. Laurent?

Hon. George H. Hees (Minister of Transport): Mr. Speaker, when the hon. member talks at such speed, it is very hard for me to understand everything he says. I shall then take this question as notice and answer it tomorrow.

(Text):

Mr. Rouleau: May I then repeat my question in English? Is it the intention of the minister—

Mr. Speaker: What is the hon. member asking? Is he asking that he repeat his question?

Mr. Rouleau: Yes.

Mr. Speaker: It was translated. The question was translated, and the minister has taken it as notice.

Mr. Rouleau: If I may ask him the question in English, the question is very simple—

Mr. Speaker: I expect the answer would be the same in English as it was in French.

Hon. Lionel Chevrier (Laurier): Your Honour has now raised the question of the principle of a matter which, I think, has been determined from time to time. There have been questions asked in French of ministers on the orders of the day, and either because the translation system was not functioning properly, as they have stated, or because the questions were of an urgent nature, those questions were repeated in English and Your Honour allowed them. In view of the fact that a similar question by the hon. member for Jacques Cartier has been allowed, I think this question should be allowed in this case.

Mr. Hees: I would be glad to answer the hon. member's question, and am glad to be able to say that contrary to the policy followed by the government of which the hon. member was a supporter some years ago this government is very happy to see municipal representatives from any part of the country who wish to discuss any matter of importance with us. Naturally I shall be very glad to meet the deputation that wants to see me about this important question.

Mr. Rouleau: Is the minister going to see the delegation today?

Mr. Hees: I was not aware that they were in town today, but I will do everything I can to accommodate them and see them if a suitable time can be arranged.

(Translation):

[*Later:*]

On the orders of the day:

Mr. Guy Rouleau (Dollard): In his reply to the member for Jacques Cartier-Lasalle (Mr. Pratt), the Minister of Transport suggested that it was difficult for him to satisfy

the people of Dorval. Would he tell me whether he intends to do his utmost to ensure peace for residents of Ville St. Laurent who are represented in this house by a member of the opposition?

(Text):

Mr. Hees: I could understand enough of what the hon. member said to answer his question. I shall be very happy to listen to the representations put to me by the mayor of St. Laurent and his delegation. I will give them serious attention and do whatever is possible to accommodate the mayor and the delegation in respect to whatever they ask. Again I underline that this represents a great departure from the policy followed by the former government.

INDIAN AFFAIRS

SARNIA, ONT.—STATEMENT ON REPORTED THREAT TO DISPOSSESS KENNETH PLAIN

On the orders of the day:

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, on Monday the hon. member for Bonavista-Twillingate (Mr. Pickersgill) inquired concerning the reported eviction of Mr. Kenneth Plain, a member of the Sarnia band, from property held by him on the Sarnia Indian reserve.

Mr. Plain held two parcels of land that were surrendered by the band and sold on terms set by the band in the surrender itself. One parcel comprised 2 acres, the other 9.6 acres. For his interest in these two parcels together Mr. Plain agreed to accept $36,000. The 2 acre parcel has already been paid for in full and title transferred. Mr. Plain received $6,206.90. Total payments made to him amount to $12,612.49. While his valuation of his house located on the 2 acre parcel appears to have been included in the over-all price, he has the right to remove it within six months from the date the purchase price has been paid in full.

Mr. Plain apparently contends that he is not required to move his house until payment has been made in full for both parcels of land. They do not adjoin one another.

The matter has been studied from a legal and equitable standpoint, and it would appear that from neither angle is Mr. Plain on sound ground. Legally the conditions of sale are governed by the surrender itself and the sale contract, not by the option signed by him, which is invalid under section 28 of the Indian Act. The importance of the option is its evidence of his agreement as to price.

Equitably he has already received a substantial payment on account of his house, which was valued in 1957 at $7,000, and may move it. The balance owing on the 9.6 acre parcel will be paid to him when the sale of it is completed. If the sale should fall through his ownership of the parcel will be re-established, and he will retain what had been paid thereon.

The purchaser has given Mr. Plain more than the six months' notice required to move his house, and desires possession in order that the land may be used as intended. I may say that the matter is really outside the control of my department, as title has passed.

CHIPPEWA INDIAN RESERVE, SARNIA—SALE OF LAND

On the orders of the day:

Hon. Paul Hellyer (Trinity): Mr. Speaker, I should like to direct a question to the Minister of Citizenship and Immigration. Would the minister advise the house why she allowed the sale of $7 million worth of land to a company with a minimum capitalization of $40,000 without proof of their financial ability—

Some hon. Members: Order.

Mr. Speaker: Order. The hon. member is asking a question which as I understand it relates to matters beyond the jurisdiction of the minister, who did not make the sale in question. Furthermore, the question seems to be more an argument than a search for information.

Mr. Hellyer: Mr. Speaker, surely the question is not beyond the jurisdiction of the minister. Whether or not it is argumentative, perhaps the minister would care to comment on the question.

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, all I can say is the decision that was taken has been justified, in that the payments have been made up to date and the Indians are now in possession of nearly $2.5 million.

SAUGEEN RESERVE—SURRENDER OF LAND FOR HIGHWAY

On the orders of the day:

Mr. Frank Howard (Skeena): I wish to direct a question to the Minister of Citizenship and Immigration regarding the action of the Ontario department of highways in building a highway through the Saugeen Indian reserve. Can the minister indicate what steps and procedures were followed leading up to the surrender of this land and, in particular, whether the requirements of the Indian Act relating to the band's decision to surrender this land were fully met?

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): The provisions of the Indian Act are always followed with regard to the surrender of Indian land. I make a particular point of seeing that the interests of the Indians are preserved. In this case, however, I will look into the matter further and get an answer for the hon. member.

EXTERNAL AFFAIRS

DISARMAMENT—STATEMENT BY MINISTER RESPECTING CANADIAN POSITION

On the orders of the day:

Hon. Howard C. Green (Secretary of State for External Affairs): Yesterday, Mr. Speaker, the hon. member for Essex East asked about the disarmament conference, and today there may be further questions arising from the tabling by the Prime Minister yesterday of the exchange of letters between himself and Mr. Khrushchev about the latest Soviet disarmament proposals. Perhaps I could deal with this situation by making a brief statement on the Canadian position at this time.

Mr. Speaker: Has the minister leave to make a statement at this time?

Some hon. Members: Agreed.

Mr. Green: In the Canadian view it is important that in these negotiations all ten nations represented on the committee should lose no opportunity to explore every possible avenue of progress in disarmament. The Canadian delegation has constantly in mind, and tries to make certain that the whole committee bears in mind, that not only two nations or ten nations but all the nations of the world have a vital interest in disarmament. It is certain that the members of the committee will be held to account by the other nations of the world if they neglect opportunities for progress in disarmament.

It was in this spirit that the Prime Minister replied to Mr. Khrushchev's letter forwarding the latest Soviet proposals. The Canadian government wants these proposals to receive a patient and searching examination in the ten-nation committee, as marking the opening of a phase of detailed, business-like and uninterrupted negotiations. We believed that there should be no hasty, ill-considered reaction to the new Soviet proposals, but the most careful and constructive examination of these proposals in the committee which circumstances permit. General Burns has been instructed accordingly, and I am happy to say that the other members of the western five on the committee fully shared this view.

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I am particularly glad to report this unanimous view of the western representatives because, as the house is aware, the members of the western group have had their differences from time to time in the past. The Canadian delegation for its part has, on several occasions, been instructed to present views contrary to those expressed by other members of the western five, whenever this seemed warranted. We would not hesitate to authorize the Canadian delegation to follow a similarly independent line again if circumstances so dictated. But for the present no such need exists, and M. Moch has rightly stressed the solidarity of the western five in the statement to which the hon. member for Essex East referred. The western five advanced their proposals some time ago and indicated their willingness to enter upon detailed negotiations. The eastern nations are now speaking in support of the new Soviet proposals of June 2, and have indicated that these provide a basis for negotiation. These latest proposals are now being further explained by the eastern countries, partly as a result of questioning by the western members of the committee.

In the course of this clarification on June 9 General Burns pointed to several examples of ways in which the new Soviet proposals represent an advance over earlier Soviet positions; for instance, with respect to the prohibition of weapons of mass destruction in outer space; the control over launching of rockets for peaceful purposes; the provision for a joint study of the cessation of production of nuclear weapons and destruction of stockpiles; and the inclusion of measures for peacekeeping machinery in accordance with the United Nations charter. In making this statement, General Burns emphasized that the Canadian delegation wished to approach the new Soviet proposals in the most constructive way. He chose the examples I have mentioned because they are among the measures to which the Canadian government attaches special significance.

It is my view that the time has come, perhaps through an examination of equivalent features of new Soviet proposals and the western proposals, to begin a process of negotiation of balanced concessions. This was the sort of package approach to which I referred earlier in the house when I reported on the NATO ministerial meeting at Istanbul. I should like to emphasize, however, that by "package" I do not mean that the one side or the other should hold out for its present proposals on an all or nothing basis; the packages I have in mind, as I have tried to explain, are smaller and would contain provisions of equivalent significance to both sides. The goal would remain general and complete

disarmament under effective international control, but it would be accomplished by a stage by stage process throughout which concessions would be balanced in such a way that neither side would obtain a temporary military superiority.

For the first time in these negotiations the Soviet delegation has admitted that there will have to be some sort of international machinery to maintain peace in a disarmed world. The proposals are also considerably more detailed and therefore less obscure than the proposals Mr. Khrushchev made to the general assembly of the United Nations in 1959. They also make some provision for the initiation of a process of study before measures of disarmament are actually taken. This is important because no responsible government will agree to any disarmament proposal, much less a complex of disarmament measures, until it has reached a clear understanding with the other governments concerned of the exact implications of agreement.

Therefore I believe that attention should now be given to the possibility of negotiating on parts, if not on the whole, of the two plans. In the course of the next few days in Geneva General Burns will be making suggestions as to how this necessary process might be undertaken through joint studies.

Hon. Paul Martin (Essex East): Mr. Speaker, the house will welcome this statement by the Secretary of State for External Affairs, which in a general way brings us up to date in regard to the current discussions in the ten power disarmament committee. I must say, however, that we are not really further advanced in our appreciation of the possibilities of progress.

It will be remembered that when this matter was first discussed during the present session the minister expressed a strong note of optimism indicating that he believed that we would see progress in the field of disarmament. Unfortunately events have not borne out the minister's assurances and anticipations. The minister now tempers his optimism by the realities of the situation.

The last proposal of Chairman Khrushchev does not seem to represent anything fundamentally new or different from proposals already made, and seems to bear many resemblances to the proposal put forward by Mr. Jules Moch, the delegate of France, a short time ago, particularly the implementation of a partial disarmament program directed toward eliminating the means of delivering nuclear weapons to targets.

What I believe this parliament had hoped to receive from the minister, and what I believe this country expects to receive from the minister, is some indication of the government's determination to display the kind of independence about which the minister spoke when he participated in the foreign affairs debate in February in this house. As the minister said, Canada is a member of the ten power group. In some respects she holds the position of representing not only the viewpoint of Canadians but of the middle powers and the smaller nations of the world.

We have not yet had, it seems, any indication of the determination of this government and of its spokesmen to take independent positions where these can properly and constructively be taken. The minister referred to one of the initiatives that seemed to establish that the Canadian government had taken an independent position, but he did not give any indication of what that independent position was.

Mr. Green: I did not refer to one, I referred to several.

Mr. Martin (Essex East): Yes. We all realize that the minister is sincere in this matter, but as he has been told on several occasions this session, sincerity and optimism are no substitutes for effective contribution, and we can only hope that it will be possible for Canada to take a line which will bring about the kind of results which already have flowed from the initiative taken by France.

Canada expects her representatives and her government to live up to assurances given, namely to abandon the course of honest broker and pursue a course that reflected the independence of this nation and its determination to contribute to disarmament under conditions of security.

Mr. Green: May I point out to the hon. member that Canada has taken a stand with France on the place of nuclear weapons in disarmament. The hon. member does not want to see when Canada does take an independent stand; he just looks out of his blind eye.

Some hon. Members: Oh, oh.

Mr. Speaker: Order.

Mr. Martin (Essex East): May I ask the Secretary of State for External Affairs whether it is not a fact—

Some hon. Members: Order.

Mr. Martin (Essex East): I am asking a question of the Secretary of State for External Affairs.

Mr. Speaker: In due course the hon. member will have his chance to ask his question.

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, the members of this group are rather surprised at the negative and faint-hearted approach to the problems mentioned

by the minister upon which the hon. member for Essex East has commented in his reply to the minister's statement. As I have said before, unless we have faith in ourselves and faith that we as Canadians can make a contribution toward disarmament and ultimate world peace, we will never get anywhere. That is necessary first.

We are pleased with the minister's approach and the tenor of his remarks, and we welcome his statement with reference to Canada being willing to take independent action if necessary. We trust that the minister will take strong and independent action, and will take an independent approach and view, when it is considered necessary.

Now, Mr. Speaker, with all the gloomy approach of the hon. member for Essex East, he must realize that these Soviet proposals represent concessions. Whether we agree with them or not they are proposals which contain concessions and indicate a certain change of view. We in this group say it is better to present proposals which contain concessions and present an opportunity for study by other people than to indulge in sabre rattling.

The C.C.F. party believes that this government should give serious consideration to all proposals from any source looking toward disarmament, and we say let us keep on exploring, as the minister indicated in his statement, every avenue toward a solution of these tremendous problems facing mankind at the present time.

FREIGHT RATES

RAPESEED—REQUEST FOR REMOVAL OF ALLEGED DISCRIMINATION

On the orders of the day:

Mr. Reynold Rapp (Humboldt-Melfort): Mr. Speaker, I would like to direct a question to the Minister of Transport. Since the board of transport commissioners have announced the greatly regrettable decision of not classifying rapeseed as a grain, thus leaving this young grain industry in the west in a deplorable position, would the minister not consider it advisable as Minister of Transport to devise other ways and means by which this grain could be put on an equitable basis with other western grains as far as freight charges are concerned?

Hon. George H. Hees (Minister of Transport): Mr. Speaker, I know how important this matter is to the constituents of the hon. member for Humboldt-Melfort, because he has spoken to me about it on many occasions in a very progressive, constructive way typical of a first class member of parliament and typical of so many members of parliament who have been elected here during the past three years.

Some hon. Members: Oh, oh.

Mr. Hees: I can assure the hon. member—

Mr. Speaker: Order. I do not recall that there is any election on at the present time.

Mr. Hees: As you know very well, Mr. Speaker, elections have no effect on our approach to public matters. However, I can assure the hon. member that this matter will be kept under very active consideration indeed.

Hon. Lionel Chevrier (Laurier): May I direct a supplementary question to the Minister of Transport arising out of the question which was directed to him concerning rapeseed. Has the minister given consideration to overruling the board of transport commissioners under the Railway Act, in the same manner that he has overruled other boards under his department?

Mr. Hees: As the hon. member knows very well, this government always gives consideration to any possible means of doing constructive and useful things for the people of this country.

Mr. McIlraith: Why don't you grow up?

An hon. Member: Look who's talking.

UNEMPLOYMENT INSURANCE

REQUEST FOR TABLING OF INVESTMENT PORTFOLIO OF FUND

On the orders of the day:

Hon. Paul Martin (Essex East): In view of the reply which the Minister of Finance gave me this morning with regard to starred question No. 183 dealing with the investment portfolio of the unemployment insurance fund, and the corrections included in his answer to some replies he gave erroneously several days ago, may I ask the minister whether he has a detailed table showing the portfolio of the unemployment insurance fund and whether he would mind tabling it so that we may have an opportunity of examining it.

Hon. Donald M. Fleming (Minister of Finance): First, I cannot accept the statement made by the hon. member. As to the question he asks, I have not the portfolio here with me. If the hon. member wishes to have details of the portfolio as of a particular month's end I think there will be no difficulty about obtaining them. Perhaps he will indicate the month's end he has in mind.

Mr. Martin (Essex East): Will the minister give us a detailed statement showing the transactions during the last 12 months?

Mr. Fleming (Eglinton): As I indicated in my answer in the house on June 10, it has not been the practice, certainly in periods that are close to the date of the questions, to give the details of the transactions.

What has been done in the past, as I indicated at that time, is to give month-end positions. That is what the hon. member asked for in his first question just now.

Mr. Martin (Essex East): We will put it on the order paper. Apparently that is the only way to get answers from this government.

WAR VETERANS ALLOWANCE ACT

AMENDMENTS RESPECTING ABSENTEE PAYMENTS, RESIDENCE QUALIFICATIONS, ETC.

Hon. A. J. Brooks (Minister of Veterans Affairs) moved that the house go into committee on Bill No. C-71, to amend the War Veterans Allowance Act.

Motion agreed to and the house went into committee, Mr. Rea in the chair.

On clause 1—*Payment where recipient absent from Canada.*

Mr. Brooks: Mr. Chairman, there is nothing controversial in the bill. It was before the committee on veterans affairs, was carefully studied by that committee and has been recommended to this committee without amendment.

The purpose of this bill was explained when the resolution was before us a few days ago. Hon. members will recall that there are two main provisions. The first provides for the payment of the war veterans allowance to recipients outside of Canada. The second provision is designed to establish a corresponding Canadian residence qualification for former members of our armed forces or those of our allies who served during world war II, thus allowing treatment of these veterans on a basis similar to that now available to veterans of our armed forces or those of our allies who served in earlier wars. There is nothing further I need say at the present time, but I would be pleased to answer any questions hon. members have.

Mr. Carter: Mr. Chairman, unfortunately I was not able to attend the sittings of the veterans committee when this bill was under discussion. For the purpose of clarification I should like to ask one or two questions which I think could be properly asked on this first clause.

As I understand the provisions of the War Veterans Allowance Act there are three separate groups of veterans who can qualify for these benefits. The first group comprises veterans who are 60 years of age and over who can qualify without a means test. The second group comprises veterans under 60 who can qualify if they are totally and permanently unemployable. The third group comprises veterans who are in receipt of a pension, but whose pension is less than the ceiling permitted under the veterans charter and therefore they are eligible to receive a supplementary payment through the war veterans allowance to bring their total income up to the ceiling.

I gather that all three groups are qualified to benefit under this bill provided they are in receipt of the allowance before they leave Canada and have resided here for 12 months piror to leaving, with the exception of the imperial veterans, of course, who have to be in Canada for 10 years to qualify.

Since the means test applies to these veterans, are they permitted to draw the war veterans allowance for a full 12 months while outside Canada? If so, what machinery exists in case their income changes during their absence? That would affect the means test under which they receive it.

Mr. Brooks: The hon. member for Burin-Burgeo is quite correct in saying there are three types of war veterans allowance recipients. All are subject to the means test, even the veteran who is a pensioner. As far as the 12 months' residence period is concerned, those affected will be entitled to receive the war veterans allowance outside of Canada but they will be subject to a means test just the same. If they are living in Great Britain our offices there will see that a means test of some kind is applied. I refer to those who will leave Canada and go to Great Britain. Those in the United States who are properly qualified recipients when they leave Canada will also be subject to review by some official in our consular offices in the United States, or whatever country in which they may be living.

Mr. Herridge: Mr. Chairman, I do not intend to speak at length on the committee stage of this bill. Since it received second reading the bill has been studied by the members of the standing committee on veterans affairs. Most of their time was taken up in seeking information from the officials of the department on where this legislation would be administered. I agree that it does represent some new and probably unusual problems. In fact that was the reason given by the former minister for refusing to introduce legislation

of this kind. He told us in the house and personally that it presented administrative problems too difficult for him to consider introducing the legislation. However, the committee on the whole was well satisfied with the answers given by the officials of the administration.

I think most of us realize that this is somewhat experimental. No doubt changes will be made in the procedures and practices in connection with the administration of this act overseas. I do suggest to the minister that it might be advisable for the department to publish a small pamphlet dealing with this act, to explain in simple language to persons who might apply just what the amendments mean. Although the bill is relatively simple to hon. members who have had some experience in reading legislation, and even though it might be quite clear to one who has dealt with legislation, it would not be clear to some people. I suggest it would be advisable to have a small pamphlet printed pointing out the terms of the legislation and informing the veterans or the dependants seeking information how to proceed to make application and what would happen with respect to their payments and so on when they went overseas. I make that suggestion. It could be done in a two-page pamphlet, and it would be of great assistance. The number that would be required would be relatively small indeed.

Mr. Brooks: I may say to the hon. member at once that we are making provision to carry out just the very idea he has expressed. We shall have rules and regulations that will explain the legislation and those who leave Canada will be informed of their rights.

Mr. Herridge: I am delighted to hear that. I have always been somewhat under the impression that there was a degree of mental telepathy between the Minister of Veterans Affairs and the member for Kootenay West. I am glad to have that confirmed.

Mr. Brooks: The Minister of Veterans Affairs made the suggestion first.

Mr. Herridge: I am glad to hear it. I suggest that this legislation be given royal assent at the first opportunity so that the relatively small number of veterans' dependants, compared with the large number who come under the veterans charter, will be able to take advantage of it at the earliest possible opportunity.

In conclusion, I am sure I am speaking for members of all parties in this house when I say we are glad to know that this legislation when it is proclaimed will bring happiness to many people, particularly veterans' dependants.

Mr. Weichel: I believe that Bill No. C-71 is a step in the right direction. There may be certain problems, but we have great confidence in our minister, his deputy and his department to check on any problems that may arise. I give it wholehearted support.

Mr. Carter: Mr. Chairman, we indicated our support of this legislation on the resolution, and the fact that it has come back from the committee without any amendment of course gives no reason for us to change our position. I do not want to take time to repeat what we said at the resolution stage. There is just one question I should like to ask the minister. A veteran is in receipt of a war veterans allowance, and he leaves Canada for 12 months. I understand that during the 12 months he can continue to receive the allowance, provided he meets the conditions under which it is payable. Does he have to come back to Canada and stay in Canada another 12 months before he can leave again?

Mr. Brooks: If he is properly qualified when he leaves Canada—that is if he has been a resident here for at least 12 months and leaves, then he can stay out of Canada for as long as he likes; he does not have to come back again. If he had not the 12 months' qualification of residence before he leaves Canada, then he would have to come back and complete 12 months' residence before he would be qualified to receive the allowance for any longer period outside of Canada.

Mr. Carter: He does not have to return? How does he renew his application, directly to the department here in Ottawa or through some local agent?

Mr. Brooks: He does not need to, any more than if he had remained in Canada. He has the same rights outside of Canada, if he is a properly qualified war veterans allowance recipient, that he would have in Canada. If he has had 12 months' residence in Canada and leaves, he may continue to draw his allowance outside of Canada just the same as though he were living in Canada except, of course, that he will have to be subject to the means test. We will have regulations providing for that.

Mr. Carter: He does not have to return to Canada any more if he does not wish to?

Mr. Brooks: No.

An hon. Member: He just told you that.

Clause agreed to.

Clauses 2 to 5 inclusive agreed to.

Title agreed to.

Bill reported, read the third time and passed.

SUPPLY

The house in committee of supply, Mr. Rea in the chair.

POST OFFICE DEPARTMENT

304. Departmental administration including Canada's share of the upkeep of the international bureaux at Berne and Montevideo, $1,926,670.

The Deputy Chairman: Order. This item will be found on page 59 of the blue book, and the details on page 410. Shall the item carry?

Mr. Carter: Mr. Chairman, I should like to say a word or two in reply to the statement made by the Postmaster General when he replied to the hon. member for St. John's East on June 8. The hon. member for St. John's East had asked the Postmaster General to reconsider the present policy of not providing post office buildings for small revenue offices, and he went on to outline conditions in his own riding.

Earlier I had made a similar plea to the minister, as recorded at page 4298 of *Hansard* of May 27. In the course of my remarks on that day I suggested to the minister that the post office buildings were classified on the basis of revenue, because a post office building is not supplied unless the revenue exceeds $3,000. When the minister replied to me the same day he said, as recorded on page 4305 of *Hansard*:

> The hon. member for Burin-Burgeo spoke a little while ago, and I would tell him that the classification of post offices does not rest on revenue but rests on a unit of work basis.

The reply made by the minister to the hon. member for St. John's East on June 8 does not conform with the statement the minister made in replying to me. As found on page 4705 of *Hansard* the Postmaster General made the following reply to the hon. member for St. John's East:

> As to the hon. member for St. John's East who spoke about revenue post offices in Newfoundland, may I say that we can have but one policy for buildings right across Canada. I think the weakness in the suggestion he put forward—and I say this without any criticism—was contained in his own observation that in these areas where they would like to have a government building constructed they cannot afford one for themselves and the postmaster cannot afford to put a special one up because his revenue is only a few hundred dollars a year.

That was the very point I was trying to make. I do not want to take the time to elaborate on it, because I have already spoken about the matter on previous occasions. However, I think the Postmaster General's own argument is weak when he says that the policy is based on the revenue and that because these little post offices only generate revenue of a few hundred dollars they do not deserve any special consideration with respect to accommodation.

I wish to point out to the Postmaster General that the spending of 5 cents for a stamp in one of these small post offices, which has a total revenue of only $400 or $500 a year, generates probably $2 or $3 in revenue in some other post office in Canada. I know that most of the post offices in my riding are small revenue operations and come within this classification, but the revenue of the Moncton post office and of the St. John's post office is greatly increased because of the revenue generated in these small offices. A person sends a letter with a 5 cent stamp on it to a mail order house such as Eaton's or Simpson's in Moncton, Halifax or St. John's, and as a result the revenue in the other post office will be many times the 5 cent stamp. It may be a couple of dollars.

I think the minister's argument is weak on that score, because it is the total revenue of the post office and the need of the community that should be taken into account. I think these should be the overriding factors. I do not think it is fair to exclude small offices on the basis of revenue. I pointed out to the Postmaster General the other day that this results in discrimination between one postmaster and another. In his reply to the hon. member for St. John's East the other day the minister went on to say:

> In these circumstances there is very little point in putting up a special government building. We depend upon local quarters provided by the postmaster.

In my opinion such a policy is discriminatory as between one postmaster in one settlement and another postmaster in another settlement. An undue burden is placed on the postmaster when he has to find accommodation, and there is discrimination between settlements where such accommodation is readily available and other settlements of smaller size and smaller revenue where suitable accommodation is not available under any circumstances. I would ask the Postmaster General to take another look at the whole policy and see if something better than what we have at present cannot be worked out.

Mr. Howard: Mr. Chairman, I should like to lend my support to the query initiated by the hon. member for Port Arthur and supported by other members who have spoken as to the necessity for the use of the words "personal and confidential" on letters we get from the minister. I suppose I could read one letter I have here which is marked "personal and confidential" but because it is so marked perhaps it would not be wise for me to do so. Instead I will

paraphrase it to indicate its contents, and in doing so I do not think I will be violating any confidence.

The letter contains two paragraphs comprising six lines in all. In the first paragraph I am requested to refer to a letter I wrote, and the second paragraph advises me that some information on the matter will be available shortly. That is the gist of the letter. The minister in his replies did not make any specific reference to this point, but as a result of the valid questions asked about the policy of using these words I would have thought that subsequently he might have taken steps to alter his approach to this matter. I find, however, that is not so, because this morning I received another communication from the minister relating to a matter coming under his jurisdiction and it is also marked "personal and confidential".

I realize there are circumstances under which letters might properly be so marked, but to make wholesale use of the words "personal and confidential" on such letters is in my opinion going beyond reasonable limits. I hope the minister will undertake to explain to the house his reasons for the use of the words "personal and confidential". Perhaps he will also undertake to lessen the use of these words on letters in order that members who receive communications from him may, with a clear conscience, communicate to the people responsible for the initiation of the matter in the first place the contents of the minister's letters so they may know what is taking place with respect to the problem of the individual or community, as the case may be.

I should like to deal with some local problems in my constituency, which is primarily a rural one, the largest urban community having a population of 10,000 or 11,000 people. The feeling I wish to convey to the minister applies to other governmental services as well as the postal service. However, so far as postal service is concerned the feeling exists in a number of these rural communities that they tend to suffer because the bulk of postal service and facilities is concentrated in the more heavily settled or urban areas. The people in the smaller communities tend to feel that they are left out of the scheme of things and are not given the consideration they should be given. This feeling relates to the building of post offices, the regularity with which mail is transported in and out of these smaller communities, and a number of other such matters.

Inasmuch as my constituency, as I said, is primarily rural, I should like to make reference to one or two problems there. I hope the minister will undertake to deal with them, either orally in his answers in the committee but more particularly administratively within his department.

We have one area which has just been opened up by an access road just north of Terrace. I refer to the communities along the Nass river. Prior to a road being built some 75 or 80 miles in length northward to the Nass river, the main contact was by steamer or by their boats down the Nass river to Prince Rupert. However, their main contact is developing with the community of Terrace and along the Nass river. Primarily the people are of Indian origin. There are four Indian villages containing approximately 1,800 people. The Indian affairs branch has recently established in Terrace a new agency which covers these particular Indian communities. That is just another indication that their point of contact with communities other than their own is now through Terrace rather than Prince Rupert, as it was formerly.

The postal service, of course, has not been good in the past although in recent months there have been some changes with regard to the system which existed. There is one community with approximately 400 people namely Greenville. I have been corresponding with the minister about this matter and the people, the band of Indians in that village of Greenville, have also been in communication with the department. I do not know whether they have been in communication with the minister directly but they have been in communication at least with officials of his department. The last time I inquired into this matter, which was a month or so ago, there was what I understand is classified as a winter service which makes a monthly mail delivery from November to April by steamboat or steamer not to the community of Greenville itself but to a community which is a port of call for steamers, called Kincolith.

It is not possible for steamers to operate up the Nass river to Greenville, so they call in at this community of Kincolith further down near the mouth of the Nass river. Then the mail is transferred from Kincolith up to Greenville by boats of individual residents. They follow the fishing industry, and they have quite a number of these boats. They use them to keep in touch with Kincolith and to pick up and deliver their mail. Then, of course, with the mail arriving once a month, many of the people find that unless they can have someone take the mail out for them and mail it at a larger community such as Prince Rupert or Terrace, their correspondence lags back for a period of two months. This is so especially in ordering materials and goods and supplies by mail. They find that they may receive communications on one steamer with

respect to it and be prevented from answering until one month later, when the steamboat calls again at Kincolith.

This matter was raised quite extensively by a letter dated last December 2 from the Greenville council to Mr. Catterall, who I understand is district director of postal services in Vancouver. At least that is the designation given on this letter, and I believe that is the correct title. I wish to read only this one part of it. I might point out that the copy of the letter I have here to Mr. Catterall is dated December 2, 1959 and starts out by saying:

> Due to irregular mail schedule I just received your letter of October 29, 1959 a few days ago—

This is a reference to a letter from Mr. Catterall, district director of postal services in Vancouver, which was dated October 29, 1959 and which reached Greenville on the Nass river, as he said "a few days ago", which I would say would be somewhere near the end of November or the first part of December. It therefore took approximately a month from the date of the letter from Mr. Catterall for it to get from the Post Office Department in Vancouver to the people in Greenville.

I relate that incident only to indicate the time that is consumed and the delays involved in letters going into or out of this particular community of Greenville. I make reference only to that community, but others are in the same boat. The correspondence to which I have made reference here and the letter from Mr. Catterall had, in fact, reference to their request for a fortnightly service through Terrace via the road communication or road connection from Terrace up to the Nass river.

From being there and talking to the people I understand there is now postal service by road from Terrace to two other Indian villages on the Nass river, namely Aiyansh and Canyon city. Although the post office is at Aiyansh, there is a fortnightly service from Terrace up the Nass river to Aiyansh. The Greenville people desire—and quite justifiably so, because they are only a few miles down the river from Aiyansh—to be served by postal facilities on the same basis as the communities of Aiyansh and Canyon city. They request a fortnightly service by road from Terrace and back out that way again, because all their communications and their contacts with other communities, as I indicated earlier, are now through and into Terrace rather than the coastal area on down the river to Prince Rupert except during the fishing season, when they fish in and out of that area and use their boats.

[Mr. Howard.]

As I have said, I have had communications with the minister about this matter, and as far as I can gather from those communications the matter is still under study, in an attempt, I imagine, to get whatever statistical information is necessary as to the volume of mail incoming and outgoing, the regularity with which mail service might be supplied in the future, cost factors and things of that kind. If the minister has some knowledge or information with regard to that matter at this time, it would be helpful if he could indicate it to the committee and to me. However, if it is not immediately available, I will appreciate it greatly if he will tackle this problem with the usual assiduity with which he tackles other problems and will find a solution to it within the shortest possible time.

I also want to make reference, if I may, to another basic problem in the constituency which I represent. This is something about which the minister and I have corresponded, as have many other people, for quite a period of time. It has to do with letter carrier delivery service by postmen in the community of Kitimat.

I wonder if at this stage I might be permitted to make a reference to another matter. This dates back, incidentally, as far as I am personally concerned, to within a few days after I was honoured by being elected in June, 1957, but also goes beyond that to the activities of my predecessor in this house who also dealt with the question. I feel free to make reference to this particular letter from the Postmaster General because this is one which does not have "personal and confidential" marked on it. I might add that it is dated July 15, 1957, so perhaps it predates the institution of the personal and confidential system.

In any event, with respect to establishing postal facilities at Kitimat, the minister was kind enough to write a three-page reply to the query I posed and the request I made to him, and he rejected at that time the possibility of establishing a letter carrier delivery service for five reasons. I will make reference to those reasons without reading the letter itself, though if that is desired I will read it in its entirety to make sure that I do not misinterpret what it says.

But just to give a precis of the reasons for the rejection, the first was because of what might be called the pocket development of the community. There are areas in Kitimat which are fairly well populated and developed, and there are also areas in Kitimat which are relatively sparsely populated. The town planners of Kitimat laid out the program of construction so that it would function in this

way, so there would be what you could call pocket development areas. Apparently this would entail a great deal more costly method of providing letter carrier service than if there was a large area of population such as there is, say, in the city of Ottawa, where there is block after block after block of dwellings.

The second reason was that the public transportation schedules there do not coincide, or did not at that time, with the times when transportation would be required by the letter carriers of the post office.

The third was that there is a substantial part of the population living in bunkhouses, staff houses or dormitories; that these people are not permanent residents, and that to provide a letter carrier service for them would mean that it would have to be discontinued when the dormitories or the staff houses closed down and the people moved out of the community because construction ceased or moved into permanent housing.

The fourth reason was that there was a very high level of employment at Kitimat and it would not be possible to recruit a suitable staff of letter carriers to keep it up to the necessary strength. I do not know whether this means that the salary structure in other employment would be sufficiently high to attract workers to a greater degree than would a lower salary schedule, but I imagine this is what it gets at.

Then finally, and I took issue with this as soon as I read it, it was stated that because of unusual climatic conditions in the area there would be considerable risk of interruption of delivery service during the winter months. I imagine the reference is to rain and snow. While it does rain in Kitimat, I do not think it rains any more there than in some of the other communities in that area.

These are the reasons given. I would like to point out that even though this was the initial objection there was not much validity to any of the five objections raised by the minister. In this regard I am sure the minister received communications from other individuals in Kitimat, although I do not know. However, because Kitimat was a new community and proceeded on a planned and orderly basis, it could be classified as pocket development, but I think in all fairness it is not too much different from any of these so-called suburban areas surrounding many of our larger cities today in which there are parks, playgrounds, shopping centres and an expanse of space between them. So this to me does not have that degree of validity which would warrant rejection of a letter carrier system, and it does not affect the distance a postman would have to walk. The neighbourhoods themselves are compact, and it is not much different from any of the modern suburban developments surrounding many of our cities.

With regard to the public transportation system in Kitimat, which everyone at that time admitted was not too good, the minister was sent a copy of the Kitimat bus schedule showing that buses ran continuously throughout the day from 7.05 a.m. until the last full through service at 7.35 in the evening. Then there were bus services following that time to selected areas. Throughout the day there was regular bus service from one end of the community to the other; and while it may not have been too good, it would not interfere in any way with the operations of a letter carrier. Now that we have these scooters perhaps you can disregard that point in any event.

The third point, as to there being a number of dormitories, staff houses, bunkhouses and so on has no validity either, because this was not considered in the initial request for letter carrier service by myself or the individuals concerned. The fact that they would be temporarily housed was not considered in the original request; we thought it should be excluded.

There was a high level of employment in Kitimat, but here I must draw a parallel between the city of Prince Rupert and Kitimat because we are in somewhat the same class, or were at that time, and have similar populations. The wage level in private industry in that city was comparable with Kitimat; but even if the high level of employment in Kitimat was used as an objection to establishing letter carrier service, I hope that does not imply that we need to have a large number of people unemployed before any sort of government services are established. Other than that I do not see what validity that argument has. If it was the wage level which was the deciding factor in engaging people, rather than their working for private industry, then it would seem to me that is a substantial and valid argument for increasing the salaries paid to letter carriers to make them comparable with industry.

The references to unusual climatic conditions, and so on, as I said are not too understandable because we have letter carrier service in Prince Rupert. I could file a great deal of information from the provincial department of agriculture, which conducts surveys of rainfall, snowfall and weather conditions throughout the communities, and I can say there is not too much difference between Prince Rupert and Kitimat so far as rain and snow are concerned. But the

fact is that we have letter carrier delivery service in Prince Rupert but not in Kitimat.

Subsequent to these arguments being dispelled by additional correspondence which I had with the minister, I received a further communication from him. Again this is not classified as "personal and confidential", or at least there is no "personal and confidential" stamp on it. This was over a year ago and followed a detailed survey of Kitimat itself. This letter dealt exclusively with the number of points of call; the criterion used apparently is whether there will be a minimum of 2,500 points of call within what is called a compact, well-built area. That determines whether or not there will be a letter carrier service. At that time, in 1958, they were able to count only 2,240 calls at points where the necessary requirements were met. So there were 260 points of call less than the minimum number required.

Admittedly, since that time the construction program at Kitimat has been seriously curtailed. Some 1,700 or 1,800 construction employees were denied the right to work and continue the construction program at Kitimat. This dislocated the economy of Kitimat to a serious degree and resulted in many of the bunkhouses, staff houses and dormitories being closed, though I do not think that affected the over-all picture very much since these places were not included in the initial consideration which was given to this matter. It is true also that following the curtailment of construction the Aluminum Company of Canada proceeded to develop a more efficient system of production in the plant at Kitimat which resulted in a smaller number of people being employed to achieve the same volume of production. This also contributed to upsetting the economy of the area. Following this trend a number of vacancies occurred in the homes which had been built as permanent residences, and this state of affairs continued for a number of months.

However, I have been keeping in close touch with the development of the aluminum industry and the effect of this development on Kitimat. Gradually over the past few months there has been an increase in activity in the industry, up to a point where at the present time it is either in full production or close to full production having regard to the facilities available. There is once again an increase in community activity. Whether it is sufficient to make up for recent losses I do not know, but I think the most serious difficulties have been overcome and the effects of the economic collapse are being adjusted. Accordingly I think this would be a good time to consider making an additional investigation in order to see whether a letter carrier service can be established in Kitimat in future.

It has been indicated to me that my time has just about expired, so I will conclude by leaving that particular question for the minister to deal with.

Mr. Van Horne: Mr. Chairman, in my area postal services have improved considerably in the last three years. There is one little problem I should like to take up, and it has to do with the town of Dalhousie, an important and expanding community where the International Paper Company has just announced a development project which will double the capacity of its mill at a cost of some $8 million.

The town of Campbellton as well as the city of Edmundston and other towns of similar size have daily delivery of mail, and I understand the Post Office Department has every intention of introducing a daily delivery service in Dalhousie. I was in Dalhousie about a month ago and a delegation came to me wanting to know why places such as Campbellton could have daily delivery service while places such as Dalhousie had to wait so long to get them. I feel sure the minister will take whatever steps are necessary in this direction.

Another point I wish to raise concerns mail delivery in Madawaska county, where residents have been waiting now for over a year for the introduction of rural route services. The reason given for the delay is that there are no boxes available, but with so many people in this country out of work that does not appear to me a very strong reason, because I am sure that boxes could easily and quickly be provided.

I was pleased to get a letter from the minister yesterday, and I may tell him that though it was marked "personal and confidential" I had it published in the local newspaper, containing as it did information that rural route delivery of mail would be inaugurated in St. Joseph beginning July 1. I thank the minister very much for giving such prompt consideration to this matter. I live in an area where people live four or five to what is called a range—

The Deputy Chairman: Order. It being one o'clock, I do now leave the chair.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

Mr. Van Horne: Mr. Chairman, I was about to conclude my remarks when one o'clock came. The contractors who are awarded the

contracts to which I referred accept them in many cases with a considerable personal sacrifice to themselves because the prices at which they are obliged to bid in order to get the work do not always give them sufficient money to encourage them to give the additional little services that people have come to expect.

In many outlying areas you will have a few people—perhaps 5, 10 or 15 families—living along what is called a range, or in French, *rang*. The contractors will by-pass those families. I feel that is a practice that should not be tolerated. Although perhaps few in number those people should have an equal right to have their mail delivered to their doors when the rural route systems are established. When bids are being called I believe it would be an excellent idea to make it clear in the tender form that these little areas wherever they may be, have to be serviced.

I am pleased to note that the establishment of rural route services in areas such as mine has been speeded up. In many communities that are small in size it is not easy or possible to secure a responsible person to act as postmaster. The establishment of rural route service is an excellent trend.

I wish now to raise what I consider to be an important point and one concerning which I have received many complaints. I have always felt that when a merchant in a small town or village is appointed as postmaster he is given a competitive advantage over the other merchants in the community. This leads to abuses because people are obliged to go to the store in any event to cash their family allowance or pension cheques and to get their mail. Naturally the merchant who serves as postmaster has a knowledge of their affairs and can advance them credit because he knows when their cheques will come in. Because they are already in the store they may prefer to make their purchases there. I feel that the merchants who complain of this have a legitimate complaint. The establishment of rural route systems such as that to be inaugurated in St. Joseph in Madawaska county will to a great degree eliminate the practice that leads to the abuses I have just mentioned. I feel it is wrong to appoint a small town or village merchant as postmaster for the reasons I have stated.

In some areas, of course, our people do not like the idea of having rural route service. In some areas the people prefer it over all other systems of service. I have in my riding a very fine community called Tidehead. They want a post office. It is a rather large community and it could serve as headquarters for the rural route mail for many communities adjoining Tidehead. I feel that more consideration should be given to the feelings of the people who live in the small communities. If they want a post office let us give them one and if they want rural route service let us see that they have it. I feel that the post office has to look on this enterprise as does any other business that is trying to give satisfaction to the people. In attempting to give that satisfaction the department should attempt to accommodate people in every way possible. I see no reason why we should wait any longer for daily delivery from door to door by carrier service in the town of Dalhousie.

In saying these things I also wish to congratulate the Postmaster General who has been extremely co-operative with me in anything I have had to do with his department. I can assure hon. members that the service has always been very speedy. I shall expect to see the points I have raised corrected and I am confident they will be. I am grateful for the opportunity of bringing these matters to the attention of the committee.

Mr. Herridge: Mr. Chairman, when I look across the aisle and see the minister of socialist enterprise—

Mr. Hamilton (Notre Dame de Grace): I object immediately.

Mr. Herridge: —memory opens the door to the near past. It seems such a short time ago that the present minister sat on the opposition benches pouring sulphurous language in a mellifluous voice over the head of the former postmaster general. We who have been here for some time have seen the evolution of a near rebel in opposition to a responsible minister. The hon. member for Port Arthur said, "A complete metamorphosis", and I think that is an excellent term because the minister has come out of his chrysalis. History repeats itself and advancing age and increased responsibility have had this mellowing effect. That is part of the democratic system.

The minister is doing a good job. He is doing many of the things for which he condemned the former minister and doing them in the same way. However, he has used his imagination and put new life into the department. I appreciate the courtesy with which he has dealt with any problems I have brought to his attention and the promptitude with which he has dealt with matters I have discussed. I give the minister full credit for industry, activity and imagination so far as the Post Office Department is concerned.

However, the minister has caused me at times an unnecessary amount of thought and labour because in reply to all my correspondence he marks it "personal and confidential",

even if it is just a question of putting a new rail up on the village post office steps. I bring this up because I know other hon. members have been caused a tremendous amount of extra work, and he has overburdened many of us with this practice. I wonder whether there is some unknown recondite reason for the practice which we call the personal and confidential technique.

I want to show the committee what unnecessary work it is causing us. In order to do that I am going to read a letter. The name of the recipient of this letter is purely fictitious. It is not intended to refer to any person either living or dead. However, the subject matter of the letter represents in two or three paragraphs the kind of letters I have had to write to my constituents because I receive letters from the minister all marked "personal and confidential". This is a typical letter.

Mr. Hamilton (Notre Dame de Grace): Mr. Chairman, I am sorry, but I know the hon. member does not want to break the rules of the house. He will find a citation in the rules which prohibits the reading of imaginary letters.

Mr. Herridge: Pardon me; I have in effect changed only the name. The letter is composite in form.

Mr. Hamilton (Notre Dame de Grace): Is this one complete letter exactly as received from the department?

Mr. Herridge: This is a letter I have composed as a result of my experience. The letter is addressed to:

Captain, The Honourable Algernon Claude Hamilton,
Old Cove, British Columbia
Re: Derelicton of duty,
Postmaster, Old Cove, B.C.

Mr. Hamilton (Notre Dame de Grace): Mr. Chairman, the hon. member is completely out of order in reading imaginary letters.

Mr. Denis: No.

The Chairman: I would ask the Postmaster General to refer me to the rule because it seems to me if the letter was written by the hon. member it would be the same thing as if it were part of his speech.

Mr. Denis: The only thing you could accuse him of would be reading his speech.

Mr. Herridge: Mr. Chairman, I am reading this letter to indicate the type of letter I have to write because every letter I receive from the Postmaster General is marked "personal and confidential". I think I am entitled to present my point of view and support my argument with this illustration. I know of no rule in the book which prevents my reading a letter which illustrates the correspondence I am required to write. May I continue, Mr. Chairman?

Mr. Hamilton (Notre Dame de Grace): If the hon. member has something else to say I suggest that he say it and in the meantime I shall find the rule in Beauchesne's Parliamentary Rules and Forms.

Mr. Herridge: I am not going to be put off easily in that way.

Some hon. Members: Go ahead, read the letter.

Mr. Herridge: In fairness I am giving the Postmaster General time to find the citation.

The Chairman: Maybe the Postmaster General is referring to citation 158 on page 134 of Beauchesne's Parliamentary Rules and Forms, fourth edition, which reads as follows:

It is against the general principles which govern debate to read to the house an imaginary letter supposed to have been written by one of the sitting members of parliament.

Does this meet the point the minister has in mind. I doubt whether on this citation I can draw the line that the Postmaster General has indicated. If the hon. member who is speaking says that it is the kind of letter that he himself has written, or that he is supposed to have written from time to time, I do not think this citation would apply. To my way of thinking this means a letter written by some other hon. member.

Mr. Hamilton (Notre Dame de Grace): Mr. Chairman, I thank you for finding me the citation from your more adequate references. It is exactly the one I was looking for. It says:

It is against the general principles which govern debate to read to the house—

This is what the hon. member is intending to do.

—an imaginary letter—

He has already said that is what it is.

—supposed to have been written by one of the sitting members of parliament.

I am a sitting member of parliament at the present time and the hon. member is ascribing the letter to me.

The Chairman: I think the hon. member has indicated that the letter he wished to quote is one that he would write or that he ordinarily writes to one of his constituents, and not a letter from the Postmaster General, if I heard him correctly.

Mr. Herridge: This is purely the type of letter I am required to write because of this personal and confidential technique. I will now proceed with the letter:

My dear Algernon:

I have discussed the contents of your letter of March 1, last, with the appropriate person. However, it would not be what is played at Lords to divulge his name.

Before proceeding with your complaint, I shall answer your query as to what sort of a chap the Postmaster General is. While from your point of view he wears the wrong coloured tie, and has been known to enter the House of Commons in a vest of style and colour that would cause you some dismay, I must, in fairness, say his heart is in the right place, he is most industrious and his unconventional vests do indicate an imagination that I think has had a beneficial effect on the administration since he took office.

Now to your complaint. The letter I have received from the appropriate person is marked "personal and confidential". Therefore, I find it necessary to write allegorically and all I can say is that with my knowledge of the appropriate person's ability to smell a rat when he sees it hovering in the air, and later to nip it in the bud, I am confident that the administrative "dry-rot" you brought to my attention will be lopped off in due course, to your complete satisfaction.

While you may convey the information contained in this letter to this village post office patrons, on no account disclose the source of your information. However, you have my permission to say it came from an authoritative but undisclosed Ottawa source.

Trusting I have made the situation quite clear in a personal and confidential way, I remain

Your old Comrade-in-Arms.

Mr. Pugh: Mr. Chairman, on a point of order, I think we ought to have the correspondence completed. I wonder whether we can have the reply to that letter filed? I simply want it because I want to see what a member of parliament looks like when he starts writing letters to himself.

Mr. Lambert: For purposes of information may I ask the erudite member how one smells a rat hovering in the air and nips it in the bud.

Mr. Herridge: I can answer that. I have used that allegorical statement as a result of reading a Conservative member's remarks made in the British House of Commons in 1876.

I have drawn this to the minister's attention and I am sure he will reconsider this technique because, mind you, in addition to marking it "personal and confidential" he sends a tissue copy of his letter. I do not know what to do with it. I have not been able to find any use for it to date. I do hope the minister will find his way clear to change his technique.

When I receive a letter marked "personal and confidential" I treat it as personal and confidential, but I do wish the personal and confidential would apply to, shall I say, strictly confidential matters and I do not mind when necessary on personal matters. I would ask the minister to comment on this question when he replies. I am not the only one who has suffered from this practice. Members on the government side have also expressed their adverse opinion of it. As a matter of fact, this is one of the major criticisms this afternoon.

Having said that, I now proceed. As I see it, a member's responsibilities when it comes to discussing estimates are two in number. The first is to deal with the policies of the department in general, if he has any criticism of same, and the second is to bring to the attention of the committee any particular problem that concerns his constituents, and that is what most members do when they discuss estimates.

Before I proceed with a few remarks about general policy, I wish to say in all sincerity, because we hear some sections of the civil service criticized on occasions, that the Canadian people are very fortunate in having an excellent, efficient and first-class staff in the Post Office Department from the deputy minister right down through the administrative level. We accept this service daily without realizing the planning and consideration that has to go into the distribution of mail in Canada to the satisfaction of the public every day of the year. I think we should recognize that fact. Any matters I have brought to the attention of the minister or his senior officials have always been approached from the point of view that people would adopt who are operating a successful socialist enterprise for the public advantage.

With respect to the staff throughout the country we should also recognize the very good service that is rendered by the many people in the more humble positions. The service goes on day after day and is accepted just as we accept the work of the tracklayer on the railways in carrying out his monotonous daily task so that we may travel with speed and in comfort. I hope that the minister will use all his influence to see that the excellent services rendered by post office staffs and postmen tramping their beats are recognized by adequate increases in their salaries to conform with the increased cost of living.

I have a few other matters to bring to the minister's attention. A constituent of mine wrote me about a question that concerns civil rights. I wrote the minister about it and I have his reply here but I cannot quote it because it is marked "personal and confidential". I think the gentleman who wrote me has a point. The minister in writing to me indicated that he thought—how shall I put it—in view of it being marked confidential that he had made the implicit

explicit, but I cannot agree. That is all I can say at the present time. In any event, this gentleman wrote me and said:

> I would appreciate any information that is available on a matter which offhand I would consider as coming under civil rights. I am not familiar with what category my subject would come under other than civil rights.
>
> Now as I understand, under our form of government the individual can live a private life, his business being his own in so far as the general public is concerned as long as he abides by the law. We have to fill out forms for income taxes, we give certain information for voters' lists, answer questions when we take on employment with a firm; we also give the post office our name and our address and we as in my case rent a box with a number from said post office. Now I would take from this that the information given each of the above is strictly for their own use and not for release to the general public.
>
> Now it has come to my attention that a person can purchase from any post office in Canada for the sum of $2 a list of citizens that gives their name, address in the area which they choose to have knowledge of. I do not think this is the correct thing to do. The post office is a government agency and should not be used as an information bureau.

He goes on to say:

> I would go to the post office and inquire, and the only answer was that if I put a stamp on it and mailed it they would see it got to the party.

He is referring to when he went to the post office to inquire about a person's address.

> In short they were not allowed to divulge a person's mailing address. I can see the wisdom to this; they in those years respected the privacy of the individual. This present system leaves you open to a shower of phony advertising literature and such, it may be lucrative to the post office but the post office is supposed to be a very private business. I think stern measures should be taken to tighten up and attend to the business of handling mail and nothing in the way of as I said before of being an information bureau for a $2 bill.

I think my correspondent has a point there. He says he has gone to the post office and asked for the address of a person and has been told that if he will put a stamp on the letter they will supply the address and forward it but will not give the address. At the same time apparently a commercial company by paying $2 can get a list of the patrons of a certain post office and on the basis of that list distribute their advertising literature. Personally I think my correspondent has a point. I promised him to raise the question on the estimates of the Post Office Department and I should like the minister to deal with it briefly when he replies to the eulogies and criticisms from the opposition benches.

I have one other suggestion and it has to do with stamps. I must say that on the whole I think there has been an improvement in the design and quality of the stamps issued by the Post Office Department since the minister came into office. But I do suggest that possibly there could be considerable improvement if there was an opportunity provided for Canadians living in all sections of Canada and having various backgrounds and aptitudes to make some contribution to the design of these stamps. I suggest it would be a good idea to have some form of competition for Canadian artists who do this kind of work so that the minister's selection will not be confined to a few professionals who submit designs but will be made on as wide a base of talent in this direction as Canada can provide.

I have also been asked to mention to the minister that some remarkable subjects for stamp design are to be found in the Kootenays. There is the Kootenay-Columbia district, the Indians and their particularly interesting chiefs, the Thompson period, the Hudson Bay period, the stern-wheel steamers and various well known characters in mining, lumbering and agriculture. I have been asked to mention that because we in the Kootenay district are under the impression that we have not received due recognition from several of the government departments, including the Post Office Department, that go in for illustrating certain books and stamps.

I come now to the local and the concrete. The residents of Rossland were very pleased when the Department of Public Works decided to build a new post office.

Mr. Crestohl: May I ask the hon. member a question? Does he not think that the present member for Kootenay West is perhaps a qualified person to be considered as a subject for a stamp design?

Mr. Herridge: I welcome the hon. member's fine suggestion but I have always understood that high rank and station and great contributions to the state should not be recognized until the person is dead. As a matter of fact, I would rather have a new post office or two while I am alive. The people of Rossland were very pleased when it was decided to build a new post office. The first recommendation was to renovate the old one. After going through the building it was my personal opinion that it would be a waste of money, that it would cost a great deal more to renovate the old building than was anticipated, and once again, as usual, the member for Kootenay West was correct. The public works staff reinvestigated the whole situation and it was decided finally to build a new post office. I hope that every effort will be made to meet the responsible persons in Rossland such as members of the city council and representatives of the chamber of commerce and other organizations so that

the new post office will be located in the very best site possible to serve the interests of Rossland people. I understand this building is now being given consideration and will be undertaken next year.

I also want to bring to the attention of the Postmaster General the necessity of the officials in his department watching developments in the Kootenay district closely, particularly the need of changes at times in rural routes. There is one district where there were only five people a few years ago and at the present time there are 1,000. The development in the district is causing changes that will require adjustment in the service given. I cannot think of any drastic or particular one at the present time but I bring the matter to the minister's attention because of the changes occurring from increases in population, the building of new highways, the introduction of new bus services and transportation services and so on.

I come now to a problem that concerns the little village that is closest to where I live, namely the not well known but well situated and beautiful village of Nakusp. The chamber of commerce, the women's institute and the organizations there have been concerned in the last year or two about the time it takes to get mail from Vancouver into our district. The time is such that on occasion business people are required to use the long distance telephone much more than would be necessary if the mail service was a bit faster. It has been suggested that the minister's officials give consideration to the bus leaving Nelson a few hours later than it leaves at the present time so that it can bring mail there after the plane arrives at Castlegar in the afternoon. I mention this matter because of complaints and ask the minister to have it checked.

The minister knows that for some years I have urged the necessity of a postal bag from Revelstoke to Nakusp and distribution from there to all points south as far as Edgewood. I know the minister's officials investigated the situation and found that the volume of mail was somewhat small. I was very surprised to hear the cost of handling this bag in view of the fact that it is a government ferry that runs from Arrowhead to Nakusp and mail is brought up from Revelstoke to Arrowhead on contract. I thought it would cost a dollar a day or something of that sort. I cannot see any reason for the expense that was indicated by the report I received. However, I will let that matter rest at the present time.

I want to bring to the minister's attention the fact that a new highway is being built now and that it is likely that in the future there will be a bus running from Revelstoke south to Nelson via Nakusp. I urge that the officials of the department watch these developments so that they can take advantage of these changed transportation circumstances as soon as possible after they occur.

I have had one or two other complaints, although this is a minor one. In a number of places I have been informed that the rural mail list is often incomplete or inaccurate as to the address concerned or as to occupation. I suppose the minister does not live as close to the rank and file as do I. I live among the people. I am not in an exalted position. However, I hear what the ordinary person has to say about public affairs.

Mr. Hamilton (Notre Dame de Grace): Mr. Chairman, I not only live among the people; I am one of the people.

Mr. Herridge: I am glad to hear that. I am glad to know the minister is human. With regard to those sitting on the government benches there have been a few cases where I doubted that. However, even in a thing like an incorrect occupation, dissatisfaction can be caused. I had a gentleman come to me who is manager of a lumberyard, and he was down in the post office directory from year to year as a labourer. A person's occupation should be correctly stated. I have had a few of these cases brought to my attention. I urge that the local postmasters should be asked to check these lists; and not just send the old list in annually but to check the list carefully and to make certain that the address and the occupation of every patron is correct. That is not a very socialist suggestion but I represent all the people of Kootenay West. This suggestion comes from some of my Conservative friends but I am quite willing to advance it when they elect me as their representative to serve all the people.

I have one more suggestion to make, and it is my last one. I have received a few letters complaining of the low pay of the casual help employed in the larger post offices such as those in Trail and Nelson. I have also had letters from a few other points dealing with the situation in general. If my information is correct, it appears to me that the pay received by casual help in British Columbia for work in the post office on certain occasions is very much below the prevailing rates; in fact I am informed in some cases it is 50 per cent of the prevailing rate. When the Department of Public Works lets a contract in a district the contractor must agree to pay prevailing rates. I suggest that consideration be given to the prevailing rates in any district when casual help is being employed.

In conclusion, Mr. Chairman, I once again want to emphasize this fact. Tremendous

progress is taking place in Kootenay West. Tremendous developments are in sight and expansion is going on now at a rapid rate, and it will continue to go on in this garden of Eden in Canada. I urge that the minister's officials keep a close watch on these developments and these changing situations so that they will be ready at the first opportunity to adjust, rearrange or increase the services that are now provided so that they will continue to provide the efficient service that we have enjoyed throughout the years.

Mr. Aiken: In common with other hon. members who have made some comment on the estimates of the Postmaster General, I should like to commence by complimenting him and his department on the excellent services they have been giving. Representing as I do a riding which is mainly rural and which has a number of rural routes and small post offices, I find that a great deal of the work I have to do relates to the Post Office Department. I must say that with very few exceptions I have received very good service and have been able to give good service to those people who wrote to me with problems or complaints.

There are just two matters which I should like to draw to the attention of the Postmaster General and the officials this afternoon. The first one relates to the tender system for rural routes. As we all know, the present system is—and I think properly so—that the lowest tenderer on the rural route is awarded the job. I think this is a fair system to be undertaken. However, I have found a number of difficulties that I think should be carefully considered by the department. In a number of cases there is evidence that a contractor or a proposed contractor will make a bid which is excessively low, much lower than that of all the other people who have bid. I feel that sometimes the person who has made this low bid has not done so properly. He may have one of three reasons for making an extremely low bid. The first one is that he may have wanted to eliminate all the other competition on the route and then hope to come back to the department in two years and get an increase back to what he should have had in the first place. In a number of cases I think there is definite evidence that people have put in ridiculously low bids and they go along just on the expectation they will apply and get an increase later on.

Another reason that this thing happens is that the person is incapable of estimating his job properly. The third is that he may not be properly equipped and that although he is able to give an estimate, he may do a poor job. After all, he is carrying the royal mail and the person who is selected ought to have proper equipment and ought to be able to give good service. My request to the Postmaster General is that in cases where he receives a bid which is quite low in comparison with other tenders he should make an independent investigation to see whether the person who is bidding is actually the proper person for doing the job and capable of carrying the mail in a satisfactory way.

The second matter I should like to bring to the minister's attention concerns the urban mail delivery service in the town of Parry Sound. This has been one of the matters that the residents of that town have been requesting for some years. They have a post office which has sufficient revenue for mail delivery service door to door. They are just a little short of the number of persons required for mail delivery service. A check was made within the past year and at first it was thought that there were enough people, but subsequently it turned out on a re-check that there were not enough. It has been drawn to my attention that people who were potential customers were not counted for some reason or other as householders, and I therefore urge the Postmaster General to have a further check made as soon as possible of the number of householders qualified to receive mail to see if a few extra people can be found so that mail delivery can be provided to this town, which is actually increasing very rapidly each year in population and industry.

With those two matters and the compliments I gave to the Postmaster General I should just like to add that as regards the rural mail delivery services particularly the department has given very good co-operation in any extension of rural mail routes where requested, and they have stretched their regulations to the limit in lots of cases in order to give good mail delivery service.

(Translation):

Mr. Caron: Mr. Chairman, as the hon. member for Kootenay West (Mr. Herridge) stated earlier, it cannot be said that the present Postmaster General (Mr. Hamilton) is doing much worse than his predecessor, but we are always surprised to find that the former critic of the Post Office Department did not introduce the changes he was suggesting when he was in the opposition.

However, what struck me most, and what amused me particularly in the minister's introductory statement on his departmental estimates, is his remarks about visiting post offices at all hours of the day or night and noting the cheerfulness of postal workers.

That part of his speech struck me for two reasons. In the first place, it is rather unusual for a Postmaster General to go about post offices by day and by night to check on the cheerfulness of his staff. It is somewhat outside the bounds of logic.

Then again, does not the minister trust his employees? If he does not, well let him replace them, and let him tell us his reasons for doing so, namely that they are incompetent.

A minister going through post offices at two or three in the morning to check up on the cheerfulness of his personnel, that is really laughable.

Besides, I note that the minister is laughing just now. He might well do so, because if he had thought twice, he would not have said that.

The minister said he noted the cheerfulness of the staff.

Well, he must have made his visits at the wrong hours, because I have been meeting large numbers of post office employees, and civil servants generally—particularly people working outdoors—and I can assure you their mood is not so cheerful as that.

If there is one minister who is being criticized by his staff at this time for his lack of action, it is certainly the Postmaster General.

His employees have been trying to get raises for their colleagues. Raises have been granted to 50,000 employees, but not to postal workers. In fact, postal workers seem to have been placed at the bottom of the list.

Mr. Grafftey: Would the hon. member allow me a question?

Mr. Caron: Certainly.

Mr. Grafftey: Could the hon. member cite a single case in support of his statements to the house?

Mr. Caron: It is not my practice to reveal my sources of information, because I would not want government employees to be penalized for daring to talk to a Liberal member.

Mr. Grafftey: Would the hon. member—

Mr. Caron: If my hon. friend would get out of his hole in the ground, he might find a good many dissatisfied people in his own constituency. Besides, it is a matter of common knowledge.

Mr. Grafftey: That is not true, and that is no answer.

Mr. Caron: You only have to take a look at the civil servants' newspaper to see how much dissatisfaction there is, and in the same paper, you will see the complaints of postal employees, who are of course dissatisfied with their present situation, because the raises to which they are entitled are being held up.

All we have to do is to look around and see what is going on. Members of parliament should not be asked to give their sources of information; it could only mean trouble for those who gave out the information. I know there is discontent, and especially people are wondering whether the delay in granting postal workers the raise they were promised is not meant as a punishment for those who have been waging the great battle for salary increases. They were the ones who carried the battle, and it now seems as if someone is out to punish them for it; in fact they will probably be the last to get the promised raise. If there are people in fact, who really fought the great battle for civil service salary increases—

Mr. Grafftey: Please be responsible, be responsible.

Mr. Caron: Mr. Chairman, would you tell that thing over there to shut up? I am sick and tired of my hon. friend's interventions. In the matter of irresponsibility, I have never seen the like of him.

I wonder whether this delay in granting the requested increases is not a punishment inflicted on postal workers. In fact not only will they not get their increases immediately but, judging from the present attitude of the Minister of Finance (Mr. Fleming) there will be no retroactivity, whether they get their raise in two or three days, or in a month, they will not benefit from the retroactivity granted to the 50,000 who already got their increase in April.

They stand to lose hundreds of thousands of dollars because they waged the battle to help Canadian civil servants who were ill paid, particularly since the election of the present government.

The present minister may have fine qualities, he may have great accomplishments to his credit, but he certainly slipped in failing to insist on salary increases for the people who deliver the mail day in and day out, rain or shine, summer and winter, under extremes of hot and cold weather, carrying heavy bags to serve the public. I think those people deserved a better deal than they have received.

The minister, who introduced the use of scooters in his department, also referred to small carts that are being put to the test,

similar to those used to carry golf clubs. I have had the opportunity to discuss this with a few mail carriers, and their reaction was that the idea was absolutely unthinkable and that, for all practical purposes, they could not accept them. They have been wondering whether the minister was thinking of using this new device to throw an additional load on the already overburdened workers and thus cut down the staff.

Why not buy them a horse and cart, as used by bread and milk salesmen who do not travel very fast and go from door to door.

In my view, Mr. Chairman, postal employees have certainly not received the consideration they deserved from their minister, and I hope that when their raises do come—as they are bound to eventually—the minister will see that they be retroactive to April 1, as in the case of the first 50,000 who got their raises. Then, perhaps, they might be able to believe that the minister has really looked after his departmental staff.

I do not want to take too much time, because I would hate to be accused of delaying the Post Office Department's estimates, but there is one thing I should like to submit to the minister. It is known that the city of Hull has been expanding considerably, and that, in addition to the old section on the eastern side of Brewers creek we now have a new section on the western side, which already has grown larger than the old.

The post office has a sort of little nook there where mail carriers go and fetch the mail they have to deliver. Furthermore, boxes have to be installed on street corners, from which mail carriers may pick up additional mail for delivery. That area includes four important districts, that is Tetreau, Wright, Lafontaine and Dollard. Consequently, it would be necessary and urgent that the Post Office Department build another post office there which would, first of all, allow mail carriers to pick up their bagful of mail; at the same time we would be rid of those horrible boxes that stand on street corners, especially in the most developed areas, which are so picturesque.

Mr. Chairman, several members have already referred to that mania of the Postmaster General's of writing "personal and confidential" letters. Besides, you know very well that a letter is not necessarily of a personal and confidential nature just because its sender has chosen to write in those words at the top of the sheet. To be genuinely so, such letters must be of a personal and confidential character. In fact, I will quote one of them, even, if it is not considered delicate to do so. It is a letter which is in no way of a personal or confidential character, and I wrote to the minister to tell him that I did not consider it as such. Furthermore, after having advised the minister, I sent a copy of it to the persons concerned and I had a right to, because it was in no way of a personal or confidential character. Under the circumstances, I was fully justified to do what I did. Here is the letter referred to:

Personal and confidential

Dear Mr. Caron:

This is in reference to your letter of May 10, in which you ask that letter carrier service be established in Gatineau.

An inquiry to establish whether Gatineau meets the required conditions for mail carrier service has just been completed. The matter is still under consideration but no decision has yet been taken. I am sorry I am unable to give you a definite answer at this time, but I hope to be in a position to do so in the near future.

Sincerely,

William Hamilton,

Postmaster General.

Can anyone look upon that letter as being a personal and confidential letter? Is the minister out to prevent members of parliament from transmitting to their constituents the news they get from departments? I do not know. I would not like to accuse the minister unfairly, but I am inclined to believe that there is something there which borders on mania. I would ask him, whenever he wants a letter to be personal and confidential, to include in it facts that are genuinely of a personal and confidential nature. However, as everyone knows, letters such as the one I have just read are not of a personal or confidential character.

I have another one of the same type, in which there is absolutely nothing of a personal and confidential character—I do not want to take time to read it—and in which the minister advises me that the matter does not come under his department; and he adds:

I am sending a copy of your letter to the Minister of Public Works.

Is there anything personal and confidential in those two letters?

I ask the minister to change his ways by sending us replies that will allow us to supply information to those concerned.

I shall now revert to the subject of door to door delivery in Gatineau. The population of this town numbers 13,000 at present. Some people have to travel one and a half miles

to get their mail and post their letters. The minister will perhaps claim that he is following the established practice. I admit that this was probably the practice followed in the past, but I remember that when he was on this side of the house, the present Potsmaster General urged the government to bring about all necessary changes. He is now holding that office and it is his own responsibility. If changes had to be made when he was in the opposition, why does he not make them now that he is in a position to do so?

It will be claimed perhaps that the population is not high enough and that the volume of business is not such as to justify the building of a post office. The reason for this is obvious enough. Deprived of proper facilities, those people deal with the Hull or Ottawa post office, and the local post office pays the piper. If proper service was provided, we would have the required volume of business.

Moreover, even with door to door delivery, people would have to go to the post office to purchase postage stamps. Stamp distribution centres should be established in various places for this purpose. Nothing is easier than to allow certain grocers or merchants to sell postage stamps and enable the public to purchase the stamps they need. In this way, the volume of business of the Gatineau post office would reach the required figure.

Moreover, the minister would have made one of the improvements he was asking for when he was sitting on this side of the house.

Well, I remind him of the past, of the great improvements he used to ask for, in short, I ask him to remember everything he said when he was on this side. For instance, he stated that postal service should be available to the public, that it was a public service and that the reason for the existence of the Post Office Department was the public.

I am asking him for the same thing. Let him carry out what he suggested. Let him make the postal system available to the people who need it, by making a few changes and a few improvements. Even if it is impossible to have a door to door delivery service immediately, let there be, at least, some letter boxes, and a few merchants should be allowed to sell stamps, so that people who want to post their letters will not have to walk one and a half miles to do so.

I must say that, as far as Gatineau Point is concerned, I submitted the matter to the minister who received me very courteously —I have to admit that the minister is always urbane when we approach him—and I asked him to have the post office enlarged. At the present time, there are up to three families using the same postal box, because the population is constantly growing. In fact, from 3,500 it has gone up to over 7,000, and the post office is now too small. There is no more room to put in letter boxes in the present building, because it is not large enough. The municipality of Gatineau Point cannot be satisfied in this way.

(Text):

As far as the municipality of Gatineau Point is concerned, as well as Gatineau itself, there too the department should put up letter boxes for the posting of mail from that community, and business people should be allowed to sell stamps, so that the citizens need not walk great distances to buy them, because some people have to walk up to a mile and a half to get to the post office.

I therefore ask the minister to look after these matters. Anyhow, he cannot do otherwise, because he himself advocated those changes when he was sitting on this side of the house. Well, now that he is sitting on government benches and that he has the necessary authority, let him proceed with those changes he was asking for, and we will not begrudge him our approval.

(Text):

Mr. Drysdale: I should like to take this opportunity to make one or two remarks. As the representative of a fast-growing community in western Canada I should like to draw certain matters to the attention of the Postmaster General. I hasten to assure the hon. gentleman that my words are not words of criticism but of constructive suggestion and, later on, there may even be words of commendation.

The municipality of Burnaby has a population of some 100,000 and an area of 40 square miles. Yet Burnaby is without its own central post office. New Westminster and Vancouver have complete postal facilities. If consideration is being given to the establishment of a federal building in central Burnaby I would suggest the location be in the vicinity of our municipal hall. I feel that consideration should be given to the establishment of a post office for Burnaby.

I also suggest that the Postmaster General give attention to the idea of having a Burnaby postmark. I realize that these things are perhaps relatively insignificant in the view of other hon. members of the committee but

anyone who realizes the pride of a municipality or city will realize the importance of the suggestions I am advancing.

In forwarding these suggestions I feel I should also bring to the minister's attention the fact that there is discussion in the Vancouver area concerning the metropolitanization of the whole area. I would point out that Burnaby is the heart of the lower mainland, the geographic centre of the mainland of lower British Columbia. I think he should give consideration to the long range possibilities of the establishment of a post office in the Burnaby area. In the last 20 years the population of Burnaby has risen from 50,000 to 100,000 within an area of 40 square miles and with the present dynamic leadership being given in the community not only by the municipal council but by the board of trade there is every indication that the population will perhaps double again in the next 10 or 15 years.

I wish also to direct the minister's attention to a similar situation existing in the municipality of Richmond which I also represent. Strangely enough the population of this area also doubled in the last 20 years. Richmond has a present population, I believe, of 40,000 and covers an area of 57 square miles. I would point out that all airmail from the Vancouver area goes through Richmond because the Vancouver international air port is located there. I wonder if the minister would also give consideration to the establishment of a central post office in Richmond. We would like to see it located in the federal building in that area.

From time to time I understand that the Postmaster General receives certain complaints. I am at times critical when I feel that criticism is justified but I should like to point out to the minister that since my election in 1958 I have had occasion to bring to his attention only three or four complaints regarding the postal service in my riding. I have no hesitation in saying that in each instance the minister had the situation thoroughly investigated and in every case I received a satisfactory reply.

I wish to express appreciation to the minister for his being of assistance to me in another matter. Some criticism appeared in the local newspapers in my riding concerning the postal service in the area. I thought perhaps the criticism was not based on fact. The minister was kind enough to make arrangements under which I was able to take the four local editors from Burnaby and Richmond on a tour of the Vancouver post office. They were able to ask any questions they wished and an effort was made to explain anything which caused them difficulty. Since that time I have seen no criticism editorially in those newspapers.

Having worked in post offices during Christmas vacations I have developed a first hand approach to the subject of this department based on my experience as a letter carrier and sorter of mail. I am amazed at the few mistakes that are made by the post offices. I feel that some hon. members in presenting the complaints they have received magnify the minor mistakes that have been made. I would suggest that this is out of all proportion. The minister's department is probably subject to attack more than any other department for the reason that through every letter, post card and circular the Postmaster General representatively goes into the homes of Canadians. If there is any delay in the receipt of good news or bad or any minor delay in mail delivery we tend to ascribe the difficulties to the Postmaster General.

In studying the situation in my area and in attempting to bring problems or complaints to the attention of local departmental officials in both Vancouver and Burnaby I have found a genuine interest on their part in correcting any of the real or alleged delays. A suggestion was made to me which I will pass on because it may be valuable to other hon. members. When a person complains about delay in receiving a letter I am always pleased if they send me the particular letter so that I can then trace it and assist in discovering the reason for the delay. This provides the post office officials with an opportunity to clear up the difficulty.

I appreciate having had this opportunity to bring forward these few points which I know will be of interest to my constituents and to commend the minister on the excellent job he is doing.

Mr. Godin: Mr. Chairman, I should like to make a few brief remarks concerning problems of general interest relative to the question of good relationships between the Post Office Department and the public. I feel this is of importance because this department more than any other department of government is in daily contact with Canadian citizens through the postal services.

I have a file of letters here. All the numerous communications I have had with the minister's department have been dealt with courteously but the replies have been marked "personal and confidential" and therefore it will be difficult for me to deal with some of the problems I have in mind.

The first problem with which I wish to deal concerns the amalgamation of the city of Sudbury. Amalgamations are a common occurrence today and have taken place not

only in Sudbury but elsewhere in Ontario. A part of my riding was amalgamated with the city of Sudbury and this has created a problem for the postal department. I am proud of the fact that the amalgamation took place but the residents of the area affected are entitled to expect the same postal services that are provided elsewhere in the municipality. I realize that this cannot be done immediately and I know that the local officials in Sudbury are investigating the matter of adequate postal services in this area. I appreciate, too, that this situation developed shortly after the government took office. I know that the personnel of the department in Sudbury are making every effort to have action taken on the question.

I feel that in instances like this the Post Office Department should take the initiative in having special studies made. A lack of action in this respect creates poor public relations between the department and the local citizens. I urge the minister to have a study made as rapidly as possible. If this were done it would reduce the number of complaints that are sent to members of parliament and the Postmaster General. People write to us because they have no one else to whom they can address their complaints. I appreciate very much receiving those complaints. It is their right to make the complaints and it is my duty to listen to them. I am certainly willing to receive them and pass them on to the minister on every occasion.

In this area, of course, some people have rural service only. Under the amalgamation the area became part of the greater city of Sudbury. Therefore, the people feel that they should receive door to door service promptly. Based on the population of the subdivision of this area, they should receive it.

Without quoting the actual words of the letters of the Postmaster General, his last letter simply indicated to me that the investigation which he told me was going on a month or two before had not even begun. This is the type of thing I find very hard to explain to my constituents, and it is difficult for them to feel satisfied with the approach of the minister to this problem. This is not an absolutely grave complaint but it is a proper one. I am sure the minister will realize that if there is a change in the community life and his department is affected he should make absolutely sure that he has the staff in the field to take care of the change. Possibly the personnel in the Sudbury area are overloaded with work; possibly they cannot find the time to make the investigation which is required to rearrange certain routes and give to the citizens the postal service which will be as good as that formerly given to the limited city of Sudbury. The citizens could be notified as soon as it is done, or they should be told that it will be done shortly. If that were done they would realize that it is not possible to make the change and rearrange the postal services in a few weeks or a month. If the matter is long delayed, especially as we were advised that the investigation which we were told was going on had not even begun some months after, the people should be informed about it.

I think it is proper that the minister should be advised that a rapid study of the problem should be made. The acuteness of the problem was known to his department, no doubt, long before this amalgamation application. I know that the one in Sudbury was discussed for at least three or four years. The citizens knew in advance that the amalgamation would take place on January 1 the following year. The department should have known that and that was the time to make the study. I am not saying that the amalgamation took place five years ago; I am saying that the application was made five years ago and the amalgamation took place since the present Postmaster General took office. Therefore he has the previous experience to know something about it and also he has the facilities since he became the Postmaster General.

(Translation):

Mr. Chairman, I would like also to bring to the attention of the Postmaster General the problem of the Val Caron post office. I am glad to make these few comments to him in French, knowing that he understands this language quite well.

I have had the opportunity to make representations to the minister for more than two years with regard to the Val Caron post office. According to his replies, the situation there would be satisfactory. I want to point out to the minister that the Val Caron post office—I am not talking about the service, but about the building itself—and even though there are some in even worse shape—is located in an old garage which has been converted to the purpose. I personally know the town of Val Caron and the whole neighbouring area, and I can assure the minister that the building which houses the postal service is not at all adequate for this village. People who are forced to use it have to face difficulties, particularly in the wintertime, that do not exist anywhere else.

I am happy to tell the house that at Palmer, not far from there, the minister has built a post office in a municipality almost similar to that of Val Caron. People of that town are quite proud of their new post office.

I feel it would be appropriate to consider the situation which prevails at Val Caron. It seems to me that we could rent a more suitable building or allow the owner of the garage that houses the post office to put up a building of which my fellow citizens would be proud, a building more in harmony with its surroundings.

Mr. Chairman, now that I have made those few remarks, I must say that I have always received favourable consideration from the minister, even if he did not always give me satisfaction.

(Text):

Mr. Regnier: Mr. Chairman, it is a privilege for me to speak on behalf of my constituency of St. Boniface, not to make complaints but to express my commendation of and thanks for the service given to the people of St. Boniface in the new area of Windsor Park, by granting them door to door service. In Charleswood we had door to door service last year, and this year we have received the drop rate of four cents on mail. We tried hard to obtain the four cent rate for the town of Transcona, and this month it has also been extended to that town. It has also been extended to places as far away as 10 miles from the city of St. Boniface, such as the village of St. Norbert and Fort Whyte, St. Charles, Pacific Junction, Tod post office in the municipality of St. Vital, and Birds Hill.

It is remarkable how well the people have been served since 1957. The year 1957 was the first time there was an improvement in that district by having a door to door delivery in the town of Transcona. Now the whole district, the metropolitan area of greater Winnipeg, has received the four cent rate.

I should like to thank the minister, his department and also the employees in the city of St. Boniface very much for their co-operation and their faithful service in the conduct of their duties.

There is another improvement that is being planned, namely the new post office for the city of St. Boniface. I understand this building will conform with the improvements in a city of 35,000 people which is growing fast, and it will harmonize with all the wonderful buildings that the city of St. Boniface is already blessed with. As you know, the city of St. Boniface is one of the oldest cities west of the capital. It has a French speaking population, is a city of culture and has wonderful buildings. I am sure the new building will conform to the present architectural style and the importance of such a city.

I should like to make one request. I believe the Post Office Department should issue a stamp to commemorate the religious character of Christmas and counteract the emphasis on commercialism. I know that the Post Office Department has issued many worthy stamps to commemorate different historic events and I think the department should not forget to commemorate the nativity, the greatest event so far as Christianity throughout the world is concerned. I am sure this will be done. I do not want to take more time as many hon. members wish to speak. I have nothing but thanks to offer to the minister and his department.

Mr. Martin (Timmins): Mr. Chairman, I am not going to speak very long on this subject today but there are two or three matters I should like to raise at this time. The first, and certainly one of the most important that the minister should consider, is the pay and remuneration of the letter carriers. I think the rate of pay these men are receiving is disgraceful. I know that other speakers have referred to the yeoman service they render in all kinds of weather and certainly that is even more applicable in the area from which I come. The letter carriers have to go out when the temperature is 35, 40, 45 or 50 degrees below zero and sometimes have to wade through a couple of feet of snow that has fallen during the night. To me it is wonderful how they can even carry on their work. Certainly their rate of pay is in no way commensurate with the duties they perform for the public.

I have known some cases where letter carriers, after building up a few year's seniority in the department, have endeavoured to build themselves homes and when they came to pay the bills they found they had to leave the department, thus losing their seniority and all their benefits, and go back to work in the mines for a period of five years or so until they had reduced their mortgages before they could go back to the work of their choice in the department. I think it is a disgrace that they should lose all of their back benefits and I suggest that the minister should look into the matter very carefully and see if something cannot be done.

There is another small matter I should like to bring to the attention of the minister. As the hon. member for Burnaby-Richmond said, while it may not be of vital national importance it certainly is important to the people in the particular area of my riding. I refer to the condition of the present post office premises in the combined towns of Ramore and Holtyre. The building is certainly not intended for this type of work. It cannot be expanded, and if the minister's

inspectors would go there I think they certainly would agree with the local people that there is a very great need for a new postal building to serve these two communities.

There is one other matter that has been brought to my attention by more than one person and has to do with what is possibly a policy of the minister's department. To illustrate the point I should like to refer to the remarks of the minister when he first introduced his estimates on May 27. As found at the bottom of page 4282 of *Hansard*, he said at that time:

> In any organization as large as the Post Office Department the relations between management and staff are of critical importance.

I am glad to see that the minister realizes the importance of good relations between the employees and the employer, particularly in an undertaking as important as our postal service. As found in the second column on the same page he went on to say:

> During my term as Postmaster General I have had ample opportunity to study these men and women at their work. I have made a practice of dropping in unexpectedly and at odd hours of the day and night. I have been in offices at midnight; I have been in offices at 6 a.m., and I have been in offices at just about every interval between those two times. I never failed to be impressed with the employees' cheerfulness, their capability and their determination to do their work swiftly and well. I have found in the postal service a quality of devotion and integrity that is, perhaps, unusual in this day of materialism and mass production.

I should like to commend the minister for those remarks, particularly his reference to the devotion to duty of postal employees, but with reference to the first part of his remarks I am wondering how they tie in with certain complaints I have received. Probably the minister can explain whether a matter of policy that is applied across the country is involved. The complaints brought to my attention have to do with the new post office and federal building nearing completion in the town of Timmins. Although I have not seen it yet, I have been given to understand that there is what I believe is called an observation gallery in the building. I understand that the gallery is closed in with one-way glass. In other words, people can look out through this glass but people cannot look in. I understand that the purpose is for supervision of the employees and so on. I should like to ask hon. members whether they would feel completely at ease in their work if they realized that at any time big brother, the Postmaster General, might be looking over their shoulders. The employees who have brought this matter to my attention say that they have a sort of creepy feeling. They never know who is watching them and when and they feel that their integrity is being questioned more than it should be. As I say, I do not know if this is a departmental policy and possibly the minister could give some explanation of the matter. These complaints have been brought to my attention and I thought it was only right that I should bring them forward for the consideration of the minister.

Mr. Skoreyko: Mr. Chairman, I rise to speak for only a minute or two. First of all, may I say that I think the minister is deserving of a compliment from myself as a member for a riding for which very little was done for a good number of years. Since my election in 1958 I along with other members from the area have been able to get the minister to consider plans for the establishment and erection of a new post office in the riding of Edmonton East. These facilities have been needed for a good many years and I wish to congratulate the minister on the way he has approached this problem and on the fact that the matter is finally in the planning stage.

The second problem I wish to bring to the minister's attention is one that has been brought to the attention of former ministers of the department by the east Edmonton businessmen's association. I refer to the need for facilities in the 118th avenue area. This is a section of the city of Edmonton where for some years business has been carried on in much the same way as in a small suburban town on the outskirts of a city.

There is suitable development in this area and the minister is aware of it as he visited this particular area with me last fall. I hope that serious consideration will be given to the establishment very soon of facilities in this area.

The second problem is one respecting a small town in the outskirts of my riding of Edmonton East, namely the town of Beverly. Ten years ago when this small town had a population of 2,500 people there were two postal facilities, namely two drug stores. The population of this area is now in excess of 10,000 people and they are being served by those two small drug stores some 40 blocks apart. I understand the minister is initiating an investigation into this particular area and service, and I hope that some good news will be forthcoming very soon in this regard.

I have only one other point to mention and this was brought to my attention by the hon. member for Hastings-Frontenac. It is with respect to postage on overseas shipments to underprivileged countries and disaster areas. I am speaking specifically of shipments made by our welfare organizations which are obliged to pay the full postal rate

on these shipments. I suggest that this is a burden on these organizations.

Mr. Regier: I do not intend unduly to delay the passage of item No. 1 of the estimates, Mr. Chairman. However, I believe the minister realizes that once we overcome the hurdle of item No. 1 there ought to be little delay in processing the remaining items under his department. I want to underline the point I made on May 27 which was not replied to at that time. I realize the minister was very optimistic and hoped that after a brief reply we might agree to the passage of item No. 1 at the time. I refer to my plea that the number necessary under the regulations for the institution of door to door delivery be greatly reduced. With all the unemployment we have in Canada at the present time and also with the changes in the living habits of the Canadian population, I feel that the old regulation calling for a minimum of 2,500 calls in any post office before door to door delivery is begun is in line for major consideration. I believe that half of that number ought to be adequate.

I know there are problems of hiring men and giving them the five-day week when giving delivery for six days a week is involved. However, according to my calculations, a community having 1,250 householders would require four men, with three men always on the go. To those four men we might even, under these conditions, be able to grant the eight-hour day and the five-day week.

I think that a new look might be taken at this problem. I would ask the minister whether some consideration will be given to this proposal. I think it might enable the department to pay a little more attention to municipal boundaries if this were done. In my riding it would enable the people of Port Moody to receive their mail via the Port Moody post office rather than, as is the case under present conditions, roughly one third of them having to get their mail out of the New Westminster post office in order to have the advantage of door to door delivery.

I should like to underline the pleas made in this chamber by the hon. member for New Westminster and the hon. member for Burnaby-Richmond that growing and relatively new communities in major urban areas surrounding larger cities be supplied with separate post offices of their own. The minister's reply to the hon. member for New Westminster with regard to the Newton post office is found at page 4704 of *Hansard*. The minister had this to say:

> I believe he also knows that we are looking at the question of a post office building for that area. However, we do not want to be drawn into the erection of a building on a specific location in an area which is expanding and growing as rapidly as is that one until at least there is some firm indication as to the pattern of growth which is going to take place in the years ahead.

I recall that a number of years ago, if not as recently as one year ago, there was in the estimates an item for the building of a new post office in Newton. If the government knew as early as that time that a new post office was needed in that area or that municipality, and had obviously agreed that it was going to build one or that one ought to be built, I must ask the minister in all sincerity whether that item was in the estimates at the time for political reasons only or whether there was any degree of sincerity toward obtaining a vote in this chamber for the supplying of the people of Newton with a post office. In particular, I should like him to explain why after the decision by the House of Commons to allow the building of a federal building at Newton there are apparently now no plans to proceed or even to use the money that was originally allowed.

The hon. member for Burnaby-Richmond underlined the growing need for a post office in Burnaby in order to meet the requirements of the residents of Burnaby. I do not agree at all with his contention that there is only a small number of complaints as to the delivery of mail in Burnaby. In my experience the service rendered with regard to the delivery of mail has declined from year to year. It is my contention that the delivery of mail is going to decline in efficiency until at long last the government is going to grant us our own distribution arrangements.

I should also like the minister to explain what the present attitude of his department is with regard to the rental of post office buildings. I know the former minister of public works took a very firm position in this regard. It was his opinion, which was expressed in this house, that wherever possible the Department of Public Works ought to own the building and that there ought to be no arrangement whereby the department would grant a rental lease to an individual, who would then take that lease, go to the bank and obtain the loan necessary to finance entirely the cost of a building and who would be able to repay the whole of the cost of the building out of the rentals outlined in the lease, and then at the end of a five, seven or ten-year period he would remain the owner of the building toward the ownership of which he had supplied nothing except a little bit of organizational ability.

We have at this time a building in North Burnaby not owned by the department. We have a building in Port Moody not owned by the government and there is a building on the Kingsway not owned by the government. The

rental in at least one of these three cases is one of the highest rentals on a square footage basis that the Post Office Department is obligated to pay anywhere in the dominion. I would like to see the attitude of the government expressed as being identical with the attitude expressed a year or more ago, and I would like to see a little more action on the part of the government to implement this attitude, and that they either purchase existing buildings or erect their own buildings wherever it is economically right to do so, rather than renting buildings at exorbitant rates.

I should also like to make one additional reference to the reply of the minister to the representations of the hon. member for Vancouver East. The attitude of our group is that the taxpayers of Canada ought not to subsidize the distribution of advertising through the mails. I noted the minister's reply both on May 27 and again on June 8 when he emphasized that it is very important that there be the widest distribution of newspapers and magazines into the homes of the people of Canada.

I agree with that basic attitude of the minister. However, it is not the appearance and the distribution of the magazines and newspapers and other educational media that we take exception to; we feel that there is an undue amount of brain washing already in eixstence on the Canadian cultural scene and we do not like to see the post office being misused in order to enhance the interests of the advertisers of our nation.

The minister also said, as reported on page 4705 of *Hansard* for June 8:

> —I see no necessity to ask the house to authorize any increase in the first-class postal rate.

May I assure the minister that neither the hon. member for Vancouver East nor any other member of our group advocated an increase in first-class postal rates at this or at any other time. However, we now adopt the attitude that the minister adopted when he was in opposition in 1954 when he advocated that the users of first-class mail be not penalized in order to make possible the distribution of the very heavy burden of advertising, which is indeed a heavy burden on our employees in the Post Office Department.

Mr. Hamilton (Notre Dame de Grace): May I ask the hon. member a question before he resumes his seat. Did I understand him to say that the attitude of his group was that the taxpayers of Canada should not be asked to contribute to what I think he said was a subsidy on this particular class of mail?

Mr. Regier: We do not mind a subsidy on the distribution of educational information such as contained in text books, novels, newspapers or magazines. However, we do take very serious objection to the post office having to subsidize the commercial advertising enterprises of Canada.

Mr. Simpson: Mr. Chairman, I should like to take this opportunity of bringing to the attention of the minister a problem which is of vital importance to the residents of one of our enterprising young communities in northern Manitoba. At the community of Snow Lake, Manitoba the people are receiving at the present time only tri-weekly mail service. This service has been going on for some time and up until very recently it was possibly the best service which could be provided by the Post Office Department because at that time there was only tri-weekly service on the trains travelling on the Hudson bay line from The Pas to Churchill. But now with further development at the new townsite of Thompson, Canadian National Railways have now inaugurated a daily service going northwards out of The Pas, and I would like the minister to give the very fullest consideration to investigating this situation to see if it would not be possible to take advantage of the new train service to give the people of Snow Lake a daily mail service.

In yesterday's mail I received a letter from the local administrator of that point. Attached to that letter was a very lengthy petition signed by the majority of the residents of Snow Lake. I understand that the original of this petition has been directed to the minister, and I sincerely request that this matter be given every consideration. I would like to point out that I am sure the people of Snow Lake would be very gratified to know that plans are under way for the construction of a new post office, and I certainly hope that this will be carried out as quickly as possible. The postmaster at Snow Lake has been performing very satisfactory service under sometimes adverse conditions due to lack of space in relation to the volume of mail which comes into this new community. This is a mining community, everyone there is employed, and I am quite sure I am safe in saying that there is a large volume of mail going in and out of Snow Lake.

There is one more small matter I should like to bring to the attention of the minister concerning another point in northern Manitoba, Cranberry Portage. Some time ago complaints came in from the residents of Cranberry Portage in relation to the facilities of the post office at that point. As the result of these complaints an investigation took place and all of the complaints were fully investigated. One of the recommendations which came out of the investigation by the

officials who made the investigation was that it was very desirable to have a post office at that point located in a separate self-contained building entirely apart from the building which it is now in, which also houses a general store. In January this recommendation went in and I was advised by the Post Office Department that they felt this should be done. I should like the minister to investigate this problem and, if possible, advise me as to just what progress has been made.

In closing I should like to commend the minister on the work he has been doing in operating the department and to thank him for the co-operation I have had in the past. I should also like to make a strong plea to him to see if improved mail services cannot be had for the people of Snow Lake. I do not believe it would be too difficult. Snow Lake is located about 36 miles off the Hudson bay line and has access by road to the railhead at Wekusko and trains arrive in Wekusko every day. It may need some new arrangement with the contractor who transports the mail from Wekusko to Snow Lake, but this mail contractor has some obligation to meet each train every day in other work which he performs and I do not think it would be too difficult to make arrangments for mail to be carried between Wekusko and Snow Lake.

Mr. Smith (Lincoln): I should like to ask the minister briefly about a matter in connection with curbside mail boxes. We have one in the riding which I represent which was put in on a trial basis. I believe there are others in other parts of Canada. I should like to have the minister tell us what success they have had with these curbside mail boxes where you can drive up in your car and put your mail in the box. It has been very popular in the city of St. Catharines and I understand there has been a request for a few more. The one we have was one of the first put in, but I think there could be some improvement in the design of the box itself. The one important factor is to make it weather-proof so that wind driven snow cannot get into the box. There are two types of curbside boxes. There is one with a conveyor belt that takes the mail into the post offices. I am not thinking of that. I am thinking of the boxes placed on residential streets where you can drive up in your car, put the mail in it and drive away.

Mr. Garland: I am reluctant to add an off note to what seems to be a happy afternoon with compliments flying and, I am sure, compliments which are well deserved in some cases, but there is a matter which I feel is my duty to raise. Before doing so I should like to take this opportunity to say that Canada is fortunate in having such a high calibre of civil servant across the country, and of that group none are more loyal or more devoted than those employed in the Post Office Department.

My question arises from two directives which were issued during 1959 in the Post Office Department and which seem to me to smell strongly of political meddling in the public service. It has to do with the functions of civil servants carrying out their normal duties and I think it adversely affects this important postal service to the Canadian people. Perhaps I could explain best and more briefly by citing an example of the appointment of a subpostmaster or the transfer and appointment of a subpostmaster.

With the development which has taken place in this country and around many of the large cities of this country I think this is becoming more and more of a problem as more and more of these offices are required to be opened. As I said, I think I can best explain by taking an instance where a subpostmaster resigns. Normally the procedure to be followed as I understand it would be for officials to explore the possibilities, to reexamine the area with a view to appointing a new subpostmaster. Now I understand that on the basis of a directive from Ottawa dated February 17, 1959 which dealt with the transfer and appointment of subpostmasters, and a further one of May 26, 1959 which dealt with the opening of subpost offices, postal officials from coast to coast have been affected, and as a result of those directives they are unable to take the necessary action to maintain this service. On the contrary they must wait for instructions, and any applications, I understand, that are received locally, and this applies to all Canada, must be forwarded to Ottawa for approval, which seems to me can only mean political approval.

That is a backward step. It is a step which I think interferes with the normal functions of officials of the Post Office Department. That sort of thing may have been good enough back in the old horse and buggy days but I do not think it is good enough for 1960 and I would ask the Postmaster General if he will give serious consideration to rescinding these two directives, the one of February 17 dealing with the transfer and appointment of subpostmasters and the one of May 26 dealing with the opening of subpost offices. I ask him if he will consider rescinding these directives which I believe are politically inspired.

Mr. McFarlane: I should like to make a few brief remarks on the subject of the postal service through Nelson and points east and point out, first of all, that at the present time

there is a very close connection with the postal service at Nelson. I understand that one truck brings the mail into Nelson and the other leaves almost immediately, so that if the Vancouver mail truck is late getting in the mail is held up indefinitely until a connection can be made. I would suggest that more leeway be allowed in connecting truck times between Nelson and points east.

Another point I wish to raise concerns registered mail services. I do not think we are providing the service that we should provide to many of the rural communities. I had an instance brought to my attention where a letter was registered at a point in the lake Windermere valley to another point eight miles away. In view of the regulations which require, apparently, that the letter has to go to a subpost office, by the time it had gone around it was 10 days before the letter was finally received although there was only such a short distance involved. So I would like to suggest that a small bag or pouch be utilized for this purpose so that registered mail could be handled without this serious delay.

Another point I should like to draw to the attention of the minister concerns airmail service. I feel that in many of these smaller communities especially in our area when first-class mail is picked up it should be immediately transferred to a point where it will connect with air mail service. It should be forwarded by air mail from the distribution point rather than being transported by truck as it is at the present time.

I should like to cite an example of what I mean. If a letter is mailed in Creston in time to catch the mail truck out of Creston at ten o'clock in the morning the letter is taken to Cranbrook. It travels by truck until it reaches Calgary the following day. It is late getting into Calgary and it is not delivered in Calgary until the following morning. If that first-class mail out of Creston were transferred at the post office in Cranbrook to the air mail service it would be in Calgary within four hours after mailing in Creston.

This is something to which we should give consideration. We are giving air mail service to the larger centres and I feel similar services could be provided to smaller communities rather than allowing first-class mail to take the usual course of delivery.

Apart from these suggestions I have made we are very well satisfied with the rules and regulations of the Post Office Department. I believe that the Postmaster General is turning out sound regulations and that he and his staff are doing an excellent job of mail delivery under conditions that are often difficult in our part of the country, particularly in the winter months. I would be grateful if the two or three matters I have mentioned could be given consideration. I do not feel it is asking too much to have given to people in rural areas the postal service that is given to people in larger centres.

Mr. Peters: Mr. Chairman, the Post Office Department is one of the most highly socialized operations in the world today. We want it to be as efficient as possible because it proves something we want proved not only here but throughout the world.

Mr. McCleave: We will keep the hon. member away from it then.

Mr. Peters: Canada has done a good job in supplying mail service at a reasonable price and the results are highly satisfactory. The salaries of postal employees come under the Civil Service Act and do not come within the purview of the minister. The Postmaster General should pay closer attention to the wages and working conditions in post offices than he has in the past.

The minister spoke of his visits to post offices throughout Canada and stated that he arrived at all hours of the day and night. When I worked in the mines we sometimes had bosses drop in unexpectedly. Mines are dark, dismal and not well lighted and sometimes we would take a long lunch hour. We never appreciated unexpected visits from our boss under those circumstances. I draw this to the minister's attention.

I suggest that if we raised the salaries of postal employees we would not have to have snooper systems or runways and pilfering would be reduced. I appreciate that runways are not only a technological advance but serve as a check on employees. The days are gone when supervision of this kind is required. We should improve salary standards and working conditions.

Progress has been made in terms of promotions within the department but the progress is not fast enough to suit me. I recently travelled on a train with a friend with whom I had worked in a mine. He is an honest and conscientious employee. He accepted a job in the Post Office Department in Ottawa two or three years ago and although the wages were adequate and the working conditions not unpleasant he has already grown dissatisfied with the lack of opportunities for promotion or advancement. I have heard this from other employees of post offices including the one at Kirkland Lake of which I have knowledge. Promotions are not always accorded under civil service regulations on the basis of seniority or in accordance with skill or acquired knowledge. Often someone

is brought in from outside which precludes opportunities for advancement among the local employees.

Mr. Hamilton (Notre Dame de Grace): Perhaps the hon. gentleman would permit me to make a statement at this point. If the hon. member will look in the official gallery he will see the deputy minister who started off his career as a clerk in the department. He will see another official, just below the deputy minister in rank, who began his career as a letter carrier. He will also observe another couple of fellows in the official gallery who started off slugging mail bags somewhere in the back of a post office. If the hon. gentleman would direct his attention to the table of the house I believe he would see another man who started off in the Post Office Department as well. I believe that is a pretty good answer to there being inadequate opportunities for advancement within the department. The answer can be found in the gentlemen sitting up in the official gallery.

Mr. Peters: I am amazed and gratified by that information. My hon. friend described the situation as he sees it. It may be that promotions are slow through no fault of the system but through a failure of the departmental officials to disseminate information about opportunities for advancement among employees of the department.

There are a number of other problems that I should like to discuss. Some of them affect the wage structure of the postal employees for the work they do. I have had complaints in my riding from people getting $270 a month on which they have to keep a family. They are doing a job which involves walking up to 14 miles a day carrying heavy mail bags. They have responsibility for confidential matters and for financial documents. They have responsibility that is considerably above that which would be given to an individual in any other industry at that rate of pay. I think they have grounds for complaint.

In many instances they object to the fact that they cannot use their own cars for transporting their mail sacks from the general post office to where they are going to deliver their mail. Most of them have cars and they would like to throw the bag in the back seat and drive 20 or 30 blocks and then pick up their route from there and leave the car parked on a side street and pick it up again after they are through. They tell me they are not allowed to do this. This may be true of only one or two post offices, but it is true in one. They object to this; they think they should be allowed to use their cars. There may be very good reasons why they are not allowed to use them, but in the smaller communities they could use the same system that is used in the suburbs of large cities where they have pick-up depots. The mail is taken to those depots and the mail man, instead of going to the main post office gets his mail from this particular depot. This may be an answer in part to the problem.

We have another problem that affects my riding because it is an urban and rural riding. I refer to the matter of rural mail delivery. The minister may say that this is not general, and I will agree. It is not even general in my riding, but it happens to be general in this particular area. We have asked for a survey to be made to see whether something can be done to solve this particular problem. I understand the department is working on it. I received this letter which will explain the problem fairly well:

> As you probably know, this rural route is operated from Charlton some seven miles west of Englehart. At present we enjoy thrice weekly delivery and pick-up, i.e., Tuesdays, Thursdays and Saturdays. There is an R.R. 2 also serviced from Charlton which only gets twice weekly delivery.
>
> Though only having three deliveries a week is bad enough, yet the length of time taken for mail to reach us from outside points, and the time for mail picked up here to get to its destination is absolutely unbelievable.
>
> For instance, a letter requiring an immediate reply is received here on a Thursday. The reply is picked up on the Saturday. It does not leave Charlton until the following Monday and its arrival, say, in Toronto is on Tuesday and delivery there may not be till Wednesday. Mail for Kirkland Lake some 25 miles away has to be placed on the train, taken to North Bay then after sorting brought back by train to Swastika thence to Kirkland.
>
> Incoming mail is just as bad. It takes papers (and letters) just as long to reach us from Kirkland as from Toronto.

Toronto is 400 miles away. I continue:

> Papers published in Kirkland on Friday are not delivered here till the next Tuesday, the Toronto papers for the same day also arriving at the same time.
>
> Letters from Tarzwell, only a few miles north of here are first taken to Swastika, thence to North Bay, then back to Englehart, then to Charlton and finally, days later, arrive at their addressees.

He goes on to say it is useless to complain to the officials and this is the part I should like to read:

> Just one additional delivery through the week, on Monday, would mean an awful lot to us, and, if such could be effected I would certainly see that you are given the credit for bringing this about.

He wrote me another letter subsequent to this and this is what he said in part:

> I have another glaring example of the inefficient, inadequate mail service in this locality.
>
> At 10.03 p.m. on March 18 a telegram was handed in to Canadian National Telegraphs in Toronto. It was received in Englehart the same night. As we, in this modern community have no phones, the wire was mailed to me on Saturday, March 19. I received it at 11 a.m. Tuesday March 22.

Luckily, the telegram only announced the birth of a grand-daughter, but the whole point is that it would have been the same had the wire carried the news of a death or a fatal illness. And, of course, it could happen to anyone living on these ill-served mail routes.

In this connection it is interesting to note that the "*Telegram*"—

This is the *Telegram* newspaper.

—of Saturday, March 19 carried the birth announcement. It arrived at the same time as the telegram which was sent some 24 hours earlier. And we in Canada are so far ahead of other nations in our ways of life, or are we?

All I want to do is to point out that we have problems and some of these problems concern our rural delivery routes. We have not kept up to date on those routes as we have in the urban areas. In my opinion we have the opportunity now of combining many of the rural routes, particularly in my area. I cannot speak for other areas but I think that conditions there are much about the same. The rural routes were laid out when we were driving horses, when the mail, certainly in the wintertime, had to be delivered by horse-drawn conveyances and the routes had to be kept to certain limits. Now automobiles are used in the summer time and in the main the routes are all snowplowed in the winter time. It would be a very simple matter in some instances to combine two and in other instances more than two rural delivery routes so that mail could be delivered much faster and much more effectively than it is at the present time.

On a number of occasions I have asked for changes in these mail routes. The method of proceeding is to take out a petition. When a petition is taken out it makes a lot of people angry because it means changing from a rural post office to rural delivery. After the petition is taken out, and overwhelmingly those petitions are in favour of one type of service or the other, nothing happens. In some cases this action is repeated two or three times over a period of four or five years with the same result.

Mr. Hamilton (Notre Dame de Grace): The hon. member refers to some cases. Will he give me two or three examples?

Mr. Peters: I am thinking of one in particular, namely Uno Park. The second one is Thornloe. I have been involved in the one at Uno Park on two occasions. I do not know what the result is of the last request of two or three months ago but I do know that a gentleman who took out the petition, who had raised the matter with me the first time, tells me that none of his close neighbours will talk to him any more because they wanted the post office instead of the rural delivery, and yet the petition was quite highly supported.

This type of thing does not make for good relations in the community when it is done on this basis. The situation is changing. Conditions must have been laid down in the first place for establishing the set-up that was established. Conditions change all the time. I am thinking of road clearance and snow removal in the wintertime. Conditions are vastly changed from what they were. This means that the service can be changed and in many instances better service can be given.

We have another problem that I am concerned with which is in the transitional stage now. To date it has not produced any bad results in my area but I think it can and will, and also in Cochrane north. I refer to the sorting of mail on trains. There used to be mail cars on all O.N.R. trains but now sorting is done only on some of them. It meant that when the post office closed at six o'clock, or at whatever time it might close, people who wanted to get mail on the train would go to the station and drop their mail in the appropriate box, depending on whether the letter was to go north or south, and the mail would be delivered the next morning. The service from Ottawa or Toronto to northern Ontario is very fast provided certain conditions are met. If I mail a letter at four o'clock this afternoon and it leaves our subpost office and goes to the station directly rather than going through the main post office it will be delivered in Kirkland Lake tomorrow afternoon. If it goes through the local post office it may be a matter of many days. If it happens to be a brown envelope it will sometimes take four or five days, but normally first-class mail will be delivered immediately.

This situation is repeated all along the line, and one reason that return mail service has been so satisfactory is that the mail is sorted on the train by the postal staff. Even in the case of mail addressed to a small community ten miles away from the point of mailing, the postal staff are able to operate speedily enough to be able to drop this mail off at its destination although it may only be a few miles away. Service to these communities takes one day or less.

I am told that a number of postal employees have been taken off the northern run, that the sorting is only done at the centres now and that the mail is transported by truck. As a result, there is no service available to many of the small communities as was the case before. If mail is left at the post office after hours it remains there until

the next day because obviously there is nobody there to sort it. The truck driver can only handle sorted mail and mail cannot be given to the truck driver to take to its destination until it is sorted because he is hired on the basis of conveying mail and not to handle or deal with it in any other way. There would be no cancellation of the stamps if the truck driver were to take such mail and I understand he is instructed not to do so, which I think is quite right.

We in northern Ontario would like more consideration to be given to this matter before any further curtailment in the sorting of mail on mail cars takes place. It may be that reconsideration can be given to those areas where this practice has been discontinued because it was serving a very useful purpose and providing a service that we need badly. We are a long distance from the main centres and a great deal of our business is done by mail. Telegrams are even more difficult to deliver to many of the small communities. Our mail service has been very satisfactory and we would like to see it kept on as high a level of efficiency as possible.

I have seen the situation that has developed in other areas of Ontario and which may develop in our area. I can remember being in southwestern Ontario a few years ago and a letter from Toronto to Dundalk, Orangeville or Collingwood took five days to get to its destination. I know that because my cheque used to be sent to me by mail and I would go to the post office every day for five or six days before I got my cheque. I hope that the minister, in giving consideration to the better distribution of mail to small communities, will take this matter into account. I have talked to people in the area I have mentioned and the mail service there is no better now than it was when I was there.

I suggest that the same thing could happen in northern Ontario and I say there is no reason why it should. We have been very satisfied with the mail service we have had and we would like to continue to receive that type of service. Therefore I ask the minister to give very careful consideration to the matter of changing from the sorting of mail on the train and using a truck distribution service instead. In the limited areas where the new service has been used or where it has not been possible to give service by rail because of the discontinuation of rail service to communities such as Matachewan the results have not been very satisfactory. When the railway went into that area the postal service was much better than it is now with the present system of transportation by truck and bus.

[Mr. Peters.]

Mr. Richard (Ottawa East): Mr. Chairman, I do not want to say very much on this item but I cannot help adding some words in praise of the Post Office Department. I think it should be said that the administrative staff of the department is excellent. As Canadians we should be proud of our post office system. I do not take anything away, of course, from the hard working minister because in working hard and giving attention to his department I think he rates as high as anyone who has occupied that office in the past. My heart does not bleed too much for the situation of the administrative staff generally. I think their conditions of work are good and their salaries are fairly well rated at the present time.

But I am always interested in learning more about the mail sorters and the men who deliver the mail. I should like the minister to bring me up to date as to their situation. I have always thought that these men are entitled to special consideration. Although they are not professionals as far as education is concerned, they are professionals having regard to the service they give. They make our lives a little more cheerful when we go to the door to receive our mail. I do not know whether they are trained that way, but I like to see the postman come to my door. In spite of any trouble he may have in his home life, he always seems to forget that, always inquires about me and tries to find out if he can be helpful. For that alone I think they should receive special consideration with respect to their remuneration.

There is one situation that always worries me. These men toil under rather heavy loads that we would not like to have to carry every day. There has been some improvement in this regard in recent years, but there still must be some men who after five, ten or fifteen years become physically not as able to do the job and cannot carry on. This applies also to some sorters whose work involves the use of their eyes and physical effort. I should like to know what happens to these men if after a period of time they cannot carry on their work. Are they placed in positions in other sections of the department at equal remuneration or do many have to leave their employment altogether? It is my impression that there are not many who lose their positions on account of the fact that they cannot carry on the work they have been doing. I hope the minister will be able to answer this question and at the same time I hope he will be able to tell the committee that he appreciates as much as any other member that the sorters and the men who carry our mail are entitled to special consideration in their rates of pay. I hope he will

lead the fight at all times, as he should, to see that the civil service commission realizes that our letter carriers are not just people who are walking the streets and throwing letters in mail boxes but are professionals in their field. I think all members of the house will agree with me on that.

Mr. Benidickson: Mr. Chairman, I want to assure the minister that I am not rising with anything but good will for him and for the department. Over the years I have found that the department takes into consideration in a very friendly spirit representations made to it by members of parliament, no matter what their political persuasion may be. I have always been pleased, as I say, with the investigations that have been taking place as a result of inquiries I have made or suggestions I have advanced to the Post Office Department. If I have any criticism at all, it is not of the personnel in the head office or in the district offices; it is rather I think of a system that has developed, shall I say.

While they respond with the utmost consideration to suggestions that have come from me as to improvements in services, over the years I have developed the feeling that somehow, perhaps under pressure from treasury board, there has been an extra consciousness of the budget and a fear of adding anything different or new to the budget. Sometimes they find it necessary to do something after a community or after a member of parliament makes a request. I sometimes think they should perhaps initiate some of these things themselves much more quickly when conditions change.

A great number of trains have been taken off. I sometimes think that the staff itself has not been too quick to adopt alternatives to replace perhaps a daily service to which we were accustomed to; and, for instance, when local trains are no longer in existence, to substitute transportation by truck or otherwise. Too often they seem to wait for a nudge from the community or from the member of parliament. I think the difficulty does not lie in the fact that they do not see these things. Rather I think the difficulty lies in the fact that they have had such a great amount of pressure upon them as to the need of not increasing their expenses that we sometimes find it necessary to make suggestions more often than we seem to be obliged to in connection with some other departments.

I do not want to repeat some of the excellent suggestions that have been made today, last Wednesday and on a previous occasion when the minister was before us with the administration item. I think perhaps I might be introducing something that has not been discussed so far. I want to draw the attention of the minister and his officials to the fact that in some of the northern areas of our country where the population might be predominantly Indian we have in recent years been experiencing a change in the life that is being led there. Instead of sending many of the youngsters out to residential schools there has been a trend to establish day schools. Instead of sending the people out to hospitals and to doctors there has developed a pattern of small nursing stations through the community. I think the minister will be well acquainted with the fact that the economics branch of Indian affairs is attempting to have projects for timber resources development and the development of fisheries in the lakes in order to guide them to try to develop these activities. In consequence, their existence to a great extent is not the nomadic, moving-around type of existence as they have had in the past. We have now in many places—and certainly this situation applies in the constituency of Kenora-Rainy River—greater permanency in the life that is being led there. In consequence, air services are improved. The local services are on a regular basis rather than on a charter basis in many instances I could indicate to the department. Inasmuch as this regular schedule service is available at several of the headquarters of our bands I feel that a careful look should be given to the desirability of establishing the normal postal services that would be provided to that number of people if they were situated in any other part of the country. There is greater permanency now. The nomadic life is not being led. I think there is justification for setting up postal services.

There are one or two other items upon which the minister would perhaps care to comment either now or when we meet the appropriate item in his estimates. We are all aware that the annual report that is publicly available refers to the year ending something more than a year ago. Perhaps the minister might give us an indication of what has happened in the meantime with respect to commemorative stamps and perhaps he might give us an outline of what his schedule is with respect to new stamps for the present fiscal year.

In the annual report of the department for the year ended March 31, 1959 I note that the minister indicated the numbers of post office savings banks that are provided. Can he break that figure down as to the number of points in which there are postal savings banks but in which there would not be a branch of one of our chartered banks.

I have had some experience with the benefits that have developed from the easing of regulations which are referred to on page 11 of the same report. The wording of the report is as follows:

—the regulations restricting letter carrier delivery across vacant land have been eased.

I wonder whether it would not be appropriate for us to have on *Hansard*, from the experience gained, a short description of the effects of these new regulations. I certainly know that in one of the larger communities of my area this easing has proved helpful because, by reason of the terrain in our part of northern Ontario where we have a great deal of water and a number of rocks, we have settlements established in fingers of the area which are sometimes quite a distance from the centre of the community.

Reference was made the other day, in reply to a question by the hon. member for Port Arthur, to the possibility of establishing group boxes in some of our communities where settlement is now some distance from the one and only post office in the community. In both instances I think he was referring to communities which have not a population that would under present regulations, justify the establishment of a letter carrier delivery system. In his reply last Wednesday the minister did not completely give me the information that I perhaps would be seeking, namely whether or not delivery by means of group boxes can be provided even in communities where letter carrier delivery service has not been established.

The other item with regard to which I would appreciate having some information on record because there is a great deal of interest in the matter is what the progress has been in the minimum numbers of householders that have been required over the years before the Post Office Department would entertain a request for letter carrier service. I think the number is now 2,500. But as I recall it, the last time in my constituency that we were able to persuade the department to institute a new letter carrier service the figure prevailing then was either 1,600 or 1,800. I was just wondering when the 2,500 unit figure was established.

In the debate and in the departmental report reference has been made to marine services. Does the postal transportation department provide marine mail service except by utilizing some already existing water carrier that is operating on a schedule similar to the arrangements that have been provided historically by the railway? If not, in what circumstances does the department enter into the establishment of new contracts with carriers perhaps carrying only mail?

[Mr. Benidickson.]

I am not going to repeat at any length the feelings that have been expressed by hon. members on all sides of the chamber that the services provided by our letter carriers and some of our more humble clerks and sorters in the offices do not, under present conditions, seem to be remunerated on a scale that to many of us seems to be comparable and fair with respect to other occupations, both those in the non-government service in our highly organized union communities and indeed in some of the other departments.

I gave a specific illustration to the minister which rather continues to arouse my concern. I think in a community like Rainy River the postmaster has responsibilities, but without detailed information of the functions of that post and the funcitons of non-managerial numbers of the staff of the customs or immigration branch, I do not think his responsibilities are comparable with that of a routine member of the staff at the border point who would inspect visitors. I think that is an example and perhaps the post office has not been able to be as persuasive in the matter of increased salaries for some of its personnel as have some other departments. I think the difference in salary between those two posts is about $1,500. In my view there is no comparison between the attitude taken by the members of the community as to the responsibility of the postmaster himself and one who is not the senior man in either the department of customs or the department of immigration, one who is simply doing border checking at that point without the responsibilities of management.

Mr. Broome: Mr. Chairman, I have in my riding an association called the superannuated civil servants. I have had several meetings with their executive in regard to a problem which is not properly a problem of the Postmaster General but which I should like to draw to his attention and ask his good offices to try to further the aims of this group.

A prime problem in a large city is that of casual help at Christmastime and the postmaster likes to get experienced personnel to act as straw bosses, so to speak, foremen, over help which has had no previous post office experience. But according to the act which governs superannuation and pensions, these men cannot earn in any one month more than they earned at the time they left the service. This is a very fair regulation and a very right and proper one. However, I think its application to casual help could bear a little looking into because I know of one case where a man in the city of Vancouver worked through at the request of the postmaster and his pay had to be adjusted to 65 cents an

hour because it simply went over the amount he was allowed to earn. In other cases they have to make a refund.

I have had letters on this and I have seen the letters which deal with it. The department has acted according to the letter of the law, but I would like the Postmaster General, if he would, to confer with his colleague the Minister of Finance and see whether some arrangement can be made whereby casual help who are only employed for a few weeks or a month might be exempted from these regulations.

Mr. Mitchell: Mr. Chairman, I shall only take a moment of the minister's time but I want to draw to his attention one or two difficulties we are having at Sudbury, particularly since the amalgamation which took place on January 1 of this year.

In this amalgamated area naturally the four cents local postage rate will apply, with the exception of one area. I have had a great amount of correspondence complaining about people who receive their mail at this particular post office, which is not a sub, where letters have been mailed to them carrying a four cents stamp but when they go to pick up their mail they are charged two cents extra for this service.

I might say that this area is much closer to the city than some of the annexed areas which are already, and have been for some time, enjoying carrier service, with the exception of the one area about which I am speaking. I know that this post office was recently renovated by the Post Office Department and I would presume that a lease of some length has been taken on this building. However, I suggest that when this lease is over this post office be removed and the area that it serves can then in many cases apply for carrier service which is enjoyed by other areas much further removed from the central post office in the city, areas such as Minnow Lake, Gatchell, New Sudbury and part of Lockerby, the community of which I am speaking. All these areas are already enjoying letter carrier service, but the area around this post office is not.

At the same time there are two areas adjacent to it on either side which would like to qualify for rural route delivery and have community boxes established, but due to the location of the post office I am led to believe that rural route service cannot apply within half a mile of either side of a recognized post office. If such is the case I hope it will be looked into and that service can be given to these two areas in the form of a rural route service, which they will be pleased to get instead of having to travel the great distance to this post office. I know that many of the people living in these areas are having their mail delivered to their business addresses in the city rather than trying to pick it up at the Lockerby post office.

The particular beef I have, of course, is the four cents stamp and the two cents additional at this one post office, but nowhere else in the amalgamated area.

(Translation):

Mr. Deschatelets: Mr. Chairman, may I call the attention of the Postmaster General (Mr. Hamilton) to a stamp that was sent to me recently, from a source I cannot reveal.

At first sight, I thought it was a prehistoric animal, but using a magnifying glass, I was able to read the name of the Hon. Wilfrid Labbe, a member of the Union Nationale and of Mr. Barrette's cabinet.

May I also suggest to the minister that there should be a rule against affixing such stamps to letters. The one I have here gives the impression of being a current issue, and I really do not think we should tolerate the use of such stamps on correspondence that is sent and delivered through the Post Office Department.

We owe it to ourselves to allow all charitable organizations to use promotion stamps, but surely not stamps such as the one I received, which incidentally was quite unattractive. Besides, in my estimation envelopes are no place for such stamps.

I therefore ask the minister to inquire as to whether stamps of this type, used purely for election purposes—because such stamps are misleadingly similar to regular stamps—might have been cancelled in post offices, thus causing the government to lose revenue.

I leave the matter with the minister, and I am sending the stamp over to him so that he may have a look at it. However, I would ask him to return it, because after June 22, such stamps will become rarities, indeed, and I would like to hang on to that one.

(Text):

Mr. Fisher: Mr. Chairman, I would like to clear up one or two small points which I made in my previous remarks when I was talking about the scope of the football pools in Britain. Apparently I understated the number of pools and the amount of business they did. I was really only referring to one pool, and while it is the largest of the pool organizations it is only one of eight comparable organizations.

There is one other point which might make it right and proper in terms of Tory pride to go along with. For example, the equivalent to our Minister of Finance in Great Britain also has a type of legalized gamble going, in that people who buy certain types of bonds and savings certificates over there have what amounts to an opportunity to win big prizes.

The Deputy Chairman: Order. I might just point out that when the hon. member discussed this the other day the Postmaster General referred to the fact that this came under the Criminal Code. I do not think, therefore, that the hon. gentleman can continue along that line.

Mr. Fisher: I imagined it was affected by the operations of the Post Office Department, but I could be mistaken. Anyway I have had some mail since making my remarks which indicates that there are a substantial number of people desperately trying to play the football pools who are fed up with the attempts of the Postmaster General to block their efforts.

I turn now to something which I know is the responsibility of the minister. This is something which the hon. member for Vancouver East brought up. He compared the attitude of the minister toward the loss in carrying newspapers and periodicals in the old days with his actions now. One of the points in which I would be interested is the relationship in the loss, which I understand to be about $26 million—I say "loss" but I really mean loss of revenue, because that is what it is, rather than an actual loss—between the carrying of a large number of United States periodicals which now come to our country and the Canadian periodicals and newspapers. Could the minister give us a breakdown? These are newspapers as against periodicals, although I know that technically a newspaper is a periodical. There are only 100 daily newspapers in Canada at the moment and there are not too many weeklies. I wonder if the minister would have any kind of a break-down so that we could analyse this $26 million loss in revenue to see if it would not be possible to kill two birds with one stone, that is, to get more revenue and to give Canadian periodicals an advantage as compared with the United States magazines which come in and not only take away circulation but advertising revenue.

I know this could be looked upon as an extra tax, and there may be difficulties about dealing with magazines coming in from another country. I get magazines sent to me very week from Britain and it always seems fantastic that a big bundle of magazines can come in all the way from London for a one and a half penny stamp. Maybe there has been some international agreement worked out, but if it is a fact we are losing so much revenue, and if a substantial proportion of it is the result of carrying United States and other foreign periodicals, we might consider some agreement to raise the price to the post office for carrying it.

One of the ironies about the newspaper situation in Canada today is a political one. I do not know of a newspaper in Canada that claims to be anything other than a spokesman of free enterprise. I am thinking especially of a Thompson paper or a paper such as the *Globe and Mail* which I understand has the largest circulation of any newspaper in Canada. These newspapers are preeminently for private enterprise and it always puzzled me to think that there might be this inconsistency about free enterprise. There is, of course, the fact that these free enterprises allow their employees in Ottawa to exist in government rooms at government expense down the third floor corridor, for example. But here is a bigger and more costly thing. We have these free enterprisers being, in effect, subsidized by the public purse if this loss of $26 million represents substantially the fact that the post office is carrying Canadian newspapers and periodicals. For that reason I should like to get a closer idea of the relative amount. I would like to know how much subsidy we are giving to these free enterprisers to publish free enterprise Canadian newspapers.

Take the *Globe and Mail*, for example, which takes delight in pointing out all the subsidies on western wheat and all the subsidies paid to farmers in general. These papers continually preach the gospel of free enterprise, rugged individualism, standing on your own two feet and so on, yet this is a paper which I understand has the largest mailed circulation of any daily newspaper in Canada and as a consequence this free enterprise operation is in receipt of substantial assistance from the government.

There is another aspect of this question which I suppose the minister has already considered. That is the question of the reason for this subsidy. If the minister looks at volume 2 of the History of Canadian Journalism, which is a book writen by a journalist whose name is Craick—perhaps the hon. gentleman has already done so; it really is not a history of Canadian journalism, but the story of Canadian publishers; it is a rather dull story except that they have always been lobbying down in Ottawa to keep this particular privilege—

Mr. Grafftey: You are very wordy. You take up a lot of time.

Mr. Fisher: If it were worth while, I would appreciate the hon. member's comment. But this story indicates that shortly after confederation—

Mr. Grafftey: Stop lecturing to us and get to the point.

The Deputy Chairman: Order.

Mr. Grafftey: Lecture, lecture, lecture.

The Deputy Chairman: Order.

Mr. Fisher: Thank you, Mr. Chairman. I am always willing to defer to people who would like to take the floor, but if the hon. member refuses to get up—

Mr. Grafftey: Tiresome forensics.

The Deputy Chairman: Order.

Mr. Fisher: These publishers right after confederation, came to Ottawa every time it appeared that parliament was trying to get the post office to raise the charges on this particular kind of mail and their argument always was that they performed a primary role in educating the Canadian people. I think this argument probably had much greater substance in the nineteenth century than it has today when educational advantages are so much more evident and when people can turn to the schools, to books, to public libraries and to radio and television services. So it seems to me that this particular argument in favour of this kind of subsidy no longer stands.

The argument used to be that to many people on back farms and in distant parts of Canada the newspapers were the only means of providing cheap information. It does not seem to me that this argument stands up any longer, so I think we should ask these free enterprisers to be free enterprisers and stop leaning on the Canadian government in this regard.

The last point I wish to make relates to post office employees. I think every member of parliament has had conversations with the postal carriers, and I think it is generally agreed that this particular group, as a result of the rationalization of the department which bespeaks efficiency, works rather hard. It is my general impression that it is almost impossible for them to have a soft touch.

In terms of requests for increased wages they are not in the bargaining position that trade unionists are. Two things are pointed out to them in reply to their arguments for higher pay. They are often told that there is a waiting list of people who want to become letter carriers. There is no market demand competing for their services as there is in the case of dentists or people in other occupations. The other factor is that the services they render to the post office are of little use beyond the postal service. In other words, it is almost impossible for a letter carrier to work for three of four years and then value that service in the labour market at a high level because it is not sufficiently specialized to make him much more useful an employee than someone who enters the labour market for the first time.

According to postal employees with whom I have spoken the factors I have outlined render it difficult for them to present a case. There is no competition in the labour market for their services and there is no increment in their earning value when they are working for the department. This is becoming more and more the fate of many people in the kind of employment situation we are building up today with large organizations in which there is no particular specialization. I hope the minister will realize that these are factors that the employees have little chance to change.

Another related factor is that the income level at which these men happen to be is not a very high one. Indeed, it seems to me that it is one of the lowest in the civil service just in terms of the physical exertion and mental alertness that are required. That kind of physical exertion and mental alertness has no parallel value in the market place and yet it seems to me it should be recognized by putting it on a higher base of pay. I hope the minister is pressing his colleagues and especially the Minister of Finance who is the important minister in this area with all the energy and persuasion at his command to see that this group of employees gets an increase in pay and I hope a substantially higher minimum. By that I mean between $300 and $700, somewhere in that range. If we could return to our constituencies with the good news already abroad I know it would make it pleasanter for members of parliament.

I may be out of order in raising the following point because it relates to privileges of members of parliament. Has the minister had any discussion with anyone about the question of the parliamentary frank that we have as members? Has there been any thought of extending it for a longer period? No one would want to see hon. members using the frank on a year-round basis for the purpose of mailing out party propaganda and circulars and so on. I know that other hon. members I have talked to have a problem similar to mine and especially those hon. members from Quebec and the maritimes. The parliamentary frank is a great convenience. There is more than the question of the cost of stamps involved. It would be a great convenience if

we could have franking privileges both in Ottawa and in our constituencies for most of the year. With the sessions becoming so lengthy and with the regular follow-up that is required on much of the correspondence one has, the purchase of postage stamps is a substantial financial whack. In addition there is the added annoying inconvenience of going out to purchase the stamps, sticking them on, and so on, the cost of which has to be met by a group of people who do not have great resources.

Has the minister the power of initiating any discussion along these lines or, as a member of parliament, would the minister consider taking up the suggestion and seeing what the people who have the power and initiative may think or feel about it?

Mr. Howard: Will the minister reply?

Mr. Hamilton (Notre Dame de Grace): Mr. Chairman, I will try to be as brief as possible at this point. Some of the questions raised have been answered and I shall attempt to deal with some of the other matters in general terms. As hon. members have perhaps come to know, when there are certain points which require so much detail that they cannot be dealt with successfully and succinctly here in the committee it has been our practice to write the hon. member concerned immediately following the debate giving him the information requested.

As I have stated, some of the points raised come up year after year. I have come to the conclusion that this is almost automatic in the post office service. I wish to make the following brief excursion because I think it is interesting. I was interested to learn that what we thought was a new and modern process, the idea of photographing letters on reduced strips of film and sending the filmstrips by air mail, goes back not only through the wars but through peacetime to the Franco-German war of 1871 when the French post office successfully worked out such a system.

According to "An Outline of Postal History and Practice", a most interesting book, the French post office photographed letters at that time on to thin films of collodion. As the book states:

> The films were rolled up tightly and placed in a small quill, which was attached to one of the tail feathers of the bird.

The bird was a carrier pigeon which served as the basis of the air mail delivery of those letters. Several hundreds of thousands of letters at that time were sent in this fashion between the United Kingdom and France almost 100 years ago. I believe this illustrates my point that the same kind of questions do crop up from time to time here in the committee.

A number of hon. members dealt with the question of salaries. I know that they know that this is basically a matter for the Minister of Finance. I think they also realize that it is one that is receiving sympathetic consideration at the present time and that I am personally very much aware both of their views and of those of the post office employees.

When speaking of the employees of the department I should on their behalf express the thanks of every one of them for the kind things which have been said about them here today. The hon. member for St. Denis earlier on took issue with me for having reported to the committee the accomplishments of the Post Office Department. I make no apology for doing so but I am very much aware, as I also pointed out at that time, that our success is based not only on the efforts of any one individual but on the tremendous efforts of a vast group of people.

The second thing that appeared to arouse the interest and curiosity of many hon. members was the use of the phrase "personal and confidential" on a fair amount of my correspondence. I was actually happy to find that this was referred to by approximately 12 hon. members many of whom made special speeches on this subject because when we reach the point at which the use of the phrase "personal and confidential" on a letter which goes to a member of parliament is the subject for debate in the consideration of the estimates of this department we have certainly reached a point at which there is apparently not too much in the department itself and its administration to be criticized. In reaching that point hon. members are, as it were, scraping the very bottom of the barrel.

Actually the hon. member for St. Jean-Iberville-Napierville gave us an example illustrating one of the principal reasons why this phrase is used on my correspondence when he said a letter sent to him had not been opened until he could open it himself and this caused him to miss an invitation which I had sent to him. I regret the fact that he missed the invitation, but members of parliament are writing me constantly on various matters, many of which are of interest only to themselves, many of which as far as I know they do not want bruited around too widely. As a result, I have tried, by marking these letters in this way, to ensure that the information goes directly to the member of parliament and is used by him as he sees fit. In many instances members have come to me and said, "I have this letter; have you any objection to the information being used?" And invariably, or almost invariably, I have said, "Absolutely not". But at least this does

respect a member of parliament and insures the fact that the information goes directly to him.

Incidentally, Mr. Chairman, I remember getting a letter on one occasion from the hon. member for Essex East when he was a minister. It brought birthday greetings and it was marked "personal". I think probably the same sort of thing applied at that time.

Individual problems such as those of the hon. member for Skeena, as I have said, we will deal with and report on. Since he spoke this morning I have been able to get some information. In so far as the service at this community of Nass river is concerned, we are attempting to improve its quality. We have got a contractor all ready to do it along the route, but now we have to cross the river and at the moment we are looking for somebody who will contract a boat service across the river at Greenville because the route is on the far side, as he knows. We hope to be successful in that respect.

The hon. member mentioned the letter carrier service in Kitimat. As he knows so well, our requirement is 2,500 houses. The present number is substantially under that; it is at the 2,000 mark, that is actually occupied houses, at the moment, and as soon as it reaches the 2,500 mark we will be delighted to institute the service there because other considerations such as weather are not going to stop the post office; I assure him of that.

The hon. member for Restigouche-Madawaska made a number of interesting points. In the case of Dalhousie, we look forward to introducing letter carrier service there but it has not reached our requirements. I can assure him there is no shortage of rural mail boxes, nor are we overlooking areas where it is possible to give rural mail service.

The hon. member for Kootenay West said that his major criticism was with regard to the use of "personal and confidential" on letters and then he went on and spoke for 20 minutes on other matters so that his criticism in that respect must have been very forceful indeed. He asked us to keep post office lists more exact in so far as occupations are concerned. We do our best in that respect. Having indicated he likes to use the lists, he then criticized us for having them or, rather, he suggested someone else had criticized us for having them; that that information was information which should not be made available. Actually these lists are basically similar to those that one will find in a telephone directory, in electoral lists or anywhere else. The information is exactly the same although it may be arranged in a slightly different way by the post offices.

The reason, of course, that we do not give forwarding addresses from post offices is that in many instances this is information not respecting that particular post office but another one far away, and we are not interested in becoming an information service for bill collectors and the like. However, the regular publication of lists of patrons of a particular post office is quite a legitimate process. I appreciated the hon. member's observations on the question of stamp design and the other matters which I will deal with because they were particular points of interest only to him. I will deal with them as soon as we can get the information for him.

The hon. member for Parry Sound-Muskoka suggested that in some instances people tendered too low for rural mail routes, and suggested there was something rather wrong and improper in this. There is an act of parliament which lays down the obligation. It says "shall" not "may" in so far as the Postmaster General is concerned in requiring him toward the tender to the lowest suitable tenderer. In those circumstances we follow the wishes of parliament. We will be delighted to supply letter carrier service to Parry Sound as soon as they reach the required number of householders.

I was grateful for the observations of the hon. member for Hull, although I am sorry he objects to my visiting post offices. I appreciated the remarks of the hon. member for Burnaby-Richmond and those of the hon. member for Nickel Belt. We will do our best to meet their suggestions.

It was very nice of the hon. member for St. Boniface to say the kind things he did about the new service they are getting in his area. The hon. member for Timmins again spoke on certain questions. There is one particularly that I think I should mention. This is a misunderstanding on his part in so far as observation galleries in post offices are concerned. They are there for one purpose only, and that is the detection of theft by employees in the department. They are specifically not used—our employees are forbidden to use them—for the normal purposes of supervision. They come into operation only when investigation or complaint has disclosed the fact that in a given post office thefts seem to be occurring. At that time investigators who are officially authorized to do it move into those galleries because we have found that post office employees tend not to steal mail when somebody is standing three feet behind them and looking over their shoulders. Therefore our investigators move into those galleries and watch the men from there and this is the only purpose for which they are used.

The hon. member for Edmonton East raised a number of points which we will attempt to deal with, as did the hon. member

for Burnaby-Coquitlam, dealing specifically with the minimum number of calls required for letter carrier delivery. This is something which has been changed from time to time by the department and which we are always watching with considerable interest. As the hon. member for Churchill knows, certain matters are now under study in so far as the points he raised are concerned.

The hon. member for Lincoln asked specifically regarding curbside mail boxes. We have had a reasonable degree of success with those in certain communities. In other communities, interestingly enough, they have proved, for whatever reason we do not know, not to have the same popularity. Our general practice is to introduce them into whatever communities would like to have them.

The hon. member for Nipissing raised the question of subpostmasters and that those were now being handled from Ottawa. He implied that he saw political motives in this change, motives which I can assure you, Mr. Chairman, do not exist. The basic problem is simply this. Subpost offices are located in large cities as he knows, or at least in cities, and in many cities there is a tendency, because they do not know anybody in the post office, for the storekeeper or whoever is interested to write to Ottawa. We have decided, rather than overlook some people to centralize all those requests in one place, together with the report from the local people, and then make a decision on that basis. In this way no one is overlooked and it is also possible to take the veterans preference and other matters into consideration.

We are already investigating the matters which the member for Kootenay East raised. With respect to what the hon. member for Timiskaming said, I think I dealt with his remarks by pointing out the people in the gallery who have been with the Post Office Department for 30 or 40 years—I am tremendously proud to be associated with a department of this kind—and who started at the bottom and have ended up at the top. With respect to the question of dissemination of information on promotions, if you have the initiative, Mr. Chairman, you get where you want to go. Promotional opportunities are advertised in every branch of the department.

The hon. member inferred that we were falling behind because we were not sorting mail on the trains as much as we used to and he said that we should go back to this practice. In many cases we would be delighted to go back to it but unfortunately we have been forced off the trains and into the use of trucks because of the elimination of trips, the elimination of trains, the introduction of rail diesel cars which do not have the facilities and similar reasons. Actually the voluntary doing away with a sortation car on a train in order to go to the road is, to the best of my knowledge, an unheard of thing in the department. It is only when we have to that we do it.

I thank the hon. member for Ottawa East for his very kind words with reference to the Post Office Department. I can tell him that in most cases, interestingly enough, letter carriers are able to carry on until their retirement age. I will probably get hit over the head for saying this but may I say that I do not know of any group of men anywhere in the country who are more genuinely enthusiastic about their job. I think that is what makes them happy when they call on the hon. member and other people. Most of them stay with their jobs until they retire. Those who do not are absorbed internally within the department, almost always as sorters for whom there is a steady demand.

The hon. member for Kenora-Rainy River raised a good number of fairly technical points which I think can perhaps be dealt with directly by correspondence. The hon. member for Vancouver South referred to the question of superannuation. This is very definitely under study at the present time and personally I agree with the point of view he expressed. With respect to the points raised by the hon. member for Sudbury and the question of amalgamation within his area, we are doing our best to work this out to the satisfaction of the citizens of Sudbury. The hon. member for Maisonneuve-Rosemont referred to imitation stamps. They cannot be confused with regular stamps unless our regulations are broken because on the face of the envelope we only allow our own stamps. These other stamps are quite welcome on the back of envelopes. There is no opportunity for confusion there.

The hon. member for Port Arthur raised a number of technical points. On the question of payment of postage on periodicals I come back to the basic fact that we are in the peculiar position of being next door to a large country which has a large circulation of its publications in our nation. We have to choose between refusing all revenue from them, which happens in some cases, or in other cases allowing them to be mailed in Canada at our rates. It is a nice balance actually to try to determine what the rate picture should be.

So far as the parliamentary frank is concerned, that is entirely a matter for parliament itself to decide. It is written into the statute and it would require an act of parliament to change it. I have sympathy with the hon. member but on the other hand I am very

much aware of the fact that all other people throughout Canada use stamps on their correspondence. Therefore I am inclined to think that members of parliament might want to use stamps on their correspondence when parliament is not sitting.

Mr. Fisher: On that point may I mention this factor? Many people are aware that it is not necessary to put stamps on letters to members of parliament but they are not aware that this privilege lapses within 10 days of the end of a session. Then the member not only has to put up the nickle for the stamp but also has to pay the forfeit. This does not happen rarely but quite often. The minister has a public relations department and perhaps he could do a better job of advertising this situation than individual members of parliament.

I should also like to ask him whether it it is possible for him to procure a breakdown of the figure of $26 million in rough categories as to Canadian and United States periodicals versus newspapers.

Mr. Hamilton (Notre Dame de Grace): There is nothing on file here nor with my officials in the gallery on this point. So far as Canadian publications are concerned, I think it would be difficult, if not impossible, to differentiate between magazines and newspapers. I may be wrong but from memory I think they are bulked together for the purposes of our accounts. However, we certainly could work out some sort of figures to indicate the relationship between publications mailed from the United States and those which are mailed in Canada. I would be glad to develop some figures along those lines.

Mr. Fisher: I appreciate that. I am not asking that the information be given in the house. The minister can send it to me. I imagine that in building up the figure of $26 million some cost factors had to be taken into account. I imagine it is item by item rather than by weight. If the minister could give us some of these factors I should like to have them.

Mr. Hamilton (Notre Dame de Grace): We will be glad to try to work this out for the hon. member and get any information he requires because I think it would be of interest to all.

Mr. Howard: I have one or two comments with respect to the "personal and confidential" matter. This is not a case of scraping the bottom of the barrel but rather it is a matter of concern to the individual who has a letter addressed to him. As I understood the minister he said that such letters may be used by those who received them as they see fit. Therefore I assume that I can disregard any reference to "personal and confidential" on letters from now on and use them as I see fit. That is what I understood the minister to say.

Mr. Hamilton (Notre Dame de Grace): What I actually said was that a number of members had got in touch with me and said that they would like to use the information and I told them to go ahead and use it as they saw fit. However, I am not slow to take a hint. I must say that I will not put "personal and confidential" on as much of my correspondence as has been the case up until now. On the other hand, if members find information turning up in other places and causing them some difficulty, I do not want them to come back and say that I did not do what I said I was going to do. As I say, I am quick to take a hint.

Item agreed to.

305. Operations including salaries and other expenses of staff post offices, district offices, railway mail service staffs, and supplies, equipment and other items for revenue post offices, including administration, $105,664,147.

Mr. Howard: In the details of this item on page 415 there is a reference to mail bags, the third item on that page, and the amount this year is $753,000 odd. The next item is one for uniforms and letter carrier satchels. It is my understanding that the initial making and repairing afterwards of all mail bags is done in our federal penitentiaries.

Mr. Hamilton (Notre Dame de Grace): No, Mr. Chairman. We still operate on the basis of tender so far as mail bags are concerned. I would say that approximately 50 per cent go to the penitentiaries. Some contracts are also let to private contractors. However, repairs are done in the penitentiaries.

An hon. Member: Six o'clock.

The Deputy Chairman: Shall I rise, report certain resolutions and ask leave to sit again at the next sitting of the house?

Mr. Hamilton (Notre Dame de Grace): I do not want to hurry the committee but we have only a few items remaining here. As we have a long day tomorrow, if the estimates went through tonight it might help a great deal, even if we go on for a few minutes longer now.

Some hon. Members: Agreed.

The Deputy Chairman: Shall vote 305 carry?

Mr. Howard: I have another point I wish to deal with. This may take somewhat longer than the minister contemplates. However, I do not know. The minister indicates the

amount of approximately $753,000 for mail bags. This includes the initial cost. Is this for new mail bags this year or is it for new mail bags plus repairs to old ones?

Mr. Hamilton (Notre Dame de Grace): This is our estimate for new mail bags plus the work done in repairing old ones for which we are obliged to pay this year.

Mr. Howard: As to the cost item, how do you relate the cost of making mail bags and repairing them in a penitentiary by inmates? What rate per hour or per unit is charged as compared with what you are obliged to pay on a tender basis?

Mr. Hamilton (Notre Dame de Grace): As an example, out letter bags, the small ones, run about $1.95; the larger ones run about $2.98 plus the clamp locks. The repairs are paid at the rate of 30 cents a bag.

Mr. Howard: You have some mail bags made in penitentiaries. I refer to new ones. What is your cost with respect to those made in penitentiaries? As to the $1.95 for the small ones and $2.98 for the large ones, that is your tender or estimated cost of having that work done by industry. I was wondering what that same cost is for making them new in the penitentiaries.

Mr. Hamilton (Notre Dame de Grace): Actually the prices I quoted were the last prices which we had actually paid. I have this information right here. However, I do not have the figure split between those bags made in penitentiaries and those made by private industry. I would have to send out and get that information. I thought the hon. member had it. However, the basic principle is this. We call for tenders and we follow the principle of going to the lowest tenderer with, however, the reservation that a portion of this work must go to the penitentiaries. Hence there will be occasions on which we will be obliged to pass over a low tender in order to put work into a penitentiary.

Mr. Howard: The minister has indicated that the information about the cost charged by the Department of Justice or the penitentiary branch to his department would be somewhere.

Mr. Hamilton (Notre Dame de Grace): May I just add one brief statement, namely that the penitentiaries, of course, if they are not low, must come down to be low before they get the contract.

Mr. Howard: The Department of Justice or the penitentiaries bid? Is that what happens?

Mr. Hamilton (Notre Dame de Grace): That is right.

[Mr. Howard.]

Mr. Howard: Perhaps this might be something that might be dealt with more appropriately under the penitentiaries branch in order to see whether they are competing fairly. I imagine the wages paid in the penitentiaries are somewhat less than those paid in private industry and would have a bearing on whether or not the penitentiary is able to compete with industry in this matter.

Mr. Hamilton (Notre Dame de Grace): I think that is something which should be discussed with the Department of Justice.

Mr. Denis: We have a complaint about the Casselman post office building on which the inscription is only in English. As 99.9 per cent of the population is French, I hope the Postmaster General will see the Minister of Public Works about this matter.

Mr. Hamilton (Notre Dame de Grace): If anything over 30 per cent of the people who are using that post office are French, we will certainly see that a bilingual sign is put on it. That is our principle.

If 99.9 per cent of the population are French, as the hon. gentleman suggests, we will just put on a French sign.

Item agreed to.

Resolutions adopted in committee of supply of this day reported and concurred in.

BUSINESS OF THE HOUSE

Mr. Pickersgill: Before you leave the chair, Mr. Speaker, may I ask whether the acting house leader can indicate what the business will be for the rest of the week.

Mr. Brooks: Tomorrow, as announced in the business last night, I may tell the hon. member for Bonavista-Twillingate that he will have his day in court as we are taking up the estimates of the Department of Citizenship and Immigration. After that we will take those of the Department of Mines and Technical Surveys and, if we have time, those of the Department of Veterans Affairs.

Mr. Pickersgill: Would that be the business for Friday as well?

Mr. Brooks: No. The business for Friday will be announced tomorrow night.

Mr. Herridge: If I may be permitted to make an observation at this time, as a representative of the socialist and therefore orderly thinking and planning group, may I say that we should like to know why it is necessary to keep bobbing around with the estimates. We should like, as far as possible, to take one set of estimates and to complete them before going on to others. We know that on occasion the ministers are obliged to be

absent from the chamber. However, I think it makes for much more orderly debate to have as far as possible the estimates completed one after the other.

Mr. Pickersgill: I think perhaps I might rise on a question of privilege on this matter and explain to the house that the government made a change last evening in order to suit the convenience of the official opposition because of certain unexpected things that happened today.

It being eight minutes after six o'clock the house adjourned, without question put, pursuant to standing order.

Question

ANSWER TO QUESTION

The following answer, deposited with the Clerk of the house, is printed in the official report of debates pursuant to standing order 39:

TRAVEL BUREAU—ADVERTISING AND PUBLICITY EXPENDITURES

Question No. 402—**Mr. Tucker:**

1. What outlays, if any, have been made by the Canadian travel bureau for advertising and publicity for the years 1957 to 1959 inclusive?
2. To which advertising agencies have such advertising outlays been made?
3. Has the advertising account of the Canadian travel bureau been transferred within the past year?
4. If so, to what agency?
5. Who are the directors of such agency?

Answer by: **Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources):**

The answers to the above questions are related to advertising in the fiscal years 1957-58 to 1959-60 inclusive.

1. 1957-58, $1,252,550.75; 1958-59, $1,366,944.19; 1959-60, $1,415,938.58.

2. Cockfield Brown and Company Limited, Harold F. Stanfield Limited, F. H. Hayhurst Company Limited, Locke Johnson Company Limited, Stanfield, Johnson and Hill Limited, Dalton K. Camp and Associates.

3. Yes, in part.

4. As part of a policy to have the three magazine, newspaper and Atlantic provinces' advertising campaigns handled by separate agencies, the bureau's advertising account has been handled from time to time by several agencies, Dalton K. Camp and Associates being added last year.

5. President, Mr. Dalton K. Camp; vice president, Mr. C. W. Kettlewell; secretary-treasurer, Mr. F. J. Boyer.

[The following items were passed in committee of supply]:

POST OFFICE DEPARTMENT

304. Departmental administration including Canada's share of the upkeep of the international bureaux at Berne and Montevideo, $1,926,670.

305. Operations including salaries and other expenses of staff post offices, district offices, railway mail service staffs, and supplies, equipment and other items for revenue post offices, including administration, $105,664,147.

306. Transportation—movement of mail by land, air and water, including administration, $61,316,459.

307. Financial services including audit of revenue, money order and savings bank business; and postage stamps, $3,123,671.

HOUSE OF COMMONS

Thursday, June 16, 1960

The house met at 11 a.m.

COMMITTEES OF THE HOUSE

Tenth report of standing committee on railways, canals and telegraph lines—Mr. Howe.

Seventh report of standing committee on banking and commerce—Mr. Cathers.

EXTERNAL AFFAIRS

REPORTED RESIGNATION OF CUBAN AMBASSADOR TO CANADA

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): May I ask the Secretary of State for External Affairs whether it is a fact that the ambassador of Cuba to Canada has resigned and has asked permission to remain in Canada.

Hon. Howard C. Green (Secretary of State for External Affairs): I had an interview yesterday afternoon with the Cuban ambassador to Canada, and he advised me that he was submitting his resignation to his government. At that time nothing was said to me about asking permission to remain in Canada, but I was in the midst of a meeting on the Columbia river negotiations and did not have very much time. I believe that subsequently he did raise this question, and that matter is, of course, being given careful consideration.

GRAIN

REQUEST FOR STATEMENT ON DELIVERY AND QUOTA POSITION

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I wish to direct a question to the Minister of Trade and Commerce arising out of the fact that, generally, grain delivery quotas on the prairies are lower now than they were a year ago. Between 300 and 400 points a year ago were on the 7 or 8-bushel quota, whereas there are none this year. Could the minister tell the house whether quotas are likely to exceed 6 bushels per acre at the end of the crop year, and could he comment on the progress that is being made toward providing equalized quotas and equal opportunities for delivery by July 31?

Hon. Gordon Churchill (Minister of Trade and Commerce): It is just in order to provide equalized opportunity and equalize quotas that greater attention has been paid this year to the quota distribution system. Actually it is better this year than it was last year. At the end of May last year there were 88 points on the 3-bushel quota and this year there are only 3. Last year there were 709 on the 4-bushel quota and this year 335. Last year there were 556 on the 5-bushel quota and this year 1,128. Last year there were 274 on the 6-bushel quota and this year 541. This indicates an improved condition. There were a number on the 7-bushel quota last year but that was not a clear picture of conditions, because in some of those areas the 7-bushel quota could not be fulfilled. This year an attempt is being made to bring everybody up to the 6-bushel quota across the board before there is any move made to raise it higher, and so far it has worked out very satisfactorily.

Mr. Argue: A supplementary question. Is the minister in a position to say whether grain deliveries this year are likely to equal those of last year, or will they remain as they are now, behind those of last year?

Mr. Churchill: Mr. Speaker, that is a question based on statistical information which we would have to assemble. The hon. member asks for a forecast to July 31. It is not possible at this moment to determine accurately what will be the final marketing of grain by July 31. If the hon. member wants the statistical information I think we could supply it if he would put his question on the order paper.

Mr. Argue: I have the statistical information in my hand. I wonder if we can make up the 30 million bushels in deliveries we are now short from a year ago?

Mr. Churchill: Every effort will be made to equal the amounts that were delivered last year, but here again it is not possible to forecast at this time just what the position will be by July 31.

ALBERTA AND SASKATCHEWAN—CANCELLATION OF FEDERAL SHARE OF SEED GRAIN LOANS

On the orders of the day:

Mr. J. N. Ormiston (Melville): Mr. Speaker, I should like to address a question to the Minister of Northern Affairs and National

Resources. When will the government announce its decision on loans for seed grain to needy pioneer settlers in western Canada?

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): Mr. Speaker, I had hoped to make this announcement some time ago. I am glad to have the opportunity this morning to answer the question of the hon. member for Melville.

Between 1876 and 1925 the federal government advanced loans for seed grain, fodder for animals and other relief to needy settlers in western Canada. Supplementary advances which were made in the provinces of Alberta and Saskatchewan between 1919 and 1923 were implemented on a 50-50 joint federal-provincial basis. These advances were secured by liens registered against the homesteads, pre-emptions and other lands of the settlers concerned.

From 1927 to the present time the total principal indebtedness has been reduced from $16 million to approximately $200,000, through an extended program of compromise settlements; outright cancellation where extenuating circumstances justified such action; tax and mortgage foreclosure proceedings, or reversion of the lands to the crown. All the liens registered against lands in British Columbia and Manitoba were discharged or released some time ago, and payments in respect of the remaining Alberta and Saskatchewan indebtedness have fallen off in recent years due to unfavourable crop conditions.

Investigation has revealed that the majority of the outstanding accounts are registered against marginal or submarginal farms owned by small unit operators, many of whom suffered severe crop damage during the past winter, and further payments would cause unwarranted financial hardship.

Therefore cabinet has granted approval for cancellation of the remainder of the federal share of seed grain indebtedness, and the provinces of Alberta and Saskatchewan have concurred in this recommendation with respect to the 1919-1923 joint federal-provincial advances.

Hon. Paul Martin (Essex East): On a point of order, Mr. Speaker, the practice is growing, apparently, for the ministry to make statements and announcements of policy on the orders of the day when, under our procedure, it is not possible to make the comments which the opposition should be entitled to make. This procedure has been followed not only by the present minister but by others on preceding days. I should think Your Honour would find it helpful to remind the ministers of this government that statements of this kind should be made on motions.

[Mr. Ormiston.]

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I know this has happened in the past; it happened under the former government. I am not going to disagree with the hon. member, and I am sure the house would be glad to concur in giving him an opportunity to make his observations.

Mr. Speaker: If an answer to a question is in effect a statement, I think the suggestion the Prime Minister makes is a very appropriate one because the resorting to question and answer to make what is an official announcement should not deprive members of the house, or at least representatives of the two opposition parties, of the opportunity to comment. Yesterday leave was given to the Secretary of State for External Affairs to make a statement in answering a question and there was an opportunity for comment. The answer which has given rise to the hon. member's point of order was, I think, rather long and perhaps more in the nature of a statement than an answer appropriate to the question that was asked.

Mr. Martin (Essex East): On the point of order, I would point out that in the particular case today leave was not granted, and I would simply say to the Prime Minister that I should have thought that he, as the head of the government, would support the position we have taken.

Mr. Hazen Argue (Assiniboia): I take it that observations are in order, and I also have a supplementary question. These old seed grain liens have been a burden for some producers in western Canada for a very long time. Over the years I have had some experience in negotiating settlements for producers having difficulty in making the required payments, and I must say in all fairness that the officials of the department have been most generous in scaling down the amount of the indebtedness so the farmers could meet their obligations. Now that the total amount is down to such a small figure as $200,000 I think the action of the federal government in cancelling the federal portion of the remaining debt is probably an efficient way to deal with the matter.

My supplementary question has to do with this point. I was wondering whether this welcome but rather limited statement as to the cancelling of the seed grain liens was the government's alternative to the western farm delegation which has requested deficiency payments.

Mr. Hamilton (Qu'Appelle): Mr. Speaker, I think the observation of the hon. member for Assiniboia is hardly warranted. The government, as is well known—

Mr. Argue: This is the half a peanut I was talking about.

Mr. Hamilton (Qu'Appelle): —is willing to do anything at any time to help the farmers of western Canada, and this is just another indication of our policy.

TRANSPORT

LAKEHEAD—REQUEST FOR LONGER WAITING TIME FOR FREIGHT CARS

On the orders of the day:

Mr. Hubert Badanai (Fort William): Mr. Speaker, I wish to direct a question to the Minister of Transport. However, in his absence perhaps the parliamentary secretary will take it as notice.

Railways serving the ports of Duluth, Minnesota and Superior, Wisconsin have raised from two to seven days the period of free time during which goods wagons or freight cars may stand at the dock without charge to the shipper. Would the minister bring this to the attention of Canadian railroads and recommend that they take similar action in order to improve the competitive position of Fort William and Port Arthur in relation to these two United States ports?

Mr. C. W. Hodgson (Parliamentary Secretary to the Minister of Transport): Mr. Speaker, I shall be glad to take that question as notice in the minister's absence. I am sure the minister will bring this to the attention of the railway officials and the hon. member will probably receive his reply from the railway officials.

NATIONAL PARKS

POINT ROBERTS, B.C.—STATEMENT ON ESTABLISHMENT OF INTERNATIONAL SITE

On the orders of the day:

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, I should like to refer to a question asked yesterday morning by the hon. member for Vancouver East in connection with the establishment of an international park at Point Roberts in the lower mainland of British Columbia.

Interdepartmental consultation has taken place in Ottawa, and the various facets of the proposal for an international park at Point Roberts have been carefully examined. There are certain practical difficulties. One difficulty is that the land involved does not lie wholly within the control of the federal government. There would have to be some move made by the provincial government in support of the establishment of such a park and also, of course, there would have to be some initiative shown by the United States federal government. If the provincial government makes a move and is willing to cooperate the federal government would certainly give very sympathetic consideration to this proposal.

Mr. Harold E. Winch (Vancouver East): A supplementary question, Mr. Speaker. Has any approach been made to the federal government by the provincial government or the parks commission of British Columbia? I take it that no approach whatever has been made.

Mr. Green: So far as I can ascertain no approach has been made by the provincial government. Letters may have been written in earlier days by the lower mainland parks association, or whatever the proper name of the organization is, but I am told by my officials that no approach whatever has been made by the provincial government.

FINANCE

EXCELSIOR LIFE INSURANCE COMPANY—CONTROL BY U.S. INTERESTS

On the orders of the day:

Mr. Theogene Ricard (St. Hyacinthe-Bagot): Mr. Speaker, I should like to direct a question to the Minister of Finance. In view of the statement made to the press last week by Major General Bruce Matthews, president of the Excelsior Life Insurance Company and president of the national Liberal federation, to the effect that he and members of his family have sold their interest in the Excelsior Life to American interests, would the minister tell the house whether the government has the power to prevent control of the assets of this company, totalling over $100 million and representing the savings of thousands of Canadian policyholders, from passing into foreign hands?

Hon. Donald M. Fleming (Minister of Finance): Mr. Speaker, I am sure it is a matter of regret on the part of all of us that the control of this fine old Canadian life insurance company should be passing out of Canadian hands. It is, however, a corporation which was incorporated under the laws of the province of Ontario in 1889. It did register with the federal authorities in 1897 and has operated under the normal federal supervision since that time, as do a few but very few provincially incorporated life insurance companies. But this gives parliament and the government no authority or jurisdiction in this situation. The legislation which I introduced in the autumn of 1957 and which was passed by parliament applies, of course, to life insurance companies under federal jurisdiction. Accordingly, neither parliament

nor the government has any authority or jurisdiction to interfere with the transfer of control of this company to foreign hands.

Hon. L. B. Pearson (Leader of the Opposition): A supplementary question. Did the government intervene informally in this matter in order to prevent this happening as was done successfully by the previous government in a similar situation involving another insurance company?

Mr. Fleming (Eglinton): Mr. Speaker, there were discussions between General Matthews and the superintendent of insurance in relation to this subject. I did not discuss the matter personally with General Matthews, but I was made acquainted with the results of the discussions between the federal superintendent of insurance and General Matthews. The views of the federal authorities in this respect I think are well known, and the policy of the government is well known. There was some information asked of General Matthews by the superintendent of insurance, I am told, which General Matthews did not feel he was prepared to give. I point out, however, that this is a matter that falls under provincial rather than federal jurisdiction.

Hon. Paul Martin (Essex East): May I ask a supplementary question. May I ask the minister whether he does not feel that he personally, as Minister of Finance, if he had wished and if it were the government's desire and policy, could have intervened, just as the previous administration did in the case of an attempt by outsiders to purchase a dominant interest in the Sun Life Assurance Company of Canada?

Mr. Fleming (Eglinton): If the previous administration did at any time intervene with a view to preventing the control of any Canadian life insurance companies from passing into foreign hands, then I can only say they were singularly unsuccessful.

Mr. Pearson: Inaccurate again.

Mr. Fleming (Eglinton): One of the reasons we as a government, very soon after taking office, in fact during the first session after the election in 1957, asked parliament to pass legislation in this field with a view to preventing control of Canadian life insurance companies from passing into foreign hands, was that the control of five substantial Canadian life insurance companies had already passed into foreign hands under the previous government. This was the background against which this legislation was introduced in 1957.

The hon. member has just referred particularly to the Sun Life Assurance Company. I do not know why he claims any credit for the government of which he was a member in that respect. I have some information on this subject which indicates that credit for preventing the loss of control of this corporation should go to someone who was not connected with the former government at all, and I hope was not a supporter of it.

[Mr. Fleming (Eglinton).]

Mr. L. D. Crestohl (Cartier): May I ask a further supplementary question to the Minister of Finance. Would the minister accept my congratulations upon being so well and so fully informed on so casual a question.

Mr. Fleming (Eglinton): I thank the hon. member for his kind message, which I accept in good part. I might say I accept it with due appreciation. I may tell him, however, that for some days I have been expecting that somebody would be asking a question on this matter. I had thought that perhaps one of the members opposite would take advantage of the opportunity to ask this question. The matter has been referred to in the press from time to time of late, and—

Mr. Speaker: Order.

Mr. H. W. Herridge (Kootenay West): I wish to ask a supplementary question of the Minister of Finance. Would the minister consider initiating taxation policies that would act as a deterrent in cases like this with respect to the transfer of companies?

Mr. Speaker: Order. I think the hon. member is asking for a declaration of fiscal policy on orders of the day which is contrary to any practice of the house. Furthermore, the matter has been debated rather extensively up to this point. I think it might be dropped.

QUEBEC

INQUIRY AS TO BETTING ODDS ON PROGRESSIVE CONSERVATIVES IN ELECTION

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I wonder if I could ask the Prime Minister whether he could inform the house what odds are being offered by the national director of the Progressive Conservative party on the election of one Progressive Conservative member in the Quebec provincial election?

CITIZENSHIP AND IMMIGRATION

REPORTED CENSUS OF PEOPLE OF CHINESE ORIGIN

On the orders of the day:

Mr. Frank Howard (Skeena): I would like to direct a question to the Minister of Justice, but in his absence I will direct it to his parliamentary secretary. Can the minister indicate whether the Royal Canadian Mounted Police are presently conducting a so

called census, or are undertaking to obtain information by questionnaire, of people of Chinese origin across Canada? If so, under what authority is such a census being undertaken, and can the minister also indicate whether the Chinese people are obliged to answer any such questions?

Mr. Thomas M. Bell (Parliamentary Secretary to the Minister of Justice): I will take the question as notice and an answer will be given in due course.

INDIAN AFFAIRS

SAUGEEN RESERVE—STATEMENT ON SURRENDER OF LAND FOR HIGHWAY

On the orders of the day:

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, yesterday the hon. member for Skeena made some inquiries with reference to land required for highway purposes in Ontario. I presume he had reference to highway No. 21 which passes through Saugeen Indian reserve No. 29.

The highways department of the province of Ontario is desirous of securing sufficient land to widen and improve this highway, and it has been negotiating with the council of the Chippewas of the Saugeen band in an effort to reach agreement as to the conditions on which the land required for widening would be made available. Negotiations are still under way, and in the meantime the land has not been made available to the province.

The normal procedure in handling applications for lands required for public purposes is to require the applicant to reach agreement with the Indians concerned. When such agreement has been reached the land is made available under section 35 of the Indian Act by order of the governor in council. As I stated yesterday, the provisions of the Indian Act are always followed in matters of this kind.

AIRPORTS

OTTAWA, ONT.—INQUIRY AS TO OFFICIAL OPENING

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I would like to ask the parliamentary secretary to the Minister of Transport, in the absence of the minister, in view of the fact that the air terminal at Uplands was opened unofficially yesterday by a former prime minister of Canada, whether the government has any plans for an official opening and, if so, when it will take place.

Mr. C. W. Hodgson (Parliamentary Secretary to the Minister of Transport): We will take that as notice and let you know, Jack.

Some hon. Members: Oh, oh.

Mr. Speaker: I hope the hon. member was not addressing the Chair.

PUBLIC SERVICE

RETIREMENT POLICY RESPECTING CIVILIAN EMPLOYEES AT ARMY BASES

On the orders of the day:

Mr. Harold E. Winch (Vancouver East): Mr. Speaker, I would like to direct a question to the Minister of National Defence. Can the minister inform the house whether it is the policy of this department or the policy of the government that civilian employees at army bases must be discharged at the age of 70 whether or not they are capable of working on? I ask the question because—

Mr. Speaker: Order. I would think that question might better be on the order paper.

Mr. Winch: Might I say that I know of a case where on the basis of orders from Ottawa a man was discharged because he was 70 years of age and—

Mr. Speaker: Would the hon. member put his question on the order paper.

Mr. Winch: I wanted to ask the minister direct.

DOMINION-PROVINCIAL CONFERENCE

REQUEST FOR REPORT ON MEETING OF FISCAL COMMITTEE

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Is the Minister of Finance able to report on the dominion-provincial annual "seminar" which has been held in Ottawa this week?

Hon. Donald M. Fleming (Minister of Finance): Mr. Speaker, I am not aware of any seminar being held. I am aware, however, that an important, useful and constructive meeting of the federal-provincial continuing committee on fiscal questions was held in this city on Monday and Tuesday. It was called for the purpose of preparing in its field for the plenary conference to be held in this city on July 25, 26 and 27.

Hon. Paul Martin (Essex East): A supplementary question. Has the minister any comment to make, in view of what he has just said about the reported statement of the premier of Ontario, namely that since Ontario needs more moneys, which are apparently not going to come from the federal government, Ontario proposes to no longer continue leaving to the federal government the collection of taxes which it feels belongs to that province?

Inquiries of the Ministry

Mr. Fleming (Eglinton): Mr. Speaker, all the present agreements under which direct tax fields or standard tax fields are rented under the provisions of the Federal-Provincial Tax-Sharing Arrangements Act to the federal government expire on March 31, 1962. It will be a matter for decision on the part of all governments concerned as to what arrangements they wish to have made in this field after that date.

The hon. member certainly does not need to be assured that this federal government will never attempt in any way, shape or form to dictate to the provinces what they shall do in fields of jurisdiction belonging to them.

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I wonder if I could ask the Minister of Finance, who described this meeting as constructive, whether the meeting was successful in constructing an agenda for the conference in July, and if it is the intention of the government, as was done by the former administration, to make that agenda public before the meeting.

Mr. Fleming (Eglinton): I was asked questions just a few days ago concerning the agenda, and I made an answer at that time. Perhaps it has not come to the attention of the hon. member, but I then indicated that in due course, and in part in the light of the discussions which were held in the continuing committee on Monday and Tuesday of a preparatory nature, communication will be had with the provincial governments in relation to the agenda. There will be no attempt to dictate to any provincial government what shall or shall not go on the agenda; that will be a matter for consultation and general decision.

Mr. Martin (Essex East): Is the minister's last remark intended to try to repair the obviously deteriorating situation which now prevails as between Ontario and the federal government?

Some hon. Members: Oh, oh.

Mr. Speaker: Order. This discussion seems to have gone beyond the earnest search for information. I suggest that it be dropped at this point, unless the minister feels there is an inference which has been drawn to which he should reply.

Mr. Fleming (Eglinton): Yes, Mr. Speaker, I feel there is a very erroneous and misleading inference in the hon. member's last question. Let me say to him that when he talks about deterioration I think he is drawing on his own imagination. Far from there being any deterioration in relations between the federal and provincial governments, I think they were never better than they are today. My last answer was given not with a view to repairing anything lacking in those relations but with a view to repairing the faulty knowledge and memory of the hon. member.

Mr. Pickersgill: I wonder if I might ask a supplementary question. Would the minister say that the relations of the federal government with all the provincial governments are better than they have ever been before?

Mr. Fleming (Eglinton): I was speaking in general terms—

Mr. Speaker: Order, I think an expression of opinion on that question would be beyond the administrative jurisdiction of the minister and had better not be recorded.

SUPPLY

The house in committee of supply, Mr. Flynn in the chair.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

Immigration branch—

50. Administration of the Immigration Act, $1,219,129.

The Chairman: Order. It was agreed we would continue with discussion of item No. 50. This item will be found on page 13 of the blue book, the details on page 134. Shall the item carry?

Mr. Peters: Mr. Chairman, in speaking on this item the other day I believe some of the remarks which were credited to me were erroneously recorded and the implications drawn from them were not correct; therefore I think I should not leave this particular impression.

We were very critical of the immigration policies as they affect the immigration of Chinese, and of the problems which have developed in the investigations now taking place into this sort of immigration. We were very surprised to note that the hon. member for Bonavista-Twillingate appears to be either in charge of the department here or in very close connection with it. Rather than being chastised by the minister of immigration, I found that this task fell upon the former minister of immigration who proceeded to undertake this duty as either the minister or the ex-minister or the associate minister or whatever he considers himself to be.

Speaking of this, newspapers across the country picked up a chance remark which was made during the speech of another member and attributed it to me. I was reported to have said that the whole Department of Citizenship and Immigration is rotten. This was certainly not my intention. It was not in the context of my remarks. I have an

obligation to make it very clear that I do not consider this to be the case, and never did. I have the highest regard for the civil service in general, and though I am not familiar with most of the people in the civil service who are attached to the Department of Immigration I presume that their honesty and integrity are similar to those in the other branches of the civil service, and beyond reproach.

However, I still consider that the reported infractions of the Immigration Act as they affect Chinese citizens could not have been entirely unknown. We have been told according to newspaper reports that as many as 11,000 Chinese may have come to Canada illegally in the last number of years, and I suggest this is a matter that not only those officials in Hong Kong who are appointed on a part-time basis to carry out investigations and the questioning of applicants must have known about. There must have been officials elsewhere in the department who had some knowledge of irregularities through reports which must have come in continually over the years indicating that irregularities were taking place in the department. If we are to believe or even to suspect that such breaches of the immigration regulations have taken place, we can only come to the conclusion that there have been officials throughout the department who must have known or suspected that all was not as it should be.

I am not alone in drawing this conclusion. We have been told that over the years there have been continual releases of personnel in Hong Kong, particularly in the interpretation and investigation branch where local people were employed, and that from time to time problems were raised. One of the reasons we are so concerned about this matter is that we believe there should be no discrimination with regard to immigration into Canada. We think that the present law as it affects the Chinese people is discriminatory and not in keeping with what the Canadian people believe should be the case in a country free from discrimination, a country which treats people of all races and creeds as being equal.

If these stories are true, in connection particularly with the immigration of Asiatic people, then I think some overhaul of the department is necessary in order to see that these infractions do not take place in the future. This would mean to me that the act itself should be changed so it would not be necessary for these infractions to take place, or so that no encouragement should be given for them to take place.

We are concerned about this matter for another reason. We sat on a committee this year which investigated a situation that involved infractions of rules and regulations, and I believe there have been infractions of these rules and regulations. While the R.C.M.P. have investigated those cases, with only one or two exceptions they have not been able to ascertain who was responsible for the infractions or even the extent of the infractions.

I believe this will be the situation in relation to the department of immigration. It does not seem fair to me that all the Chinese people in Canada should be suspect because there have been infractions of the immigration law. I do not think it is legitimate that a questionnaire should be circulated and that the Chinese people should be asked to make certain commitments and certain statements to the R.C.M.P. or anyone else that would not be asked of people of other nationalities or other new citizens. I think these practices are discriminatory, and I do not believe they should be engaged in. It would seem to me that one should at least be fair to the people who have come here. Most of those who came in, even if they came to this country legally, paid their money and expected that they would be allowed to stay here, and have since tried their best to be good citizens. I believe many of them have been here for some time now, and have proven themselves to be good citizens.

I am not saying anything in the House of Commons, and I do not intend to say anything here, that I would not say any place else. I have been accused recently, as have other members, of doing so. It seems to me a nice way of saying that you are abusing your parliamentary immunity. I do not know what this involves. I am not sure I even know what it is. I have never been shy about voicing my opinions in any place; I think this is a freedom to which Canadians are entitled, but I do not think that should be so here any more than anywhere else. If there is a regulation which gives us some preference I have not used it and do not intend to use it.

I think this matter is so serious that I believe the minister should set up a commission immediately to investigate it. I will talk to the Chinese people with whom I have come into contact about appearing before such a commission if I can assure myself that discrimination will not be used against them and that they can accept the guarantees which are given. To date I agree with the Chinese association in its statement that it will not ask the Chinese people to testify or appear because it does not believe they will be given that immunity which they were promised in such a half hearted way. If immunity is to be granted, let the minister say she will guarantee it and that the government will stand behind it.

In this country we do not have a fifth amendment. When people testify they do so knowing very well that anything said under oath may be used against them, and unless the minister can take responsibility for allowing this right which is given in one country in particular by the fifth amendment I do not believe these people will come forward to testify. I would be happy to ask those with whom I come into contact to do so, but I will only ask them to appear if they can be reasonably certain that the assurances given by the commission will be sufficient to prevent their deportation and arrest for infractions which have taken place.

We have no objection to those people who are involved paying the full penalty of the law, since presumably they broke it and received remuneration for doing so knowing well, I imagine, what they were doing. But if any immigrants came in on that basis they have a right to protection. If they come forward the minister should be able to solve a problem that has bothered the department for many years. I suggest that an investigation take place in the department. I am sure the minister has nothing to hide. The people should be given immunity so they could come forward and we could clear up the problem. We are a country relatively free of discrimination as to race, colour or creed, and this freedom should apply in the Department of Citizenship and Immigration.

If the minister sets up a commission I will examine the guarantees given, and if I am satisfied with them I will ask the Chinese people in my constituency and those I know elsewhere to come forward; but I will do so only if I am sure they will not be deported on the basis of their testimony.

Certain people throughout the department must have known about the situation. I condemn them for the stand they have taken. They could have made a report at any time, on which report I am sure the minister would have acted. If we can believe the newspaper reports, they failed to come forward. My condemnation does not apply to the average employee of the department for whom I have the regard I have for most members of the civil service.

Mr. Pickersgill: Does the minister wish to say something in reply to the hon. member for Timiskaming?

Mrs. Fairclough: I do not think it is necessary, because I made a statement last week after the plea was made by the hon. member for Bonavista-Twillingate. I feel that my statement was comprehensive and well understood.

Mr. Pickersgill: I wanted to embark on a different subject and that is why I thought I should first give the hon. lady a chance to say anything she had to say at this point.

I wish to speak about the question of the amendment to the act to which the hon. lady referred in her opening statement the other day. As a preface to what I have to say I should like to read from *Hansard* of April 29, 1955, when I was the minister of this department and my estimates were before the committee of supply. Certain observations were made at that time by the hon. gentleman who is now Prime Minister of Canada about the act and the regulations under which the department was then and still is—and I emphasize "still is"—operating, because there has been no change of any substance made, as the hon. lady indicated herself quite clearly in her opening statement.

I do not want to read unnecessary extracts from the debate, so I will start at the end of the first column on page 3320. These are the words of the present Prime Minister then sitting in opposition as the hon. member for Prince Albert:

> —I come to the other matters that were being discussed this afternoon, that is the regulations and the application of those regulations by the department. I think however much the minister may endeavour to explain them away, the regulations are unjustifiable in their present form. They are interpreted according to the whim and caprice of the individual official. They bring about in consequence a denial of fundamental rights. They constitute in fact arbitrary lawlessness.

The Prime Minister went on to say as reported at page 3321:

> If that is not done—

That is, some changes made.

> —are we going back to the days of the star chamber where appointees of the crown sat, made their decisions and placed themselves above the law? That is my main criticism of the department of immigration today. I do not lay the slightest personal wrongdoing at the feet of the minister. But I do say that the minister, having inherited the department and having had seven or eight months to clear away these wrongs—and they are wrongs—we have a right to ask today, "What have you done? Why have you not acted? What is the reason that equity and law have been pushed aside and the arbitrary say-so of an individual in a department has been placed above the law of the land?"

For three years now the hon. gentleman who described the procedures and regulations of the department in those terms has had the final responsibility for the government of Canada, and no change whatsoever of any consequence has been made in what the Prime Minister when he sat over here described as "arbitrary lawlessness" and said the opposition had a right to ask:

> What have you done? Why have you not acted? What is the reason that equity and law have been pushed aside and the arbitrary say-so of an individual in a department has been placed above the law of the land?

Those were serious charges by a very eminent member of the bar of Canada made five years ago, and for three of those five years that hon. gentleman has been Prime Minister of this country and has apparently continued to tolerate this arbitrary lawlessness, as he described it. I did not agree with the hon. gentleman at the time nor do I agree with him now, but that was presumably the view with which he was opposing the government. The hon. gentleman presumably said it with sincerity and meant it. I think we should ask the minister to tell us what arbitrary lawlessness that existed in the department when she became minister has been ended, and how it has been ended, and to described in detail what has been substituted for what the Prime Minister described in these words:

> What is the reason that equity and law have been pushed aside and the arbitrary say-so of an individual in a department has been placed above the law of the land?

That is what the Prime Minister said was the state of affairs in the department. The hon. gentleman said that five years ago. It is true that the Prime Minister does not seem to remember this very well, because I have in my hand a document tabled in response to a motion I made for papers.

I read an article in the Toronto *Telegram*, a newspaper that is not notoriously unfavourable to the present administration. This newspaper published a series of articles by George Brimmell, one of their reporters, who came to see the minister and myself and a number of other people before he wrote the series. In one of the articles which appeared on March 11, 1960 Mr. Brimmell said:

> In April, 1955, while he was in opposition, John Diefenbaker accused the immigration department of "arbitrary lawlessness" in its administration. He said the department was tangled in red tape which is "in some cases administered... by sawdust Caesars who believe they are above the law."

I might say that if this is examined in its context—and I have the context here—the hon. gentleman did not in those terms apply it to me although indirectly that application may have been intended. I would think it was rather intended to apply to the officials of the department. Mr. Brimmell's article goes on to state:

> Mr. Diefenbaker said then that fundamental rights are denied because unjustifiable regulations were "interpreted according to the whim and caprice of the individual official."
>
> If that was true in 1955, in what way had the situation changed since Mr. Diefenbaker assumed power in 1957?

This was published in a newspaper which I am sure is more friendly to the present government than any other newspaper in this country today, and for good reasons having nothing to do with its being a newspaper.

> If that was true in 1955, in what way had the situation changed since Mr. Diefenbaker assumed power in 1957?
>
> This question was put to Mr. Diefenbaker's office by the *Telegram*.

They drew the Prime Minister's attention to this correspondence, and this was the reply:

> A letter from the Prime Minister's executive assistant said that "Mr. Diefenbaker did not recall the specific occasion in question, nor did we have a copy of the clipping readily available for him"—

I make nothing of this. It is in *Hansard*; there was no question of a clipping. I continue:

> "—and under all the circumstances, he felt it better not to comment."

Well, that may have been a very wise view to take. I must say that I put a motion on the order paper to get this correspondence and, because of the technical wording of my motion, I was told there was no such correspondence. I then got in touch with the Prime Minister's executive assistant who explained the circumstances to me—and very reasonably, I think—and gave me the full text of the letter that he in fact wrote to Mr. Brimmell. I would be quite prepared, if there is need to do so, to put the whole letter on the record, but the substance of it is given in the article and I do not think it would serve any particular purpose. I just wanted to be quite sure that I was not in any way being unfair in quoting only part of what appeared in this letter.

Now, my question is this. Does the minister, after two years in her present office, feel that the Prime Minister was right in 1955 when he described this department as being in a state of arbitrary lawlessness, and when he said that "equity and law have been pushed aside and the arbitrary say-so of an individual in a department has been placed above the law of the land"? Does the minister feel that this is the state of affairs that prevails in her department? If she does feel that, what has she done about it; because in so far as the enumeration which the hon. lady gave the other day is concerned, there was really nothing—perhaps to be completely fair I ought to recall what that enumeration was. These were the changes which the hon. lady said had been made since the present government took office. This is to be found at page 4711 of *Hansard* of June 9, 1960. They are numbered, and read as follows:

> 1. One of our first moves after taking office was to change the regulation which had formerly prevented Canadian residents of Asian origin from sponsoring the admission of their spouses and children until they became Canadian citizens.

This, it is true, did make it possible for certain persons who had not previously been allowed to apply for their relatives, to apply for them, but it did not change in any way the conditions attendant upon those applications, so that if those applications were decided by arbitrary lawlessness before, this made no difference; it merely provided a few more cases which could be decided by the arbitrary lawlessness. So this could not have removed the arbitrary lawlessness that the Prime Minister was so eloquent about in those days when he occupied a position of irresponsibility, sitting over here on this side of the house.

2. Next, the immigration appeal board was strengthened and its scope expanded.

Well, I would be quite interested to hear in what way the immigration appeal board, which I set up, has been strengthened. Perhaps when the hon. lady replies she can indicate how it has been strengthened. Has it been strengthened in personnel; has it been given any greater powers than it had before, or has it been given any greater scope? I understand it has been given greater scope. At a later stage I want to ask a few specific questions about that additional scope.

I took the view, when I recommended that the immigration appeal board should be set up, that under the terms of the act there was really nothing that could be adjudicated by a board in the normal sense of the word "adjudication" except with respect to landed immigrants; that landed immigrants, once they were landed, had certain rights in this country and their rights ought to be protected, and should be given the power to appeal where they could be represented by counsel who would be there to protect those rights. I also took the view that persons who were not landed immigrants but who happened to be visitors and were ordered deported, could hardly form a useful subject of any adjudication because there were no rights involved. What was involved was a judgment which this parliament saw fit, when the Immigration Act was last enacted, to impose upon the minister and ultimately upon nobody else. And even though the minister, or I when I was minister, might wish to take away those appeals from the minister altogether we could not have done it because parliament imposed that duty upon us and we had to perform it. We could get someone to assist us and that is what the board, and that is all the board, can do under the law as it now stands.

I am sure the hon. lady will agree with that without any question. So any arbitrary lawlessness that may have existed, to use the words of the Prime Minister, certainly could not have been taken away by any change in the immigration appeal board, because the immigration appeal board in the past had jurisdiction to hear all the cases of those persons who had rights under the act, and to hear them publicly and with counsel representing them.

[Mr. Pickersgill.]

The third change the hon. lady referred to was:

3. A new policy governing temporary residents of Canada was announced in August, 1958 which made it possible to regularize the status of several thousands of persons who had previously entered the country on a non-immigrant basis.

Well, now, lest the hon. lady try to get away with any view that this would take away that arbitrary lawlessness, it was, of course, just another arbitrary regulation, and a regulation which I consistently refused even to consider when I was minister. I am wrong in using the term "regulation"; it was an edict of the hon. lady. It is not a regulation. There is nothing in the regulations to say that after a certain date which escapes me at the moment, I think early in 1959, visitors would not be processed in Canada but would have to go back home and reapply.

That was, in my view, an arbitrary act by the minister. I said so at the time; I condemned it the other day when I was speaking, and I still think it is a very unfortunate policy which ought to be changed. But in no way could it have been said to reduce any arbitrary conduct there may have been in the past. It certainly was an increase of it. I think it was an arbitrary act.

4. In co-operation with the provinces, significant improvements were made in measures providing for the welfare of immigrants after arrival.

I congratulated the hon. lady when she announced those changes and I am very happy to congratulate her again. This was a policy in which I took a great deal of interest when I was in the department, and my predecessor also took an interest in it. I am very glad the hon. lady has gone on in that direction because I think, speaking generally, the provincial governments, because they are in this business and Canada is not, have much better agencies for looking after welfare, and that it is much better to make arrangements with the provincial governments to have this done wherever it can be done on a satisfactory basis. I think the steps taken by the hon. lady in this field were progressive ones, just as I think those that we took previously also were progressive.

5. Another important change, which I announced to the house only last month, simplified the arrangements by which residents of Canada may bring fiancees to this country.

Of course that is just an administrative arrangement. There is really no provision for this in the regulations at all. I think what the hon. lady did was a very sensible thing, but it was just another step in the direction of liberalization which has gone on steadily over the period since the Chinese immigration act was repealed in 1946. It had nothing whatever to do with the so-called arbitrary lawlessness to which the Prime Minister referred when he was over here in the speech he made in April, 1955.

I think the time has come when the minister should tell us whether she thinks the Prime Minister was right. Mind you, the Prime Minister was not talking about the minister at that time. I read the paragraph where he said he specifically exempted the minister from any wrongdoing. He was talking about the regulations and about the officials who administer the regulations when he described this situation as a state of arbitrary lawlessness. If it was a state of arbitrary lawlessness in 1955, surely a prime minister who is going to keep us here to consider a bill of rights later this session ought to do something first about rights which five years ago he said were not being respected. I do think we are entitled to know from the minister whether, in the light of experience, she at least thinks the Prime Minister was wrong in what he said in 1955.

Mr. Herridge: Mr. Chairman, when this estimate was last before the committee I had spoken for only five minutes when the adjournment hour came. I dealt briefly with the question of the deputy minister taking office, and I said at that time that I was going to direct the attention of the house to a few matters that had been brought to my attention by my constituents in general, by veterans, Legion branches, trade unionists and members of the Chinese community in my constituency. I am going to do so now as briefly as possible.

Before proceeding further I wish to emphasize once again that we believe a great deal of the dissatisfaction with immigration into Canada at the present time arises because we do not have a planned immigration policy. I do not underestimate all the difficulties. I have had a lot to do with immigrants from various countries. I do not underestimate the difficulties at all, but we do suggest that the greater part of our trouble arises from the fact that we have no planned immigration policy.

We in this group believe that immigrants should be processed at their point of origin, and that when it is decided that they are qualified to come forward they should be brought here only when employment and housing are available. As long as we continue this hit-or-miss policy we will find immigrants—and I do not blame the immigrants —taking jobs away from Canadians who are unemployed when the immigrants arrive, or competing with Canadians for housing that is in short supply. We think this is most unfair, particularly to unemployed Canadians, because we believe our first responsibility is to Canadians. While we have an over-all responsibility to accept as many people in Canada as we can properly absorb, our first responsibility is to Canadians and at the present time to the nearly half a million Canadians who are unemployed.

I suppose it is because of the unplanned immigration policy and its effects throughout the years, particularly in recent months in the light of unusually high unemployment, that I have received a number of letters very critical of our immigration policy. The present policy at times creates unnecessary ill will. As I have brought to the attention of the house before, a case came to my notice just a year ago involving a man born in the city of Nelson. He brought up his family there, served and fought for this country for five years, has four children and was unemployed for six months. Day after day he went to the unemployment insurance office seeking work. I do not blame the immigrant in this case, but this is the sort of situation that creates ill will on the part of Canadians and is unfair to the immigrants as well. A job is open and this unemployed Canadian finds it being taken by an immigrant from another country, who arrived two days before.

Therefore I want to emphasize the point of view of this group that we believe there has to be a planned immigration policy to provide for the bringing forward of these people at a time when they can be employed, or can go to relatives who will guarantee to maintain them until they can obtain employment through normal channels, and at such time as they can obtain housing without competing with Canadians for housing which is in short supply in certain areas.

In that connection I want to mention another matter that has been brought to my attention by various unions in my constituency and also by farmers' representatives and others. I refer to the view, in which we in this group believe, that all employment placement should be the responsibility of the national employment service. We do not agree with the division of responsibility for the placing in employment of unemployed persons. The national employment service is there and its officials are trying to do a good job. They are not provided with the facilities

to travel throughout every district in order to find employment for people from day to day.

I am not blaming the immigration officials for the situation, but it is their responsibility and they work hard at carrying it out. They are instructed to travel throughout their districts in order to secure employment for immigrants who are going to arrive within a few days or a week. Very often the immigration official arrives at a mill, a lumber camp or a mine and finds that there is a job open. As a result an immigrant who has been in Canada only a few days gets the job in the lumber camp, mill or mine while in the same district there are unemployed Canadians, some of them veterans, who in some cases have had their names registered with the national employment service for months.

Therefore I suggest that all employment placement should come under the direction of the national employment service, in fairness to the Canadian unemployed and in fairness to immigrants who often incur unnecessary ill will, which is understandable when citizens who have been unemployed for a number of months find that under their noses someone steps in and takes a job. In fairness to all concerned we think our suggestion should be adopted.

In speaking this morning I am not just giving my own views but am expressing the views of various groups in my constituency, as I have said before. We think a planned immigration policy based on sound principles should give consideration to all citizens within the commonwealth. There is no doubt that at the present time there is gross discrimination against persons coming from certain sections of the commonwealth. While we deny entry to Canada at the present time to a coloured person from another section of the commonwealth who may have fought for freedom against nazism, we allow some nazis of low repute into this country.

I get that information not from trade unions but from persons of German origin who were in Hitler's concentration camps and in a few cases from employees of one or two of Krupp's subsidiaries that are operating in Canada today. We let these people in without any question at all, and to indicate the unfairness of this policy I am going to refer to a matter I brought to the attention of the house on June 26, 1954. Personally I feel very strongly about this question. At that time during the debate on the estimates of the Department of Citizenship and Immigration I brought to the minister's attention the fact that five persons had been admitted to Canada who had been sentenced by the French government either to death or to long imprisonment.

[Mr. Herridge.]

The first was found guilty of anti-national actions against France and sentenced in absentia to imprisonment at hard labour for life and to national degradation for life, July 3, 1945, by the court of justice of Agen. The second was sentenced to five years imprisonment and to national degradation for life by the court of justice of Toulouse for collaborationist sentiments. The third was sentenced in absentia to the death penalty and forfeiture of all his property for treason on January 10, 1945, by the court of justice of Toulouse. The fourth was sentenced in absentia by the court of justice of La Haute-Savoie to imprisonment at hard labour for life, national degradation for life and forfeiture of all property, on February 26, 1946, for collaboration with the enemy. The fifth was sentenced on March 28, 1945, in absentia to death as guilty for dealings in time of war with a foreign power with a view to encouraging that power against France. He was an inspector in the Waffen S.S., and that means he was serving the German gestapo very well indeed.

All these men entered Canada under false names, with false passports, and were provided with false visas. I might say that a high French government official stated that they belonged to an organization that murdered the French minister, Georges Mandel, in the forest of Fontainebleau, massacred resistors, and betrayed allied parachutists who were hidden by brave Frenchmen. These parachutists may have included some of our own men.

At that time, I went on to deal with the matter at greater length. I might say the French government of the day requested the government of Canada to deport these people to France. We were supplied with the judgments by representatives of the French government; that is why I have them, and with the evidence. The French government was deeply concerned about this. I can remember reading the evidence in one case, and one of these men who is today a Canadian citizen was found guilty of hanging his brother Frenchman from a hook in a small cell, in the presence of the gestapo, applying a blowtorch and burning his body in various places, in an effort to get him to reveal the identity of other members of the underground.

There was similar evidence with respect to the others. These people were admitted to this country and were granted citizenship at that time. As I said before, these people now have the right to say "I am a Canadian citizen". We in this group protest very strongly indeed against this action on the part

of the Canadian government, because it indicates a type of thinking and discrimination which we feel is totally unjustified and most unfair.

At that time we admitted persons of this type, and there are others like them. I have had correspondence with a very interesting employee of the Krupp interests who gave information about some of these people. I do not question any normal citizen who had to fight for his country. However, we have let a few nazi beauties into this country, yet at the same time we have denied entry to a poor girl like Miss Rebrin, whose case is now before the courts so I am not allowed to say much about it. I have received letters from Francis Noel-Baker and a number of other people pointing out what they consider to be the injustice in this case.

I mention these things to illustrate the unfairness at the present time. I might say these people were admitted at the discretion of the minister of the day, by order in council. These people were considered fit to become Canadian citizens. In fact the minister has the power under section 10 of the Canadian Citizenship Act, which reads:

> The minister may, in his discretion, grant a certificate of citizenship to any person who is not a Canadian citizen and who makes application for that purpose and satisfies the court that,
> (b) he has been lawfully admitted to Canada for permanent residence therein;
> (d) he is of good character;

I should like to see how anyone could consider the people I have mentioned to be of good character. I have documentary evidence to support my argument, because at that time the French ambassador supplied us with the information and indicated to us the indignation of the French government of the day.

Now, Mr. Chairman, I mention these matters briefly to indicate the practice of discrimination. I do not say these cases happened under the jurisdiction of the present minister—it was the prior government—but the same principle applies. It is the principle of gross discrimination against citizens of the commonwealth and orientals in general, as well as other good citizens, who are prevented from entering or residing in this country on the basis of very flimsy evidence indeed.

Mr. Pickersgill: I wonder whether the hon. gentleman, before he passes on to another topic, would permit me to ask him one question. As I listened to him I gathered that his argument was that there should be no discrimination as between the countries of the commonwealth, from which I think one would infer that immigrants from the commonwealth would have preference over immigrants from other places. However, the hon. member for Timiskaming said that the principle of his party was that there should be no discrimination regardless of the place from which people come. Which is the policy of his party?

Mr. Herridge: I suspected what the hon. member's question was going to be when he rose. Our policy is the principle non-discrimination, applied with intelligence and common sense. When you say "non-discrimination", that does not mean you could bring into this country, suddenly, large numbers of persons of other races and other colours and retain the proper economic and social atmosphere. The hon. member knows exactly what we mean. We mean that we are opposed to discrimination in principle. We believe in the government making every effort possible to overcome it. We believe in a common sense approach to the problem, therefore the hon. member knows we would not suggest for a moment that, let us say, five million Asiatics should be admitted to Canada next year, or anything of that sort.

Mr. Crestohl: You preach a perfect paradox.

Mr. Pickersgill: You believe in non-discriminatory discrimination.

Mr. Herridge: The hon. member mentioned the perfect paradox, but I note that he is only the parrot.

I must go on to mention the brief presented by the Chinese benevolent association from its national headquarters, 108 Pender street, Vancouver, British Columbia. I am not going to read this brief. There has been a considerable amount of discussion of this question, and I am not going to be repetitious and restate this case. This brief makes certain representations to the minister with respect to the recent allegations by officials of the Royal Canadian Mounted Police. I do urge the minister to give serious consideration to these representations. We have not a large representation of Chinese in the district from which I come. I have known the older ones for many years, and I believe there are only 200 or 300 in Kootenay West. They make very good citizens. I have noticed one very interesting aspect of their life, and that is that you never find them applying for government assistance. They always manage to look after themselves or one another.

I do want to read the concluding paragraph of this brief, which has this to say:

> Now be it therefore resolved that the Minister of Citizenship and Immigration be called upon to clarify the position of her department on the recent allegations in the press so that the misleading

impression that there is a community-wide conspiracy to land immigrants illegally and use them for slave labour may be corrected or clarified.

The minister has taken some steps in that direction, but I hope she makes it even more definitive before this debate is concluded. The brief goes on to say:

Furthermore, the Minister of Citizenship and Immigration be requested to humanize the immigration laws and regulations and to remove all existing discriminations against Chinese and orientals.

I do urge the minister and the government to give serious consideration to the representations of this group, and to make those representations applicable as far as possible.

Mr. Fairclough: Would the hon. member say what is the date of the document he was reading?

Mr. Herridge: June 3, 1960.

Mr. McDonald (Hamilton South): Would the hon. member permit a question?

Mr. Herridge: Yes.

Mr. McDonald (Hamilton South): When he referred to some five million orientals coming into the country, is it the policy of his party to have a quota system set up for every country which sends emigrants to Canada?

Mr. Herridge: No, I do not think I should say we believe in a quota system. We believe in a common sense approach based on the principle of non-discrimination, which would bring representatives of various races into this country so they can be properly absorbed as far as the orderly development of the nation is concerned, and obtain the necessary housing without displacing Canadians.

Mr. Pickersgill: Would the hon. member permit another question? I have always considered that he was one member of this house who was singularly free of cant and hypocrisy, and I say that as a compliment to him. I think it would be very helpful to all of us to know what the hon. gentleman really means by non-discrimination.

Mr. Herridge: The hon. gentleman has asked me to describe what I mean by non-discrimination, or what we mean by it. When we say we believe in non-discrimination, we approach this problem from a Christian point of view. We believe in the brotherhood of man and the applying of that principle to the limit of our ability considering all the circumstances concerned. I hope the hon. gentleman does not consider that a hypocritical answer.

Mr. Crestohl: Would the hon. gentleman permit another question? Would he consider that was non-discrimination with strings or without strings?

[Mr. Herridge.]

Mr. Herridge: We do not believe in strings of any kind. We call this non-discrimination with common sense, as I said before.

Mr. Chairman, there is one other matter I wish to bring to the attention of the committee and that is the question of landed immigrants, which has been raised several times before by hon. members of all parties. I am referring to how people from the United States come to this country and register as landed immigrants but have no intention of staying here. This happens mostly with construction workers, people who work on pipe lines and things like that. As a matter of fact I saw in the newspapers recently that the foreman of the crew putting in the gas pipe line to serve the restaurant and cafeteria of this House of Commons is a United States citizen. I thought that was most interesting, but I presume there is not a single man unemployed and available in Canada who could do that job and that is the reason this man is here. I am sure the minister will be able to give us that assurance when she speaks in reply.

We can all understand the case of a genuine landed immigrant, but in my constituency these United States citizens come to Canada as landed immigrants and therefore have a right to get employment as such. They work here for three or four months and then they go back again. What can we do about that? I think that is a question which has to be given consideration in fairness to Canadian citizens. This landed immigrant business has been worked to the limit in some places, with hundreds and hundreds of them coming across the line.

Mr. Chairman, let me tell you how I proved this on one occasion. In British Columbia if you are going to become a landed immigrant you are required to take out a licence for your car; if you are only a visitor you get a visitor's permit and are not required to take out a licence for some months. I asked the Royal Canadian Mounted Police to check up on some of these landed immigrants; not one of them had taken out a Canadian licence but all had visitors' permits. I think that is a section of the act which does want redrafting and drawing much tighter than it is now, in fairness to all Canadians.

In conclusion let me say that the members of this group realize the necessity for a complete revision of the Immigration Act. We realize that this is no light task and that there are many angles to be considered. I do not suppose there are many acts which present as many problems in drafting as a revised Immigration Act, and I well recognize that. But I think it is essential—

Mrs. Fairclough: Perhaps the hon. member would permit me to interrupt his comments

here. What he says is perfectly true, and that is precisely why we have not been able to bring in any amendment to the act before now, because I do not want to bring in a half-baked piece of legislation which will not stand the test of time. That is precisely the reason there has not been any revision before now.

Mr. Crestohl: That is the first time we have heard that explanation, and that is quite understandable.

Mr. Herridge: I can well appreciate the minister's explanation. Personally I would prefer to see a little more time taken so we will have a document which is as foolproof as possible presented to this house. I recognize the quite unusual difficulties in drafting an act of this kind, but again I say it is necessary to have a completely revised Immigration Act if we are going to have a sound and just immigration policy based on definitive principles.

Mr. Crestohl: Mr. Chairman, since last week when we were discussing these estimates I have had occasion to submit some questions to the minister, and I want to take advantage of this opportunity to congratulate her department and her officials for the speed and accuracy with which some rather complicated questions were so efficiently dealt. I must confess that I did not expect a reply to be given within 24 or 48 hours, but I was delighted to see that the department's records are so well and accurately kept and I was pleased they were made available to me so quickly.

At the same time I would like to say that I was pleased to see from these replies that no deportations were ordered to iron curtain countries or to African countries. It certainly does disclose the attitude of the immigration department in safeguarding human lives, and I think there is no other department which has such humanised laws. The hon. member who has just taken his seat also used that term.

I would like to touch on the same subject matter the hon. member for Bonavista-Twillingate touched on when he spoke of the facilities which should be given to people who are deported and wish to take their cases before the courts. I would refer, as did the hon. member for Bonavista-Twillingate, to statements made on previous occasions by the Prime Minister, the Minister of Finance and the Minister of Justice. They argued very logically, forcefully and humanly when they were sitting on this side of the house that people should be told what they are accused of or what they are convicted of, virtually, when they are ordered to be deported and they are not now given the reason.

I do not know whether there is a difference in that regard between landed and non-landed immigrants, but I want to refer to a statement made by the present Minister of Justice on August 7, 1956, when he was sitting in opposition. I have not the full quotation from *Hansard* because I will only read that part which I think is applicable. As reported on page 7162 of *Hansard* for August 7, 1956, he said:

> I refer, of course, particularly to the refusal of the department to inform prospective immigrants who are rejected of the reasons for their rejection, which practice is carried over in a number of cases to a refusal to inform people who land in Canada and against whom orders for deportation are made of the reasons for those orders. We have said before and we say again that this practice is absolutely unjustified and that it is contrary to the principle of justice upon which this country's system rests.

The Minister of Justice straightforwardly and, I was about to say, very nobly, declared that to place an immigrant in a position where he is virtually convicted, the sentence being to leave the country, without being given the reason is to do something which militates against decency and good judgment. It is possible that this may have been necessary during time of war in order to preserve Canadian security. It may be that this practice was determined during the last war, or at the end of the war. I do not know; but surely at the present time it is no longer necessary.

That is another reason why the minister should give active consideration to revising the act, and I say revising rather than amending because the minister told us a few minutes ago why it would be difficult to amend the act. I point out to her that the act was last revised in 1953, at which time some basic changes were made. I think the time has now come when she should accelerate the attention she is giving to the complete revision of the measure.

I do not know whether parliament gets the full facts when decisions or rulings are made by regulation or order in council. Members of this house do not have placed before them the regulation which decides or the rule which modifies the conditions under which an immigrant can enter the country. When I asked in my question the other day for departmental decisions as to cases, I was not concerned with the departmental decision on any particular case. It seemed to me that a decision is made in one case and that in the course of time it determines other cases as well; it becomes a standard.

I was not pinpointing any particular case. I was asking if there were departmental decisions of this type. If I am not correct about that—and the minister has indicated that I

might be in error—then I should like the position to be made clear. Those are the type of departmental decisions that I mean. I do not even know that any exist, but I want to make sure whether there are any which are being used as standards affecting immigration into this country.

Let us take, for example, the statement the minister made on August 23, 1958 with respect to people who were in Canada as non-immigrants, and who were here for six months or a year. The minister wisely and humanely decided to let those people apply. I do not know whether that decision was made by order in council or by the minister herself. The first time we heard about it was when the minister announced it.

Take the announcement made by the minister recently with respect to fiancees. Was that done by order in council or was it a decision of the minister or a decision of the department to give some relief in this direction? I am not criticizing that decision. On the contrary, I praise it; but I am wondering why decisions of that kind are not placed before parliament for approval or rejection or amendment.

That is why I have asked so many questions on these matters. We do know that cases where the circumstances appear to be identical are, on occasion, decided differently with the result that people are left wondering. There may, of course, be circumstances on the files which are not disclosed but which would explain the difference in the decisions, but I think these circumstances should be disclosed in order to avoid any misunderstanding or even harsh thoughts about what has happened. People are human. They may inadvertently have some unkind thoughts when they see two cases where the circumstances appear to be identical decided in different ways.

I present these thoughts to the minister not with a view to being critical but in order to let the department know what members of parliament think about certain situations. We realize that this is a department which is very difficult to administer, and I have said at almost every opportunity how grateful I am to the department for being so understanding from time to time, and I say now that we are getting some fast and considerate service.

I want to say a word of commendation also to the parliamentary secretary to the minister. Some weeks ago I brought a simple matter to his attention, a matter which required an immediate reply. I did not want to burden the officials or the minister with it, but I did trouble the parliamentary secretary and he gave attention to it very promptly. I certainly want to express my gratitude for that. I feel that this is the time for it, and that it is also the time to be critical.

I can only underscore my sincere plea to the minister that she could do this country no better service than to see that the act is revised and made uniform; that it be consolidated, together with all the orders in council, in order that it may be not only a clear-cut statement of policy but also a clear guide to just who is and who is not admissible to this country. These things should not be left to orders in council or ministerial decisions or entirely to the discretion of the inquiry officer.

I know there must be some discretion given to these men and that they exercise it well, but such discretion is dangerous if one makes it final. We do not know what mood a particular official may be in. He may be distressed by domestic problems when he makes a decision. His decision has to be respected, but all I ask is that we do not allow it to be final as if it were a decision of the supreme court. We should allow facilities for review. It seems to me that when it is referred to a board of appeal this again is a departmental board, and there may be some concern for the position of an inquiry officer who is, after all, a colleague. There might be some uncontrollable influences involved of an intangible nature. If a man feels aggrieved and wants to take the matter to the courts he should be allowed to do so.

I urge the minister to take another look at section 39. I do not suggest that the bill standing in my name that seeks to amend section 39 is a panacea or cure-all, and I am prepared to withdraw it at any time or to agree to let the minister draft one in her own name or to convert and adapt mine and make it her own bill. I do not seek kudos for the bill. I am only eager to see that every immigrant, whether landed or not, is given justice and has his day in court. I think the act as it stands is in need of revision but would serve as an excellent foundation for a new act. If reviewed, amended and revised I do not think there would be an immigration act in the world capable of surpassing it.

Mrs. Fairclough: Mr. Chairman, perhaps I could make a few general comments on the remarks, suggestions and criticisms of the hon. member for Cartier. First of all I should like to assure him that the decisions which are made in individual cases, to which he has referred, are not used as rulings by the department, simply because no two cases are ever exactly alike. It is true that from time to time people ask, "Why were

my relatives not admitted when this group are over here in exactly the same circumstances?" They are not in exactly the same circumstances. We find that time after time. So long as the minister is charged with exercising discretion then I must do that.

I agree with the hon. member for Bonavista-Twillingate that, if parliament wished to take away from the minister the discretionary power, it would certainly lighten my task very considerably. I would no longer be able to admit anyone by order in council. I am not sure that is what the hon. member for Cartier wants. The hon. member for Bonavista-Twillingate just made a plea for more use of orders in council and the hon. member for Cartier says we should have less, that the act itself should stipulate who can or cannot enter the country and we should adhere rigidly to those classification. I am unable to agree with the hon. gentleman on that point. I believe there must be flexibility even though it makes the job of the minister more onerous.

The hon. member referred specifically to the statement I made in the house in August, 1958 and also to the one I made a few days ago with reference to fiancees. The very reason these statements were made in this chamber was to permit hon. members to comment on them, to disagree with them if they wish, and in neither case was there any noticeable disagreement.

Mr. Pickersgill: Well, would the hon. lady not agree—

Mrs. Fairclough: I hasten to assure the hon. member for Bonavista-Twillingate that I was just about to qualify that statement. As the hon. gentleman was probably just about to say, he did have some comments to make with reference to the policy announced in August of 1958, but I think he would agree with me that there was not a prolonged debate nor was there a great amount of objection raised in either of these instances.

But that is not the point I wanted to make. The point is that the house was informed of the changes. The information was brought forward and presented to hon. members for their approval or disapproval as the case may be. I think it could scarcely be expected that every change in the regulations and every administrative ruling should be submitted to parliament for debate. They would be held in abeyance for many months if that were done, and it would be tantamount to amending the regulations or the act as the case may be.

With respect to a revision of the act, I possibly have been guilty of some loose expressions referring to amendment when I meant revision, or referring to revision when I meant amendment, but I hope hon. members will forgive me. What we do propose is a revision of the act. Quite apart from any alterations which may be made with respect to admissible groups we feel that the present act has probably had a few patches put on it here and there and is no longer as understandable a document as it might be. It is seven years old, as the hon. member has said, and I would hope to put it into a little more lucid form so there will not be the misunderstandings that have occurred in the past.

I can assure hon. members that as soon as the department and the government are ready with a revision of the act, ample opportunity will be given to all hon. members to voice their approval or disapproval and to make suggestions. It is my intention to make the draft act available not only to hon. members of the committee for their consideration but also to members of interested groups, including the voluntary agencies which work so closely with the department in the encouragement and care of new residents coming into Canada and also the various church groups, labour groups and others who are interested. I hope that all will have an opportunity to express their views.

I might say that the views expressed by these organizations in the past, sometimes in a formal way and sometimes by letters and resolutions, have been carefully considered and will continue to be given close attention regardless of the source from which they come. We do not pass lightly over or toss aside expressions of opinion; they are given careful consideration indeed. That may assist in explaining why the introduction of the revision has taken so long. I agree with the hon. member for Kootenay West that this is a matter that should not be hurried just for the sake of bringing in a new act, much as I should have liked to introduce it before now. I believe it is better to take time and make sure that the opinions of all have been carefully considered. In this way we will finally have a workable piece of legislation, one that will meet the approval of all groups of Canadians who have an interest in this department of government.

I had not intended to devote this time to answering specific questions that were raised, but I thought these few comments would be of interest to hon. members of the committee.

Mr. Pickersgill: One o'clock.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

The Chairman: Shall vote 50 carry?

Mr. Pickersgill: No, Mr. Chairman. The hon. lady had the floor at one o'clock and said there were several specific points she intended to answer. Does she wish to do that now?

Mrs. Fairclough: I had not intended specifically to answer the individual points, because we will be coming back to them later and I did not wish to have the same questions coming up and repeated, so it might be just as well if I answered them all at the one time.

Mr. Pickersgill: Very well. I want to make a few observations of a more or less general character. I noticed that just before one o'clock the hon. lady said it was her intention, when she had a draft bill—I am not sure whether she said a draft bill or a draft act; I do not think it makes any difference—to consult organizations, groups interested in immigration, and also to make it available to members of the house. I assume what the hon. lady would do is what is often done in the case of major revisions of legislation and what, I may say parenthetically, I hope this government, if it is going to act responsibly, is going to do about the Civil Service Act; that is to give it first reading in one session and leave it until another session so there is adequate opportunity for the public to consider it. If before the end of this session the hon. lady could give first reading to her bill it seems to me this would be an admirable way to expedite its passage in another session. If it could be brought in with the understanding that it would get no more than first reading, so it would be published, then it seems to me there would be a good opportunity during the recess to have everyone interested look at it. Then when the new bill was introduced in another session, as was done with the Income Tax Act and innumerable statutes, a lot more progress would be made, because many of the representations would be known. I just offer that as a suggestion.

Since we met last week I have been thinking about something that I spoke about somewhat tentatively at that time, and that is this very awkward problem of dealing with visitors who have been ordered deported. I listened with the respect that I always accord to the hon. member for Cartier when he spoke this morning, because the hon. member has had perhaps as much experience with the problems of immigrants and would-be immigrants as any hon. member in this house. There is no member who is more genuinely concerned in seeing that we have a sound immigration policy, and no member who does more to help would-be immigrants to this country, than the hon. member for Cartier.

The hon. member is also a lawyer. He was very impressive and made a very eloquent plea for the rule of law. There are, as the hon. lady and I both know from our experience, real difficulties in this field. I would be the first to admit that a landed immigrant has rights and that those rights should be protected and, in my view, protected more adequately than they are under the present law or than it is possible to do under the present law because of section 39 of the act, which I think should be taken out when it is revised. I agree with the hon. member for Cartier about that, and that represents a conversion on my part. But I have been thinking a good deal about this question of how to deal with and satisfy that craving for natural justice that we all have in respect of visitors or applicants at the border who are ordered deported. If someone comes to the office in London or Paris and applies to become an immigrant to Canada and is turned down, that is the end of it unless he comes back again and gets turned down again or accepted.

No one that I have ever heard has ever suggested that those persons have any legal rights at all. I always took the view—and I really find it very hard to rationally take any other view—that a person who had never been landed as an immigrant, who had never been accepted for immigration, but who happened to find himself in Canada or in a Canadian port, was in a different legal position from someone who applied, say, in Rome, and should have any preferential treatment. The fact is that once they set foot on Canadian soil, for whatever reason, under the act they have to go through a certain process before a special inquiry officer and they have to be ordered deported, and for that reason this kind of deportation is similar in the public mind to the deportation which is ordered from time to time for landed immigrants because of a definite breach of the law; and a landed immigrant cannot be deported except for a definite breach of the law, of which the minister has to inform him.

There is a lot of misunderstanding about that also. I was accused over and over again by very eminent lawyers like the Prime Minister and the Minister of Justice of refusing to tell landed immigrants why they were being deported. I did not have any right under the law, of course, to refuse, and I never did refuse or attempt to refuse, because there is an obligation.

In the other case, however, there is no right and therefore no obligation on the minister. These are the most difficult kind of cases. They are the kind of cases concerning one or two of which I still have some rather painful memories, and the minister has had at least three or four of them in recent times. I think it might be worth considering whether, when we amend the law, we should take away from the minister this obligation and impose it upon some tribunal which would have the final say in the matter; not a tribunal clothed with judicial power, because there is nothing to adjudicate, but a tribunal to make sure there are substantial reasons why the deportation should stand.

I think there is perhaps no more disagreeable task in the whole government of Canada than that of having to justify these deportations without being able to give reasons for them. On that point I must say I have not altered my views at all. It seems to me that a person who has never been landed in this country, but is simply applying for landing cannot as a rule be given a reason for the refusal. There may be cases when it should be done, where there are curable defects or something of that sort and where they would otherwise be desirable immigrants. But if you do it in every case you impose two disabilities on that person. The first is the disability of being turned down and the second is the disability of being branded.

I agree with the judge of the supreme court of British Columbia who the other day had some rather harsh things to say about the minister in one notorious case which we cannot discuss in full in the house because it is still before the courts. The minister had given reasons in the house which were different from those which were alleged before the court. The judge said that he did not see why these other reasons should have been given, and I agree with him. I think it is just part of the gaff that the hon. lady is paid a minister's salary to take, and she just has to take it, as I took it. I took a good deal of it from some hon. gentlemen who sat over here at that time, but may I say that I have never, in any of these cases, attacked the present minister on the kind of grounds on which I was attacked by the present Minister of Justice, the Prime Minister and certain other people who were then over here. I have not done so because I know something of what these problems are.

The Minister of Justice challenged me the other day when I asserted that the minister had accepted the view I took, the view Mr. Mackenzie King took, and the view every parliament since confederation has taken, that the parliament of Canada has the exclusive say as to who shall enter this country, and that there is no right on the part of anyone to immigrate. The minister stated that very clearly the other day, and I said I was very glad to see that the Minister of Justice accepted the view which I think is the only possible one. The minister suggested that he had never had any other view. At that time I did not have before me what I have today, his remarks as found on page 1164 of *Hansard* for February 15, 1955, at which time he said:

> However, perhaps the most immediately pertinent portion of our criticism of government policy lies within that portion of our motion—

This was a want of confidence motion that the present minister had offered on that particular day.

> —which says that in its administration it denies simple justice to Canadians and non-Canadians alike. Our reasons for this criticism are summarized in our objections to the government's position, repeatedly stated in this house and in correspondence, that there are no rights attached to immigration; that it is a matter of discretion only and cannot be made a matter of law. That is the position that has been taken in this house by the former minister. It has been inherited by the present minister—

Myself.

> —and is confirmed by him in his letters; that is to say, with respect to those applying for admission to Canada, or who are applied for by Canadians in Canada, there are not legal rights; that the whole thing is a matter of discretion. Such a decision is a denial of the rights of Canadians and can only make, as it has done, for administrative chaos amounting in fact by its very nature and extent to inevitable administrative lawlessness.

I just cite that since the Minister of Justice was so categorical in saying he had not changed his opinion. I thought perhaps he should be reminded of the fact that he has apparently changed it if these plain words meant anything when he said them and were not just the chaff of opposition. I hate to suggest, particularly when the minister is not here, that the Minister of Justice ever said anything in this house that he did not say with complete sincerity, but he cannot have it both ways. He either meant what he said then and has now changed his mind, or he did not mean what he said then.

I am grateful to the hon. member for Cartier for drawing attention to something I had overlooked, the fact that in 1956 the Minister of Justice reiterated in somewhat different language the same views which he no longer holds. The hon. member for Cartier read the extract from page 7162 of *Hansard* for August 7, 1956. At that time the minister said:

> We have brought to the attention of the department on numerous occasions the very situation which is bound to create this type of case in the policy pursued by that department. I refer, of course, particularly to the refusal of the department to inform prospective immigrants who are

rejected of the reasons for their rejection, which practice is carried over in a number of cases to a refusal to inform people who land in Canada and against whom orders for deportation are made of the reasons for those orders. We have said before and we say again that this practice is absolutely unjustified—

"Absolutely unjustified". I draw the hon. lady's attention to that remark and ask her to remind the Minister of Justice of those words.

—that it is contrary to the principles of justice upon which this country's system rests.

When the Minister of Justice first became a member of the government he administered this department for several months, and he has his share of the collective responsibility for the department today. The hon. lady has administered it ever since. I know that the hon. lady has repeatedly expressed exactly the same views about these matters that I expressed when I was minister. I asked the present Minister of Justice on one occasion, while he still had responsibility for the department, whether he had changed his view about this matter, and he said he was giving it the gravest possible consideration but that he had not reached any conclusion. Obviously the fact is that the government has either seen that the Minister of Justice was wrong in what he said when he was over here or, as the Minister of Justice put it, they are carrying on a lawless administration.

Earlier today I referred to the remarks of the Prime Minister. I have not had an answer from the minister yet. I know she is saving her answers for a little later, and perhaps she will tell us then whether it is the intention of the government in the new legislation or as an administrative practice to start giving reasons to prospective immigrants for their rejection; and, if she intends to do that, whether she intends to allow these reasons to be argued out before some kind of tribunal and how she intends to deal with the administrative problem that would be involved if there is any thought that we are going to maintain immigration even at the very much reduced level it reached last year, a little more than one third of what it was when we were in office.

On that point, sir, I could quote eloquent statements by the Prime Minister and the Minister of Justice. The hon. lady is very lucky in that when she was over here she criticized the Department of Labour and not the Department of Citizenship and Immigration. I assume that there was at least some kind of unified Progressive Conservative policy in those days, although I must say the evidences that there may be any now are very slender indeed. If there was, I assume she must have agreed with those attacks which were made upon me every year I was minister, that I was not bringing enough people into this country; that it was not being populated. When you look at the record, sir, you see what has happened.

I venture to say the indications are that immigration in the year 1960 will be no greater than it was in 1959, despite the Prime Minister's generous offer in London a short time ago that tens of thousands of immigrants would be welcomed to this country and there would be no trouble in finding jobs for them. I do say that I hope, before too many of the tens of thousands of job-seekers come to this country under any immigration policy, the minister will see that her colleague the Minister of Labour first tells those Canadians who are looking for jobs where the jobs are and gives them a chance to take them; because, as has been repeatedly pointed out from this side of the chamber, many of these job opportunities to which reference has been made are in categories that many a Canadian would be very happy to fill if he were given the opportunity.

Now, sir, I want to repeat that I do believe, after three years of Progressive Conservative government, which was going to end the arbitrary lawlessness—those are the words the Prime Minister used—in this department, and which has so far made no substantial change in the act or regulations, we should be told either that the government has come to the conclusion that the Prime Minister did not know what he was talking about five years ago, and that the Minister of Justice did not know what he was talking about four or five years ago, or we should be told why the government has not done anything about it in three years.

Mrs. Fairclough: I shall be glad to tell the hon. member a few things. He had something to say a moment ago about the number of immigrants who came into Canada in 1959 as compared with 1957. I draw to the hon. member's attention something he has probably forgotten, that his administration ended after five months of 1957—

Mr. Pickersgill: Six months, all but nine days.

Mrs. Fairclough: No, five months and ten days.

Mr. Pickersgill: No, June 21.

Mrs. Fairclough: In any event, I do not believe he can lay claim to having brought into Canada the largest number of immigrants in any year since 1913, nor can he say that the number who came in 1957 were the normal number. If my memory serves me well I think the average over a 10-year

period was something in the nature of 155,000. Now, as the hon. member well knows, when you bring in a great many more than your normal number it takes a little while to digest them. In addition to that, the motives which impelled these people to come here in any given year are something which only the immigrant himself understands. I think it is safe to say that a great many people came into Canada in 1957 for various reasons who possibly might have planned to come in 1958 or in 1959. However, there were reasons why they hurried and came a little sooner than they otherwise intended to. I believe that happens at any time. It is not a situation that is applicable only to the year 1957.

Then it takes a while for these people to be digested, shall we say, into the economy of the country. Probably some of them are not digested even yet. I disagree with the hon. member in his prognostication for the current year. It is a little early to say precisely what will happen; however, I think last year was the low year. I agree that Canada could absorb these people. I just wonder what the hon. member means. In one breath he says we have not enough immigration, that this is the lowest ebb we have reached and we should be having 280,000 per year, the same as in 1957—

Mr. Pickersgill: No. I know the hon. lady does not want to misrepresent me. I did not say we are not having enough immigrants. I think we are bringing in all the immigrants that we can digest, so long as we have a depressed economy such as we have had for most of the last three years.

Mrs. Fairclough: I am glad the hon. member finally made himself clear, because he left the impression that he was criticizing this government for not bringing in the number of immigrants that we had under the previous administration. In the next breath he says we should not bring them in so long as we have unemployment. I believe you have to make up your mind which of these two points of view you want to adopt.

Mr. Pickersgill: I made that very clear the other day.

Mrs. Fairclough: I should like also to reply to the criticism the hon. member levelled at the Prime Minister this morning. I draw to his attention the fact that the remarks of the Prime Minister which the hon. member quoted were made in April, 1955. At that time we had no immigration appeal board; there was no such thing. I submit that, largely because of the criticisms levelled by the Prime Minister and the present Minister of Justice, the hon. member did, in his capacity as minister at that time, institute the appeal board in the following year, 1956.

I draw to his attention also the fact that even when he did set up this board it had no power whatever to deal with other than landed immigrants. When this government came into power one of the first things it did, after careful consideration, was to extend the scope of that board, as I announced in this house last year, so that anyone who was in Canada, whether landed immigrant or non-immigrant, could appeal to that board.

The way the matter stands now, regardless of the status of the individual he has recourse to the immigration appeal board. I would be the last person to say that I feel this is the final, ultimately desirable situation. We are still watching it and we are watching it very closely. I think there will be other alterations made. I do not know what they will be at this moment, and I do not want to anticipate a new act or the provsions of that act. The hon. member has asked me if I could give an indication of the suggestions I propose to make. I am sorry, but I must answer that in the negative; because until such time as—the hon. member shakes his head, and I am sorry if I misunderstood him—we have agreement amongst the various departments of government concerned, and until we know what the provisions of the act are going to be—until we are reasonably sure that what we propose is going to be a workable arrangement—I think it would be wrong for me to anticipate the introduction of any of the controversial points.

Mr. Pickersgill: I would not quarrel with that.

Mrs. Fairclough: I had intended to give some further information with regard to the immigration appeal board. Possibly I should point out to the committee that since the scope of the board was broadened the number of appeals to that board has doubled. The number of appeals from October 1, 1959 to date has doubled as compared with the number which were heard by the board under the former, more restrictive rules. I think, Mr. Chairman, this is an indication of the interest there is and the fact that those who previously had no recourse to any kind of tribunal now can come forward and make their voices heard before that board.

I might go further and say that at the time I made this announcement there was some critical comment in some sections of the press, which accused the minister of attempting to evade some of her duties. Let me point out now, as I did at that time, that such is

not the case. Even after these people have been heard by the immigration appeal board they still have the same recourse to the minister which they had previously.

Mr. Pickersgill: If I could for one moment reply to the point raised; I will not say anything new. The minister said that the immigration of 1957 was not normal. The hon. member for Kootenay West said that we never had normal immigration, but I do not know what normal is.

Mrs. Fairclough: Let us say average.

Mr. Pickersgill: If the hon. lady says 150,000 a year, she has been about two thirds right for the last two years, accepting her definition of normal. As for the suggestion that because the present government came into office on June 21, 1957 and the decision they made was to stop all open placement immigration from that time on, they can claim even the faintest kind of credit for any of the immigration in that year is really so preposterous that I would not have thought so intelligent a person as the minister would have considered making such a claim.

When I was speaking the other day I said I thought that as long as we had the large scale unemployment which we unfortunately seem to be having now, in summer as well as winter, I did not think there should be any open placement immigration. I want to make that clear at once. The surest way to kill immigration altogether is to bring to this country by false advertising people who have no connection with it, and have them walk the streets for months looking for jobs, or have them lose a job or get a substandard job; then three months later they go home again and advertise what a poor country this is. The worst blow to desirable immigration in this country for years and years, in my opinion, was the way the Arrow contract was ended, with the consequences that had on our British immigration. The minister knows what I am talking about here.

But what I actually said was that this was so different from the advertisements. We were castigated over and over again. It was the Liberal view, and it is the Liberal view today, that immigration should be geared to the absorptive capacity of the country. We were told by the Minister of Justice and the Prime Minister that our immigration was far too low. In fact the Prime Minister got the figure up in the exuberance of the election campaign of 1957, less than six weeks before the government stopped all open placement immigration. He told a very select organization in Ontario that immigration should be 600,000 a year; at least that is what it worked out to. He said an increase of 4 per cent a year. It was the extraordinary difference between what members of the Progressive Conservative opposition said on immigration and the practice since that I was drawing to the attention of the committee. The fact that I draw to the attention of the committee the contradictions of hon. members opposite does not mean that I share their views, because in most cases I do not.

The hon. lady said the immigration appeal board had not been established in 1955 when the criticism was made by the Prime Minister, and that is quite right. But I also point out to the hon. lady that of the cases to which the Prime Minister and the Minister of Justice referred, I cannot remember one single case of a landed immigrant, although there may have been the odd one. I think they were all cases of persons who had never been accepted as immigrants, which was the cause of this charge of lawlessness. I have never for one moment contested the fact that a person who was a landed immigrant had rights. I always said that; but no distinction was made, as the quotation I read from the Minister of Justice shows quite clearly.

It is true that the immigration appeal board now hears appeals by visitors, but I have no idea on what basis they do that, and I would be interested to hear the hon. lady tell us on what basis they hear those appeals. I do not mean that there is an order in council empowering them to do that, but I would like to know what criterion they use and how they go about it. It does not seem to me that there is any law upon which they can determine a case; they must merely act as a substitute or a screen for the minister.

I have no objection to that. I think the minister was very wise, and perhaps I might have saved myself a little agony if I had done that, too. But it seemed to me, and it seems to me still, that it was rather difficult to give a tribunal the capacity to decide something when it had no law on which to make the decision. In the case of a landed immigrant we know that the reason for deportation has to be precisely stated, under what section of the act it comes and what the circumstances are. But in the case of visitors all that is said is that they are not suitable, and that is all that under the law can be said unless you want to say that they are in one of the prohibited classes. I think the minister will agree, considering what the prohibited classes are, that that is casting a very severe reflection upon an applicant, and one would want to be sure one was right before making such reflections.

Therefore I would be interested to know on what basis the decisions are made and what criterion is used by the board in dealing

with the applications of visitors. It seems to me that is the only point that has not been dealt with by the minister which requires any further clarification.

Mr. Van Horne: Mr. Chairman, I just want to comment on this hocus-pocus of the hon. member for Bonavista-Twillingate. Here is a minister of immigration of a former government, in the dying days of the Liberal party, now dead. I would like to say that as far as the people of Canada are concerned they certainly appreciate the attitude of this government in doing away with hocus-pocus in the immigration department of the sort of which we had an example this afternoon. I can very well remember the present Prime Minister in the 1957 and 1958 election campaigns making it very clear that no country had more sympathy than Canada for people who wished to come here when it was not wise to bring people here for whom jobs were not available and while this country could not absorb them. Do not forget that they were the days of the Liberal party when unemployment was at a peak.

I suggest that if the hon. member for Bonavista-Twillingate had spent as much effort, when his government approved the St. Lawrence seaway, in getting them to approve and build the Chignecto canal, he would not be called a renegade in the maritime provinces today.

Mr. Pearson: Mr. Chairman, in view of what the hon. member who has just sat down has said, perhaps the minister will enlighten me on one point before this item passes. In April, 1957, when the Prime Minister was speaking about accelerating immigration, he laid down as a desirable yardstick 4 per cent per year of the population, which at that date would have meant 640,000 immigrants per year, although the population is now higher. Is that still the yardstick for the government?

Mrs. Fairclough: As I said in my opening statement, we think, very much in common with some members of the opposition, that Canada should bring in immigrants according to the absorptive capacity of our country. I do not think you can set any percentage figure at all. I have not the Prime Minister's remarks on that occasion before me, and I do not know whether the Leader of the Opposition has them—

Mr. Pearson: Yes, I have.

Mrs. Fairclough: —but if my memory serves me well he was talking in general terms over a long range period, and relating it to prognostications of population which I believe were gleaned from one of the royal commission reports. This is just my memory of the matter, and I should not really comment when I am so vague as to the origin, but I can assure the Leader of the Opposition it was not a specific statement having regard to each and every year taken in the long run.

Mr. Pearson: My memory has been reinforced by an account of the Prime Minister's speech which I have before me from the *Globe and Mail*, Toronto, April 27, 1957. There was no doubt the Prime Minister was relating our experience to that of Australia. He said Australian experience over the years had shown them they could absorb 4 per cent per year and Canada could do so also; that that was a good yardstick. I take it from the minister that this 4 per cent has now gone the way of the 15 per cent.

Mr. Badanai: My honourable and distinguished friend from Bonavista-Twillingate has, I am afraid, covered the subject on which I had intended to speak. However, there is a situation which I should like to draw to the attention of the minister based upon the statement the hon. lady made in her opening remarks on June 9, as reported in *Hansard* of that date at page 4711. I quote:

> A new policy governing temporary residents of Canada was announced in August, 1958 which made it possible to regularize the status of several thousands of persons who had previously entered the country on a non-immigrant basis.

This statement of policy seems to be in contradiction to the experience of a young woman who came to Canada on a visitor's visa and who, while she was here, met an eligible bachelor, a fine young man, who fell in love with her and proposed marriage. The first intimation I had of this romance came to me in a letter from Rev. L. Mulder, pastor of the Christian Reformed church, which I shall read for the information of the committee. It is addressed to me:

> One of our eligible bachelors in our congregation has a problem, and after hearing about it I promised to write you about it.
>
> Four months ago a girl came from Holland on a visitor's visa to visit relatives in the lakehead. She realized that she could not make the decision to stay here if she wanted to. Bachelor began to see the girl and they now have firm plans to get married next spring. The boy is about 30, the girl 25 years of age. They went to the immigration here to ask permission for the girl to stay here. No sir, law was law. Even if they were going to get married next spring—

This, by the way, was last August.

> —the girl first has to make the journey back to Holland and then immigrate properly. This involves extra money for nothing the couple argues, but to no avail, the immigration does not budge. Is there any appeal possible as far as you know, or is it better not to make any fuss and make a round trip to Holland?
>
> Could you please let us know the best plan of campaign?
>
> The young gent is not yet a Canadian citizen; does that make any difference?

I immediately took up this matter with the Minister of Citizenship and Immigration. She in turn asked her private secretary to look into the matter. In due course I received a reply, which I am going to read; it is addressed to me:

This is with reference to Miss Hoey's letter of September 9, 1959, concerning Miss Antje Bolt of Holland who desires to remain in Canada permanently.

According to a report received from the immigration officials in Fort William, this young lady entered Canada as a visitor on April 1, 1959. She has made inquiries regarding the possibility of being allowed to remain in Canada and the Fort William officials have explained the situation to her.

I would refer you to a statement made by my minister in the house on August 23, 1958, in connection with immigration procedure in dealing with non-immigrants. A person who applies at a visa office for temporary admission to Canada is required to sign a statement to the effect he understands he is being allowed to enter Canada on a temporary basis only and will effect departure from Canada on or before the expiration of the period of authorized temporary stay. He further signifies that he will not apply to remain in Canada permanently and that he understands failure to leave voluntarily in accordance with the undertaking renders him liable to deportation. May I point out that Miss Bolt signed the non-immigrant undertaking at the visa office in The Hague prior to coming to Canada.

It is the policy of this department to discourage non-immigrants who arrive in this country after August 31, 1958, from applying for landing. As a consequence it is, therefore, not possible to take favourable action on behalf of Miss Bolt. I can only suggest that on her return to Holland a formal application for her admission be filed by her fiance at the Fort William office or she make application on her own at The Hague office.

I realize that this advice comes as a disappointment to the parties concerned but I am sure you will understand the department would not be justified, in fairness to other cases, in making an exception in this particular instance.

That is where the matter ended. I deplore very much indeed this lack of appreciation for love and romance on the part of some members of the department who should have given special consideration to this case at once, particularly as the department is presided over by a charming lady such as we have in the Minister of Citizenship and Immigration. Leaving the spirit of romance aside, the very principle enunciated by the minister in the statement which I read a minute ago, if it is a statement which has any validity at all, should certainly have applied to this girl.

I should like a statement from the minister with regard to this particular case and similar cases, of which there must be a considerable number in the country. It appears to me that when a couple meet in Canada and one of the parties concerned is only here on a temporary basis, he or she should be considered for permanent admission. They should be allowed to get married and have children and populate the country, which would be far more desirable in the long run; that is, to have many children to populate the country as we want it to be populated.

The minister has already indicated that amendments to the act will not be forthcoming during this session. I do not fully agree with all the statements made by my distinguished colleague, the former minister of citizenship and immigration, though I have great respect for his good judgment. There are also certain aspects of the statements which were made by the late Mr. Mackenzie King about which I have some reservations. I would not wish to enter into that matter now, because I am waiting for the government to bring in the amendments to the Immigration Act. That will be the appropriate time for me and others to enter into a discussion of what will be best for Canada.

Mrs. Fairclough: Mr. Chairman, I want to set the hon. member's mind at rest. I can assure him that the course of true love is constantly being smoothed for a great many couples by this department. I do not know the extension of stay; perhaps it was for a year or more. We usually have young people say they intend to marry and they give a specific period of time, say three or four months or something like that. We extend the visit to take care of that intention, and then if the young couple marry we of course would not separate husband and wife. We would certainly land the new spouse. But that is not always the case. Many young people say they have fallen in love and intend to marry, but then when landed they decide the love was not quite as true as they thought. I recall one case in which one man managed to bring in seven or eight different fiancees, until the department finally decided that this was scarcely a true indication of his intentions.

I can assure the hon. member that although all these cases have to be viewed on an individual basis, we do what we can to assist them. I do not know what the final outcome of this particular case was, whether or not the young lady went back to Holland. If she had given a definite or even an approximate date which had not been too far in the future, and had asked for an extension, she certainly would have been given an extension of her visitor's visa.

Mr. Badanai: Will the minister allow me one question? Has there been a case of a couple marrying prior to asking permission to remain, and have they received that permission?

Mrs. Fairclough: The young lady would have to undergo health examinations, of course. This opens up a field with very broad ramifications. We do not separate families. Even if she had not complied strictly with

the immigration regulations we would have advised her as to how she should conduct herself in order to remain in Canada with her husband.

Mr. Pearson: In other words, what is required is to prove your matrimonial intentions.

Mr. Pickersgill: I have three or four questions I should like to ask at once, and then the minister could answer them all. I do not intend to make any more speeches, but I should like to bring to the minister's attention a case that has interested me. I do not like to enter into a discussion of individual cases, and unless the minister wants me to I will not mention the name in this file. I know the minister has received many representations with respect to this case. The only ground on which the case was turned down was that the person being applied for was a half sister instead of a full sister of the person applying. I do not know what the legal advisers of the department would say about whether a half sister is a sister within the meaning of the regulations.

I know what I would have done with this case if it had not been within the regulations. I would have submitted it to the governor in council for approval on the basis of the facts I have. I admit that it is not always possible to have all the facts in these cases. There may be some other reason that has not been given. On the face of it, and based on such information as I have available to me, this person was otherwise eligible except for this particular circumstance. The person had come here as a visitor, as people sometimes do from countries behind the iron curtain because it is easier to come as a visitor than as a immigrant, and subsequently wished to change status. This happened after that regrettable administrative decision of 1958.

I think the minister made an awful mistake when she said earlier, especially in my hearing, that because I categorically objected only once to that statement of policy in 1958 there was very little opposition to it. If I have to repeat my objections one hundred times in order to convince the minister that I am utterly opposed to it I shall attempt to do so, but I hope she will take it that I have repeated my objection a hundred times.

Mrs. Fairclough: Oh, I am convinced.

Mr. Pickersgill: I think that regulation which forces people who are already in this country to go home and then apply—the people being otherwise eligible—is stupid and inhuman and should not be carried on one day longer. If I can make my views on that subject any more emphatic I should like to do so. I think that in marginal cases like the one I am referring to now, of a half sister, if that is the only objection it should not be considered an objection at all in sponsored cases.

Mrs. Fairclough: It is not, either, Mr. Chairman. We have made no difference at all between half sisters and sisters. If the person were otherwise admissible the fact that she was a half sister would not bar her from entry to the country. If she has been refused entry I should think there would have been other circumstances.

Mr. Pickersgill: I do not intend to go over the file here in the committee, because in my opinion that would be an abuse. I will let the minister have another look at it privately.

Mrs. Fairclough: We definitely do let in half sisters the same as sisters.

Mr. Pickersgill: I have another question to pursue. I asked the Prime Minister one day just at the time the Prime Minister of Japan was here whether there had been any discussion about a revival of the gentleman's agreement, or any change in the conditions of admission of would-be Japanese immigrants. The minister perhaps saw or had drawn to her attention a letter written by the Japanese ambassador which appeared in the *New Canadian* of February 6, 1960. I referred to that in the house at the time. The Japanese ambassador said in his letter:

> During the recent visit to Ottawa of Prime Minister Kishi, the question of immigration was discussed with Canadian government leaders.

In dealing with the matter in the house the Prime Minister stated, as reported at page 258 of *Hansard* of January 25, 1960:

> I speak from memory but I do not think there was any consideration given or any discussion of that subject.

I should point out that I was being much more specific on that occasion. I referred then to the pre-war agreement. We also know there was some talk about admitting some Japanese to the province of Saskatchewan to aid in the establishment of an industry there. If there is anything new at all about immigration from Japan I think the minister should tell us about it.

The hon. lady should also tell us whether there have been any developments with respect to the admission of immigrants from the British West Indies. The minister will recall that I said on one or two occasions, both when I was minister and since, that it would have been my intention, had I remained in the government, to recommend to my colleagues the establishment of a regime for the British West Indies similar to that which exists in respect to India, Pakistan and Ceylon; namely, to establish some kind of quota by agreement with the federation.

I did not think that was practical before the federation was founded. As a matter of fact I had a secret aspiration to go there as a representative of the Canadian government on the occasion the federation was established, but it was another minister of citizenship and immigration who went instead. I would have hoped that this visit would melt the heart of the hon. lady and make her realize that an improved regime should be introduced which would meet this peculiarly difficult situation. It is a difficult situation, and I do not pretend it is not.

I wish also to make a request of the government concerning the residual health and welfare care of refugees who are privately sponsored. I still think that if in this world refugee year we are to play a part at all commensurate with the capacity of this country, the present serious difficulty should be overcome and could be overcome by the government at very little cost to the Canadian taxpayers.

There is one other matter I do want to bring to the minister's attention. The minister may know something about the Canadian-British education committee. I do not know whether she does. If she does not, I do know that some of her officials know something about it. This is an organization which exists in London for the purpose of promoting the attendance at Canadian universities of school boys, matriculants, from the schools of the United Kingdom. It is not an immigration scheme at all; but it does seem to me that it might well be worth the while of the government to look into this scheme and see whether the residual value of assisting this committee in its activities might not be productive of a very good kind of immigrant who is otherwise very hard to get. I do not want to take up the time of the committee. I just wanted to mention it so there would be a reference to it in *Hansard* and I should be glad to show the correspondence to the minister.

Mrs. Fairclough: I thank the hon. member for his suggestions. I do not know precisely what the reason is but, of course, we do not have an immigration office in Japan; also, we do not have a great many applications for entry. In 1959, 191 Japanese came into Canada. That is not a very great number; it is the highest of any year since the war. It has been creeping up. The years 1957, 1958 and 1959 are all pretty much on a par, and in 1957 there was an increase, and the number was nearly double what it had been the year before; there were 178 in 1957; 188 in 1958; and 191 in 1959. When we have requests for special cases, of course, we do our best to co-operate. The Saskatchewan situation is an example.

Mr. Pickersgill: Has anything been done about it?

Mrs. Fairclough: Yes; it is being worked on. Arrangements are being carried forward through the department with respect to whatever establishment is required to set up the industry described. I do not think I can go farther than that because I cannot give details.

With regard to the West Indies there is, of course, a quota but not on the same basis as that for India, Pakistan and Ceylon. It is a quota of domestics and the quota was established, as the hon. member knows, after consultation with the government of the West Indies, based largely on the capacity of the West Indies government to train those domestics. Prior to federation two or three of the islands had quotas allotted to them. After federation representations were made by the West Indies minister responsible for an increase in the number and the number was increased by 50, so that at the present time there are 250 from the West Indies proper and 30 from British Guiana. My understanding is that this is pretty much all they can train in a year. They might squeeze in a few more. These people go to training schools and come here supposedly as properly trained domestics, having regard to the work which they will be required to do while in Canada.

However, in addition to those domestics who come forward, there are a certain number of specially qualified persons who come in simply because they have qualifications which are of value to Canada. These would include in some instances students who had come up here to pursue higher education and who, upon completion of their education, would apply to remain because they would have no difficulty whatsoever in securing employment. In fact, sometimes employment is offered to them because of their particular qualities and capabilities. Some of those people come in and then, of course, any person who is in the country may apply for his or her relatives, and some of those come in, with the result that over the last two years approximately 1,200 people have come in from the British West Indies. There again the number has grown over the years, and those two years are the highest of any years. I think this is a general explanation.

Mr. Pearson: May I say just a word about this. I understand that the West Indies situation represents a quota within a quota, a quota in numbers which is qualified by limitation to a certain occupation, namely domestic service, and that the governments of the

West Indies take responsibility for the training and certifying as to the training of those who come here?

Mrs. Fairclough: That is correct.

Mr. Pearson: The Canadian government authorities take no responsibility for that. When they come here I take it they are supposed to be engaged in domestic service. Does the department have any record as to how long they stay in domestic service, how many of them leave domestic service, and if they do leave domestic service, is there any intervention on the part of the authorities to try to persuade them to go back to the occupation which they undertook to follow when they came into the country?

Mrs. Fairclough: No, Mr. Chairman; we do not follow them up unless they come back to us and ask for employment; unless their employment terminates we would not have any record of them. We do not follow any of the immigrants once they are in the country. In so far as their placements is concernd, we turn them over to the national employment service and placement is made through that service.

Mr. Herridge: I have just one question on this item. Can the minister inform the committee what percentage of the loans which were given to assist passages is uncollected, and if there is any difficulty in collecting from any particular group? I have been informed by the officials that they are behind in some cases.

Mrs. Fairclough: I can get that information for the hon. member. Since the scheme first went into operation on February 1, 1951, there have been 75,559 loans for a total of $19,127,558, of which $15 million odd has been collected. This does not indicate that the remainder are all delinquents. Repayments are being made all the time. I can find out for the hon. member what the amount is that we consider to be bad debts. I presume that is what he wants to know.

Mr. Herridge: Yes.

Mrs. Fairclough: I will get that information.

Mr. Dumas: Can the minister tell the committee whether the Canadian immigration centre on St. Antoine street in Montreal has been closed? If it has been closed, were the employees there integrated into some other department?

Mrs. Fairclough: This was discussed in the house some time ago, Mr. Chairman. The hall was closed. It was an unsatisfactory place and there had been a great many complaints about it. Finally, it was closed. We tried to place the employees wherever we could. Some of them, very few of them, did not want to be placed. Some of them were transferred to Quebec. Those who did not wish to go to Quebec—we consulted with the national employment service—in some instances we had them transferred to other departments of government. I do not know whether I can give the hon. member the exact number. Nine of them were re-assigned either in this department or in two other departments; two of them retired and the rest of them were taken care of either in Quebec or in some other employment.

Mr. Pickersgill: Just before the item carries I should like to say to the minister that I think it would be a good idea if the government would give consideration to establishing a quota for the West Indies without an occupational limitation. The occupational limitation was only established very reluctantly by the previous government in the first place. I can speak about this because I do not think there was anything I did as minister that I did more reluctantly. It was done not because anyone in Canada was asking for it but because of representations received in the first instance from the government of Jamaica. I am not suggesting any large scale immigration. I do not think the West Indian community in Canada or anyone else really wants to see mass immigration. I do think that if we could have a quota such as the Indian quota—I do not mean in numbers because I have no suggestion as to numbers—which would include any kind of occupation and did not impose an occupational limitation it would be more consonant with the dignity of the new federation and would make for better relations.

Mrs. Fairclough: I cannot speak from statistics at the moment but my impression is that a reasonable number come in now under the situation as I have described it. I know that persons who come to me and complain about the lack of immigration from the West Indies are always amazed when I tell them how many have actually come to Canada. I remember having one gentleman in my office about six months ago who complained very bitterly and said that he thought there should be a quota, as the hon. member has said, over and above the domestic quota. I said, "How many do you think should be allowed to come in from the West Indies in any one year"? He said, "Oh, I would think possibly 500 in addition to the domestic quota". I said, "That would be 750". He said, "Yes". I said, "Well, 1,200 came in". He was amazed. He said, "That is not true; that could not

possibly be true". I said, "It is true". I had great difficulty in convincing him that was a fact. I think there is a great deal of misinformation abroad. People do not realize that there is actually not a large but a very steady flow. There might be something to be said for some different arrangement, but I can assure the hon. member that we are watching this situation all the time.

Mr. Pickersgill: I should not like any misunderstanding to arise. I would not suggest for one minute that there should be a quota as a substitute for close relative sponsorship. I regard close relative sponsorship as the best means of immigration there is, and I think that our experience since the war has shown us that it is. But it did seem to me that in addition a small quota that was not restricted as to occupation might perhaps be symbolic in the same way as the Indian, Pakistan and Ceylon quotas if the government of the West Indies wanted it. Of course, if they do not want it it would serve no purpose whatever.

Mrs. Fairclough: This is a very interesting point because generally speaking I do not like quotas.

Mr. Pickersgill: Nor do I.

Mrs. Fairclough: In the case of Ceylon and Pakistan they have not taken up their quotas at any time although they exist. In the case of India we made arrangements a year ago that each quota number would apply to a family unit instead of to an individual, which eased matters considerably in that regard. The quota was also split 50-50, I believe, between open placements and relatives. As a result of making relatives or family units half of the quota instead of an individual quota I think the situation is in fair shape there. If we did the same thing for the West Indies I would think that in the long run we would probably wind up with just about what we have today.

Mr. Pickersgill: That could well be. I am not pressing this unduly. I though it might remove a sense of grievance. I should like to say this right now to the hon. lady so that there will be no misunderstanding. If there is any suggestion by the government of Japan that they would like to have the pre-war gentlemen's agreement revived I would hope the government would welcome that suggestion.

Mr. Pearson: Mr. Chairman, there are difficulties with respect to quotas and, as the minister knows, in principle it is certainly not the best way to deal with immigration. As I recall, the value of the quota as applied to Pakistan, India and Ceylon was not so much in the number that came under the quota but that it removed a feeling of discrimination which had existed before because it put Canadians going into those countries on the same basis as nationals of those countries coming into Canada. So they no longer had a feeling of discrimination. If the same principle could be applied to the federation of the West Indies, and if the government there felt that there was a kind of discrimination against them, it might be useful from that point of view.

Item agreed to.

505. Administration of the Immigration Act—further amount required, $25,000.

Mr. Pickersgill: Perhaps the hon. lady would tell us why she needs more money when immigration is going down.

Mrs. Fairclough: Increasing costs arising mostly from increases in salaries.

Item agreed to.

52. Field and inspectional service, abroad, $2,150,979.

Mr. Peters: What is the situation in Hong Kong with relation to departmental employees and those hired on a casual basis?

Mrs. Fairclough: As I announced in the house some time ago, the head of our inspection services visited Hong Kong and brought back several recommendations, some of which have already been put into effect. They are purely administrative. He will, of course, be inspecting operations in all countries but he made this special trip because of the complaints which had been received.

Item agreed to.

53. Trans-oceanic and inland transportation and other assistance for immigrants and settlers, subject to the approval of treasury board, including care en route and while awaiting employment; and payments to the provinces pursuant to agreements entered into, with the approval of the governor in council, in respect of expenses incurred by the provinces for indigent immigrants, $2,100,000.

Mr. Pickersgill: Has the hon. lady figures up to the latest available date as to the amount paid out by way of assistance to immigrants and the number of persons who have benefited therefrom? I do not mean family assistance.

Mrs. Fairclough: You mean welfare assistance?

Mr. Pickersgill: Welfare assistance.

Mrs. Fairclough: In 1959-60 the amount for food and shelter was $92,196.35, about one tenth of the amount for 1958-59 which was $986,000 odd. In 1957-58 the amount was $5,732,000.

Mr. Pickersgill: But in that year it included transportation as well.

Mrs. Fairclough: That could be.

Mr. Pickersgill: It included transportation of the Hungarians.

Mrs. Fairclough: That is probably quite right. Is the hon. member interested in family assistance?

Mr. Pickersgill: Family assistance is just family allowances under another name.

Mrs. Fairclough: I cannot give the hon. member the total number of persons assisted because it varies from month to month. In 1959 the minimum number was 251 in November and the maximum number was 1,282 in January. That gives a general picture.

Mr. Pickersgill: That included dependants as well?

Mrs. Fairclough: Yes.

Mr. Pickersgill: Can the hon. lady say whether very many of the Hungarian refugees are now receiving assistance from the department?

Mrs. Fairclough: I think I can say no to that. These reports were coming in regularly but of late the figures have dwindled to the point where it was scarcely worth reporting any more. I do not have a specific report on the matter. If the hon. member is interested I can secure the information.

Mr. Pickersgill: I should like to have it put on the record at some stage because, speaking personally, I take great pride in the fact that we brought to this country—the present government continued what we started—37,000 of these Hungarian refugees who had nothing but the clothes on their backs and practically all of them have established themselves in this country and are earning their own living today.

Mrs. Fairclough: This is really just an amplification of what I said. In January, 1959, which is a year and a half ago, there were 349 Hungarian refugees receiving assistance. My officials tell me that since that time the number has dwindled to such a point that we no longer keep track of them.

Mr. Pickersgill: I am very glad to hear that.

Item agreed to.

The Deputy Chairman: Vote No. 54?

Mr. Pickersgill: I think it was understood that we would go back to vote 47, Mr. Chairman.

Citizenship—

47. Citizenship registration branch, $716,892.

Mr. Pickersgill: I should like to ask the hon. lady if she has a statement she would like to make on this branch.

Mrs. Fairclough: I have a few short remarks. During the calendar year 1959 the number of applications for Canadian citizenship were lower than for the preceding year. The number of persons acquiring Canadian citizenship dropped from 84,000 in 1958 to 71,000 in 1959. There was a similar drop in the number of Canadian citizens who applied for certificates of proof of citizenship. This number dropped from 49,000 in 1958 to 44,000 in 1959. During the year 1959 one new Canadian citizenship court was established in Hamilton, Ontario. In the current calendar year, one new court of Canadian citizenship, located at London, Ontario, has already been opened and additional courts of Canadian citizenship will be opened in Winnipeg, Edmonton, Vancouver and we hope in Moncton, New Brunswick. These new courts will bring to eight the total number of citizenship courts in operation.

I might add that while I know a good many of the county court judges who handled these applications in the past have been wonderful court judges and have taken a great interest in the applicants, I still feel that a uniform system is desirable. I hope that the day will come when most of our applicants for Canadian citizenship will go through our own departmental courts and not be forced to make their applications in courts which are primarily set up for the purpose of dealing with criminal and civil cases.

Mr. Pickersgill: In so far as the courts are concerned, I must say that I cannot forbear doing a little boasting. I was responsible for the establishment of the first two courts in Toronto and Montreal. I took a great deal of satisfaction from the fact that these courts cost the taxpayers nothing. I think not only do they cost the taxpayers nothing but they provide such an infinitely better—I use the word "infinitely" almost in its correct etymological sense—service, a service so much better that there was no comparison. I would be interested in knowing something about the economics of the two new courts, perhaps the Hamilton one is the only one upon which the minister would have statistics. Is the Hamilton court costing the taxpayers something or is it paying for itself?

Mrs. Fairclough: It was only started last year, so has just had about six months operation. However, even so, it reported a net revenue of $2,280.

Mr. Pickersgill: Could the hon. lady give the comparative costs of the courts in Toronto, Hamilton and Montreal?

Mrs. Fairclough: I could, but not in its entirety because the Hamilton court has not been operating for a full year. I really do not have a proper comparison.

Mr. Pickersgill: Perhaps all we need would be the numbers of the staffs of these courts?

Mrs. Fairclough: The staff at Montreal is 12; in Toronto, it is 15; and in Hamilton it is 5.

Mr. Pickersgill: I should like to take a minute or two to mention a couple of things. In the first place, I wonder if the minister thinks that the decline in the number of applicants is something that can be explained by a decline five years earlier—I would have to do a little arithmetic myself to see whether it would be—in the number of immigrants that year? I am wondering if it is following some pattern or if there is some other reason why the number has fallen off. I would be interested also in knowing whether there has been any improvement in the number of applications from British subjects for citizenship. I think the experience of the department was that the number was not as large in relation to other applicants, perhaps because they felt citizenship did not confer quite as great an advantage upon them as it did upon others. Some of us were rather disappointed that the number was not larger.

I would be interested to know also if the minister can tell us something about what promotional activities the department is carrying on with a view to urging people to make their applications promptly, and to bring before them the advantages of citizenship. Having listened to the hon. member for Fort William speak the last time the estimates were before the committee concerning the requirement of a knowledge of the English or French languages, I would say that on the first occasion when the citizenship act may again be before parliament for some reason—I would not go so far as to say we ought to make a special amendment for this purpose only—some clarification of the language should be made to indicate that some discretion should be shown by judges in connection with this matter. I was asked five years ago by someone in the committee on estimates what I thought would be an adequate knowledge of the English or French languages in the case of an applicant. I said if the applicant were someone who was employed, particularly if he was employed driving a motor car, I thought he ought to be able to read and speak pretty well. On the other hand, if the applicant was a housewife who had several young children to bring up and very little time for much association with other people in the community or an older person who would not be in the employment stream, I thought if they could say "God Save the Queen"—maybe it was the king then—I would regard that as a fairly adequate knowledge.

I think it is desirable that citizens generally know the languages of the country. Some of the members of the treasury benches, knowing something of the difficulty even of learning one of the languages of their own country and also some of the advantages of doing so, would perhaps be more sympathetic now than they might have been at an earlier time toward some of these applicants. It seems to me some of these judges have been unduly conscientious, if I might perhaps use that word, about this requirement. Perhaps we should seek the next time the act is amended to do something to make that point clear. I agree completely with the hon. member for Fort William, who brought this matter before us the other day, that the last thing we want to do is to deny the mothers of families who have brought up good Canadian citizens many of them born in this country, citizenship simply because they have not had the time or the facility to learn to speak one of the official languages as well as the judges of the county courts speak it. I do want very warmly indeed to second what was so ably said the other day by the hon. member for Fort William.

Mrs. Fairclough: As the hon. member knows we have a much better chance of making these suggestions to the presidents of our courts under the department than to the judges who, after all, are all-powerful in their own particular courts. While the minister might have some discretion if a case is approved by a judge, she has none whatever if the case is turned down by a judge. So so far as that is concerned I have no control over it, but I do think that as these courts are set up the situation will be improved.

I also think that through the advent of television more and more people will acquire a reasonable working knowledge of one of our two languages in Canada than possibly they did heretofore, because it is much easier to follow the television where action is joined with words than to follow radio where they only hear the sound. I think television is a great teacher for new people coming in.

I cannot give the hon. member any figures for 1959, but those persons from commonwealth countries who applied for citizenship

in 1957 numbered 8,650. This had increased to 10,235 in 1958 and I would think there is a similar increase for 1959.

Mr. Pickersgill: Notwithstanding the general decline.

Mrs. Fairclough: Yes. We have been promoting this. There is a new poster which is displayed in post offices and other public places in all parts of Canada which urges people to apply for citizenship. It particularly draws attention to the fact that British subjects should apply for Canadian citizenship. We have advertisements in the ethnic press, and generally speaking promotion is going on all the time. Our liaison officers in various parts of the country also do their part.

Mr. Pickersgill: Just parenthetically may I say to the hon. lady that I do not think advertisements in the ethnic press would draw many British subjects to them.

Mrs. Fairclough: No, I did not relate them to British subjects. I meant that that was one of our promotional activities.

Item agreed to.

48. Citizenship branch, $785,159.

Mr. Pickersgill: Has the hon. lady anything to say about this vote?

Mrs. Fairclough: Yes, I have. For the past two years the citizenship branch has been taking advantage of a reduced immigration flow to shift its attention from the more immediate problems of reception to those of social adjustment. More particularly this year efforts have been concentrated on language instruction and on integration at the neighbourhood level.

In the field of language classes, intensified liaison and promotional work with school authorities and throughout the immigrant population kept the national enrolment at close to 50,000, only slightly below previous levels. Teaching costs and free textbook distribution for beginners went down by less than 3.5 per cent. At the same time greater attention than ever was being paid to meeting special needs such as continued instruction throughout the summer, day courses for housewives, shift workers and hospital patients, and crash programs for immigrants awaiting placement. A gratifying measure of co-operation was secured from educational authorities in these fields throughout the vast majority of metropolitan centres. Finally, in addition to assisting in the conduct of a five regional week-end course for teachers of immigrants, the branch has been able to organize, with the co-operation of all provinces having a substantial immigrant population, a national six-week summer course for teachers at Toronto. The purpose of this training is to build up a core of skilful teachers and supervisors which would ensure that the teaching of English or French to immigrants is conducted by the most efficient methods.

At the neighbourhood level the branch has redoubled its efforts to bring about early acceptance and integration of newcomers. With the help of a special film produced in several languages a national program with home and school and parent-teacher associations was initiated to interpret the educational problems of immigrant children to Canadians and to encourage immigrant participation in community action. Significant progress was also made in drawing immigrants into the membership of community centres, scouts and guides, women's institutes, credit unions, junior chambers of commerce, and in securing immigrant representation on boards of community agencies. At the same time the branch has encouraged and assisted local radio, television or press representatives in the production of feature series on the lives and contributions of immigrants.

Throughout world refugee year the liaison officers of the branch have contributed their services to the organization and activities of committees, both at the national and local levels.

In March, 1960 the citizenship branch completed a long awaited revision of several monographs of ethnic groups published under the title of "Notes on the Canadian family tree". This publication is now on sale at the Queen's printer.

A growing emphasis has been placed by the branch on the fostering of sound community attitudes among the younger generation. Last year the branch promoted an increased number of leadership training courses for young adults from various religious, racial and ethnic backgrounds. It continued to encourage wider community participation in observances of brotherhood and citizenship weeks. Furthermore, considerably more attention is being paid this year to the organization of appropriate festivities for Dominion day in various Canadian centres, and I might say notably here in Ottawa. The branch has also been very closely associated with advance plans for Canada's centenary both among voluntary organizations and at the government level.

Mr. Peters: I just want to ask while we are on the citizenship branch, if we are still issuing citizenship cards like those available after the war and, if so, how many people got those cards and whether they are used to any extent for travelling, and that sort of thing?

Mrs. Fairclough: Does the hon. member mean the miniature certificate? This program was started in 1954, and to date 143,815 miniature certificates have been issued.

Mr. Peters: Can the minister tell us what the cost is and how you would go about getting these certificates.

Mrs. Fairclough: Any of our courts will supply an application form. The applicant is required to have the form completed and two passport type photographs sent along with it. The fee is $2.

Mr. Pickersgill: Do these certificates pay for themselves?

Ms. Fairclough: I am sure they do in human satisfaction.

Mr. Pickersgill: I find that mine which was signed by myself was very useful, but I wondered if the $2 covered the cost. I would think it did quite adequately, but I do not know whether the department has any statistics.

Mrs. Fairclough: I hesitate to mention this. I do not want to be accused of making a great profit, but I understand that in 1954 the cost was 49 cents. Now, of course, it will be a little more than that, but I can assure the hon. member that they still pay for themselves.

Mr. Pickersgill: I am very pleased to hear that because I certainly think they are worth the $2 which they cost. I never go out without mine and I have found it very useful on a good many occasions and I know a lot of other people who have too.

I just wanted to make one or two general observations with respect to the citizenship branch. I think the time has come when the minister should give very serious consideration to the amalgamation of the citizenship registration branch and the citizenship branch. It seems to me that with the establishment more generally across Canada of citizenship courts there could be a very much closer co-ordination, although I know there is a good deal of co-ordination already, there would be a more thorough focusing of attention upon immigrants and would-be citizens if the two branches were combined.

I do not say that should be done immediately, but I do think that very serious thought should be given, as far as possible, to reducing overhead and head office expenses and that sort of expense. In many cases I think it would be found that the functions of the two branches are so closely connected that there might well be, perhaps at a time when some changes in personnel are to be made anyway, consideration given to amalgamation.

I should also like to say a word or two about the publications of the citizenship branch. If I say anything which seems to be a little critical it would be very easy for the minister to say, "Why didn't you do something about it when you were there?" I suggested to the minister last year, and I think she has taken my advice to some limited extent, that we ought to put a value on many of these publications of a more general character. I am not referring so much to those specifically directed to the language instruction of immigrants because I am heartily in favour of that as long as it is done efficiently. But I do think that if perhaps some of these other publications were put to the acid test of price we might find we could make some savings to the treasury which I am sure would be welcome to the Minister of Finance and to the taxpayers. I know that of the total cost of the government of Canada the amount spent on the citizenship branch is small, but that applies to a great many other departments, and unless we apply economies wherever we can the cost of government will keep growing and growing.

I feel about a lot of government publications that if there were any way of getting them stopped it would be a wonderful thing, at least for members of parliament, and when it gets to the point that you have to spend much of your time every day moving them from one side of your desk to the other and, if one is conscientious, thinking you should be reading these things, one begins to wonder whether there is not some way of saving not only the taxpayers money but all the energy and the time of many other people in the country.

I do not intend to say anything about any of the publications specifically, but I do think this is one area where a good deal of thought might be given to co-ordination and amalgamation as a goal, and not too distant a goal either, in order to bring about a reduction in cost.

Mrs. Fairclough: I am pleased to hear the hon. member speak in that vein because I feel much the same myself. As a matter of fact this year we have cut our appropriation from $53,725 to $21,600 and the number of publications we are putting out this year has been reduced. Some of the more popular ones will have to be reprinted; ones which I am sure the hon. gentleman would think very useful. Nevertheless, this year we are only reprinting ten publications.

Mr. Howard: I should just like to pose one question to the minister. This is something to which critical reference has been made from time to time, and perhaps some action is afoot to correct it, or perhaps it has been

corrected already. I make reference to the variation in approach used by various judges in dealing with applications for citizenship.

From my limited knowledge I understand that one judge may be strict, for argument sake, in his manner of questioning of applicants and in the type of questions and the degree of proficiency with which he wants those questions answered, compared with another judge who might be, for argument sake, more lenient. In fact the situation has been established, in some cases, where some areas of a province or some provinces become known as easy places for a person to pass the test of citizenship in so far as the questions asked are concerned compared with another country or another place in the province.

I wonder what consideration has been given to attempting to develop some unified approach that judges would follow in asking questions of applicants for citizenship in order that there can be a fairly uniform approach to this question across the country rather than having it vary from province to province or from county to county within the same province.

Mrs. Fairclough: I think I have discussed that point with the hon. member for Bonavista-Twillingate when I was speaking. We really do not have any control over county court judges. That is one of the main reasons we would like to set up our own courts, because then we could suggest uniform procedures. I agree with the hon. member that it would be definitely advisable to have uniform procedures wherever they could be obtained.

Mr. Howard: I must apologize for not being here when this matter was being discussed earlier. However, it is not a question of attempting to control the county court judges and suggesting to them that they must ask certain questions or things of that nature. This arises out of a discussion I had with Judge Schultz in the county of Prince Rupert. He is a judge appointed during the last couple of years and he, as well as the citizenship council in Prince Rupert, believe that perhaps the proper procedure might be to have a list of types of questions which judges might use to advantage in obtaining information so as to ensure a greater degree of uniformity across the country.

Mrs. Fairclough: We had some such scheme for a while, but it was not very popular with the judges.

Item agreed to.

Indian affairs branch—

54. Administration, $703,460.

Mr. Pickersgill: I think the minister wishes to make a statement.

Mrs. Fairclough: On this first item of Indian affairs I think it would be appropriate for me to tell the committee something about the trip I made through western Canada last summer when it was my fortunate experience to come into personal touch with a considerable cross-section of our Indian population. I travelled some ten thousand miles, meeting Indians from 53 bands representative of over 220 reserves. From Island Lake in Manitoba to the coast of British Columbia I visited Indian families in their homes, discussed problems with band chiefs and councillors and saw the people at work in their many and varied occupations. Everywhere my attention was drawn to Indian schools, houses, community halls and other facilities on reserves.

Throughout the country I found a common interest by Indians in improved housing, advancement in education, community development and economic prosperity. Band chiefs and councillors are as one in their willingness to participate more fully in the administration of band affairs. From all bands I experienced a forthright, friendly reception which is characteristic of the human warmth of our Indian people. With these attributes they are going forward rapidly in their successful adjustment to the Canadian social and economic environment. It is indeed a privilege to work with them.

As already mentioned, Indian band councils are taking an increasing interest in the administration of band affairs. Approximately two thirds of all bands are now under the elective system and I am pleased to note that during the fiscal year just ended a number of Indian women were successful candidates in band elections, bringing to a total of six the number of Indian women holding the office of chief and 73 as councillors, 10 of whom were elected under the tribal custom.

The 1960-61 main estimates for Indian affairs show an increase of $3,581,296 over 1959-60. The major portion of this increase is attributable to two basic important fields, namely education and welfare.

I feel that too much emphasis cannot be placed on our educational program, for it is only through the processes of education that we can enable our Indian people, on their own initiative and resources, to advance to higher economic and social levels. To further emphasize this point I would state that of the total appropriation for Indian affairs, 59.8 per cent will be used for educational purposes.

Again this year there has been a very marked increase in the number of Indian pupils receiving an education. For the 1959-60 fiscal year the figures show a total enrolment of 40,637 pupils of whom 9,479 are enrolled at non-Indian schools, universities,

teachers' colleges and commercial and trade schools. This latter figure represents an increase of nearly 1,300 over last year. Particularly encouraging is the increase in the number of students enrolled at the university level which has now reached 58 including those enrolled in grade 13.

In recent years a program of organizing education committees composed of Indian band members was introduced to deal with school matters on the reserves. It is hoped that these will become embryonic school boards and in this way give to the Indian people an element of control and direction in the field of education which should be of vital concern to them. I am pleased to report that the number of these committees now stands at 19, an increase of 6 over the previous fiscal year.

Each year there has been an interest expressed in the scholarship program of the department and during the 1959-60 fiscal year 17 scholarship awards were made to outstanding Indian students. This represents an expenditure of $14,375 for this purpose.

It is proposed to construct during the fiscal year 118 classrooms together with other necessary construction and including 74 staff residences at an estimated total cost of $7,362,500 which includes all necessary equipment, and provision has been made for substantial contributions toward construction of provincial schools which would enable the joint education of Indian and non-Indian children. Both the Indian day and residential school programs have been maintained at the same level.

There has been a steady development of adult education programs designed primarily to attack the problem of illiteracy which is to be found on many of the reserves. During the 1958-59 fiscal year this program served 857 students but the numbers have increased for the 1959-60 year. The returns show a total enrolment of 1,223 with the greatest numbers enrolled in literacy and homemaking courses.

During the last fiscal year a record total of 1,465 houses were built on Indian reserves and in Indian communities across Canada and another 228 units were started. This is a larger number of houses than has been built in any previous year. The achievement is particularly noteworthy since standards have been steadily improved and the costs of material and labour have continued to increase. These houses were financed from the $2 million in public funds in the 1959-60 estimates and the contribution from the Indians themselves in the form of labour, cash, materials, band funds and V.L.A. grants. I should like to pay particular tribute to the increased measure of responsibility being assumed by individual Indians and band councils who, through their co-operation and participation, have made this achievement possible.

It is proposed to maintain the same rate of expenditure for Indian housing in 1960-61. There will be increased emphasis on better standards of construction, improved sanitary facilities and adequate community planning. Every effort will be made to encourage greater participation of the prospective Indian home owner in the planning, financing and construction of his house. Special attention will be given to the needs of Indians in northern and remote areas in order to bring housing in such Indian communities up to an acceptable standard as soon as possible.

It will be noted that there is an increase in operating costs for welfare of $1,375,313. When presenting the estimates for 1959-60 I mentioned the introduction of revised methods and improved standards of relief administration on behalf of Indians. It is a pleasure to report that these methods and the new rates which went into effect April 1, 1959 have proved to be generally satisfactory. Indians, on the whole, have responded splendidly to the responsibility which the management of this income placed in their hands under the new procedures. They have fully justified our confidence in their ability to do so. Indigent members of 20 per cent of the bands in Canada now receive relief assistance in cash and it is planned to extend this practice to additional bands this year.

I should like to make it clear that the scales of assistance established are for food only. In addition, assistance is granted, as necessary, in individual cases for such purposes as fuel, clothing, necessary household equipment and shelter. I should like to stress that the assistance granted is subject to a means test.

It is an important objective of my department to make it possible for Indians to have access to the same sources of assistance in time of need as other persons in the province in which they live. I announced to the house on April 8 last that the federal government is prepared to negotiate agreements with the governments of the various provinces for the extension of the normal provincial services to persons residing on Indian reserves. The purpose is to avoid the development of exclusive welfare services on reserves which would tend to set Indians apart from other Canadians and would duplicate existing provincial programs in adjacent non-Indian communities. I said that in negotiating these agreements the federal government is prepared to pay a reasonable share of the cost of the benefits over and above the

federal contribution under existing federal-provincial agreements such as the Unemployment Assistance Act. In addition, this government is prepared to share with provinces reasonable costs of additional staff and of administration required. In cases where provincial welfare programs are normally administered by municipalities, my department will be prepared to negotiate agreements which will enable bands to fulfil the same functions and discharge the same responsibilities.

I also announced on April 8 that in future my department will undertake to provide essential welfare services on behalf of certain categories of non-Indians on reserves. The principal concern is for women of Indian origin who have lost Indian status through enfranchisement or marriage but who have no alternative but to return to friends and relatives on the reserves. The decision to implement this policy was based on humanitarian considerations. Essential assistance to these people when in need can now be provided in the same manner and to the same extent as for persons of Indian status on the reserves in similar circumstances.

Last year I informed you of the establishment of a new division, one of the prime functions of which is to promote the employment of Indians. Placement officers are now functioning in the eight administrative regions. From the inception of the placement program in April, 1957 approximately 500 individuals have been established in permanent employment and 4,000 in rural and seasonal occupations. Almost half of these placements were made during the fiscal year just ended.

One hundred revolving fund loans in the total amount of $109,209.78 were approved during the last fiscal year to assist Indians to become established. While a higher proportion of this amount was used to develop the agriculture industry, the department also supplied repayable advances to enable Indians to purchase seed, farming equipment and other supplies. A number of foundation livestock herds were made available to Indians in the prairie provinces. The increase in the item for equipment and supplies will make possible the continuation and further expansion of this program.

In continuation of the accelerated forestry inventory program initiated two years ago in British Columbia arrangements have been made with the forestry branch of the Department of Northern Affairs and National Resources to carry out forest surveys on all forested Indian reserves east of the Rockies, beginning in 1961. This project will include a re-survey of reserves in northern Ontario carried out by the forestry branch during the period 1949 to 1952.

It is also planned to continue the forest inventory of reserves in British Columbia this coming season. This project, under the supervision of a firm of forest consultants, has so far produced survey reports covering approximately one half the forested acreage. During this past winter a forest survey on the Restigouche Indian reserve in Quebec was also carried out by a forest consultant firm.

The services of the forestry branch of the Department of Northern Affairs and National Resources and provincial forestry departments are utilized to a wide extent. The over-all policy is to bring under forest management as much of the timbered area of Indian reserves as possible with a view, where possible, to placing reserve forestry on a perpetual yield basis.

The Indian Act provides for the transfer to bands of control over revenue fund expenditures. Some progress has been made in this direction. Three bands in the southern Ontario region have taken over such control, and one band in British Columbia has agreed to assume similar responsibility. Others are giving serious consideration to the matter. The taking over of responsibility for management and control of revenue fund expenditures has been proposed to several additional band councils, but it will be appreciated that this is a matter that cannot be pressed unduly. The desire for greater responsibility and control over their own affairs must in the final analysis emanate from the Indian community itself.

Meanwhile, improved administrative services for Indians residing in more remote areas is occupying the attention of my department. For example, at the start of this fiscal year a new administrative region was established to service Indians in the Northwest Territories. This is to be known as the district of Mackenzie region with headquarters at Fort Smith. This step has been taken to provide better supervision over the affairs of the Indian population in the Northwest Territories. Under the district of Mackenzie region an additional agency will come into operation at Fort Simpson.

Mr. Pickersgill: Mr. Chairman, I do not intend to make any extended general references in reply to the statement that the hon. lady has just made. I recognize that in view of the fact there is a joint committee of the two houses sitting discussing the Indian Act and Indian matters generally there is perhaps not the same need here in this committee at this particular session for

extended observations which might be repetitious. Since the government has insisted on so many committees sitting at once during the session I have found it impossible to attend the Indian affairs committee without staying away from another committee where I have a more urgent responsibility. I would not like to inflict upon other hon. members a repetition of matters that may have been rather thoroughly discussed there.

I must say, as I have said on previous occasions when the minister's estimates were before the committee, that I find it much easier to agree with the minister's general approach to the Indian affairs branch of the department than I do to agree with her general approach to the problems of immigration. The minister, it seems to me, is following precisely along the lines that were established by my predecessor and hers, Mr. Harris, who really with the new Indian Act and with the new administration which accompanied it did make a very great advance in this field over what had been done before.

We all know it was one of those regrettable incidents of the second world war that the Indian affairs branch, and some other branches of the civil government did get somewhat neglected—and I do not think anybody was really to blame for this except the urgency of meeting the demands for manpower that did seem to most of us, rightly or wrongly, to be the more urgent task at that time.

However, I do want to reiterate in the most emphatic language I can the view which I hold and which I think, judging from an earlier debate in this session—you do not need to worry, Mr. Chairman; I am not going to seek to traverse that subject—seemed to be the general view of the house, namely the idea that the goal of our policy should be voluntary integration of Indians just as rapidly as that can be accomplished. I do not think there should be any compulsion whatever put upon them. I think that has to be made abundantly clear because, rightly or wrongly—I am afraid sometimes rightly—a lot of Indians have the feeling that what we mean by integration is neglect, and this is certainly not what I mean. What I mean by integration is that I should like to see the Canadian citizenship of Indians become so much a matter of pride that that would be what they would be most proud of, without, of course, neglecting in any way that appropriate pride of ancestry, that proper pride in their individual characteristics and in their traditions, many of which traditions we would not, I think, find it unprofitable to follow.

Integration is not possible without encouraging in the Indians a sense of self-reliance. It seems to me that in order to get that sense of self-reliance that is going to be essential if the Indians are to feel they do not have to regard their reserves and certain other special privileges as a kind of crutch in life, it must be based on a feeling of genuine equality. This means that they must have available to them equal opportunities and if we are going to be fair to them at all I would say a little better than equal opportunities for education. It also means that they must have more than just education. They must have an increased capacity and an increased desire instilled in them to manage their own affairs and also to share in managing the affairs of the community in which they live. Therefore, I am very glad indeed to hear the minister say that this business—one could wish it were something else but it is one of those inescapable necessities at the present time—of giving to the Indians a greater responsibility for the distribution of relief, paying relief in cash instead of in kind, is one step in the right direction.

Any kind of step that can be taken to give band councils more responsibility and more capacity to look after their own affairs and to establish a less paternalistic approach to the whole matter is, in my view, highly desirable. The other thing we have to recognize increasingly is that because of modern sanitation, because of better housing for which we are all very grateful, the relatively high birth rate among the Indian population in Canada is resulting in a rapid increase in the Indian population, which means that every year there must be available to the Indians substantially more jobs, or more economic opportunities of one kind and another than there were in the previous year if they are simply to maintain their existing standard of living and not even to increase it. We cannot be satisfied if they alone maintain their existing standard of living. Certainly most of these economic opportunities and most of these jobs are not going to be found on the reserves. This is why it seems to me that next to education the most important thing in the Indian affairs department is the conscious development of economic opportunities, the encouragement of the Indians to accept employment and the encouragement of employers to accept Indians, which is just as important.

I want to say again, as I think I have said every year, that during the time I was minister I had the benefit, which I am told the minister has not got for many reasons, of the services in this field of Mr. Mel Jack who in my view had the right conception of this matter and the right attitude to it, the attitude that we must not be too paternalistic, that we must encourage the Indians to

plunge in and take these jobs and must encourage employers to make these opportunities available and treat the Indians like their other employees, show them consideration but also expect them to pull their weight. All these things which were started at that time have proved to be a surprising success.

I remember the difficulties we had at first in getting farmers in Alberta to consider having the Indians help them with their sugar beets. I understand that the farmers now almost come on hands and knees to the minister. I remember the first discussions I had with some representatives of the mining community in northern Ontario who wanted me to facilitate a search for miners in Europe. I asked them why they should go to Europe when right on their own doorstep they had these original Canadians who needed jobs. They thought I was being very ridiculous.

Mr. Thrasher: Did you say that?

Mr. Pickersgill: I said that and I was supported by Mr. Mel Jack who followed up the matter. As a matter of fact, we did persuade some of these people to accept Indians and they were astonished at their success. Of course, some of the Indians did not succeed but some immigrants do not succeed and some other native-born Canadians do not succeed. There is nothing unique about a failure, but in one or two of these cases there was in the beginning something that was close to being unique about success.

I believe that these two things, education and normal employment in the integrated Canadian society, are the road and the only road to the creation of a healthy, respectable and prideful relationship between the Indians and the other citizens of Canada. I am afraid it will not be true no matter what efforts are made but nevertheless I hope that some of the younger members of the house will live long enough to see the day when the minister's office of superintendent general of Indian affairs is no longer needed, when we will no longer need an Indian affairs branch and when no distinction of any kind will be made between Indians and other Canadians.

Mr. Howard: Mr. Chairman, in rising to make a few remarks on this item may I say that I hope the hon. member for Bonavista-Twillingate was not including himself among those who might not live long enough to see the discontinuance of the office of superintendent general of Indian affairs. I should like to see that happy event occur with the greatest possible speed, not that I want to see the present minister, as long as she remains minister, partially unemployed but because I think that this is the most advantageous result to which we can look forward. The one branch of the government with which I have perhaps had more contact and more correspondence than any other is the Indian affairs branch. I sometimes wonder whether the director, Colonel Jones, does not get a bit fed up with hearing from me, and I should like to express publicly to Colonel Jones and the other officials of the Indian affairs branch in its various divisions my appreciation of their kindness, the speed with which they have answered all my queries and the consideration they have given to any problems I have brought to their attention. I am sure that any other hon. members who have had occasion to discuss matters with officials of the branch will wish to express the same appreciation.

I should also like to express my appreciation to the minister for having established a new agency at Terrace which is located in the community from which I come. This will be of great assistance in the departmental administration of the affairs of the Indian bands now in the Terrace agency and which before were some considerable distance from the agency under which they were placed. I am sure the new agency will assist immeasurably in dealing with the problems of the Indian people in the bands concerned. In addition, other Indian agencies will have less administrative work to do with respect to these bands.

The minister referred to the institution of the practice of making welfare payments by cash or cheque rather than in kind. She indicated that this had been instituted in some agencies and that during the coming year the intention is to expand the making of welfare payments by cheque. I have had some communication with the department about this matter and I should like to see the practice extended as soon as possible, especially with respect to the Babine agency whose headquarters are at Hazelton, also in my constituency. It may be that steps are already underway to institute the making of welfare payments by cheque in this agency.

The reason I should like to see it done there as soon as possible is that the Indian people who come under the Babine agency are in close touch with and speak the same language as many of those coming under the Skeena river agency and the Terrace agency. They follow the same line of work, fishing, and at this time of the year or a little earlier they congregate in Prince Rupert and other coastal points. I understand that the system of payment by cheque is in effect in both the Terrace and Skeena river agencies and this causes some conflict because the Indian

people of the Babine agency meet their relatives and friends, find that they are receiving welfare payments by cheque and want to know why this is not so in the Babine agency. I would appreciate it if this could be speeded up as much as possible.

The minister and the hon. member for Bonavista-Twillingate also made reference to educational facilities and opportunities for our Indian people. To me this is also a most important aspect of the work of the Indian affairs branch. I am pleased to se the continuing increase in the amount of the appropriation for educational purposes and opportunities. In the past not only the Indians but other people have been denied the opportunity to obtain an education or have been restricted to a certain degree of education. To my mind this is an important factor in the advancement of our native Indians and in assisting them to become integrated and to advance to the position where they will be in the same class and on the same footing as those who are not Indians.

The minister made some reference to surveying reserves for timber purposes and this is a commendable approach. With respect to the sale of reserve lands, I should like to emphasize that everything possible should be done, having regard to the circumstances, to see that generally the policy of the department is to discourage the sale of Indian reserve land as much as possible and to concentrate, if possible, on leases or rental arrangements. We have seen an instance or two in which the sale of reserve lands or part of the reserve lands has not been of any long term economic or other advantage to the Indians themselves. I think, perhaps, if the policy were one of not encouraging the sale of reserve lands it would be most beneficial in the long run to the Indian people themselves and to society as a whole.

In so far as the Indian affairs committee is concerned I, like the hon. member for Bonavista-Twillingate, sit on two other committees, the meetings of which coincide in point of time with the meetings of the Indian affairs committee. I have found it difficult at times to be in boths places at once and, therefore, have had to miss some of the proceedings of the Indian affairs committee, which is regrettable. However, I believe all members of the committee who have attended the meetings have been impressed by the calibre of the Indians who have appeared before that committee, by the clarity with which they have expressed themselves, the manner in which their briefs were prepared and presented, and the understanding that they have had of the points and problems which they have presented. As I have said, this impressed me greatly, as I am sure it impressed other members of the committee.

One of the things which I believe we must attempt to develop, and this has been emphasized on a number of occasions by a number of people—this is not an original thought of mine—is the need to develop in Canada the highest possible degree of mutual understanding and respect. Probably the emphasis should be placed on that phase of mutual understanding and respect that is necessary on the part of non-Indian people generally, because there are many non-Indian people in Canada who because of geographic factors or economic factors do not come into contact with the Indian people. Consequently they have a very scanty understanding, if any, of the way of life of Indian people or their problems. The more that we can bring the non-Indian people to understand, respect and appreciate the cultural background, history and heritage of our Indian people, the better opportunity there will be in the future for the Indian people to play a greater role in our society as well as contributing to their own welfare and their own well-being.

Perhaps as a part of this program we should participate as much as possible in teaching the Indian children themselves as much as we know of the history of their own people so that they, too, can understand and appreciate their own cultural heritage, their own cultural background. I know from talking to Indian people living in villages which are relatively isolated that their knowledge of their background, their history, was greater than that of Indian people who have been in close contact with society or with non-Indians because they have been close to urban areas and their contact with their own people has been less than in the other case. There is a tendency for these children to forget or to lack any understanding of their own people and their own background. Perhaps this could also be a contributing factor to the development of that mutual respect and understanding of each other that is so necessary, and in conjunction with the educational approach perhaps could result in progress for our Indian people toward self-sufficiency and toward regarding themselves less as an inferior race and more as a proud race.

There has been some reference to the question of enfranchisement, which is another factor connected with this whole problem. I certainly congratulate the minister on her approach to this question. I believe that we should, without hesitation and without any qualms, eliminate the compulsory section of the Indian Act which deals with enfranchisement. I refer to the section of the act under

which an Indian or a band can be enfranchised compulsorily whether or not they want it. I think this section should be removed from the act. I do not believe there is much purpose in retaining the other enfranchisement section. This is a recent thought that I have developed after listening to the presentations made to the committee and as a result of discussions I have had outside the committee. I know that there will be problems arising from the complete elimination of any reference in the act to enfranchisement. This does not necessarily have the connotation which we normally attach to the word "enfranchisement", which means the Indian is no longer an Indian within the meaning of the act; is no longer a member of the band; has no longer a right on the reserve and is in the same class as non-Indian people.

I believe that Indians should have complete freedom to live upon the reserve or to leave that reserve, to come and go as they please, a freedom which they have at the moment and which many Indians exercise. I know a number of them, and some of them are in very responsible positions in society. Some of them are still members of the band, although they have not been on the reserve for many years. They still retain that connection, and some of them live many hundreds of miles from their home reserve. This situation can exist at the moment.

The enfranchisement section, as I understand it, was designed to be an attraction to Indians to leave the reserve and become non-Indians, in effect, in so far as the legal definition under the Indian Act is concerned. Some of the Indians have taken advantage of this section, have become enfranchised for a variety of reasons, but these reasons I feel are gradually diminishing. The more we progress toward the removal of the restrictive sections of the Indian Act, the more we move toward equality of status, the less reason there is for the enfranchisement section. I know there will be complications here in so far as band funds are concerned, and whether the Indian will have the opportunity of taking with him his per capita share from those band funds. However, I do not believe the difficulty is insurmountable. There are various ways of overcoming it.

I think this is the understanding of the Indians that we want to have, and an appreciation of the fact they have a vested interest in this country, more so than I have or other non-Indians have. We should recognize this fact and say to the Indian that he can continue to live on the reserve if he so desires or he can leave it, but it is not necessary for him to give up entirely his Indian status and thus cut himself off completely from ever returning to the reserve or to his Indian status. If you remove the enfranchisement sections from the act, as I say, this problem can be overcome.

So far as local control is concerned this too will be a contributing factor in the integration process. I draw attention especially to the word "integration" because it has been given the connotation that the Indian must become one of us and forget all about the fact that he is an Indian. I do not mean that by the word integration. I mean that in order to add to the respect of the Indian himself and in order to add to the mutual respect and understanding which we should have for each other, and in order that he may overcome what inferiority complex may have been developed in him through the activities of non-Indians, we should to a very large measure as quickly as possible and as much as possible give to the Indian and the band councils the right to run their own affairs. I think the minister said that there were three bands in southern Ontario and one in British Columbia, but in any event there were four bands in Canada who now have control over their own band funds without any authority from the minister to administer them. This is working in the direction of local control and of self-sufficiency, self-development and self-operation of their own affairs. I think this should be expanded as quickly as possible.

I know that errors will be made, and that is understandable. There is not a municipal council in existence in Canada that has not made an error at some time or other about the disposition of its revenue. I do not think there has ever been a government of Canada that in some way or another has not made some error in the administration of moneys which it collects or spends, or any provincial government either, for that matter. I know that I have made a number of mistakes in the manner in which I spend my money, and I do not seem to learn from them either. But the more we give the bands the administration of their own affairs and the making of their own bylaws on the reserve and the right to expend their own moneys, the more we will be asking them to learn and the quicker will they be able to develop those abilities to reach a higher status in society.

I should like to make one other reference to those sections of the Indian Act which deal with the liquor question. I believe it was at the last session when another hon. gentleman held the position you now hold Mr. Chairman, that I got into some difficulties when making reference to some individuals in society who had provided liquor for some Indians, but I do not intend to get into that

field today although it is still a valid point. The provisions in the Indian Act relating to liquor for Indians are such that the initiative rests with the provincial governments and it is initially up to the provincial governments to decide on the liquor question with regard to Indians and decide to what extent Indians may be in posession of liquor within the province.

Perhaps I can relate this briefly. The first of these approaches is for the provincial government by proclamation to declare that an Indian can consume liquor in licensed premises only. That is the only place he can have a drink. He cannot buy liquor in a liquor store or a wine store, or whatever it is, in a particular province and take it home. He cannot come into my house and have a drink with me because that would be illegal; it is within the province.

The second step, which is again by proclamation, is that the Indian can be in possession of liquor within the province but not on the reserve. This would allow an Indian to be able to consume liquor in a licensed premises such as a beer parlour or cocktail bar and would also give him the right to come into my home at my invitation and have a drink with me. It would also give him the right to buy liquor at a liquor store and transport it to his place of residence if it was not on a reserve, but he could not take it on the reserve.

The final and complete authority is that he be allowed to have liquor on the reserve if the majority of the band members vote by plebiscite or referendum to have it on that particular reserve.

In various parts of Canada there are differents degrees of availability to Indians of liquor, and I would like to deal with one which exists in British Columbia because I think it is rather an asinine one. It has operated there ever since 1951 or 1952 when the provincial government proclaimed that the Indian had the right to consume liquor in licensed premises, and that is as far as he could go. He cannot have it on the reserve or have it in his possession anywhere in the province; he can only go into a beer parlour or into a cocktail bar, buy a drink and drink it there. This has been the law for a number of years.

However, the attorney general of British Columbia, Attorney General Bonner, has said it is entirely up to the Indians whether they want liquor or not, that it has nothing to do with his government. I submit that Attorney General Bonner is just passing the buck and refusing to deal with the question, or he does not know what he is talking about and has not paid any attention to the Indian Act or the liquor act of British Columbia. It is at this stage entirely within the jurisdiction of the Indian act of British Columbia to proclaim the next step of his being in possession within the province.

Mr. Pickersgill: Would the hon. member permit a question?

Mr. Howard: Yes.

Mr. Pickersgill: Did he ever attempt to discuss this matter with the premier of British Columbia?

Mr. Howard: I have tried on a number of occasions to discuss many matters with the premier of British Columbia and I have had the same degree of success as did the Minister of Finance. It just is not possible to discuss anything with Premier Bennett.

Mr. Pickersgill: I thought that would be the answer.

Mr. Howard: In fact I have written him letters about a number of things, I have still not had a reply, and the last letters were written four or five years ago.

An hon. Member: They must have got lost.

Mr. Howard: That is not the Post Office Department's fault either because I know he did get the letters.

So that this is merely a buck passing game that Attorney General Bonner is engaged in in the province of British Columbia, or it indicates how inefficient he is. He should not be in that position if he does not know about the liquor act of British Columbia or about the Indian Act.

There is another even more ridiculous system which exists in British Columbia with respect to liquor and perhaps this system also exists in other provinces, but I do not know. Right now by proclamation of the province an Indian can consume liquor in a licensed premises. The Indian Act calls it "a public place". However, if an Indian who is a veteran belongs to the Canadian Legion which has a liquor licence, while he is allowed to consume liquor in a beer parlour he cannot go into the licensed premises of the Canadian Legion. That shows you how ridiculous these things are.

I raised this matter with Colonel McGugan, chairman of the liquor control board of British Columbia and with the minister, and I had correspondence with them and with the Canadian Legion about it, but it remains a fact. This again is an overstrict and perhaps foolish interpretation given by the provincial government authorities. Let hon. members imagine, if they can, an Indian

who is a veteran having the right to go into a public place to consume liquor and yet not having the right to go into his own Canadian Legion to which he belongs and which, perhaps, he helped to build and to finance. We can see how foolish is the application of our liquor laws to our Indian native people.

As far as these liquor laws are concerned, I think Indians should have the same rights, privileges and responsibilities as everybody else. I can never forget the conclusive argument used by Mr. Frank Calder, C.C.F. M.L.A. in British Columbia when dealing with people who do not want Indians to have liquor. Frank used to say: yes, it is true. The Indian, when he becomes drunk, becomes obnoxious; he wobbles all over the place; he cannot control his emotions, uses unkind language, wants to fight; in fact, he is almost as bad as a drunken white man. This, I think, sums it up. There is not too much difference between one and the other.

If we could arrange that Indians should have the same rights and the same responsibilities with regard to liquor as do other citizens of Canada we would be taking another step on the road to equality and eventually we might come to the point mentioned by the hon. member for Bonavista-Twillingate when we would no longer have to address the hon. lady in her capacity as superintendent general of Indian affairs.

Mr. Wratten: I should like to draw to the attention of the minister a problem which I brought up in 1958 when the present Minister of Justice was acting minister of citizenship and immigration. This has to do with the administration of justice on the Six Nations reserve which is adjacent to the city of Brantford which I represent.

Before anyone becomes excited about this item of justice being dealt with by the federal government, I want to emphasize the fact that the Territorial Lands Act made the Six Nations reserve a part of the county of Brant for everything but municipal purposes. That is the reason we get no taxes whatsoever from the township of Tuscarora to help toward the cost of the administration of justice in the county of Brant. Both the city of Brantford and the county of Brant have to pay the full cost of maintaining magistrates courts, county courts and supreme court hearings if cases come up on the reserve.

I made quite a statement in 1958, and after that was given some publicity in the newspapers and brought to the attention of the provincial government they did come through with a grant of $1 per capita up to $3,500 to help toward these costs. One of the problems I brought out at that time was the fact that in the period I was talking about there was $3,390 paid in fees in the magistrate's court. Of this, $2,200 went to the dominion government and $689 went back to the Six Nations reserve on account of the classification of cases that came before the court. It seems a point of irony that the federal government, which does not contribute one cent toward these costs, should get the biggest share of the fines taken in this magistrate's court. I have just a short statement of some of the costs and how it works out. In the county and the city for this last year it worked out at $1.79 per capita. That is the net direct charge for the administration of justice, shared by the county and the city in 1959.

Also we have quite a problem in trying to find out how many people there actually are on the reserve. If you talk to some officials they say there are perhaps 3,500, but other officials, who like to feel they have a somewhat bigger job than some people appreciate, claim there are 6,000. This makes quite a difference in the grants we get from the Ontario government and it makes a big difference to the cost of administering justice in the county and magistrate's courts.

The city and the county are both responsible for the maintenance of juveniles committed to training schools from their respective municipalities, and included in the administration of justice figure above is a charge for one boy and one girl who are not band Indians. The cost was charged to the county of Brant and shared by the city and the county—it amounted to $501.30. There are also the juvenile and family courts. The net direct charge for these and for the probation office in 1959 was $5,469, shared by the city and the county. The people of Tuscarora and the Six Nations reserve use this court and it is available to them just as it is to the people of the city and the county. In addition, the court house supplies heating, maintenance and other features which are necessary for the sittings of these juvenile and family courts.

There is another problem. You will remember that last year when we had the uprising down on the reserve—quite a turnout that was down there—a number of young chaps were arrested and brought into court. But through the intervention of some individuals the cases were dismissed. However, the costs of the crown attorney who prosecuted in these cases have not been picked up for payment by anybody and therefore they went back to the city and county for payment. I do not think it should be the responsibility of the city or the county to pay costs when cases are dismissed.

We have also to pay for the supreme court sittings with regard to any criminal cases

that come from the reserve. Last year a resident of the reserve was arrested for murder and lodged in the county jail. She was not in her right mind. That meant we had to have matrons on 24-hour duty at all times. We also had, finally, to take her to St. Thomas where she had to be examined by doctors, and the extra cost over and above the direct charges such as maintenance while in jail, constables' attendance in court, the crown attorney's fees, sheriff's fees and sheriff's office expenses amounted to $3,113.

There is money available in the Six Nations fund. They assume they are wards of the federal government, and the federal government showed that they realized that this is part of their jurisdiction because not too long ago—some few years ago—they put the R.C.M.P. down there to police this reserve. So I think it is only fair and just that the federal government should make money available for the Six Nations Indians or the township of Tuscarora to pay their share of magistrate's court and county court costs to the city and to the county of Brant. This has been a problem we have had to put up with for a long number of years. I should like the minister to take note of the fact that we would like to have a fair share of the cost come from this reserve.

Another problem I should like to bring to the attention of the minister is that of fire protection on the reserve. Indeed there is no fire protection on the reserve at this time. Some day we are going to be faced with a serious fire on this reserve that will result in the death of children and grown-ups and because of the lack of fire protection there the cry will go out that the fire departments of the township of Brantford and Brantford city should have gone to the reserve and looked after the fire. The fire department of the city of Brantford has responded to calls on the reserve but it was not able to obtain an agreement with the council there to pay for these calls and so the service has been discontinued.

After the township established its volunteer fire brigade it responded to the first call on the reserve and was told it would be paid for it. Unfortunately the promise was not kept and the township has never been paid. Just recently another fire broke out on the reserve and a call for urgent assistance went out to the township fire department. The assurance was given that the township would be paid for the call. After the call was completed and the fire put out the township was informed by the reserve that there was no money available to pay for fire protection. The cost of the call amounted to over $300 in wages for the men and equipment. The township has now absolutely cut off the reserve from any more calls and thus the reserve is left without any fire protection whatever.

I feel it would be the better part of wisdom to have some kind of fire truck—a pumper, perhaps, even a used one obtained through war assets or something like that—put on the reserve to give the people there some protection. I know that the men on the reserve would be only too willing to man the engine. It would also give them a sense of pride in ownership in having a fire truck down there to look after their own fires.

I have been on the reserve several times. One bad feature of sending a fire truck to the reserve from the township of Brantford is that the bridge on the main road leading into reserve bears a sign indicating that the maximum load is eight tons. When a call comes through from the reserve we are asked to send down a fire truck costing $25,000, carrying several hundred gallons of water and weighing considerably over eight tons. If the bridge should collapse and the truck be destroyed the township would have to replace it because it seems impossible to obtain money from federal funds or through any other means for fire protection on the reserve.

I wish to speak now on behalf of the people on the reserve. They are in great need of a bridge across the Grand river at Onondaga. To get from the reserve to the eastern part of the city of Brantford or any point east of the city necessitates travelling through the downtown area of the city in order to get back to a point just across the river. A small part of the reserve is located across the river in the township of Onondaga. To travel from one part of the reserve to the other part across the river involves travelling several miles. I know the Indians have a certain amount of money for use in the construction and maintenance of roads and that sort of thing. The Ontario government contributes to the same extent it does to other municipalities in the province. They do not, however, have sufficient money in their annual road budget to provide a bridge over the river. I urge the minister and her officials to investigate the problem and to help the people on the reserve in this respect. I know anything that could be done would be greatly appreciated.

Before taking my seat I wish to emphasize again the first problem I raised. We would appreciate assistance from the federal government to meet the cost of the administration of justice in the city of Brantford.

Mr. Pickersgill: Mr. Chairman, if no other hon. member of the committee wants to

speak in more general terms I should like to say something about a specific matter concerning which the minister will not be surprised to hear me make some observations. There has recently been a great deal of publicity in the press about the activities of a certain corporation which is called Dimensional Investments Limited which, according to the information I have, bought for the sum of $6,521,946 a considerable part of the Sarnia Indian reserve.

The first thing I want to say about this matter is that for a somewhat smaller part of this reserve—there was not very much difference in the area and it was somewhat similar if my information is correct and, if it is not, the minister will correct me because she will have the facts—I had virtually completed a sale which was approved by the band in 1957 for the sum of $7,902,000. The sale fell through because the purchasers were not in the final analysis able to put up the money.

I may say that I was very relieved when that sale fell through because in the period during which it was being negotiated I had very considerable doubts about whether it was a wise thing to sell this property at all. I discussed this on more than one occasion with the officials. I said, here is this very valuable property on the edge of one of the fastest growing industrial communities in Canada, a community which is growing very largely because of expenditures made by the federal government during the war and which gives every appearance of continuing to grow very rapidly far into the future because of the very modern industries located there, industries such as synthetics industries, petrochemical industries, ordinary chemical industries for that matter, and others. I could not get it out of my head all through this period that we should not sell this land at all, that it was too valuable to be sold and that it should remain indefinitely a trust for the Indian band who occupied it.

I made up my mind when the sale fell through that if I had any further responsibility in the matter—I was relieved of that responsibility not long after—I would not again consent to any of these sales regardless of the price, that the proper way to deal with these matters was to create a trust and enter into long term leases so that the Indians could maintain a continuing interest in what was originally theirs.

It is true that according to land values at that time the sum of nearly $8 million we were proposing to sell this for was a very good price indeed. If the Indian reserve had been ordinary property on which taxes had to be paid no doubt I would have agreed that it was a very sound business transaction. I am not questioning that at all. In retrospect I still think it was. But when we consider that Indian reserves are not liable to taxation and that it costs nothing to hold the property except any loss of revenue that there may be—the normal business considerations do not enter into these transactions in that particular respect; that is to say there is not the same overhead that has to be met in continuing to hold the land—I must say I am surprised that the present government should have been willing to agree to the sale of this land for approximately $1,400,000 less than the previous administration thought was a fair price for it.

I would question the transaction on that ground alone if there were no other circumstances connected with it; but the circumstances connected with this transaction, of which we do not know all yet, are such that one has even graver doubts, in the light of some of the other information that has been published and is uncontradicted. According to the best information I can get, the average price per acre paid for this land—the whole of this land that was sold to Dimensional from this reserve—was $2,093. This land was not all sold at exactly the same price per acre, and part of this land was resold to the Ontario Hydro almost before the ink was dry on the first contract for a price that works out to $6,944 an acre.

With respect to the part of the land that was taken by Hydro, the price received from Dimensional by the Indians was $2,000, so that by executing one contract and then reselling to an agency of the crown in Ontario this company made a profit of practically $5,000 an acre, which the Indians ought to have had if the land was worth that much. If that land was worth that much to the Hydro, a provident administration of the Indian affairs department would have got that much for it and they would not have sold it for less.

I am not saying it was worth that to Hydro at all; I am not saying that, because it is a matter that is not under the jurisdiction of this parliament and it is being discussed in another place before a royal commission, and I do not propose to argue for one minute about that. The Ontario Hydro may have paid three and a half times too much for this land, and the only defence the minister will have is to say that, because she sold it for $2,000 and promptly the Ontario Hydro paid $5,000 an acre more for it. That is two and a half times as much. So that either the minister sold it at a bargain or Ontario Hydro paid an extravagant price. We cannot get away from that.

The minister cannot plead, of course, that she did not know the Ontario Hydro wanted this land, or at least that her officials did not know that the Ontario Hydro wanted the land, because that is on the record. It is on the record that certain approaches were made by Ontario Hydro. The minister has made it very clear, if I remember correctly—and I am speaking here from memory, and if I am wrong the minister will correct me at once and I will make the correction—that the Ontario Hydro never came to her or to the department to have this land expropriated.

Mrs. Fairclough: That is right.

Mr. Pickersgill: It also has been published that they did approach the government, the Indian affairs branch at any rate, with a view to discussing the possibilities of its being acquired by negotiation. At least, that is what I have been informed and if I am wrong about that I think it ought to be denied right away.

Mrs. Fairclough: Mr. Chairman, there is some element of truth in that but what I should like to point out is that it was not a decision of the department, it was a decision of the Indians themselves. They refused to sell this parcel of land to Hydro because it cut right through the centre of the block of land of which they wished to dispose. It took the very best part right from the centre; it depreciated the value of the other property around it, and they said no, they wanted to sell the whole block and, as my hon. friend knows, there is some land in that particular block that is not worth very much.

Mr. Pickersgill: Some of the land may not be worth very much for growing cherries. This land is in an area where all the land is worth a great deal because it is in a growing industrial area and it does not really matter much in a growing industrial area unless there is an Alp, and there are no Alps around Sarnia. It does not matter much whether it is good land or swamp land. With modern machinery you can soon fix that up; therefore, I am not very much impressed by that particular argument.

Whether the Indians were or were not willing to sell the land to Hydro I am not so sure; but if the Indians had been told that Hydro was willing to pay $7,000 an acre, when all they were going to get was $2,000 otherwise, they might have taken a very different view of it.

We also have had some very strange things taking place. I accept the word of the minister, and I accept her word on this point unreservedly and it is not just because I am required to do that by the rules of the house. The minister knows what I mean when I say I accept her word unreservedly because a responsible minister in the legislature of Ontario has categorically contradicted the minister. I have in front of me an extract from the Toronto *Telegram* of June 9, 1959, in which Mr. Macaulay is reported as saying and I will read his exact words:

> Hydro officials twice had been refused permission to expropriate by Colonel H. M. Jones, director of Indian affairs.

Mrs. Fairclough: That is not true.

Mr. Pickersgill: The minister says "that is not true" and I say "I accept your word unreservedly". I want the plain implication of what she said to be understood. In other words, what she said is that what Mr. Macaulay said is not true. Let us not have any beating about the bush with respect to it. This was the Mr. Macaulay who was a responsible minister in another jurisdiction who authorized the payment of $7,000 an acre for this land that the minister had sold a few days before for $2,000 an acre.

Mr. Lennard: No, the Indians sold it.

Mr. Pickersgill: No, the Indians did not sell it. No Indian land can be sold without the permission of the superintendent general.

Mr. Lennard: They agreed.

Mr. Pickersgill: Perhaps the hon. gentleman, if he wants to make one of his numerous speeches and contradict me, may do it.

Mr. Lennard: Not very often.

Mr. Pickersgill: The fact is that no Indian land can be sold without the permission of the superintendent general, and the superintendent general has an inescapable trust, an obligation as a trust to see that to the best of his or her judgment a provident sale from the point of view of the Indians is made.

No one can have any doubt that if land that the minister sold one day was bought a few days later by a crown agency in another jurisdiction for a profit of two and a half times the price that there is something pretty odd looking about the transaction. I say the minister may have got all it was worth and Hydro may have been grossly extravagant. I am not admitting that; I do not think the minister got all it was worth because I think this whole tract of land—in fact a slightly smaller tract—was worth $8 million. The minister sold it for $6,500,000. Therefore, I do not think, apart from the question of Hydro at all, that this was a provident transaction.

But I do say that in the light of the information I have now put on the record, information that is publicly on the record, this appears to have been a very improvident

transaction. I say that the government and the minister, knowing that Hydro was interested in acquiring part of this property, should have explored to the full the implications of that and should have satisfied themselves before they sold this at a much lower price to someone else that in fact it was a wise thing to sell to anybody, and they should have found out what was the maximum price that Hydro would feel it necessary to pay for this land and let the Indians know that so that they would be in possession of all the facts before any sale was made. In the light of these facts which have not been contradicted anywhere it does seem to me that this was a very improvident transaction.

Then there are other features about which one or two questions have been asked recently. There is the question, for example, of the locatee to whom I referred in questions I asked on the orders of the day earlier this week. This locatee received options on two pieces of land for which he had location tickets. One of them contained a house which I think the minister said was worth $7,000. He received $12,000 for the whole property. The latest information I have is that the purchaser has had second thoughts about the matter, but until recently it was proposed that this man's house would be demolished if he had not removed it by the first of July. I am glad to learn that the purchaser has had second thoughts about that.

But this is another of the extraordinary features of this transaction that make it more difficult than ever to understand. When the minister interrupted me a few moments ago she said that one reason why the Indians did not want to sell this land to Hydro was that it would take a chunk of land out of the middle of the tract and make the remainder less valuable. That would be a lot more convincing if the minister had not agreed to a contract out of which the company can weasel if it wants to but under which it gets title to parts of the land as it pays.

It seems to me that that destroys the minister's argument that she could not sell part of the land without destroying the value of the rest because she has already given title to part of the land to this company. She has given them a patent which they in turn have transferred to someone else for one part of that land and before the whole tract is paid for.

Mrs. Fairclough: I think the hon. member should clarify that statement.

Mr. Pickersgill: I understand that this company is to pay $6½ million for the whole property and that they have not paid it all yet.

Mrs. Fairclough: No. Just to put the record straight, may I say that they have paid about 40 per cent of the whole purchase price and they have patents for 10 per cent. If the deal falls through tomorrow the Indians get 90 per cent of the land back and 40 per cent of the money.

Mr. Pickersgill: Why should they get patents on any until they have paid in full?

Mrs. Fairclough: That is the contract.

Mr. Pickersgill: If the minister's argument is sound that it had to be sold en bloc or that its value would be destroyed if any part of it was sold, I would say an agreement should not have been entered into to issue patents to any part of it until all of it was sold. I dare say the minister is going to say that I made the same kind of contract.

Mrs. Fairclough: No, the hon. member is saying that is my argument and it is not my argument; it is the Indians' argument.

Mr. Pickersgill: The minister says this is the Indians' argument.

Mrs. Fairclough: I never made any such statement.

Mr. Pickersgill: The minister is quite right. I was quite unintentionally misrepresenting her and that is the last thing I want to do. But the minister, of course, has a responsibility which she cannot escape for permitting this sale to be made. If she thought, notwithstanding the views that the Indians had about it, that it was not a provident transaction she should not have made it. My argument is that on the face of the facts I have already alleged it is hard to see how anyone could possibly regard this as a provident transaction. I wish to make it very clear that I am not accusing the minister of anything except bad judgment. I think it was very bad judgment to be willing to sell for $6½ million in 1959 what a purchaser in 1957 was willing to pay $8 million for.

Mrs. Fairclough: He was not willing to pay it; in fact, he reneged on the deal.

Mr. Pickersgill: Yes, and I might say that the proposed purchaser at that time appears to have been a rather more substantial person than this company with curious dimensions.

Mrs. Fairclough: He was certainly very cautious.

Mr. Pickersgill: Perhaps with reason; perhaps he had something to be cautious about.

Mrs. Fairclough: He obviously had; he thought the price was too high.

Mr. Pickersgill: The more one reads in the press of the inquiry into this operation the more one wonders what "dimensions" there were, but again that is in another jurisdiction and not in ours. The minister has a perfect right, if she can make a good deal, to sell something to scoundrels. There is no law against selling something to scoundrels. I am not saying these people are scoundrels, but she can sell to anybody as long as she can get the money and I admit she is getting a substantial amount of money. There is every probability she will get all the money.

But I still say that if the Indians took the view that the land should not be parcelled up, if they took the view it had to be sold en bloc to get the full value for it, then it was an improvident thing to agree to give title to any part of it until the whole transaction was completed. It certainly has affected the particular locatee about whom I raised questions earlier this week. I do not attach undue importance to this very small part of the whole transaction but it is important. This locatee had two pieces of property and he has lost title to one of them without any assurance that he is going to get paid for the other. He has the hope but there is no assurance of any kind. He argues, I believe, that he should be paid the full amount for both tracts before being expected to vacate the property.

As I say, this is just one aspect of this very strange transaction. It does seem to me that when the minister replies, as I feel sure she wishes to do, she should tell us first of all why she came to the conclusion that this property should be sold at all. In view of the fact that there had been a decline of a million and a half in two years in what anyone was presumably willing to pay for this property, would it not have been wiser to wait a few years more in that growing industrial community of Sarnia to see whether someone might not offer a better price? After all, it was a time of recession when the minister was making this sale. She might have waited for that boom to come along about which the Minister of Finance was boasting last December and the price might have gone up to $10 million instead of merely $6½ million, to the great advantage of the Indians.

There does not seem to me to have been any very great urgency. It is not as though the Indian band at Sarnia was a collection of paupers. I have visited the reserve and most of these people are earning very good incomes. They are regularly employed and there was no urgent economic need to sell the land from the point of view of providing for the Indians. Therefore I think the minister should tell us why she was willing to take a cut in price of a million and a half to authorize this sale.

I think she should also tell us the whole story, everything the department knows with respect to its relations with Hydro in the greatest possible detail. She should tell us when they first came to see the department and what relations, so far as there is any record, the department or the Indians had with Hydro. She should tell us just how it was, knowing the great interest that Hydro professed to have in this matter, this property was sold without any effort being made to discover whether Hydro was promptly going to pay a great deal more for part of the land. In view of the intimate relations which exist between Her Majesty's present advisers and the government of Ontario it should not have been hard to find that out before this transaction was completed. I think we should be told the whole story. I think we should be told why it was that the minister was willing to authorize a contract which would grant title to bits and pieces of this land before the whole transaction was completed.

Now, this does suggest that it was a real estate operation. I believe there are other features of it that would suggest the same thing. It does seem to me that we are entitled to be told why there was any necessity for agreeing to give letters patent, that is title, to any part of this property until the purchase price had been paid for the whole of it, particularly in view of the fact that the Indians, as the minister herself has said, felt that the sale of parts of the land would destroy the value of the other parts that were not sold.

There is the risk, of course,—there is still a risk because the whole purchase price has not been paid—that part of the price may not be paid and that the whole transaction may not be completed. The minister said a few moments ago—I want to be completely accurate about this—that title had been given to only 10 per cent of the tract of land and that she had received, on behalf of the Indians, 40 per cent of the purchase price. It could happen that 90 per cent of the land would come back to the Indians and they would have 40 per cent of the price, according to the facts she has stated. This would not invalidate the fact that the sale of a small part, and this part sold to Hydro was a very small part, according to the Indians, might destroy a great deal of the value of the rest of the land.

If I could recapitulate very briefly these three points on which I think the minister should give us a very full explanation, I would ask why there was any hurry to sell

for $6.5 million something which only two years earlier was said to be worth $8 million. Why not wait until the recession was over? Why not wait until values had appreciated a little more in the Sarnia area? There is no cost connected with holding this land, as I pointed out earlier. The position would not be the same as that of a private holder who would have to pay taxes and all sorts of other charges. This was Indian land and therefore it cost nothing to hold it. Why was there any hurry about this at all or any need to take a price so much less than a purchaser had been willing to pay and undoubtedly would have paid if there had not been some change in the economic climate?

Mrs. Fairclough: You have no substantiation for that statement.

Mr. Pickersgill: I have no substantiation for that statement, that is quite true. I cannot be quite sure. They were reasonably substantial people and they spent a lot of money before the transaction was on the verge of approval, so it is unlikely that these people would have done that if they had not had serious intentions. However, whether they had or not, it seemed to the previous administration that something like $8 million was a fair price for this property. If it was, then $6.5 million was certainly not a fair price for it.

The second point is, why was there not a complete investigation of what Hydro would have been willing to pay for this property before any sale was completed? The third question is, why was a contract made which permitted title to be given to bits and pieces of the property before the whole price was paid? Now, I think it is only fair to let the minister have a chance to reply to those questions.

Mrs. Fairclough: In the first place, the hon. member keeps harping back to this figure of $8 million which, so far as I am concerned, is a purely fictitious figure.

Mr. Pickersgill: The minister does not mean that there was not a contract?

Mrs. Fairclough: No, I do not mean that. Perhaps I should say fictitious valuation because at no time was one cent of money deposited as a guarantee or as evidence of good faith. Then the company, after holding up proceedings for a considerable length of time, finally reneged and refused to pay the $8 million. They said, we are not interested; it is not worth that much money.

Now subsequent investigations proved that the $6.5 million was a very fair valuation. We had no less than three separate and distinct valuations of that property, and every one reported that $6.5 million was an excellent valuation. In fact I do not believe any of the valuations came within several hundred thousand dollars of the $6.5 million. Moreover, the property, within any reasonable or foreseeable time, would not enhance in value at all.

The hon. member has asked why we did not explore to the full the possibilities. We did explore to the full every possibility that presented itself. I have taken the position, and I shall continue to take the position, that the Indians are entitled to say what they want to do with their own land, provided they all agree about it. The majority voted in favour of this proposition. It was explained to them fully what they were up against. Hydro at no time made an offer to my department, so far as I know, and at no time did they make an offer to the Indians. They had no offer in dollars and cents; they made no overtures which indicated they were prepared to pay any specific sum of money for any specific parcel of land. I draw to the hon. member's attention the fact that the actual parcel of land comprised about 173 acres, and even had they paid $5,000 an acre, as a supposition—

Mr. Pickersgill: That is what they had to pay, $6,944.

Mrs. Fairclough: All right; even supposing they had paid that, the Indians would have received $865,000. They now have $2¼ million.

Mr. Pickersgill: They would have had the rest of the land, too.

Mrs. Fairclough: All right; what they wanted was money. I think they have a right to say if they want to sell their property if the deal appears to be a good deal. I think they have a right to say what they want to do with their own land. The hon. member talks about vesting the Indians with more authority to handle their own affairs; that they should be encouraged to become educated and take their place in the business and industrial community. Then he turns around and, in a deal like this, says no, the Indian does not know enough to decide what he wants to do with his own land.

Mr. Pickersgill: I did not say that, and the hon. lady should not misrepresent what I said. I said that the hon. lady had a responsibility, a sacred trust, which she could not escape by saying the Indians wanted to do something with this land.

Mrs. Fairclough: So far as I am concerned, I discharged my responsibility with proper judgment and in good faith. I am not ashamed

of this deal. I think it is a good deal. I think the Indians are well protected, and I have no apologies to make for it.

The committee resumed at 8 p.m.

AFTER RECESS

The committee resumed at 8 p.m.

Mr. Howard: Mr. Chairman, at the supper adjournment at six o'clock the hon. member for Bonavista-Twillingate was drawing attention to the sale of a particular parcel of land and the minister in her reply misinterpreted, I think, what the hon. member for Bonavista-Twillingate was getting at; at least I got a different interpretation. The minister indicated that on the one hand the hon. member for Bonavista-Twillingate was advocating a principle which I also advocated, that more control and authority should be given to Indians over their own decisions and activities; on the other hand he was asking for interference and control by the minister in some of the things which the Indians wanted to do, including in this instance the sale of the particular parcel of land.

As the act stands at the present time the minister, being a minister of the crown, in my opinion is the one person who should be administering Indian lands in trust for Indians, because land is held by the crown in trust for them. This also applied to the hon. member for Bonavista-Twillingate when he was in the position the hon. lady is in at the moment.

Holding lands in trust indicates that that trust should be carefully looked after and the interests of the Indians protected in each instance. I am not going to get into a discussion with respect to the sale of this particular piece of land at Sarnia. However, I have had occasion to come across sales of land on Indian reserves in the past which would lead me to believe that perhaps the interests of the Indians have not been fully and properly protected, and perhaps in the initial instance this falls on the shoulders of the Indian protector or agent in explaining to band councils and to bands the effects which might accrue from the sale of any particular parcel of band land or land of a locatee.

I have had occasion to become interested in at least three particular sales which come to mind offhand over which difficulties have arisen after the sale had taken place, and this would indicate that the interests of the Indian had not been fully protected before the sale. If this continues it is leaving the impression with the Indian that perhaps he should not even consider selling any additional parcels of land because he would end up on the short side of things when the sale is over.

As an example, one individual, a locatee on the Hazelton reserve, about ten years ago or so sold some land or agreed to sell land of his to the local school board for the purpose of building a school. As I understand it, the money was paid promptly by the school board to the Indian affairs branch and it took this individual, Mr. Ben Mackenzie, some seven years from the time the land was sold to the school board and the school board paid the money to the Indian affairs branch until he received payment. This of course raised considerable doubt in his mind as to whether his interests had been properly looked after.

Another instance occurred on the same reserve with another sale of a piece of land, this time to the department of highways of the province of British Columbia, involving a number of locatees. When I was in the provincial legislature, which would be perhaps 1954 or thereabouts, speaking from memory, I saw a copy of a letter and a list comprising the names of individual members of that band, the amount of land that had been used for highway purposes and the value of that particular land. It went on month after month after month stretching into two or three years before these particular payments were cleared up, even although the money was transmitted from the department of highways of the province of British Columbia to the Indian affairs branch in very short order. In fact I do not know whether it has all been paid yet. Incidentally, this involved the difficulty of assessing or discovering who the locatees were or who the heirs of the locatees were. In any event there was a long period of delay before the individuals concerned received payment for their particular pieces of land which had been surrendered for the purposes of the provincial department of highways.

Another recent instance about which I have had some correspondence with the department involves the Kitasoo band who for a period of ten years had leased part of their reserve to Todd Brothers canneries so that a cannery could be established there where the Indians could work. Then about a year or so ago an undertaking was made to sell this particular piece of land to Todd Brothers rather than to lease it. I think in this instance the Indian superintendent or someone did not fully explain to the Indians what the consequences might be flowing from the sale of this particular piece of land to the cannery, for this is what the Indians discovered afterwards and they are

now regretting that they undertook this particular sale. After the land had been sold outright, Todd Brothers closed up, and the canneries no longer exist. The Indians now find that they cannot work the land because they sold it. They cannot work in the canneries because they are shut down. And since they sold the land, they find they became subject to income tax while working for Todd Brothers, which was not the case before.

Mrs. Fairclough: I do not want to interrupt the hon. member unnecessarily, but does he have the dates of these transactions?

Mr. Howard: I am sorry, but I have not. Offhand I would say this was this year, or perhaps a year ago, or maybe two.

Mrs. Fairclough: I do not recall ever signing any agreement to sell. I would be interested to have the details.

Mr. Howard: If the hon. lady would permit, perhaps some other hon. member may desire to take part in this discussion. If I may be excused, I think I can take this out of my files without too much difficulty and bring it back. I do not think there was an agreement of sale, but an arrangement to sell. I think I could get this out of my file so as to present it in a formal way to the minister with reference to the correspondence as well. That is all I have to say at this time. I will try to be back before the estimates pass.

Mr. Hellyer: Before the supper recess the minister said, if I understood her correctly, that had the Indians sold the land directly to the Hydro-Electric Commission of Ontario they would only have received $865,000.

Mrs. Fairclough: That is not exactly right. I said, had they sold it, and had they got the top offer. So I think it is slightly hypothetical.

Mr. Hellyer: I think we should ask the minister for some explanation, because the price the hydro commission actually paid for 173 acres was approximately $1,200,000.

Mrs. Fairclough: That is not $5,000 an acre which was the amount specified by the hon. member for Bonavista-Twillingate.

Mr. Pickersgill: I think I can clear that up. The figure was $6,944 an acre that the Hydro paid, and I said the figure the Indians got was about $2,000. The difference was $5,000 an acre. If you take it to be $7,000 an acre, my hon. friend's figure is about correct.

Mr. Hellyer: It is the difference between $815,000 and $1,200,000 and that is a rather sizeable sum even for ordinary people. I do not think it is picayune.

I was just reading from the file of an order made by this house for the production of copies of all communications including memoranda of telephone conversations since January 1, 1958 between Ontario Hydro or any of its officials and the Minister of Citizenship and Immigration or any of her officials regarding the acquisition by Ontario Hydro of land on the Sarnia Indian reserve.

There are a number of points about this correspondence and one in particular about which the minister can perhaps furnish an explanation. On December 5, 1958 there was a letter addressed to the chief and councillors of the Sarnia Indian reserve signed by Mr. C. F. S. Tidy for the director of property which refers to an appraisal for the sale of 30 acres of the Indian land to the hydro-electric commission. Throughout this whole correspondence, from the beginning to the end, there is no mention of any amount of land larger than 30 acres in this period until December 5, 1958. The next letter of December 16, advises that the band had withdrawn permission for the proposed purchase of this 30 acres by the Hydro-electric commission. There is no further correspondence between the Hydro-Electric Power Commission of Ontario and the government of Canada until June 5, 1959, and then there is the letter addressed to the Hydro-Electric Power Commission of Ontario, University avenue, Toronto, Ontario. It is signed by Mr. D. Vogt for W. C. Bethune, chief, reserves and trusts, and reads in part:

> Dear Sir:
>
> The attached letters patent have been issued to your commission at the request of Dimensional Investments Limited, with respect to 173.82 acres on the Sarnia Indian Reserve.

The obvious conclusion here is that sometime between the previous December and June 5, 1959 when these letters patent were issued, the Hydro decided that they had to have, not 30 acres, as they had been negotiating for for some period of time, but 173.82 acres. What has not been explained is why there should have been this increase in the amount of land desired, and we should of course be very interested to know if the minister had any advance notice that the requirements of the Hydro-Electric Power Commission of Ontario had been suddenly magnified from a mere 30 acres to 173 acres. This afternoon the minister again told us, echoing, if I may say so, words used by Mr. Macauley in explaining this whole situation, that the lands which had been transferred to Ontario Hydro were among the best lands on the reserve, prime lands and that they were therefore entitled to a prime price.

Mrs. Fairclough: I object. I never said any such thing.

Mr. Hellyer: If you will check the record, Mr. Chairman, you will find that the hon. lady indicated this afternoon that these were preferred lands.

Mrs. Fairclough: I never said any such thing. I said they cut right across the reserve and interfered with the sale of other lands. I never said anything about their value.

Mr. Hellyer: They cut right across the reserve. I accept the hon. lady's interpretation. They were lands underneath the existing transmission wires, including rights of way already owned by the Hydro-Electric Power Commission of Ontario.

Mrs. Fairclough: That is not my problem.

Mr. Hellyer: Of all the land, what could be less useful for industrial purposes? What could be less useful than land immediately under hydro transmission wires? This was the reason the hon. lady gave for not having obtained a higher price.

Mrs. Fairclough: It was not.

Mr. Hellyer: Selling off a parcel of this land, she said, would affect and depreciate the land which remains to the Indian band. In fact a very substantial proportion of these lands were under hydro transmission wires and, as I say, already owned by the hydro-electric power commission of the provincial government.

Mrs. Fairclough: In that case we got a good price.

Mr. Hellyer: The price you got was not very good. Dimensional Investment got a good price, I would say.

Mrs. Fairclough: We got a good price if the land was valueless, as you say.

Mr. Hellyer: The minister also told us that 40 per cent of the moneys have been received on this transaction and only 10 per cent of the land has been deeded; only 10 per cent has been released to the company, and yet half of this total money was that paid over by the Hydro-Electric Power Commission of Ontario for which it got approximately 5 per cent of the total land.

Mrs. Fairclough: That is their problem.

Mr. Hellyer: One other point is the financial ability of this company to complete this transaction. In reply to a question in the house the other day the minister said that the proof of the pudding was in the eating.

Mrs. Fairclough: Who said that?

Mr. Hellyer: The hon. lady did.

Mrs. Fairclough: I never did.

Mr. Hellyer: I am paraphrasing.

[Mrs. Fairclough.]

Mrs. Fairclough: Mr. Chairman, I object. The hon. gentleman quotes me then when I object comes back and says he is paraphrasing me. Let the hon. member quote me precisely or not at all.

Mr. Hellyer: I will be very happy to do that in just a moment, Mr. Chairman, when we can locate the reference.

Mrs. Fairclough: When your secretary, the hon. member for Bonavista-Twillingate, locates it.

Mr. Hellyer: I object and I think rightly so that a minister of the crown would sell or would allow to be sold $6 million or $7 million worth of Indian land to a company with a capitalization of $40,000 which had not filed any proof of its financial ability to complete the transaction.

Mr. Spencer: What is strange about that?

Mr. Hellyer: The minister told us—

Mr. Clancy: No she did not. You are making that statement.

Mr. Hellyer: —that all the documents had been tabled and they included no document whatsoever indicating the financial ability of this company to undertake a transaction of this size. The only possible excuse that the minister could have would have been the assurance that moneys were forthcoming, in fact some advance knowledge that this transaction with Ontario Hydro was about to take place because only a transaction of that magnitude—a $1,200,000 transaction with Ontario Hydro—would have provided the equity capital necessary for the company to have been in a position to close this transaction on the due date.

Mrs. Fairclough: Mr. Chairman, I really do not like to interrupt the hon. member but I wonder if he would mind explaining to the committee the relationship between capitalization and the financial assets of any company which is incorporated?

Mr. Nesbitt: The hon. member does not know anything.

Mr. Hellyer: What I would like the minister to explain to the committee—

Some hon. Members: Oh, oh.

Mr. Nesbitt: The hon. member does not know what he is talking about; he does not know the difference.

Mr. Hellyer: —is how she would think a company which had a capitalization of only $40,000 and which had demonstrated no additional capacity—

Mr. Pallett: Just answer the question.

Mr. Hellyer: —to undertake a deal of this magnitude would be in a position—

Mr. Pallett: The hon. member has just been scalped.

Mr. Hellyer: —to undertake and carry out the purchase of $7 million worth of land.

Mr. Nesbitt: Capitalization has nothing to do with capital assets.

Mr. Pickersgill: It had none.

Mr. McIlraith: That is the point; it had none in this case.

Mr. Grafftey: Give the hon. member enough rope and he will hang himself.

Mr. Hellyer: In deference to the minister I should like to read the reply she gave me in the house the other day.

An hon. Member: Page?

Mr. Nesbitt: Be sure to read the whole statement; do not lift it out of context.

Mr. Hellyer: I refer to page 4952 of yesterday's *Hansard*. On orders of the day I addressed a question to the minister in these words:

> Would the minister advise the house why she allowed the sale of $7 million worth of land to a company with a minimum capitalization of $40,000 without proof of their financial ability—

At that point I was interrupted. The hon. lady's reply was:

> Mr. Speaker, all I can say is the decision that was taken has been justified, in that the payments have been made up to date and the Indians are now in possession of nearly $2.5 million.

Mrs. Fairclough: That is right.

Mr. Hellyer: Surely, Mr. Chairman, when that statement is interpreted as meaning that the proof of the pudding is in the eating it is not being unfair to the hon. lady.

Mr. Pickersgill: That is what it means.

Mr. Hellyer: I am sure upon reflection the hon. lady would agree with that. We would like the hon. lady to tell us whether or not she had advance knowledge that Ontario Hydro was going to purchase this amount of land from Dimensional Investments Limited and whether or not she had advance knowledge that the requirements of land would be increased from 30 to 187 acres and whether or not the knowledge of this proposed transaction was a factor in the decision to allow the sale of this considerable tract of land to a company which otherwise would have been financially unable to undertake it.

Mrs. Fairclough: The answer, Mr. Chairman, is no. At no time was I aware that there was to be a sale. I knew that Ontario Hydro wanted land, of course, but at the time the sale was arranged there was a great deal of doubt as to whether Ontario Hydro was going to buy these lands or go all the way around the reserve.

Mr. Pickersgill: Mr. Chairman, I should like to ask the hon. lady if she knew at the time the sale was made that Ontario Hydro had transmission lines running across its property already and had an easement for those lands?

Mrs. Fairclough: Yes.

Mr. Pickersgill: I have in my hand a plan which indicates that the transmission lines do not go right through the middle of the property. That is according to this diagram, if it is a correct one, and I must say it was published in a very reputable newspaper—

Mr. Clancy: The *Star*?

Mr. Pickersgill: —and I have never seen anyone attempt to refute it. Far from being in the middle of the property the diagram indictates that the transmission lines are in one corner of the reserve. In the light of the additional information the hon. member for Trinity has given to the committee this evening to the effect that Ontario Hydro already had an easement over this property and already had a transmission line there, nothing could be more absurd than the statement the minister says the Indians made to her the effect of which was that they feared that to sell this part of the land to Ontario Hydro would destroy the value of the rest of the land because it is perfectly clear—and I must confess this is something I did not fully appreciate when I was speaking this afternoon—that the least valuable part of that land for industrial purposes would be that part over which Ontario Hydro already had an easement and a transmission line. In those circumstances it obviously would have a limited use for any industrial purposes as compared with other parts of the property.

It also seems to me very extraordinary that the department knowing that Ontario Hydro was interested in this matter should have consented to this sale of this property to a company which, without prejudging the verdict of a royal commission, does not seem to have been one of the best known, most obviously substantial and most reputable financial firms in the country. I believe it is extraordinary that the land should have been sold to the company without it having filed proof that it had a capacity to carry through this deal. It is very odd that immediately after it was sold an agency of the crown, the Ontario Hydro, which had previously had conversations with the minister's department, should promptly have bought this land. I

would have thought that ordinary elementary prudence on the part of the minister would have dictated another course of action.

I assumed until I heard the things the hon. lady said about Mr. Macaulay this afternoon which may change that relationship that up until the time she said he was not telling the truth—

Mrs. Fairclough: I said no such thing. The hon. member has paraphrased enough.

Mr. Pickersgill: The hon. lady said that what he said was not true.

Mr. MacLean (Winnipeg North Centre): The hon. member read from a newspaper article.

Mr. Pickersgill: No, I read from the report of the proceedings of the royal commission.

Mrs. Fairclough: I said that a given fact was not true.

Mr. Pickersgill: The hon. lady said that what Mr. Macaulay said was not true. Maybe that is not saying that Mr. Macaulay was not stating the truth. If the hon. lady wants to split that hair she can split it.

Mr. Nesbitt: At least she does not twist it as the hon. member does.

Mr. Pickersgill: But before the hon. lady gave him the character she gave him this afternoon I assumed she was on speaking terms with him and that she was also probably on speaking terms with the premier of Ontario although he did say about her in another matter concerning which I have a clipping which I have not read out of deference to the hon. lady that she did not know what she was talking about.

Mrs. Fairclough: Go ahead and read it.

Mr. Aiken: There are other people like that.

Mr. Pickersgill: I would suggest that in a grave matter of this nature involving the trust of the original inhabitants of this country and in the light of what has already appeared before this royal commission no hon. member of the Conservative party should regard it as a joking matter. The fact of the matter is that immediately after this considerable portion of land was sold to this real estate firm they promptly resold it to another agency of the crown, an agency of the provincial crown, for enough money to pay for something like one third of the whole cost of the whole tract; that is to say, they paid $1,200,000 odd for a tract that the minister sold for one fifth—

Mrs. Fairclough: Your arithmetic is terrible.

[Mr. Pickersgill.]

Mr. Pickersgill: The minister is quicker at arithmetic than I am only this evening, not this afternoon, as the hon. member for Trinity pointed out. But the plain fact of the matter is that we cannot get around the fact that either this land was worth $7,000 an acre, which is what Hydro paid for it, in which case the Indians ought to have got that $7,000 an acre and not somebody else, or it was worth only $2,000 an acre. Of course that is not the minister's responsibility, but Hydro is certainly wasting the money of the users of electricity in Ontario. That is not the business of this parliament. But I would have thought that before entering into this transaction with this company, which does not seem to have been very well known before this transaction began, the minister or her officials would have found out precisely what Hydro really wanted and what they were willing to pay for it.

Mrs. Fairclough: Why should we? We were not looking for purchasers?

Mr. Pickersgill: The hon. lady says she was not looking for purchasers.

Mrs. Fairclough: No.

Mr. Pickersgill: This is by far the most damaging statement the hon. lady has made—

Some hon. Members: Oh, oh.

Mr. Pickersgill: Let hon. members consider the implications of that remark. The hon. lady is trustee for the Indians. She says she was not looking for purchasers. "The first fellow that came along and offers me a price for it I will give it to him."

Mr. MacLean (Winnipeg North Centre): She did not say that.

Mr. Pickersgill: That is exactly what she means, when she says she was not looking for purchasers. She should have been, and she was negligent in her duties to the Indians, negligent in her trust, in not doing it.

Mrs. Fairclough: Just before the dinner recess the hon. member said he would not sell at any price. Now he tells me I should have been looking for a purchaser.

Mr. Pickersgill: The hon. lady should not have sold it at all if she was not looking for purchasers.

Mrs. Fairclough: So, I should have been looking for purchasers? Go on!

Mr. Pickersgill: Perhaps the hon. lady would not mind possessing her soul in patience or replying after I finish. If she has a correction to make I shall be very glad to have the correction made. I have tried very carefully not to distort any of the hon. member's remarks or observations. I have spoken

very slowly and I have asked at every stage for her to correct any statement of fact if it were wrong. I suggest that the hon. lady carry on the debate in the same fashion instead of seeking to distort the things I say.

I say, in my opinion, this land should not have been sold at all to anybody. But I go on to say that if it was going to be sold to anybody it was the hon. lady's duty to look for purchasers and get the best possible price, and these two positions are perfectly compatible.

Mrs. Fairclough: We did.

Mr. Pickersgill: I repeat that. I do not think the land should have been sold at all. That was the conclusion I came to and that was why I was relieved when the transaction that I agreed to for $8 million did not go through, because I had come to the conclusion while those negotiations were going on that it was a mistake to sell it at all and I do not think it should have been sold at all. But if it was going to be sold, then the minister had the duty—and she cannot hide behind the Indians—to see that the best possible price should be got for it. She did not get the best possible price for it because she sold it to those real estate operators who promptly resold a relatively small part of it for the difference between $2,000 an acre and $7,000 an acre, and if that is not a pretty exorbitant profit for a real estate operator to make on Indian lands in a week or two, well, it is really one of the most questionable transactions I think that has ever taken place.

Mrs. Fairclough: Oh, balderdash.

Mr. Pickersgill: Oh, well, of course, I suppose to the hon. lady and the people over there a mere matter of $5,000 an acre profit to some real estate operator is very small potatoes but it is not to the Indians.

An hon. Member: They have not made that profit yet.

Mr. Pickersgill: They have sold the land. Hydro has paid the money. The hon. member says they have not made that profit. There is one thing that seems to be very clear. Not only have they made that profit but this is what gave them the necessary funds to carry on the rest of the transaction, or a good part of it. The hon. lady gave no reply whatever to the point which I still think is the most fundamental point of all, namely that it was considered that this land was worth $8 million in 1957.

Mrs. Fairclough: It was not.

Mr. Pickersgill: I considered it was worth $8 million.

Mrs. Fairclough: Is the hon. member a real estate evaluator?

Mr. Pickersgill: No. The evaluators of the department considered that this was a proper price.

Mrs. Fairclough: No, they did not.

Mr. Pickersgill: The transaction was recommended to me by the present officials and I agreed to it at $8 million, and two years later, in a recession, when the hon. lady sold this land for $1,500,000 less, there was no compulsion to sell it at all at that particular time. Even if Hydro had never entered into this picture at all it would have been a very questionable and imprudent transaction. When you think that no sooner is the contract executed than a part of it is resold at a profit on the original price of $2,000 an acre of $5,000 an acre it really does become a fantastic operation. It does seem to me that the hon. lady owes a different and better explanation than we have had yet.

Mr. Howard: I wish to make reference to the subject matter of the Kitasoo Indian reserve No. 1, British Columbia, on which I wanted some information. I have a letter, and I find an error arose in connection with it, and perhaps inadvertently placed the hon. lady in the position of being responsible for this transaction, but such was not the case. It was not my intention to do anything like that. Other arrangements were made in which the interests of the Indians were not fully and properly protected, or they were not fully explained to them by whoever undertook the explanation. The letter which I have in my hand is dated June 3, 1960 from the director, and reads:

> Re: Kitasoo Indian Reserve No. 1,
> British Columbia and
> J. H. Todd and Sons, Limited.
>
> As requested in your letter dated May 31, 1960, I attach a photostat copy of release granted to J. H. Todd and Sons Limited for a period of 10 years from January 1, 1941.
>
> The land sale was a cash transaction and was not preceded by an agreement of sale. On receipt of the agreed purchase price of $21,000 letters patent were issued.

Mrs. Fairclough: Does the hon. member know when they were issued? What is the date?

Mr. Howard: I will refer to another letter which precedes this one, which is dated May 27, 1960. Part of the letter reads:

> The sale was completed in accordance with the terms of the surrender and letters patent issued for the 15 acres of land on March 4, 1955. The $21,000 received was earmarked, at the request of the Indians, for use in connection with a water supply system.

I expect that clears up that point. I should like to reiterate that I do not think the interests of the Indians were protected in this particular sale. Whoever the person was who participated in the transaction as the liaison man, and presumably it would be the Indian superintendent at Bella Coola, he appears to have acted more as agent for J. H. Todd and Sons than he did for the Indians because it was not until subsequent to the sale and closing down of the cannery that the Indians realized the full impact of the sale of this land. As I said, they discovered that they not only do not have the land now but they have no opportunity to work in the cannery because J. H. Todd and Sons have arbitrarily closed the cannery and said that they are not going to operate it any longer.

In addition, the Indians have made another discovery. While working for J. H. Todd and Sons after the sale was completed they discovered that they were subject to the payment of income tax on the money received whereas they were not subject to income tax while the lease was in effect and the income was derived from use of their land. I only raise this case along with two instances involving individual locatees on another reserve to point out that in all instances the interests of the Indians were not properly protected. The results that would flow from the sale of their land were not thoroughly explained to them.

As I said in my opening remarks, I think it should be the policy of the department to attempt to promote leases and rentals, if that is desirable, rather than sales because a sale is such a final transaction. I suppose it would be possible for the Indians to buy back the land from J. H. Todd and Sons. Presumably that is so but the chances of its happening are practically nil. The hon. member for Bonavista-Twillingate mentioned that it should not be the policy of the department to allow the Indians to sell their land. I endorse that view completely and I have always been of that opinion. I am only sorry that they did not have the same interest during the time that my friend and his colleagues were in office. Perhaps we will profit now by the experience gained in such cases as that on the Kitasoo Indian reserve to which I have referred.

Mr. Nesbitt: Mr. Chairman—

Mr. Simpson: Mr. Chairman, I should like—

The Chairman: I understand that the hon. member for Oxford wishes to put a question.

Mr. Nesbitt: It was with reference to the remarks that have been made by the hon. member for Trinity, the hon. member for Bonavista-Twillingate and the hon. member for Skeena.

The Chairman: I have recognized the hon. member for Churchill.

Mr. Simpson: Mr. Chairman, I should like to make a few brief remarks with regard to one or two problems facing the Indians of our country that have been brought to my attention. Some of these problems I have observed myself and others have been brought to my attention by people living in northern Manitoba. At the outset I should like to express my appreciation to the minister, the director of the branch, Colonel Jones, and the Indian agents in northern Manitoba and their field men for the co-operation they have given me during the past three years. I should also like to tell the minister that the people of this area were very pleased that she was able to visit northern Manitoba last summer. She was not able to go to all the reserves and we hope that she will be able to come back to that area in the near future.

Personally I do not believe that the people of Canada generally realize what a tremendous amount of work is being carried out by the Indian affairs branch in an endeavour to solve the many problems with which the Indians are faced. One only has to make a few trips into these outlying areas with an Indian agent and meet the band leaders and councillors to come to a realization of just how much work the branch is doing to solve the many problems and, believe me, there are still many to be solved.

There is one specific problem very evident in the northern part of the country to which I should like to see serious consideration given. I may say that I brought a specific case to the attention of the director of the branch very recently. We were not able to do too much about it because possibly the matter was left too late but we will be forever faced with the same problem unless something is done. The problem has to do with the situation that arises when the Indian affairs branch and other departments such as northern affairs and national defence are planning the construction of establishments in outlying areas of northern Canada. I refer to the construction of hospitals, nursing stations, Indian residential schools and so on. In their construction one thing that must be provided is an adequate electric power supply. In many cases when such buildings are constructed they are located close to an Indian reservation or possibly a small settlement inhabited by people of the Indian race.

When planning the power requirements for these establishments I should like to see consideration given to making a preliminary survey of the possibility of providing for the electric power requirements of the Indian people who live adjacent to the hospital, school or whatever the building is. I realize that when plans for power installations are planned an effort is made to arrive at a reasonable estimate of how much power may be needed by the particular building in the future and allowance is made for that but I cannot see why it would not be possible to make allowance for additional power for the Indian people living adjacent these areas. If provision is not made for such power when planning these government establishments the people in these areas will be a long time before they get the benefit of electric power.

The reason I bring this matter to the attention of the minister at this time is that it is my understanding that up until this time it has been the feeling of the department, possibly a reasonable one, that to do what I have suggested would create a tremendous amount of extra work for them which is not actually in their field. It is claimed that it would create work in making surveys of the necessary extensions of power, that it would create an obligation on the department to establish the rates to be charged and would also create obligations with respect to the distribution of the power and collection of accounts.

That does seem like quite a large assignment to give any government department but I think there is a good solution for that, especially in Manitoba, and I do not see why the same solution could not be applied in other provinces confronted with the same problem. I have very good assurance from the Manitoba power commission that they would welcome the opportunity of purchasing excess power from any source if there was a reasonable market for that power in the vicinity. They have told me they would be quite willing not only to purchase the power but to arrange for its distribution and to set the rates and collect the accounts. With such an arrangement having been suggested by the Manitoba power commission, I think that many of the problems are overcome.

I should like to say once again that generally government departments do not take some of these things into consideration and do not realize that they have an obligation, as government departments, to the people of Canada living in these outlying areas to bring to them some of these amenities of life. If we do not do that, we are not doing our job. I know that this is a problem which exists all over the northern part of our country. I believe it is only reasonable to assume that most of the provincial authorities who are operating hydro systems and power commissions would be willing to go along on the same basis as the Manitoba power commission has done in at least two different places in northern Manitoba. At The Pas Indian reserve the Manitoba power commission is supplying power, and at another point, Cranberry Portage, the Manitoba power commission is purchasing power from a national defence establishment and selling it to the residents of that community. If the Manitoba power commission had not adopted this attitude, the people in many of these outlying areas would be waiting many years for this service which we in the urban areas accept as our birthright.

There is one other problem I should like to mention. Some of the hon. members referred to welfare cases today and said they were pleased to see the department was inaugurating a policy of paying by cheque or by cash instead of in kind. This seems to be very welcome news. I may be wrong in this, but after visiting many of these reserves and seeing the tremendous amount of welfare benefits being paid out in some cases and the amount of work of a minor nature which needs to be done on the reserve, I am wondering if these people should not be paid for doing the work. In this way a lot of the small jobs could be completed around these reserves by day labourers, and I cannot see how it would cost so much more. I do believe the people would be happier, if work for wages were available instead of relief or welfare for those people in fit condition to do the work which needs to be done.

Mr. Nesbitt: I have just one brief remark to make, Mr. Chairman. There has been some reference on several occasions during the debate this evening to people misleading the house. I should like to direct my remarks to the remarks made by the hon. member for Trinity. I fully realize the hon. member for Trinity is not a lawyer, but he is eminent in other fields. I think there was one thing the hon. member for Trinity kept saying repeatedly and that was that this company which purchased this land from the Indians in Sarnia had a capitalization of $40,000. The inference that anyone who is not conversant with the technicalities of corporation law would draw is that the only assets of the company were $40,000. This is most certainly not the case.

It is customary, in the province of Ontario when a company is incorporated to incorporate with a capitalization of $40,000. It simply means that the par value of the authorized shares to be issued then or at some time in the future is $40,000. It has no relationship whatever to the actual assets of the company. I am sure the hon. member must know that.

He has had some experience in corporate dealings, I understand, and if indeed he does know it, the only conclusion can be that he attempted to mislead the committee. If he did not know it, then he should be more careful about what he is saying, because I believe it is a clear attempt to mislead the committee.

Mr. Hellyer: On the contrary, I was attempting to lead the committee. The matter of capitalization, as the hon. member for Oxford has just said, is not necessarily indicative of the total assets or net worth of the company. This was a newly incorporated company, however, which had no other assets. The total of its assets was limited by the extent of its capitalization, under the law of the province of Ontario, so that its assets were equal to its total capitalization or something less than that. No financial documents whatever were filed by the company, as has been ably demonstrated, to indicate it had any assets whatever, even within the $40,000 of its capitalization or over and beyond that. I am surprised that a learned counsel would not be able to determine this for himself. I hope I will not have to retain him to do legal work for any company with which I am connected.

Mr. Nesbitt: It is quite clear you do not know what you are talking about.

Mr. Hellyer: I think it is quite irresponsible for the minister to authorize the sale of millions of dollars worth of land held in trust for an Indian band to a newly formed company with a capitalization of $40,000 and with no demonstration of assets, even to that extent.

I should like to ask the minister if, in fact, March 14 was the final date for completion of this sale. I hope that is the correct word, and if it is not the hon. member for Oxford will fill me in with the correct one.

Mrs. Fairclough: March 14 of what year?

Mr. Hellyer: Of 1959.

Mrs. Fairclough: The agreement was signed on March 14, 1959. The total sale price must be paid within two years time, which means it has about nine months yet to run. In addition to the sale price, there have been adequate safeguards incorporated into the agreement and the Indians receive interest on their funds in addition to the price that was agreed upon.

There have been a lot of very peculiar statements made here tonight, and between the pseudo real estate valuators who cannot even add and the financial experts who do not know the difference between capitalization and assets we have had ourselves quite a field day.

Mr. Pickersgill: I suppose the hon. lady could set the record right.

Mrs. Fairclough: Oh, I cannot be bothered. I am here in my capacity as a minister to defend my department. I am not here to give lessons in economics and real estate valuation to hon. members.

Mr. Pickersgill: I rise on a question of privilege.

Some hon. Members: Sit down.

Mr. Pickersgill: The hon. lady has said that she is not here to give lessons in economics. Nobody wants lessons in economics, but we are entitled in this committee to an accounting of the business of this country, particularly when it is business done in trust for the original inhabitants of this country, and that is what the hon. lady refuses to give; indulging in innuendo and insinuations instead of dealing with facts.

Mrs. Fairclough: All right, Mr. Chairman, I shall do my best to put the record straight. However, I cannot be held responsible for those who will not listen or will not understand. Back in the time when my hon. friend was charged with the responsibility of this department he tells us that he had an offer of $8 million for this land.

Mr. Pickersgill: Approximately $7,902,000.

Mrs. Fairclough: All right, we will not quibble over $100,000. He never got one plugged nickel, not one.

Mr. Pickersgill: That is quite right.

Mrs. Fairclough: Ultimately the people who were supposed to have given this offer withdrew, after having held up the sale of the land for a considerable time to any other prospective purchaser, or if they did not, the minister did in the hope of getting $8 million. They decided on one of two things; either that they did not have $8 million or that the land was not worth it.

In the meantime the Indians, having been encouraged by the minister to think there was a sale going on, went out and bought sundry things—automobiles, deep freezes, electric refrigerators, washing machines, all manner of things, and got themselves well and truly in debt. And the sale fell through.

Ultimately another group came along and offered to buy this property, and I think it is no secret that their first offer was considerably lower than the price at which the agreement was drawn up.

Mr. Pickersgill: I would hope so.

Mrs. Fairclough: The hon. member would hope it was lower?

Mr. Pickersgill: I hope the hon. lady would get more than the first offer.

Mrs. Fairclough: I have not been in business for more years than I like to admit without learning a few tricks from the trade.

In any event the Indians, quite properly, were concerned about their financial obligations. They had no intention of hiding behind the protection offered them in the act and failing to live up to their financial commitments. They had been led to believe that they had a proper sale coming up. This new company came along and it made an offer. We turned that offer down. We took the precaution of engaging the services of an independent evaluator who went into this situation and gave us a full report, not only on the immediate value of the land but its potential having regard to other land which had been sold in the vicinity, having regard also to other land that was available for sale in the vicinity and taking into account the projected rate of industrial progress which was anticipated. Finally we received from them an evaluation and that evaluation was $5,500,000.

We were not satisfied completely with that so we asked the officials of the Veterans Land Act if they would give us an evaluation quite independently, without any reference to the firm which had made an evaluation and with no consultation with them. As a matter of fact they did not know who the firm was that had made an evaluation. They came up with a valuation of $5,600,000. So I think, Mr. Chairman, if we got $6,500,000 for the Indians we did pretty well.

I have no intention of arguing any case for a subsequent buyer, whether they made offers, whether they wanted anything, what they were willing to pay, what they had already done, or anything. That is no concern of mine. The thing which is my concern is that I get for the Indians the best possible price I can get having regard to the value of the land and its potential, and I maintain, Mr. Chairman, that that is what I did do. Not only did I get them the best possible price but I protected them under the terms of this contract and, as I have said before today, if this contract falls through tomorrow, if perchance the company concerned defaults in its payments, the Indians will have received something in the nature of $2,500,000 and will have sold about 10 per cent of the land which was for sale.

I cannot understand what the hon. member is talking about. I would think that there is some kind of a herring being drawn across the path here. I have not quite discovered what it is.

Mr. Pearson: A herring from Toronto.

Mrs. Fairclough: I think the hon. member is right there. I have an idea that the criticisms which have been directed at this department are not intended for this department at all but are intended for some other place. As far as I am concerned I think I did a good job for the Indians. I think I made a good deal for them, and as I said immediately before adjournment at six o'clock I have no apologies to make to anyone for this particular sale.

Mr. Hellyer: Mr. Chairman, the hon. lady has just told us again that she got the best possible price for the land, but she did not. A small part of the land was in fact sold approximately simultaneously for $5,000 an acre more than the hon. lady got for it.

Mr. Thrasher: Would the hon. member permit a question?

Mr. Hellyer: Yes.

Mr. Thrasher: Would the hon. member be prepared to pay $5,000 an acre for the balance of the land?

Mr. Hellyer: From what I know of the situation I would not want an acre of it at any price.

Mr. Pallett: Mr. Chairman, did I hear the hon. member say that he would not want an acre of it now at any price?

Mr. Hellyer: That is exactly what I said. That is not the particular type of land development in which I am interested. The hon. lady told us earlier that she did not know that Ontario Hydro was interested in buying a larger acreage of this land.

Mrs. Fairclough: That is not true, I did not say that. I said that I did not know how much they wanted, which is true.

Mr. Hellyer: But she knew there were intermediate negotiations being carried on during this period between December, 1958 and June, 1959; is that not correct?

Mrs. Fairclough: That is not exactly correct. We knew that Ontario Hydro was interested in acquiring some land; I could not help but know that. After all, they had their power lines over this land, as has been said, but at no time was any offer made to any department. So far as I know no offer was made in dollars and cents to the Indians, but I will not answer to that completely.

Mr. Hellyer: Mr. Chairman, this explains something of which we were not aware

earlier this evening. The hon. lady did know that these intermediate negotiations were being carried on. Surely her curiosity would have been such that she would have made an effort to determine not only the extent of the lands required by Ontario Hydro but also what they were willing at that time to pay for them. Did the hon. lady know, for instance, that three days before the completion of the sale Ontario Hydro paid over the approximately $1,200,000 to Dimensional Investments Limited which was held in trust for several days pending completion of the sale, the funds of which were in fact turned over to her as trustee for the Indian band?

Mrs. Fairclough: The ultimate disposition of lands is not my concern. The hon. member is a merchant, or supposed to be, and if I sell him a gross of articles it is no concern of mine what he sells a dozen for.

Mr. Pickersgill: I think that deserves a little comment. The hon. member for Trinity has shown us something which I did not know myself until this evening. Apparently three days before the minister sold the land the company she sold it to had already sold a part of it for $5,000 an acre more than she sold it for. The cheque of Ontario Hydro was delivered to Dimensional, according to this information, on March 11 and the minister did not sell until March 14, and Dimensional used the $7,000 an acre from Hydro to pay the minister $2,000 an acre. If she thinks it was not her business to know what kind of customer she was dealing with, I think we ought to have another minister as a trustee for the Indians.

Mrs. Fairclough: Mr. Chairman, obviously the hon. member has not a clue what he is talking about. I do not have any police force to go out and find who is doing what or who is—

Mr. Pickersgill: You do not speak to the Ontario government.

Mrs. Fairclough: Certainly not; I run my department. I do not meddle in other people's affairs, and I think that is a good rule for many people to follow.

Mr. Pickersgill: I am quite willing to leave it there and let the public decide.

Mrs. Fairclough: I think you had better.

Mr. Pearson: The only people to suffer were the Indians.

Mrs. Fairclough: They did not suffer one little bit; don't worry.

Mr. Pickersgill: Five thousand dollars an acre.

Mrs. Fairclough: Oh, to—

[Mr. Hellyer.]

Mr. Fisher: In Ontario we have all been waiting for a crown prince to emerge behind Hon. Leslie Frost and there is speculation of the position being taken up by the Hon. Robert Macaulay. It would be a tragedy if the minister were to dynamite the prospects of that energetic and able young man.

I wanted to ask the minister a specific question. An indication was given to me last year in answer to a question that a good deal of Indian land is going to be brought under forest management. I should like an indication as to the pace at which this plan is to proceed. The department now has two foresters, and forest consultants are being acquired. I should like to know something about these consultants, their experience and qualifications, and I should like to know especially about the plans in the province of Ontario. I should also like to know more about the amount of consultation which goes on between the provincial department and the minister's department. I personally have brought the replies of the minister to the attention of foresters in different parts of Ontario and they still feel that the plans are inadequate to meet the needs of Indians having regard to the type of land that is available, and especially from the point of view that the federal government has a very able forestry branch service.

The next point I wanted to make concerns the appropriations and plans of the department through the Indian agents for working with the Indians in the light of the fact that they are going to have the vote. I know the whole question of the Indians having a vote becomes a problem for the political parties and the general organizations. I have already pointed out to the minister that we have a situation in Ontario where many of the northern Indians cannot read or write and are therefore particularly open and vulnerable to suggestions by those who are closest to them. I do not want to make a blatant accusation that Indian agents in the part of the country I represent are agents for the Conservative party, because I cannot prove it, but I will ask the minister to look at the statistics in areas where Indians have the vote in elections and ask her whether doubts would not occur in her mind about the impartiality of Indian agents in those areas. Now that Indians do have a vote in this part of Canada I should like to have an assurance from the hon. lady that instructions will go out to the agents so as to remove the possibility that the agents themselves or the immediate families may be influencing the vote.

Mr. Grafftey: You had better go to Saskatchewan and find out what your party does there.

Mr. Fisher: I do not know about Saskatchewan, but I know about my own constituency. The statistics hit you right between the eyes. If you get a situation where in one poll one party gets 200 votes and the other party gets 5 votes, suspicions are bound to occur, and all I am asking of the minister is that she should look into it.

Mrs. Fairclough: I do not know if the hon. member would like me to reply now, but the superintendents are, of course, federal employees. They are engaged on the terms of the civil service commission and I cannot see what possible connection their employment has with a provincial election.

Mr. Fisher: What I am bringing up with the minister at the present time is that these gentlemen are, as she knows, men of influence among the Indians and I am just suggesting that if we look at the provincial pattern in my constituency we have an indication that the Indians are being subjected to some very close influence, because they all vote for a Conservative candidate.

Mr. Grafftey: That is so much nonsense and you know it.

Mr. Fisher: The hon. member for Brome-Missisquoi has interjected "that is so much nonsense and you know it". All I know is that he is full of nonsense if he cannot get on his feet and put up a better argument than that. I do not happen to have some of the advantages which the hon. member for Brome-Missisquoi has, but I am trying to do my best to bring up a point in which I believe and to explain why I take the attitude I do. Take Lansdowne House in the north where the population is 99 per cent Indian. They are all voting one way and when Indian agents are moving around there one has to have suspicions. I am just presenting those suspicions to the minister and suggest that in view of the pattern we are getting at election times she should issue warnings to her agents and see that no one has an opportunity to exert influence of this kind.

Mrs. Fairclough: Under the terms of the Civil Service Act any civil servant who engages in partisan activities is subject to punishment. I cannot think of an answer to the hon. gentleman's allegation unless it is that the Indians are further advanced than we thought they were. But I can assure the hon. member that as to federal employees engaging in provincial partisan activity, the staff are in my opinion too smart for that. I do not think they would do it. If the hon. member has proof to the contrary other than the odd coincidence of figures I will be glad to look into it.

Mr. Fisher: The minister can call it coincidence if she cares to. Another question I want to ask the hon. lady is an explanation of the situation at McDiarmid reserve and what the plans are there and what future efforts are going to be made if any to get the Indians at the north end of lake Nipigon and that country that feeds into there into an advantageous a situation as the Indians at McDiarmid are going to be in. We are pleased with this particular method. The Indians themselves are very satisfied, but they are concerned about their friends, relatives and other Indians at the other end of the lake and toward the Hudson Bay watershed where many of them are attracted by that kind of development just as they were from the other side of the lake.

I wondered whether there was any plan to move these people into the same kind of improved conditions. I have had letters from people in the region north of the lake—tourist agents and people like that—saying that the condition of the Indians especially in midwinter and early spring is much more serious than it has been in the lower part of the lake.

I read with interest as I am sure many hon. members did an announcement in yesterday's paper to the effect that Bishop O'Grady plans to open a new school. Despite the fact it will be partially supported by Roman Catholic church funds it will be a non-denominational school. I am interested in the long range implications of this announcement. This seems to be a break with tradition. We would appreciate an explanation of this from the minister. Does this herald a larger move of this nature in the educational field?

Mrs. Fairclough: With regard to the McDiarmid situation and in fact the whole situation in northern Ontario my department is presently in negotiation with the province of Ontario with regard to lands and locations and so on. I can assure my hon. friend that we are most anxious that these people shall have proper facilities not only for their own comfort but for the education of their children. We cannot move any faster than our co-operative efforts with the province will dictate. However, we are not lagging at all and are proceeding as rapidly as we can.

With regard to Bishop O'Grady I find it difficult to express myself because the bishop is doing such a magnificent job. As a matter of fact he puts such pressure on the department at times that we are hard put to it to answer his demands. We know that he is working for the good of the Indians and is doing his best under difficult circumstances. In so far as co-operation with the department is concerned his situation is not different from that of anyone else. Where there is an

effort on the part of a denominational institution to educate Indians whether in an entirely Indian school or an integrated school the department picks up the tab for the Indians' share. I must say again that I think Bishop O'Grady with his tremendous enthusiasm is doing a wonderful job for the Indians in British Columbia and I should like to have that on the record.

Mr. Fisher: That seemed apparent from the story but I was interested in the fact that the school although under church support would be non-denominational. Is this the forerunner of a broader policy? Is it intended to have the non-denominational aspect of the school apply only to certain grades?

Mrs. Fairclough: This is not our school but a church school. How it is administered is entirely up to the group concerned. I find it intriguing. I did not see the press release and can speak only from a general knowledge of the bishop's splendid work.

Mr. Pearson: Mr. Chairman, like many other hon. members I have a great many Indians in my constituency although I must confess I have not had the—what shall I call it—coincidental electoral problem to which my friend the hon. member for Port Arthur referred a moment ago. However, as the minister knows an educational problem has existed for many years among the Indians in Algoma East. I am not going to speak about that at the moment because I know the department has done its best in that regard.

Perhaps before this item passes I may be permitted to express my appreciation for the courtesy and thoughtful consideration given by the officers in connection with every request I have made of them. In view of the fact that a moment ago I provoked the minister into a somewhat extreme expletive perhaps she may permit me to include her in that comment because the hon. lady has always been very courteous in dealing with the requests I have made of her.

Mr. Benidickson: Mr. Chairman, I believe the minister will be well aware that we have a file of correspondence going back over several years relating to the problem of Indians who are not permanently settled in Red Lake in the northern part of my area but are sort of semi—

Mrs. Fairclough: Transients?

Mr. Benidickson: They are becoming assimilated in part. This is a development which I think should be encouraged because we have mining employment and other types of employment which are more advantageous than the very uncertain type of livelihood that is available a few miles beyond Red Lake where they simply rely on trapping and fishing.

As I said, my file must be a foot thick and it goes back some five or six years. It involves discussions with the board of education of the province because Red Lake is not on reserve territory. It was always my understanding that the Indian affairs branch would welcome a pilot program such as has been urged by the citizens of Red Lake particularly represented by the chamber of commerce under which the buck would not be passed continually between the province and the federal government, the province taking the attitude that these people are basically a federal responsibility and the federal government saying that for a good part of the year the people live off the reserve and thus should be the responsibility of local school board or the province of Ontario.

I have always been assured that the department was willing to make a contribution to what I have called over the years a bridge program under which there would be encouragement for these people to move a few miles south and get employment where industrial developments that have gone north are located. They are the people who should be attracted to employment of this kind but the buck continues to be passed.

We have public schools and separate schools but a very few Indians have been taken into the two schools. I have read speeches of the recent minister of education of the province of Ontario wherein he has said that he feels the Indians of northern Ontario are the responsibility of the province and this responsibility could be taken over by the provincial government. However, we are not getting very far.

I wish now to mention a development of which we should be thoroughly ashamed. Because these children have been neglected a United States church organization, a missionary group—they regard this as a foreign mission—has come in to the civilized northern part of our province and established a school. We should be ashamed of ourselves at having a United States missionary group come in to look after our Indian children. The Amish church missionary group have been running a marvellous school there for four or five years. There is no question of the need for this. Everyone else was washing their hands of the responsibility for these children. The group has carried on the school without assistance from the province, the town or the federal government. I believe the normal capacity of the school is about 40 or 50 children.

In addition to that if the children become neglected as they sometimes do—the parents push off to their former pursuits in trapping and fishing and leave Red Lake perhaps when employment is not steady for them—they even offer them board and lodging. I believe that compensation has recently been established with respect to the boarding where the parents have gone back to the reserve. I feel that this institution deserves some consideration.

I do not think adequate pressure has been put upon the school authorities of the province, first, to make sure that the truancy laws in so far as Indians are concerned are enforced. They have been ignored, in my opinion, and in consequence if the parents do not deliver their children to school they simply sit there on the outskirts of the Red Lake community with nobody taking responsibility for them and they receive no education. I must give credit to the department in that where it was felt that we could look with confidence to the parents residing fairly steadily at Red Lake a number of the children have been placed in residential schools to the south. This is very much appreciated by me particularly and has relieved the school situation in Red Lake, but it is a very bad situation when everybody says it is somebody else's job.

Mrs. Fairclough: The hon. member is quite right. It has been a source of considerable concern to the department. The remote areas, of course, bring their own problems and while we could not exactly call Red Lake remote in the sense that some of them are, nevertheless it is not close to any large municipality. However, I am glad the hon. member mentioned it. We have put as many Indians as we could in residential schools. We have done our best also to try to impress upon the municipality and the province what their responsibility is and I do hope we can resolve this difficulty before too long.

Mr. Benidickson: Three or four years ago it was indicated to me that as a token of our interest, even though technically those people were not residing on Indian reserves—this was a unique situation—on a voluntary basis for a period of years—I had a term of about five years in mind—with the idea of encouraging the getting to grips with this situation, the department would make a nominal contribution, perhaps what would be the equivalent of the local school board contribution in an unorganized territory, which is about 5 per cent of the over-all cost. Is the department still willing to assist in this matter by making a contribution of that kind?

Mrs. Fairclough: It is true, that we agreed to that contribution but unfortunately the necessary co-operation was not forthcoming from other quarters.

Mr. Pickersgill: The minister seems to have a hard time with the government of Ontario.

Mr. Fisher: I should like to ask the minister a question or two, but first of all I hope she can give me some answers to questions asked earlier. I should like to ask her two specific things. One thing which disturbed me, and I suppose the minister, was an accident which occurred last year north of the Winnipeg river when a helicopter crashed. A number of people lost their lives. I know enough about the background of the matter to realize that it was an accident, but there was the question of the necessity of flight at night. We have a long tradition up north that a flight becomes a mercy flight only when it is decided how important the emergency is. I should like to know something of the instructions the doctors have in certain areas as to how important an emergency is?

Mrs. Fairclough: This is not under my department. Doctors operate under the Department of National Health and Welfare. I do not know whether the hon. member was in the house today when I made my initial statement, but I dealt at some length with the forestry situation. I think the answers to his questions are incorporated in that statement.

Mr. Fisher: I am sorry, I was not in the committee at the time. The minister says that the question of the accident does not come under her department. The point is, as I understand it, two Indians lost their lives in this particular accident. The need, or the urgency, must be spelled out to a certain degree by members of her department or by the Indians themselves. I should like to know where the responsibility lies. We do not want the occurrence of another accident like this one if, as I understand it, to a considerable extent the accident was caused by flying the helicopter at night. There should be some liaison between the two departments that would control these things because mercy flights are all very well but if you are going to risk life to that extent it becomes quite a gamble.

Mrs. Fairclough: I would agree with the hon. member but I am sorry, Mr. Chairman, the accident to which he refers is not one with which I am familiar. I would have to have more information on it.

Mr. Fisher: The next question I wish to ask the minister has to do with something

that has been brought to my attention by people who are attached to forestry companies. The minister knows that whole blocks of land all across the area of northwest Ontario contain trap lines. The minister also knows that the provincial government and the department of lands and forests, I believe, have a number of trapping areas in which Indians get preference. I understand from foresters and other personnel of the bush to whom I have talked that Indians are falling away from these particular jobs, or are tending to let trap lines go. I know that in one particular belt 40 or 45 miles wide, where there are a number of trap lines laid out, I heard last year no one is trapping there at all. I was just wondering whether there is an accelerating pattern right across the north of Indians getting out of trapping and failing to keep going those licensed trap lines set out for them by the provincial government? What is the trend?

Mrs. Fairclough: The majority of them are operating their trap lines. I think this must be an isolated incident. Again, if I had the particulars of the specific locality and the particular line referred to I might be able to get some information for my hon. friend. But in general the Indians are most anxious to maintain the trap lines so long as they get return from them. I cannot give an answer to the specific line because I do not know.

Mr. Fisher: I will be specific. In the minister's annual report I find the following:

> Trapping is still a very important factor in the Indian economy and will be for many years yet. This type of work, arduous though it may be, is accepted by those Indians who have not been in close touch with industrial development.

The point is, I could point out to the minister that my constituency contains almost one third of all Ontario. This might explain to the hon. member for Brome-Missisquoi my interest in the Indian vote. You have that large territory, and it is a considerable element in the matter, all the way from Hearst on the east to Sioux Lookout on the west, which is a stretch of over 365 to 370 miles in breadth. I understand that on the north line of the C.N.R. almost all the bush has been taken up and held by the large organizations such as Marathon, Kimberley-Clark, St. Lawrence Corporation, Abitibi, and so on. These firms are operating in this area. I know they are tending to pull Indians away from the trap line. I wanted to know what the trend was, whether anything can be done to keep the Indians in this kind of work or whether we are moving to the stage where in our part of the country we can rule out Indians as trappers?

[Mr. Fisher.]

Mrs. Fairclough: Mr. Chairman, I would have to check the particular case. I do know that a great many Indians up in that area are working for those companies.

Mr. Fisher: Yes.

Mrs. Fairclough: Whether they have time to maintain trap lines also is problematical, but I would be very glad to get a report from the superintendent and give the hon. member a detailed report of what is the situation. I can assure him that in the country as a whole the Indians are not losing their interest in trap lines where they still get results from their operation.

Item agreed to.

Economic development of Indians—

60. Operation and maintenance, including an amount of $5,700 for grants to promote Indian agriculture, handicrafts and economic enterprises generally, $938,688.

Mr. Pickersgill: Before this is carried I should like the minister to bring us up to date very briefly on this economic development.

Mrs. Fairclough: We have recently installed as head of the department Mr. Battle whom the hon. member will remember as one of our very valuable staff members, and we now have eight officers working across the country with two more just about to commence operations. Like the hon. member, I am keenly interested in this matter. I think it is a most important part of our administrative work and one that I think is catching on. It is certainly the case that the more employers who use Indian labour the more enthusiasts we have. There is an age-old prejudice involved. We do not know where it got started but it has existed for a long time. However, as employers use Indian labour they find it is a very valuable and worth while move. With the way the division is growing I think we will be able to report very tangible results in a short time.

Mr. Pickersgill: I must congratulate the minister on the appointment of Mr. Battle for whom I have the highest regard.

Mr. Fisher: The minister says that she has eight officers. Are any of them working in northern and northwestern Ontario?

Mrs. Fairclough: We do have an officer working in that area.

Mr. Fisher: The minister may be aware that in Longlac there is a fair every fall and a certain amount of support for the fair is received from the Department of Agriculture. I understand they are not

getting any support from the minister's department, but since there is an Indian reserve in juxtaposition to the community and a large number of Indians take an interest in the fair I wonder whether it would be possible for the branch to make a grant to support the fair and perhaps give the Indians an opportunity to play a bigger role in the community.

Mrs. Fairclough: We will be glad to look into the matter. Our man works out of North Bay. I am told that in our vote we have $200 specifically earmarked for that particular fair.

Mr. Hardie: I think this division is not only attempting to place Indians in positions in industry but also assisting Indians who are still interested in trapping and hunting. For instance, I talked to Mr. Jones last year about getting the Indians in the Fort McPherson and Good Hope areas of the Northwest Territories back into country that has not been utilized for trapping and hunting for many years. He said at that time that money had been set aside and would be spent last year. I am wondering whether the money was spent last year on these projects and whether there is money in the estimates this year to carry on these projects.

Mrs. Fairclough: There was money spent last year and we have money this year. I can give the hon. member the figures in a moment if he is interested. We have to look them up.

Mr. Benidickson: The minister made a reference to North Bay. I think all the officials know it is an old story with me that I continue to be very disappointed at the failure to recognize that North Bay is many hundreds of miles from the part of the country I represent. I think it is 800 or 900 miles away, and in my view it is just nonsense to think that we can operate any more efficiently on a decentralized basis with authority in North Bay than we could if Kenora, the district north of Kenora and the Rainy river district communicated directly with headquarters. It is not the fault of the people at North Bay. It is the matter of the distance and that fact has not been appreciated by somebody in setting up the organizational chart.

In my view North Bay simply constitutes another place where maill is held up because it eventually has to go to headquarters anyway. There are simply not enough days in the few summer months when construction is carried on for the people at North Bay to take the time to travel 800 or 900 miles to Kenora. Many items have to wait to receive the stamp of approval at North Bay before they are sent to headquarters for a further stamp of approval. In my opinion the North Bay office is just another post office that holds up things. I feel that geography is being ignored and that if we have to have a decentralized organization there certainly should be a regional office much nearer to the field. I referred to the distance of 800 or 900 miles. We have no high school accommodation and our Indian children have to be sent 800 or 900 miles for a high school education. Separation from families on a basis of that kind is completely unsound.

Item agreed to.

Education—

62. Administration, operation and maintenance, $19,578,651.

Mrs. Fairclough: Mr. Chairman, I do not want to hold up my own estimates but I should like to tell the committee about a very interesting experiment that we are initiating this year. I have long felt that there is tremendous artistic talent of many kinds among our Indian children. As hon. members know, we have had a scholarship fund but heretofore scholarships have been awarded from the fund in the scholastic field and for vocational training, nursing and so on.

I became very much interested in the possibilities for artists, musicians and others who might have special talent which would not be covered particularly by the usual definition of scholarship. I am happy to say that among the 17 scholarships awarded in the past year there were two granted to artists and two to musicians. I was very pleased about this and I got in touch with some friends of mine who are in the music business. The outcome of our negotiations is that we have made arrangements with the Royal Conservatory of Music, and with their very generous co-operation their examiners, when they are in the field from coast to coast, will adjudicate for us with respect to individual students who are recommended to us at the local level as having particular talent.

By this means we hope to encourage and bring forward young people with exceptional talent at a time when encouragement and training will do them some good. We are also exploring the art field in the same manner. I thought the committee might like to know that a special effort is being made to try to help these young people who have specific talents in the arts and educate them at a time of life when they need this help.

Mr. Regier: What progress is being made toward the integration of Indians in the ordinary public schools of Canada? I know this move has been under way for a number

of years. Would the minister also explain what is meant in the details on pages 148 and 149 by employees listed as teacher aides? There are 37 of them in the day schools and 52 in the residential schools and also 13 part-time teacher aides in the residential schools. Exactly what do these people do?

Mrs. Fairclough: These teacher aides are all Indians who are training, and then being sent on to professional teachers' training.

Mr. Regier: May I ask, are they in charge of a classroom?

Mrs. Fairclough: Not without supervision, no.

Mr. Regier: I wonder if the minister would care to comment on the wage levels and the supply? I notice the wage levels are well below the wage levels of the ordinary public school teachers, at least in Saskatchewan, Alberta and British Columbia, and I imagine also Ontario.

Mrs. Fairclough: Is the hon. member speaking of teachers or teacher aides?

Mr. Regier: No, teachers.

Mrs. Fairclough: The salaries paid to our teachers are on a par with the salaries paid in the respective provinces, you see. This is an over-all description of the salaries, and some of the provinces differ. There are certain provinces in Canada where the wage scales are much lower than in others.

Mr. Regier: Is the minister claiming that the wages paid to teachers in Indian schools vary from province to province?

Mrs. Fairclough: No, ours is an over-all standard, but it is based on the average of the salaries paid across the country by the various provinces.

Mr. Regier: May I then ask, how is the department making out with the recruitment of teachers in Ontario, Saskatchewan, Alberta and British Columbia? Does this particular matter have any relationship to the engagement of so-called teacher aides?

Mrs. Fairclough: No, there is no relationship there, Mr. Chairman. The work of teacher aides, while it is useful to us, is largely one of training. When you get into the provinces the hon. member has enumerated the salaries are probably higher than in some of the other provinces and it is true we do have difficulty in recruiting teachers. However, I do not believe the difficulty has been so severe that we have been unable to staff our classrooms.

In some of the provinces of Canada our teachers are probably making more than the average teacher in the province. As the hon. member knows, we are governed by federal rules and we cannot have different wage scales in different provinces.

Mr. Regier: I wonder if the minister would answer the other query as to what headway is being made in the question of integration of Indians into the regular public school system?

Mrs. Fairclough: Again, I believe I gave that information in my initial statement. Last year, 1958-59, the number of Indian children attending non-Indian schools was 8,186, and this year, 1959-60, it was 9,479 or 1,300 more.

Mr. Regier: Is the minister in a position to say whether or not there has been an upward revision in teachers' wages since the publication of the blue book? Are these the existing wages?

Mrs. Fairclough: There has been no revision since this book was published.

Mr. Hardie: I wonder if the minister could indicate whether any of the figures under vote 63 include payments to the department of northern affairs for the education of Indians in the Northwest Territories?

Mrs. Fairclough: No, Mr. Chairman.

Mr. Benidickson: I do not want to hold up the minister's estimates, but after the committee rises I would very much appreciate if she had a personal look at two projects that have had my attention for some time, as well as the attention of the department. We are not making much progress. It is over three years since the department itself said the boilers in the residential school at Fort Frances were in such condition that repairs were not economically justified. No start has as yet been made on that building. During the last two winters we have had heavy unemployment and the work would have been useful to the community. I would hope that in the near future the minister could give some indication that the project is going ahead.

The other problem is the accommodation at Sioux Lookout which, I am told, is not adequate for the children of that area. I understand they are turning down now as many pupils as they have registered. They do not particularly want the continuation of that school. They very fairly state that perhaps the proper place for another school would be midway between that school and Kenora. I am told in my visits there that they are turning down almost as many children at Sioux Lookout as they have registered.

Mrs. Fairclough: With regard to the first problem, that is a public works project. We

will be glad to do our best to give them a little prod. In so far as the circumstances at Sioux Lookout are concerned, I must say that I am not aware of this but I will have a look at it.

Mr. Regier: I just want to make one final observation. I notice that the wages of teachers in residential schools are listed at $2,700 as a minimum. At the same time, I notice that a handyman in the residential school receives $3,100; kitchen helpers receive a reasonable wage; a labourer is listed at $2,800; a laundress at $2,800 and a seamstress also at $2,800. Perhaps the minister could look at that. I would hope the minister would agree that these teachers' wages are in need of a revision upward and at a very early date because I can well imagine the quality of teachers the minister is able to obtain in the four provinces I mentioned. I regret that Indian education is going to bear the brunt of it. I feel that a teacher's beginning wage certainly ought to exceed the wages of a seamstress, laundress, labourer or handyman.

Item agreed to.

64. Grant to provide additional services to the Indians of British Columbia, $100,000.

Mr. Herridge: Would the minister mind just giving the details of this vote 64?

Mrs. Fairclough: This, Mr. Chairman, is not a new item. As the hon. member knows, it provides additional services for the Indians of British Columbia in lieu of annuities. During the 1926-27 session of parliament the special committee of the Senate and House of Commons recommended the expenditure of $100,000 annually on technical education, the promotion of agriculture, stock-raising, fruit culture, the development of irrigation projects, hospitals and so on.

Mr. Herridge: Maintained throughout the years?

Mrs. Fairclough: Yes.

Item agreed to.

46. Departmental administration, $824,266.

Mr. Pickersgill: There is just one word I want to say on vote 46. It will just take a second. It is something I meant to say on immigration earlier, but which I think I could say quite well here. There was what I thought was a regrettable statement attributed to the leader of the government of the other place, but not in the other place because I would have been out of order if I had mentioned that. This statement was made, according to *Der Nordwesten* in Winnipeg on the occasion of the 41st annual conference of the law society. Senator W. M. Aseltine, 73, formerly a lawyer in Rosetown, Saskatchewan—I am just reading what it says here—made a statement to the effect that we must not abolish capital punishment in this country so long as we had so many immigrants here. I just wanted to say that I deplore the view that seems to be expressed by one member of the government, or at least the representative of the government in the other place. I hope that view is not shared by other members of the government.

Mrs. Fairclough: A few days after that the hon. senator made a statement in which he said he had not made this particular remark. There was always the chance of error and I am sure the hon. senator never made any such remark.

Mr. Pickersgill: I am glad to hear that because it did not seem like him at all, and if he made a correction, which I must say did not come to my notice, I am very sorry I even alluded to it and I apologize.

Mrs. Fairclough: Mr. Chairman, if the committee will grant me an indulgence I did promise to answer one question. I promised an hon. member I would give him the amount of bad debts from assisted passage loans. Over the years they have amounted to $56,885.40 which, out of a total figure of loans of $19 million odd, represents some one quarter of one per cent, which I think is a very good record.

Item agreed to.

Mr. Hardie: Ten o'clock.

The Chairman: Order. It being ten o'clock shall I rise—

Mr. Pickersgill: Well, I think—

The Chairman: The hon. member for Mackenzie has called it ten o'clock.

Resolutions adopted in committee of supply this day reported and concurred in.

BUSINESS OF THE HOUSE

Mr. Pickersgill: I wonder if the house leader could indicate the business for tomorrow and as much of next week as it is possible? Perhaps before he does it I might explain the undertaking that was given in good faith about the estimates with which we have just been dealing. There are one or two questions which one hon. member wishes to ask, but we have no intention of breaking our undertaking not to resume a general debate.

Mrs. Fairclough: Thank you.

Mr. Churchill: For tomorrow we will carry on with the estimates of this department, followed by mines and technical surveys and fisheries.

Mr. Pickersgill: I wonder if I could interrupt the minister for a moment to ask him if, when he says the estimates of the Minister of Citizenship and Immigration, he means all those agencies for which the minister has responsibility, or just the estimates of her department?

Mr. Churchill: Yes, thank you for the correction; it will be the agencies for which the minister has responsibility, which include the art gallery, film board, archives and the national library. Those being finished we will go on with mines and technical surveys and we have fisheries available if required.

With regard to the tentative program for next week the legislative items are in this order. First, Bill No. C-70, which will be back on the order paper, dealing with the international development association, reported back from committee. The second is No. 5 on today's order paper, the resolution in the name of the Minister of Finance dealing with the Public Service Superannuation Act. The third item will be the resolution in the name of the Minister of Finance dealing with the Civil Service Act, item No. 7 on today's order paper. The fourth item will be second reading of Bill No. C-68, an act to amend the Income Tax Act. The fifth item—and the arrangement is that this one will be started on Tuesday—is the motion in the name of the Minister of National Revenue to set up a select committee on broadcasting. The sixth item will be the resolution in the name of the Minister of Justice, item No. 8 on today's order paper, dealing with an amendment to the Judges Act. The seventh item is item No. 2 on today's order paper, second reading of Bill No. C-64, an act to amend the Emergency Gold Mining Assistance Act. The eighth item is No. 1 on today's order paper, second reading of Bill No. S-32 concerning a bridge over the St. Lawrence river. If we finish those we will have on the order paper by Monday a motion to set up a special committee to deal with the Civil Service Act and the superannuation act.

Those items will be called for Monday and Tuesday, and perhaps Wednesday depending on what progress the house makes. Then tentatively we will be calling any of the estimates not completed tomorrow, and we have health and welfare, northern affairs and justice.

Mr. Pickersgill: Do I understand from the minister that regardless of the order he gave the first item of business on Tuesday will be the broadcasting committee?

Mr. Churchill: Yes.

Mr. Pickersgill: And it would not be called on Monday.

Mr. Churchill: No, it will not be called on Monday.

It being eight minutes after ten o'clock the house adjourned, without question put pursuant to standing order.

[The following items were passed in committee of supply]:

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

Citizenship—

47. Citizenship registration branch, $716,892.
48. Citizenship branch, $785,159.
49. Grants to organizations as detailed in the estimates, $40,000.

Immigration branch—

50. Administration of the Immigration Act, $1,219,129.
51. Field and inspectional service, Canada, including $13,000 for grants to immigrant welfare organizations, $6,871,904.
52. Field and inspectional service, abroad, $2,150,979.
53. Trans-oceanic and inland transportation and other assistance for immigrants and settlers, subject to the approval of treasury board, including care en route and while awaiting employment; and payments to the provinces pursuant to agreements entered into, with the approval of the governor in council, in respect of expenses incurred by the provinces for indigent immigrants, $2,100,000.

Indian affairs branch—

54. Administration, $703,460.

Indian agencies—

55. Operation and maintenance, $3,876,946.
56. Construction or acquisition of buildings, works, land and equipment, $1,214,500.

Reserves and trusts—

57. Operation and maintenance, $378,266.

Welfare of Indians—

58. Operation and maintenance, $8,193,245.
59. Construction or acquisition of buildings, works, land and equipment, $2,015,000.

Economic development of Indians—

60. Operation and maintenance, including an amount of $5,700 for grants to promote Indian agriculture, handicrafts and economic enterprises generally, $938,688.
61. Construction or acquisition of buildings, works, land and equipment, $240,403.

Education—

62. Administration, operation and maintenance, $19,578,651.
63. Construction or acquisition of buildings, works, land and equipment including payments under agreements to provide joint educational facilities to Indian pupils, $7,362,500.
64. Grant to provide additional services to the Indians of British Columbia, $100,000.

Immigration branch—

505. Administration of the Immigration Act—further amount required, $25,000.

Indian affairs branch—

Indian agencies—

506. Construction or acquisition of buildings, works, land and equipment—further amount required, $61,500.

Education—

507. Construction or acquisition of buildings, works, land and equipment, including payments under agreements to provide joint educational facilities to Indian pupils—further amount required, $392,500.

HOUSE OF COMMONS

Friday, June 17, 1960

The house met at 11 a.m.

HOUSE OF COMMONS

PRESENCE IN GALLERY OF SECRETARY GENERAL OF NATO

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, while I realize that there is never anyone in the galleries, I believe the house will allow me to refer to the fact that we have with us today Paul-Henri Spaak, secretary general of the North Atlantic Treaty Organization.

Some hon. Members: Hear, hear.

Mr. Diefenbaker: The reception accorded those words of mine indicates the feeling that Canadians have for the secretary general of an organization which stands as a bulwark against the spread of Sovietism throughout Europe and indeed throughout the world. I am sure the house would want me to refer to his presence and assure him that Canadians are strongly and unalterably dedicated to the principles of the North Atlantic Treaty Organization.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, it is with a very special pleasure that I rise to support what the Prime Minister has been good enough to say about our distinguished visitor, both on behalf of my party and on my own behalf. I have had the pleasure of working with Mr. Spaak and I know from first hand, as does the Prime Minister, what he has meant for the development of European and Atlantic unity. Indeed, no man has made a greater contribution to that measure of European unity which has been reached, and no man has done more to extend the concept of European unity across the Atlantic.

Perhaps the best tribute we can pay to the greatness of his Atlantic vision is to work in our respective parliaments toward this realization.

Mr. Hazen Argue (Assiniboia): We in the C.C.F. group wish to associate ourselves with the Prime Minister and the Leader of the Opposition in welcoming our distinguished guest, Paul-Henri Spaak. In addition to his present important position, in the past he has had a very distinguished political career in his native country. Belgium and Canada have been very closely united in years gone by in a mutual struggle on behalf of democracy and freedom.

We look forward to the development of NATO in the direction of economic co-operation, both among European nations themselves and in the broader north Atlantic community. We think that a greater emphasis on the peaceful purposes and the economic purposes of NATO would be a service to the nations concerned and to mankind in general.

CIVIL DEFENCE

TABLING OF PAMPHLET ON FALL-OUT SHELTERS

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I wish to table two copies in English and French of a pamphlet on fall-out shelters, which is the subject of a question on the order paper the answer to which will be given through the usual channels and should appear as an appendix to *Hansard* of today.

In presenting this pamphlet I can do no better than summarize the reasons for it in the words of the foreword, an excerpt from which reads as follows:

> The shelter described in this booklet, although not affording protection against the blast of a nuclear explosion or the fires that may result, will provide good protection against the more widespread radiation danger. These shelters will be a practical and reasonable means of insuring one's family against this risk that would arise should a war occur.

EXTERNAL AFFAIRS

INQUIRY AS TO VISIT TO JAPAN BY PRIME MINISTER

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): In view of the reports that are circulating, and in view of the invitation the Prime Minister has recently received, can he tell the house whether he contemplates a visit to Japan in the near future?

Right Hon. J. G. Diefenbaker (Prime Minister): I have not heard anything about that, but the experience of the last few days would not constitute a suggestion of the early probability of such an event.

Inquiries of the Ministry

AGRICULTURE

BUTTER—DISPOSITION OF SURPLUS HELD BY GOVERNMENT

On the orders of the day:

Mr. Hazen Argue (Assiniboia): Mr. Speaker, I should like to direct a question to the Minister of Agriculture. In view of the very large stocks of creamery butter now held by the agricultural prices stabilization board, can the minister say what steps are being contemplated to reduce the surplus? Can the minister assure the dairy producers of this country that the butter will not be dumped on the open market and thus demoralize the butter market?

Hon. D. S. Harkness (Minister of Agriculture): Mr. Speaker, there has never been any intention at any time of dumping butter, as the hon. member has expressed it, on the open market in order to demoralize prices. The price support program for dairy products was announced, of course, in April. I indicated at that time that we would engage in a promotional and advertising campaign in an attempt to sell more butter, and I trust that the consumption of butter during this year will be such that we shall not end up the year with a greater supply of butter than we had at the end of the last dairy year.

Mr. Argue: A supplementary question, Mr. Speaker. Will the minister agree that the policy now being followed in regard to butter is much preferable to the policy followed in regard to eggs, which policy has demoralized the egg market?

Mr. Harkness: Mr. Speaker, the two products are entirely different. It has been indicated by me in the house on many occasions that the type of support program which can profitably and practicably be followed for a particular commodity is not necessarily one which can be followed for another commodity. We are making use of several different methods of supporting various agricultural commodities. I think that is the answer to the question the hon. member has posed.

COMBINES INVESTIGATION ACT

REQUEST FOR TABLING OF JUDGMENTS IN RECENT CASES

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I should like to ask the Minister of Justice whether, for the convenience of hon. members who are considering certain legislation now before the house, he would endeavour to obtain copies of the reasons for judgment in two recent cases under the Combines Investigation Act and make them available by tabling them in the house, so that members of the house and of the committee could have them.

Hon. E. D. Fulton (Minister of Justice): Mr. Speaker, I assume the hon. member has reference to the pulpwood case which was decided the other day in Montreal and the other case—

Mr. Pickersgill: The one that was decided the following day in Toronto.

Mr. Fulton: That is the electrical contractors association. We will be glad to give immediate consideration to the request.

POST OFFICE DEPARTMENT

SHERBROOKE, QUE.—REPORTED POLITICAL ACTIVITY OF RURAL MAIL DRIVER

On the orders of the day:

Mr. J. P. Deschatelets (Maisonneuve-Rosemont): Mr. Speaker, I should like to direct a question to the Postmaster General. Would the Postmaster General say whether he has received a telegram dated June 9 from Sherbrooke, Quebec, with regard to political activities on the part of a rural mail driver? If so, what steps have been taken by his department?

Hon. W. M. Hamilton (Postmaster General): I am not aware of having received such a telegram, but I will have an inquiry made.

CITIZENSHIP AND IMMIGRATION

REPORTED REFUSAL OF CHINESE TO FILL OUT FORMS

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I should like to ask the Minister of Justice whether he heard the report on news broadcasts this morning, or had his attention drawn to it, that members of the Chinese community in Prince Rupert had concerted in a refusal to complete forms that they were asked to fill out by the R.C.M.P. Can the minister also say whether the R.C.M.P. have any authority to require Canadian citizens to fill out such forms?

Hon. E. D. Fulton (Minister of Justice): Mr. Speaker, in replying to this question I should also like to reply at the same time to a question asked yesterday by the hon. member for Skeena. The information I have does not indicate that that is being done. In fact it indicates the R.C.M.P. have not required the filling out of any form of questionnaire. They

are conducting interviews. I think this question is also covered in the fuller reply I should like to give to the question asked yesterday.

Yesterday the hon. member for Skeena asked whether the R.C.M.P. are at present conducting a so-called census, or endeavouring to obtain information by questionnaire of people of Chinese origin across Canada. He also asked under what authority such a census is being undertaken, and requested an indication whether the Chinese people are obliged to answer any such questions.

The R.C.M.P. are not conducting a census of people of Chinese origin across Canada, and this same reply also answers the question as to what authority there is for such a census. The R.C.M.P. are interviewing a number of Chinese and will be doing so for some time to come in an effort to obtain information concerning illegal immigration into Canada. The house will, of course, be aware that no person in Canada is obliged to answer questions asked by a police officer except where a specific statute provides such an obligation. No such statute applies in this case. We are, of course, most hopeful that Chinese Canadians will be willing to co-operate with the police in the present inquiry.

Mr. Frank Howard (Skeena): A supplementary question. I wonder whether these questions are stemming from the newly established visa and immigration fraud section of the R.C.M.P.

Mr. Fulton: No. I think the answer I have given covers the point. The interviews in question are being carried out in connection with the inquiry into illegal immigration.

[*Later:*]

Hon. Paul Hellyer (Trinity): I wish to direct a question to the Minister of Justice. Can the minister tell the house whether the information given to the Royal Canadian Mounted Police in these interviews could under any circumstances be used against the person giving the information in any subsequent legal proceedings that might be launched?

Mr. Fulton: Mr. Speaker, I think I am being asked to give a legal opinion here. If the hon. member will consult the hon. member who sits just in front of him and who, I believe, is studying law, I am sure he will get his answer.

Mr. Pickersgill: May I ask the minister a supplementary question?

Mr. Speaker: Order.

Mr. Pickersgill: Would the minister say that the question of the hon. member was on a point of law and not of fact?

Mr. Speaker: Order. I agree with the minister that the question was not appropriate and asked for a legal opinion. I therefore do not see how there can be a supplementary question to an improper one.

Mr. Hellyer: I have a new question. Will the minister assure the house and the country that any information given to the R.C.M.P. in these interviews will under no circumstances be used in evidence in any subsequent legal proceeding against the person giving the information?

Mr. Fulton: I think my hon. friend will realize also, on reflection, that he is asking for a quite improper assurance.

Some hon. Members: Oh, oh.

Mr. Fulton: The laws of Canada cover the situation. The attitude of the government has been fully outlined by the Minister of Citizenship and Immigration. It has been stated that the objective of the inquiry is to expose those who have been taking part in an illegal racket, and that in this regard we expect and hope to have the co-operation of the Chinese community who will be benefited by the exposure of the racket and by having their own status regularized as a result.

Mr. Hellyer: I have a supplementary question. Will the minister have the R.C.M.P. warn any person giving information that the questions they are answering could be used in legal proceedings subsequently launched?

Mr. Fulton: The Royal Canadian Mounted Police are a highly trained and skilled police force who carry out their investigations properly in accordance with the law in that regard.

HOUSING

REQUEST FOR INCREASE IN AMOUNT FOR DIRECT LENDING

On the orders of the day:

Mr. J. R. Garland (Nipissing): Mr. Speaker, in the absence of the Minister of Public Works, I wonder whether I might direct a question to the Prime Minister. In view of the fact that housing starts in May were down 38 per cent and in the first five months were down 38½ per cent, plus the fact that not one limited dividend unit for low income groups was approved in the month of May, will the Prime Minister intercede and give consideration to an upward revision in the previously announced amount of money to be made available for direct lending this year—money,

I might add, that was voted by parliament for this purpose earlier this year?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I will bring this question to the attention of the Minister of Public Works. I can only say that when any policy is decided upon it will be made known in the house.

DOMINION-PROVINCIAL CONFERENCE

INQUIRY AS TO STATUS OF MUNICIPAL REPRESENTATIVES

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I wish to direct a question to the Prime Minister. It arises out of a very interesting report in this morning's *Globe and Mail* to the effect that the premier of Ontario will be accompanied by municipal representatives at the coming federal-provincial conference. My question is this. What status will municipal representatives enjoy at this conference? Will they have the right to speak at the conference and to put before the conference the views of their municipal bodies?

Right Hon. J. G. Diefenbaker (Prime Minister): The municipalities are the creation of the several provinces. The provincial delegations may, if they so decide, have representatives of municipalities as part of the provincial representations.

Mr. Argue: My question was whether they will have the right to make representations or presentations to the conference. Will they be called silent observers, or will they be taking part in the proceedings?

Mr. Diefenbaker: I presume the question of whether or not they will be "silent observers", to appropriate the words of the hon. gentleman, will depend on the premiers of the several provinces.

Hon. J. W. Pickersgill (Bonavista-Twillingate): I should like to ask a supplementary question. Can the Prime Minister indicate in what way the attitude of the present government on this question differs from that of the previous administration?

Mr. Argue: You are both the same.

Mr. Speaker: Order. I think the hon. member realizes that the question is not one for the orders of the day, nor is it the administrative responsibility of the Prime Minister to answer such questions on the orders of the day.

[Mr. Garland.]

DEFENCE PRODUCTION

BOBCAT VEHICLE—REPORTED PLAN BY ARMY TO PLACE ORDER

On the orders of the day:

Mr. D. M. Fisher (Port Arthur): I should like to ask a question of the Minister of National Defence as the result of a story in this morning's *Globe and Mail* to the effect that the army plans to order 500 Bobcats at an expense of $17 million. Has a firm decision now been made?

Hon. G. R. Pearkes (Minister of National Defence): No, Mr. Speaker. As I am sure hon. members know, we have been developing an armoured fighting vehicle. There is sufficient money in this year's estimates to complete that development, and after the development is completed a decision will be taken as to whether or not we will go into production.

SUPPLY

The house in committee of supply, Mr. Rea in the chair.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

46. Departmental administration, $824,266.

Mr. Hardie: I understand that item 46 was held over for debate on the different branches of the department such as immigration and Indian affairs. I wish the house leader would try to organize the business of this house in a different fashion, because yesterday the committee on Indian affairs was sitting at the same time the estimates of this department were being considered in the house.

The Deputy Chairman: Order. We are discussing item 46, not procedure.

Mr. Pickersgill: The hon. member for Mackenzie River was detained yesterday in the Indian affairs committee which, in my submission, should not have been sitting while this committee of supply was sitting. As a result the hon. member was deprived of an opportunity he ordinarily would have had to put these questions. I think there are also certain other circumstances which, in the minds of all hon. members, will make them feel the hon. member should be permitted to ask these questions. We have given an undertaking that we will not start any general debate and we intend to keep that undertaking, as I assured the hon. lady last night. I should hope the hon. member for Mackenzie River, in view of the peculiar circumstances, would be permitted to ask these questions and that the minister would be kind enough to answer.

Mr. Hardie: I will go along with that and not get into any general debate on Indian affairs in order to expedite the passage of these estimates. I should like to ask the minister if she could tell me what is the policy of the Indian affairs branch with regard to housing for Indians in the Northwest Territories, particularly as that policy covers the building of log or frame houses. I have nothing against the department's program. As a matter of fact, all I have is praise for the department's program on housing in the Northwest Territories.

However, there are some aspects of this program of which I am critical, and of which the people up there are critical. Why is it that in areas in which there is good timber, good logs for housing, the department builds frame houses, while in other areas where the timber is not good for building log houses the department asks the Indians to haul out fourth and fifth grade logs to put into housing? I wish the minister would tell me whether there is any definite policy on this. Why do they build log houses where they have no logs, and why do they build frame houses where they have plenty of logs?

Mrs. Fairclough: Mr. Chairman, in general, the type of construction is a matter of agreement with the Indians. I do not know this specific case to which the hon. member refers. If he would be good enough to give me the location and the details I should be happy to get him a complete report. Furthermore, if we find that the proper material has not been used, I can assure him we will look into the matter.

Mr. Hardie: For the residents of Fort Smith, next to Wood Buffalo park where the department of northern affairs claim there is a billion feet of good standing timber, the Indian affairs branch is building frame houses; whereas at Fort Franklin, where there is practically no timber, they are asking the Indians to haul logs to build cabins. At Fort Simpson, where there are plenty of suitable building logs, they build frame dwellings, while in Fort Good Hope, where there are no logs, they are asking the Indians to haul logs for building. There are many other cases about which I will speak to the minister at some other time.

I would also like the minister to tell me what is the general policy with regard to Indian housing. The building of some of these houses is let out on contract. In other places the Indians are asked to provide the labour and the logs to build them. I would also like the hon. lady to give me some information about the new town site at Inuvik where the department of northern affairs erected some 100 buildings. I understand they are turning some of these over for sale to the Indians, but the Indian pays $25 a month rent and the rest goes toward the purchase price of the house. The Indians cannot understand how they can buy and rent at the same time.

Mrs. Fairclough: Does the hon. member mean they are paying $50 a month?

Mr. Hardie: Fifty dollars a month, of which $25 goes against the purchase of the house and $25 is applied as rent. The Indian would like to purchase a house. He does not see why the whole $50 he pays should not be applied against the purchase price.

Mrs. Fairclough: I do not have the particulars of the case which the hon. member has brought up, but I think this is a rental purchase scheme. I shall be glad to look into it, but it is probably arranged on the same basis as any other rental purchase agreement.

With regard to the other question the hon. member asked, the policy of the department with respect to housing is that the Indian, if he can, contributes to the erection of his own house either in cash, if he has cash either of his own or from the band fund, or through his own labour. Sometimes a man is fully employed, or employed part time, and would prefer to contribute in cash rather than in labour. In other cases where he is not otherwise engaged he would prefer to be working on the house himself. We think it is very important that the Indian should contribute his share of the cost of the house.

Of course the number of houses built depends on the arrangement made with the band. The band itself decides where the houses are needed most. The band knows approximately how many can be constructed in its own area in a given season, and decides who shall have the houses and what contribution is to be made. There is no hard and fast rule that so much is contributed in all cases either in cash or labour; it is a flexible arrangement between the department and the band council, and the Indian is definitely expected to contribute his share toward the house.

Mr. Hardie: The minister in her reply mentioned co-operation between the agent and the Indians in deciding who is to get a house, and I agree that this does go on. But we have a serious problem raised by the very old people and people who are infirm. For instance, when I last went into Fort Good Hope there were five houses to be built. No one knew when the housing program would start. I went to the tent of a man who was over 70 years of age. He was crippled, and his wife had practically to carry him to the trap line. She did the trapping. I

asked this man whether he was getting a house, and he told me he was not. I asked him why and his reply was "I am too old". So I went to see the chief and asked him what was the idea. I told him the man was suffering and that he presumably needed a house, one of the five houses allotted. But the chief said "He is too old. If we build a new house he will not live that long." The young people ask why these houses should go to the very old and to people who are only going to live a very short length of time.

This brings up another problem, the problem of homes for the aged and infirm. In the past four or five years both Roman Catholic and Anglican missions have closed down a number of schools and will be closing down hospitals this year at Aklavik. Hospitals and schools have already been closed at Fort Providence and Resolution. I feel the department should give serious consideration to using these buildings as homes for the aged and infirm, and also as means of relieving another serious problem, that of Indian children who are left to fend for themselves after both parents have been taken from home, possibly to enter a tuberculosis hospital. I really think the minister should give consideration to providing one such home at Fort Providence, one at Resolution and at least one at Aklavik to look after this situation.

Mrs. Fairclough: As the hon. member says, these are very real problems. I hope the opening of the new regional office at Fort Smith, which I discussed in the committee yesterday, will lead to more adequate supervision of the area. This question of housing for aged persons is another problem, of course. I remember that last summer when I was at Winterburn, west of Edmonton, the band there had set up an old people's community. They had about six houses, and an aged couple was living in each. They were nice little houses and everyone was most happy about it. I am sure the old people themselves were happier than they would have been in an institution.

This problem also requires the co-operation of the band. I do not think the department could move in over the head of the band unless action was taken on an institutional basis and you removed the people from the band and put them in an institution. Again the human element arises, and whether they would want to go is another problem. I can assure the hon. member that we are looking into this problem. This is one of the matters that have to be faced, and I hope we can come up with a solution concerning what to do about these aged persons.

[Mr. Hardie.]

Mr. Hardie: The minister announced the establishment of a new regional office in Fort Smith. I am very happy that over the past few years an increasing number of people have been placed in the north by the Indian affairs branch to look after the welfare of the native peoples. However, the progress has been too slow, and we need additional people. In a speech I made in this chamber some years ago I pointed out that there were 23 game wardens in the area I represent and four people working for the Indian affairs branch. In other words there were 23 people looking after the welfare of game and only four looking after the welfare of human beings. The department is still not doing enough, and more men should be put in the field.

Every day I receive letters from places like Snowdrift, where they have not seen an Indian agent for months. It is not the fault of the agent, who has too large an area to cover. Assistant Indian agents should be placed in isolated places such as Snowdrift, Fort Providence and Fort Liard. At Fort Rae we have the largest settlement of Indians in the Northwest Territories, but there is no Indian agent or assistant.

We are told that we have less game, including caribou, than we ever had, but the population of native Indians is increasing. If the Department of Northern Affairs and National Resources can sell treasury board on the idea of hiring game wardens and forestry people, a good many of whom are stationed at places where there is no timber, there is no reason why the Indian affairs branch cannot convince treasury board of the genuine need for an increase in staff to look after the human element in our part of the country.

Mrs. Fairclough: Mr. Chairman. I can give the hon. member some information which I think will please him. In the estimates for this year it is indicated that the establishment for Mackenzie district calls for 17 persons.

Mr. Hardie: Would they be additional persons?

Mrs. Fairclough: I think there is an increase of about 13 or 14, which should assist in the situation.

Mr. Fisher: When the minister finds it convenient perhaps she will give us figures on the backlog of applications of potential immigrants from Rome and other places.

Mrs. Fairclough: I will be pleased to provide the hon. member with the figures he requests. I believe the backlog in Rome is in excess of 63,000. If the hon. member would indicate the countries in which he is interested I will see that he gets the figures.

Mr. Fisher: I am especially interested in Italy and Finland, and I obviously have an academic interest in the Hong Kong situation.

Mrs. Fairclough: Would the hon. member be satisfied if I sent the information to him?

Mr. Fisher: Yes.

Mr. Hardie: Mr. Chairman, could the minister tell us what follow up is maintained with respect to Indian boys and girls who leave vocational training schools and take employment? If they find themselves unemployed does the department attempt to find new employment for them?

Mrs. Fairclough: Yes, Mr. Chairman, that is what we hope to do. I do not know whether the hon. member was present last evening when I spoke about our placement officers in the territories. This is part of our over-all program. One such officer will be working out of Fort Smith. These young people will be placed in employment wherever possible. We propose to follow up that employment and assist them where necessary. In any event we propose to keep an eye on them and see how they are getting along.

Mr. Hardie: At some stage could the minister give me an idea of the number of graduates from vocational training schools in Yellowknife who have gone into employment, and a brief report on what these young people are doing at the present time?

Mrs. Fairclough: Yes. We will have to get the information from northern affairs, but we will get it for the hon. member. Until now it has been in their hands, but with the establishment of this new office we expect there will be a change in the situation.

Mr. Hardie: The education of Indians is a responsibility of northern affairs, but I know the department does not conduct a follow up to see what happens to the graduates of their schools. It is the responsibility of the Indian affairs branch to see what happens to children who graduate and take employment.

Mrs. Fairclough: I agree, Mr. Chairman. I believe the hon. member misunderstood me. I simply meant that in order to cover the situation in which he is interested we would have to consult with northern affairs, but I assure him that we recognize our responsibilities.

Item agreed to.

The Deputy Chairman: Shall item 240 carry?

Some hon. Members: Agreed.

The Deputy Chairman: Shall item 241 carry?

Mr. Pickersgill: What item is 240?

Mrs. Fairclough: It is the administration item covering the national gallery of Canada.

Mr. Pickersgill: Mr. Chairman, I think that vote should be regarded as not having carried. I apologize to the committee, but I was engaged in conversation and was not paying adequate attention to the proceedings. Has the hon. lady a statement to make?

Mrs. Fairclough: Yes I agree with the hon. member; we disposed of that vote very rapidly.

National gallery of Canada—

240. Administration, operation and maintenance including grants as detailed in the estimates, $929,145.

Mrs. Fairclough: Mr. Chairman, this year the national gallery of Canada entered upon a new era of its history. In November, 1959 the entire national collection and the personnel maintaining it moved from the old premises in the Victoria memorial museum to the new Lorne building on Elgin street in central Ottawa. The move was a highly specialized operation requiring the skilled and careful handling of priceless works of art, a voluminous library, valuable scientific equipment and office furnishing. Thanks to very ably co-ordinated direction I am happy to state that the move was successfully completed without accident, loss or incident of any kind.

The new national gallery of Canada was opened by the Prime Minister, Right Hon. John G. Diefenbaker, before a distinguished gathering of some 3,000 persons on Wednesday evening, February 17, 1960.

Mr. Pearson: All in white ties.

Mrs. Fairclough: Congratulatory addresses were presented by representatives of museum associations in Europe, the United States and Canada. The occasion was further celebrated by an inaugural loan exhibition of old master paintings, generously and willingly lent by many of the great national collections of the western world.

I am happy to report, too, that since that gala opening evening the national gallery of Canada has established a record of unprecedented attendance. Beginning on February 17 and ending as of the closing hour on June 16, the checked attendance has been 299,163 persons. Should attendance continue as it has begun it will be seen that it is a reasonable conjecture to assume that by next February a million people may have visited and enjoyed the enviable collections on exhibition in the Lorne building.

This is a most encouraging demonstration of Canadian public interest in the collections, and in the services which the national gallery

of Canada provides. It also justifies the confidence this house has shown by its support of careful planning proposed by the board of trustees.

Mr. Pickersgill: Mr. Chairman, I should like to make a few observations about this new era. At the beginning I should like to put a few questions to the minister so she can get the necessary information to answer them before the item passes. Can the minister give the date when the new building was started? Can she say who was the minister when the new building was started? Can she say who was the chairman of the board when the new building was started, and who was the director of the national gallery when the new building was started?

Mr. Nesbitt: Don't you know?

Mr. Pickersgill: If modesty did not prevent me from doing so perhaps I could give some of that information to the committee myself, but I prefer to have it come officially from the minister.

I must say that it was a great satisfaction to me personally, and I think it was a great satisfaction to all members of the previous administration who authorized the building of the new national gallery and who made every arrangement for it, to see the completion of this great project which they had planned, organized and started.

I must say that on the occasion of that gala white-tie opening by the Prime Minister I was not altogether surprised to be asked by one of those present a question to which I did not know the answer in the context in which it was asked. That question was, "What do we have a governor general for?" The question was put because when the original national gallery was opened in the 1880's it was opened by the Marquis of Lorne, who at that time was governor general of Canada. It would have appeared to some of us that this was an occasion of sufficient consequence to have warranted the appearance at that time of the representative of the crown; but I do not intend to labour that point at all.

There are certain unfortunate circumstances that did attend that opening. The most unfortunate of all, I think, was that the man who perhaps had done more than any other person, by his hard work and his enthusiasm, to get the kind of support for the gallery which it now enjoys in this country was not present. I refer to Mr. Alan Jarvis, who "retired" from the position of director shortly before the opening of the gallery. In all the speeches that were made on that occasion his name was not even mentioned. It did seem to me that this was not the kind of generosity, and even good sense, that there ought to have been on a non-partisan occasion of this kind on the part of the government of our country.

I do not blame the government for not mentioning the fact that it was the government of Mr. St. Laurent that was responsible for this project. One can understand why they did not mention that. There was the barest mention of the fact that Mr. Percy Fell also had something to do with it but he was at least present. Outside of that it was, it seemed to me, an example of conscious or unconscious partisanship or a sort of private possession on the part of a political party in the government of our country that I think is to be deplored on occasions of that kind. I feel that this ought to be said, not because what was done can be undone but in the hope that this kind of partisan exploitation of the common possessions of all the Canadian people will not happen again.

Now, sir, I do want to say a word or two about some of the unfortunate things that I think have happened in connection with the administration of the national gallery. I think it is very unfortunate that the gallery lost the services of Mr. Jarvis. I do not think that anyone who did not have the experience I had and the experience that some of my colleagues had can calculate the effect of Mr. Jarvis' enthusiasm and drive in creating in this country a support for the national gallery and a public interest in it on the part of all sorts and conditions of people that was really extraordinary. Those very gratifying figures that the minister gave up to the latest date, which I think was last night, of 300,000 people who had already visited the gallery since it opened is, I think, some evidence of the kind of public interest there is in the national gallery and in the arts in this country today.

I do think, too, that it would not be fitting to refer on this occasion to this development without making a reference to the former governor general of Canada, Right Hon. Vincent Massey, who in every capacity that he has had throughout the course of his distinguished adult life has been a great and discerning patron of the arts, and who, in the contribution he made to those things which are more than bread alone, through the report of his commission and through the other interest he has shown in this matter, should not be forgotten on an occasion of this kind. Indeed, if the government had chosen to invite Mr. Massey to open the national gallery I do not think anyone would have felt that it was a misplaced tribute.

I do not intend to make any great issue—because I am sure Mr. Jarvis does not want any great issue made—of the circumstances of

his retirement. I do not want to say anything unnecessary about other aspects, other unfortunate incidents, that have occurred in the past year. But there are one or two things that it is necessary, in my opinion, to say. The retirement of so distinguished a citizen as Mr. Cleveland Morgan from the board of the national gallery took place in a fashion which caused the Montreal *Gazette*—which is, I think, normally pretty friendly to the present government and certainly pretty friendly to the party that the present government represents in this house—to say this in an editorial on October 26. The editorial is headed "Too Much Interference" and goes on to say:

> It may become increasingly difficult for the government to find good and qualified citizens to serve on independent boards and tribunals, if the government insists on interfering with their policies and decisions.
>
> The latest example of the sort of troubles that are arising is seen in the resignation of Mr. F. Cleveland Morgan of Montreal from the board of trustees of the national gallery of Canada. His resignation follows that of another trustee of the gallery, Mr. C. P. Fell of Toronto.

I am not going to put the rest of the editorial on *Hansard*. I think it is only characteristic of the difference between their personalities, but not characteristic of the difference in their attitude to the government, that at the time Mr. Morgan resigned Mr. Lawren Harris, who is not only one of the greatest of our artists but a man of extraordinary discernment and capacity in many fields, and who has made a great contribution as a member of the board of the national gallery, also had something to say, and I have here a news clipping from the Vancouver *Sun* of October 29. It is headed "Harris Adds Voice to Gallery Uproar", and reads as follows:

> Vancouver, Oct. 28 (CP)—Artist Lawren Harris today added his voice to protests against the federal government appointment of a new chairman of the national art gallery without reference to the trustees. Mr. Harris, a trustee of the gallery for several years, also said the government "hasn't taken any interest at all" in the gallery.
>
> F. Cleveland Morgan of Montreal resigned from the board of trustees in protest against the appointment of Thomas Maher of Quebec city as chairman without consultation with the board. Mr. Harris, however, said he will not resign from the board.
>
> "I think it would be a mistake to resign," he said. "If you resign, you're out. You can't say anything. I'll stay until they force me out."
>
> Mr. Harris added that art dealers all over the world now are suspicious of deals with the Canadian gallery because of the federal government's reversal of a decision to buy a painting by Lorenzo Monaco.
>
> "The government told us to go ahead and a London art dealer bought the painting. Then the government turned around and refused to buy it. This would never have happened with a Liberal government," he said.

Of course the root of all this trouble is the repudiation by the government of an undertaking made by one of the ministers of the crown, not the present minister but the gentleman who was *locum tenens* in that department for nearly a year. This repudiation of an undertaking to purchase was one of the shabbiest performances we have ever seen in this country because, as we found last year on the estimates and as ought to be repeated from time to time, the government were perfectly willing to buy the painting as long as they thought it could be paid for out of an appropriation for which they could blame the Liberal government. But when they found there was no appropriation and that they would have to come to the house to ask for an appropriation and assume their own responsibility for it, they ratted. That is the only possible word to use to describe what happened. It has certainly done nothing to enhance the good name of the government.

I know the Minister of Finance takes great exception to the suggestion that the government had any obligation, and in the case of a sovereign government it was not, of course, a legal obligation. No, it was only an obligation of honour. I admit that at once. It was only an obligation of honour, just like the obligation in term 29 of the terms of union with Newfoundland. If this government can find some legal way of weaseling out of obligations of honour, which honourable governments accustomed to fair dealing under the British tradition never do, they think it is perfectly all right, quite justifiable and the right thing to do. I think that as often as possible voices should be raised in parliament to indicate that there are people and political parties in this country who do not believe in that kind of conduct.

Mr. Fisher: Mr. Chairman, the outline of recent happenings and changes at the national gallery given by the hon. member for Bonavista-Twillingate is fairly close to what would be my own criticism. I think the minister is much more vulnerable in respect of the agencies for which she is responsible than she is so far as the activities of her own department are concerned. I know I want to indicate later how disgraceful I think the situation is with regard to the movement toward a national library.

The Deputy Chairman: Order.

Mr. Fisher: I am not on the national library.

The Deputy Chairman: I was wondering why the hon. member was referring to the national library.

Mr. Fisher: It is one of the cultural agencies for which the minister is responsible. I also

wish to refer later to the sad state of another cultural agency, the national museum. I wanted to argue that it might be a good idea if we could bring together under one minister some of these cultural agencies which are now scattered. Perhaps the minister might be able to find within the Conservative ranks a member who is sympathetic to cultural things and prepared to give them the kind of encouragement that is needed, encouragement that is especially needed among Conservative members as a whole because I am afraid the antagonism toward art, for example, reflected by the attitude toward the estimates of the gallery and also the way Mr. Jarvis was treated, are a fairly true indication of the feelings of Conservative members.

There was one part of the report of Mr. Lawren Harris' remarks that the hon. member for Bonavista-Twillingate did not read.

Mr. Pickersgill: On a question of privilege, I wonder whether the hon. gentleman, unlike the Minister of Justice, would pronounce the old name of Twillingate correctly.

Mr. Fisher: To my mind, if this statement can be accepted as true—and I know that one cannot always accept newspaper stories as fact—Mr. Harris deserves the congratulations of everybody in the country, whether Liberal, Conservative or socialist. Any man who will take the forthright position that he is damned if he is going to go, that he is going to stay and say his piece, certainly deserves a lusty pat on the back. I hope he stays on the board of the national gallery for a long time.

The hon. member for Bonavista-Twillingate failed to quote another sentence that I thought he would probably wish to quote. The report I have is found in a different newspaper, the Toronto *Star* of October 28, 1959, and the sentence reads as follows:

> "Conservative governments have never shown any interest whatever in art," he asserted from his home in Vancouver.

I think it is delightful that a man with these beliefs is going to remain on the board and try to do something about them within the framework of the board. This is the kind of dissent and spirit that we need more of in Canada.

With respect to the departure of Mr. Jarvis from the national gallery, I think everyone is aware that to say he resigned is to put a peculiar face upon the matter. I think most of us are aware of what actually happened, and that a resignation under such duress is not really a resignation at all. I do not doubt that Mr. Jarvis is not an easy person for a minister to deal with, but with respect to artistic matters I would judge that the hon. lady may not be the easiest person to get along with, either.

Mrs. Fairclough: That is only supposition.

Mr. Fisher: It seemed to me that she moved with a great deal of stubbornness and bitterness that was uncalled for. In saying that I do not wish to reflect in any way upon the man who has been selected to succeed Mr. Jarvis, because we all know that he has a distinguished reputation in the field. But the very thing about Mr. Jarvis that appealed to me and that appeals to many other people is the sort of thing we see reflected in Mr. Harris, a willingness to take an outright and forthright stand, to be unafraid of criticism or of criticizing in return.

It seems to me we have to make a distinction between a civil servant who is completely an administrator within a department and someone who is responsible for a cultural agency; because the very life of art, literature and philosophy is dissent, disagreement and argument based upon different points of view. From the very great pride that the Prime Minister and the minister seem to have taken in the opening of the gallery and the subsequent events there it would appear that Mr. Jarvis' preparations were not a failure. In other words, what the minister has told us indicates that he was a great success as head of the national gallery, because it is almost impossible to believe that in the short time since he left the new broom or simply the difference in location has brought about the tremendous change now apparent in the new building.

In more particular detail I should like to ask the minister questions relating to the reason for the increase in the budget for the purchase of paintings this year after the very skimpy amount provided last year. The general argument has been made that last year was a bigger spending year than the present one, the estimates for which are now before us. We have the story right down the line that this government got tough this year on spending; that it slashed here and slashed there. The Minister of Public Works is very proud of the pruning job that was done there, and this seems to the case right across the board. However, in this tough year this government changes face in so far as the estimates for the purchase of art are concerned and increases them substantially. I think it is in the magnitude of eight times.

I wonder whether the minister would concede that this alteration is perhaps a result of the departure of Mr. Jarvis; that the situation was deliberately aggraved when he was

head of the national gallery by cutting the estimates so low that it had an effect on the job he was trying to do.

Mrs. Fairclough: That is utter nonsense.

Mr. Fisher: Well, I am glad to hear it is utter nonsense. Then I expect that we will get an explanation of the reason.

Mrs. Fairclough: I gave an explanation last year, but I shall be glad to repeat it.

Mr. Fisher: We will be glad to hear it. It does seem peculiar to find a jump of $160,000 in the straitened circumstances in which the government seems to be this year. I have one specific criticism of the gallery which is the result of my attempt to arrange an art exhibit up in my own part of the country.

Mr. Chambers: One man?

Mr. Fisher: I was not arranging a one man exhibit. If I could, I probably would have tried to have Mr. Lawren Harris because, as the hon. member may know, he has made some magnificent paintings of the lake Superior country.

Mr. Chambers: Oh, I thought it was you.

Mr. Fisher: I made an attempt to get a collection of paintings that is circulating around the country called "The Group of Seven and After". I was told that collection was being shown elsewhere, which was a legitimate excuse. However, when I pressed to find out what was necessary in order to get an art exhibit at the lakehead, I was given what I thought was the complete run-around. I was told that no place at the lakehead had been established as a proper place in which to show art. I pressed this further and I was told that, after all, a member from the gallery had gone through northern Ontario and had arranged the approval of certain places, I expect in terms of fire hazards and display space, as being proper. When I pressed the matter I discovered where they had been in northern Ontario. This particular person or persons who had gone around, I discovered, had not even touched over half of northern Ontario. According to the national gallery, northern Ontario seems to consist of Sault Ste. Marie, New Liskeard and Haileybury. This indicated to me that the gallery officers who were responsible for these displays had shown a remarkable lack of initiative.

The other thing that bothered me about the way I was put off was that I was told the people who wished to put on the show—it was the Lakehead College of Art, Science and Technology—should really work through provincial authorities. Here again it seemed to me we were going to have the old constitutional jurisdictional question. In art, of all things, if agencies have to work through provincial branches before they can go to the federal branch here, then we have an interpretation of the British North America Act and the various jurisdictions which completely baffles me. The fact that a local organization cannot satisfy the national gallery about its ability to put on a show, without having to go through a provincial art association or society, is something I cannot swallow.

I might say that the particular problem of the lakehead college ended happily. They found the Toronto art gallery quick and alert in providing them with paintings. They had a very good display, and everyone was impressed with both the collection and the demonstration of zeal given by the Toronto gallery in providing them with this collection. What they feel about the national art gallery is another matter.

The last remark I want to make in connection with the gallery follows from this. We are always glad to see Ottawa made a greater and greater attraction. I know a woman with four children who had saved for a number of years to come down here in order to spend a whole week in the gallery. She comes from my constituency. She went through the gallery day after day and spent hours in the various collections and was immensely pleased. Of course, her reaction was the obvious one; if we could only have more things of this kind, even on a smaller scale, circulated around the country. This, it seems to me, is one of the ways in which you will have to judge the performance of the national gallery; not only upon the displays that have been put forward for people who are able to come to Ottawa or who live in Ottawa, but upon what the gallery does about sending its displays around the country. I would appreciate very much having an indication as to whether there are any plans for expansion in this regard.

I understand that the national gallery takes the view that if you do not have a responsible local group to sponsor something, art displays are most unlikely to be successful. I should like to know something about what the standard is for sponsoring groups. I can see a situation where in some areas of northern Ontario a Rotary club, Kiwanis club or teachers' association might be an excellent sponsoring group. It might even be worth while, in places such as that, to see whether a few people could be put in the field to work up interest. I would be interested in hearing from the minister what the gallery's plans are in that particular regard.

I should be interested also if the minister could tell us something about a subject in which my colleague the hon. member for Kootenay West is probably interested, something of the artistic question; as to where the gallery stands on modern, abstract, realism, and all those things.

Mrs. Fairclough: I will ask the board of trustees to give the hon. member a report on where they stand with regard to the cultural aspects of the situation, because it is beyond me. In so far as these exhibitions are concerned, taking the last question first, I may say it is true that some of them are handled through art circuits. It is an administrative procedure which works out to the benefit both of the ultimate exhibitors and also the gallery, because these people have developed techniques for handling these exhibitions.

With regard to exhibitions being held in specific places, I may say I do not know what the situation is in my hon. friend's vicinity, but it is necessary to have exhibition space which permits a reasonable degree of security, which is fireproof, where atmospheric fluctuations are not too severe, heat, humidity and so on, because these are valuable paintings and the board does not feel it could risk this type of work in premises which are not suitable. In general that is the explanation for some of these refusals to send to certain places. If the hon. member wishes to pursue that matter further I will arrange with him to consult with the gallery with respect to what is considered to be a suitable place in which to have an exhibition.

I should tell him also that this year there are some 28 exhibitions which will be touring Canada. Two of these exhibitions will cost about $25,000 each, so it is not a small item at all. However, we consider that it is a most important aspect of the work of the gallery, and I hope these exhibitions will be enthusiastically received in the various centres in which they are shown. One of the collections which is being exhibited is the one to which the hon. member referred, namely the group of seven.

Two hon. members who have spoken have made reference to the remarks of Mr. Lawren Harris. I do not propose to pursue that particular remark of his at all. All I will say is this. I suggest that those hon. members confer with Mr. Harris today and find out what his feelings are; because I understand that in so far as the board is concerned and in so far as the gallery in general is concerned, they are most amicable.

The hon. member asked for an explanation of the purchase account. I think I should start by noting the expenditures for the national gallery. I will go back four years. For the year 1956-57 they were $351,000; for 1957-58 they were $465,000; for 1958-59 they were $546,000; for 1959-60 the amount asked for was $914,000. In other words the amount was almost doubled. In the year of the move the officials of the gallery were extremely busy, as members of the committee can well understand, in planning for the move to the new building and in restoring some works that had to be restored in order to permit them to be installed in the new building. A great deal of activity was going on, and after careful consideration and consultation it was considered that there was not going to be too much time in which to make selections for additions to the collection.

Consequently, after considerable discussion it was agreed to leave in the purchase allocation for that year a nominal amount which would permit the acquisition of some small items, largely Canadian items, because a certain amount of acquisition of works of Canadian artists is going on all the time. When that year ended and the appropriations were being drawn for the next year, the purchase account was restored again. It had nothing whatever to do with personalities. It was the simple fact that the appropriation for one year doubled in any event just because of the move, and it was felt that the purchase acount could quite properly be dropped for that particular period. I might say that this was a decision which was accepted and agreed upon by the members. I think there was no particular dislocation of the activities of the gallery as a result of that decision.

The hon. member for Bonavista-Twillingate asked me to put a little bit of history on the record, something which I am pleased to do. I can assure him that at no time was there any intention to detract from his glory. The actual building, of course, is a matter of concern to the Department of Public Works. When it was first started I think it was intended to be an office building for the Department of Citizenship and Immigration.

Mr. Pickersgill: No, no. The minister is wrong about that matter.

Mrs. Fairclough: Then I am misinformed. That just indicates that I can scarcely be expected to give historical data with respect to a period for which I was not responsible. If the hon. member wants to set the record straight and wants to say what happened under his jurisdiction, that is a matter that is entirely up to him. I may say that I understand that the minister who was responsible for the department at the time was a certain Hon. J. W. Pickersgill, who was the member

for Bonavista-Twillingate, if approval is given to my pronunciation, and that the chairman of the board was Mr. C. P. Fell.

Again, I know that Mr. Fell would be only too happy to agree with me that his resignation had nothing whatever to do with the altercations which arose. He made that point abundantly clear to me in a personal interview and later in a letter. In fact he regretted that pressure of other business forced him to resign just at that particular time, but he asked me to understand that nothing in the nature of personalities entered at all into his resignation. Hon. members who doubt that statement can have it corroborated by Mr. Fell himself.

The director at that time was Mr. Alan Jarvis. I agree with hon. members that Mr. Jarvis did an excellent job for the national gallery. His enthusiasm was unbounded and his knowledge leaves little to be desired. I think he did a good job for the gallery. There is again no personal feeling whatsoever with regard to the situation which developed.

The hon. member for Bonavista-Twillingate made an observation with reference to the opening. If he will cast his mind back he will recall that the former governor general, Right Hon. Vincent Massey, laid the cornerstone of the building or officiated at the laying of the cornerstone, something which we thought was significant because, as has been said, he is a noteworthy patron of the arts and a very knowledgeable one. When the opening was planned it was recognized that his term of office would have expired and that there would be a new governor general. However, at that time it was not known who the new governor general would be. It was therefore impossible to invite Mr. Massey in his capacity as governor general; and inasmuch as he had already officiated at the important function of laying the cornerstone it was felt that his mark could be left on the building in any event. It was impossible to invite the new governor general when we did not know who it would be. Again, if my hon. friend will think back, he will realize that the appointment of the new governor general took place very shortly before the opening of the building.

Mr. Pickersgill: Can the hon. lady give the date of the opening of the building?

Mrs. Fairclough: February 17. It was originally planned for earlier, but construction of the building was delayed. The opening was accordingly delayed for some three months, I believe. It was originally scheduled for November.

I think I have answered most of the questions that have been asked. I think I shall not comment on some of the other things that have been said. I hope the hon. member feels better for having got them off his chest.

Mr. Pickersgill: There are one or two points to which I want to refer with regard to the hon. lady's explanation. In the first place I want to congratulate the hon. lady on her debating ingenuity. The explanation of why the Governor General could not open the Lorne building is undoubtedly a nice one to have on the record, but the hon. lady will not mind my saying that she has strained our credulity more that she usually does.

Mrs. Fairclough: That is the absolute truth.

Mr. Pickersgill: The absolute truth is something; as a jesting Pilate said, that is very hard to determine.

Mrs. Fairclough: You are supposed to take my word.

Mr. Pickersgill: In the parliamentary sense I accept the hon. lady's word. However, to come to the purchase account, of course the hon. lady's explanation went far beyond the point of straining our credulity. As the hon. lady knows perfectly well, amounts paid into the purchase account do not lapse.

Mrs. Fairclough: I never said they did.

Mr. Pickersgill: No. But the hon. lady said they would be so busy moving that they would not have time to buy any new pictures. If they could not spend it before the fiscal year ended, it would remain in the purchase account, and they could have bought that many more pictures this year. Therefore that explanation is really unworthy of the hon. lady and unworthy of being given to the committee; and of course this attitude is in contrast with what happened in that country which in the past, before the 15 per cent and things of that sort, the hon. lady's party used to admire so greatly. I have in my hand a copy of the New York *Times* for Wednesday, February 3, and I suppose the hon. lady would admit that even though this is published in the United States it is a reputable newspaper.

Mr. Pallett: What year?

Mr. Pickersgill: 1960. There is a reproduction here of a painting which was bought by the national gallery of the United Kingdom. The heading reads "Britain's National Gallery Buys Rembrandt 'Man on Horseback'" and the text beneath the reproduction says "Price is above $386,000 and may be as high as $840,000—exchequer planning more major purchases."

We know, of course, that in the United Kingdom they have full employment and prosperity, and it may be they are better able

to afford to encourage the arts than is the government of Canada, which repudiated an undertaking it had given to buy a painting for a smaller sum of money. I thought the committee and the public would be interested to observe this contrast.

I do not intend to deal further with the unfortunate events of the past year in so far as the national gallery is concerned. The minister has been very fortunate indeed, in my opinion, in getting a very eminent Canadian, very well qualified, to be the director; and speaking not only for myself but, I believe, for my friends in the house, I wish him well. We extend these good wishes to the board also, including the new chairman.

Mr. McGee: First of all, I should like to concur in the good wishes offered by the hon. member for Bonavista-Twillingate to the new director and the board. I was wondering, incidentally, whether the new director shares the view of his predecessor that there might be a cocktail lounge established in the cafeteria, and I would be interested in what the minister may have to say about that.

What I should like to suggest to the minister and to the directors of the gallery is something which relates to the presence in Ottawa during May and June of large numbers of school children. Over a thousand have visited this city from my constituency alone, and one only has to examine the attendance in the galleries on Fridays and, indeed, on other days of the week, to appreciate the thousands upon thousands of young Canadians who are visiting the House of Commons.

I was wondering whether consideration had been given to a display which might be on view, particularly during the months of May and June, indicating in one area the development of Canadian art from its earliest stages to its latest developments. If that suggestion has not yet been considered I should like to put it forward. It might be left through the tourist season as well, but I am more particularly interested in the grade school and high school students who are visiting the national capital, who would then have the opportunity of seeing the process illustrated in its original form. I appreciate that this sort of information is given to them in varying degrees in the various school systems, but I think it would be appropriate to have this development of Canadian art on view during these particular months.

Mrs. Fairclough: I can assure the hon. member that we do that now. There are daily lectures addressed to various age groups, and one of them is on the subject of the development of Canadian art.

Mr. Herridge: Lacking the personal heritage of culture and cultural opportunities enjoyed by many members of this house, I hesitate to rise to speak on this item. Therefore I want it clearly understood that I do not speak as an authority, but simply as one representing the views of certain people who have written to me and conversed with me in connection with our national gallery, in which a great number of people in Canada are taking an increasing interest.

We have an excellent catalogue of paintings. We have an excellent building at the present time and, as has been mentioned by three previous speakers, we have a very competent director in charge. So we have all the materials for success, providing we get understanding and co-operation from the various sections of Canada and the Canadian people in general. That is the first point I wish to make. I am not competent to deal with some of these other matters which concern those who have the training and experience and who can give opinions on art. I am one who likes to see pictures which represent things as I see them; I am a simple soul.

I was interested in the opening of the gallery, which ceremony I attended in a black tie; but I think the arrangements showed that someone was a little out of touch with the needs and interests of the people in general, when provision was made for attendance by 5,000 people wearing white ties. A whole brigade of people wearing white ties; imagine that. What a frightening prospect in connection with the national gallery. Anyone would think it was a military parade. While I understand the symbolic nature of the white tie I think it could have been confined to the few, to the inner group of very important people. Therefore I suggest that in future invitations to these functions should be given out in a way which would not prohibit the attendance of a large number of ordinary people who are artists or interested in art.

Let me point out first, that it would be impossible to obtain 5,000 white ties in Ottawa at one time for one function; and second, that the great majority of those who are interested in the art gallery cannot afford an outfit of this style. I do suggest that an opportunity be provided on other occasions for ordinary people like the hon. member for Kootenay West to attend, in ordinary clothes.

In connection with this opening I also wish to say that I listened with interest to the Prime Minister, the director and other persons who were there. I had made up my mind to say this, and I will do so. I thought it was the most shocking example of bad manners on the part of the people in the white tie class that I have ever seen in my life. I can only put it this way; that when the Prime

Minister was speaking there were white ties to the right of him, white ties to the left of him and white ties in front of him that whispered and murmured. I was very annoyed and the other people around him were annoyed; and I say, as a member of the working class, that I know the working class would have shown better manners on such an occasion.

I draw some other matters to the attention of the minister because they have been drawn to my attention by constituents of mine who come to Ottawa to spend a week or so in the city, and others who visit the national gallery on various occasions. I suggest we have to make the gallery a friendly place. It is not sufficient for a visitor to go up to an information desk at which a rather superior young lady is sitting reading a book, and wait until she looks up and says, "What do you want?" You ask the question, and she says "Fourth floor" and goes on reading.

I have had that complaint from four people who have visited the gallery. That is not the right attitude. Of course the person at the desk possibly is not a civil servant. Perhaps it is someone from the Girl Guides or an organization such as that volunteering her spare time. If the persons on the information desk are on the staff they should be friendly. That is the place to create a friendly atmosphere. This woman received a crisp answer at the desk. Then she looked at one of the paintings and said she thought she was in the wrong institution. Attendance will increase in the future. The minister said one million people have already attended.

Mrs. Fairclough: The figure was 300,000. We think it will be one million this year.

Mr. Herridge: Interest is increasing. People who are not accustomed to visiting galleries should be treated with courtesy and made to feel at home in their national gallery.

I am told we have done very well in terms of collecting typical paintings representative of various periods and European and other schools but I have to accept other peoples' opinions in this respect. There should now be an opportunity to give greater recognition to Canadian artists. We should not spend large sums of money buying paintings from Europe or the United States if we already have pictures representative of a given school or period. We should also provide representation for schools and groups of Canadian artists from coast to coast. A number of amateur artists recommended that to me.

I am reliably informed that we have many paintings, including war paintings, in storage and that a man, perhaps a commissionaire, is employed to take care of them. Later on I want to know their number, size and subjects. Greater use could be made of them in all sections of Canada. I promised three artistic ladies in Ottawa to mention that and I always try to please the ladies.

Mr. Cooper: Does the hon. member wear lipstick?

Mr. Herridge: We can only have one national gallery at this time. Therefore we should arrange tours of pictures to give all Canadians a chance to view them. I have not had time to read this excellent report but will do so later on, and I suggest that we issue a simple brochure to send to high schools to interest children in the gallery its purposes and paintings.

We have throughout the years given our support to this non-profit agency, which is a projection of C.C.F. policy into the realm of cultural activity, and welcome its development.

Mrs. Fairclough: With regard to the receptionist, the person on the desk has not been a civil servant. The situation has been covered and there will be someone there who will be charged with the responsibility of adequately greeting the public.

The war paintings are—I do not know whether "in storage" properly describes the situation—housed in a separate building and are shown from time to time in the gallery. There is a constant exhibition of paintings of world wars I and II, and these are rotated. The paintings are not in dead storage by any means, and it is intended to make use of them.

The hon. member asked about a brochure of a descriptive nature to send to school children. One is presently in the process of being planned.

Mr. Herridge: There is mental telepathy between the hon. lady and the hon. member for Kootenay West.

Mr. Pearson: Mr. Chairman, these items in the estimates and the discussion that has developed concerning them make us conscious of the fact that there is more to national development than trade, employment and income statistics. While we may take some satisfaction out of the fact that we are building up a national gallery as an expression of another kind of national development, we have perhaps not too much to boast about in such a field of national expression in this wealthy country of ours as long, for instance, as we do not have a national theatre or even a national library.

I wish to say a few words about a matter to which reference was also made by the hon. member for Kootenay West. We have been successful in building up our national gallery over the years, and I hope there will

be room in it for every kind of painting; that we will not concentrate on national or classical paintings or on any particular school of painting. Perhaps there is room even for the kind of painting I do not understand.

I once ventured to make a presentation of a painting to the national gallery, which I think has been in the cellar of the gallery ever since. I am not suggesting that is not a proper place for it. It was a painting presented to me while in Russia, a rather startling painting, I thought. There are other paintings in custody—or if that is not the correct word, in storage—which have been mentioned today. I mention them also because I think from my own experience it is of some importance if it can be done—and I know it has been done within the limits of the possible—to have Canadian paintings in our diplomatic and other missions abroad. They frequently arouse a good deal of astonishment on the part of those who visit there and see good Canadian paintings on the embassy walls. They sometimes express a certain measure of astonishment that we have achieved, as indeed we have achieved, a high position in this particular branch of culture. I hope that practice, although I know something of the difficulties in the way of carrying it out, will be continued.

I share the satisfaction of the hon. members in the fact the new national gallery has been opened, that the facilities for displaying our art are much better than they were, and that people are already beginning to take advantage of those facilities.

I also share the dissatisfaction that has been expressed by my hon. friend from Bonavista-Twillingate with some of the antecedent activities of this development. The hon. member for Kootenay West has said something about the opening ceremonies signalling this important change. It was no doubt in some of its aspects an impressive occasion; in some other aspects it was almost a comedy of white tie confusion. I congratulate my hon. friend from Kootenay West, that simple unsophisticated son of the soil, who could acquire only a black tie for the occasion. I congratulate him on having been able to break the white tie barrier because apparently he was close enough to the distinguished people in white ties to be able to notice their behaviour on this occasion. But my impression was that the black tie or the no tie group had been segregated in a different area of the building on that occasion.

I think some of the events leading up to the change which have been mentioned already speak for themselves. I do not propose to go into them in any detail. I think the resignation of Mr. Morgan and the letter, in which he expressed why he had to resign, were shocking. I am convinced now, as I was convinced last year, that the circumstances surrounding the rejection by the government of certain offers they had made to purchase paintings did in effect constitute a breach of contract by the government and in effect, therefore, by the country.

I have mentioned this on more than one occasion in this house. The Minister of Finance, his voice quivering with indignation, has accused me of besmirching the good name of Canada because I said on one occasion that the word of Canada did not now stand as high as it once did. I repeat that remark. But when I made it in the first instance as I do now, I was referring only to this particular episode, the rejection by the government of the offer which it had made to purchase pictures. When I talked about the word of Canada not standing as high as it once did I was referring to that particular episode and to nothing else; and the Minister of Finance, if he had bothered to look into the matter, would have found that out. But it was a sorry episode which I am sure anyone who examines the facts will realize.

Mr. Robinson: Liberal, right or wrong.

Mr. Pearson: I do not know the meaning of that remark; I do not know what it has to do with the fact that certain proposals were made on behalf of the Canadian government, certain undertakings and negotiations were entered into and later repudiated. That is what I am talking about, and I repeat, it was a sorry episode. But it is behind us. The national gallery is now in its new quarters. It has started out on a new career of great value in the cultural development of our country. The figures of the number of visitors to the gallery that have already been given speak for themselves.

I think, as has already been pointed out, that for this development we owe a great deal of gratitude to the previous director. It seems to me it did represent a kind of pettiness of partisanship that on this great occasion of the opening of the national gallery, the official speech of the Prime Minister opening the gallery could not find room for one reference to the man who had done so much to bring this about. He has now been succeeded by a man who has our respect. We know he will be a fine director. We congratulate the government on this appointment and, as my hon. friend to my left has said, we wish him well in his important work of service to the people of Canada.

Mrs. Fairclough: I am sure the Leader of the Opposition will be pleased to know, if he does not know already, that last year external

affairs purchased from the biennial exhibition of art a number of Canadian paintings for use in various posts abroad. I understand it is their intention to do so at the next exhibition.

Mr. Jones: Mr. Chairman, I do not intend to thresh old straw in the manner of the Leader of the Opposition. Like other hon. members, I should like to congratulate the minister on her wisdom in obtaining the services of the new national director, a person who has been favourably known across Canada, of course, for many years, a person of great distinction in the field of art. From personal experience as a member of the Canadian delegation to the Atlantic congress, where he took part in the cultural activities of that conference, I can say he held the name of Canada high in the international field, and his words and his advice were listened to with a great deal of respect and attention by those from other countries. Indeed, it is a fortunate thing for this country to have such a distinguished man heading the national gallery.

In regard to some of the remarks made by the hon. member for Kootenay West, like him I find that my duties in the House of Commons do not permit frequent visits to the gallery, but on one occasion when I was able to go there I found quite a different reception. Indeed, the interest and enthusiasm of the staff of the gallery were almost overwhelming; because I recall that on that particular occasion I was looking at a painting of a bridle. While I was discussing it with some of my friends one of the guards became so interested in the discussion that he too joined in and gave his view of this particular painting.

An hon. Member: Did you say "bridle"?

Mr. Jones: A bridle.

Mr. Herridge: I was referring only to the person at the information desk, not to the rest of the staff.

Mr. Jones: I was happy indeed to learn it is expected that nearly a million people will visit the gallery this year. Surely this in itself indicates that it has become indeed a people's gallery, a gallery to which all Canadians can repair with the assurance of getting a warm welcome and of seeing the paintings exhibited under circumstances of utmost friendliness.

I understand that at the present time there is an exhibition at the gallery, which unfortunately I have not had the opportunity to see, from my own province of Saskatchewan. Not having seen it, I am not in a position to offer any comments on the exhibition. I ask this question of the minister. Is it the policy of the gallery to encourage exhibitions of art from the provinces, art painted by Canadian artists in the various provinces?

In regard to the comments made by the minister earlier on the purchase by the department of Canadian art, perhaps she might clarify the position. It is not necessarily that which is considered representative of Canadian art painted by Canadians. The point I make here is that art is truly a universal thing, and what we are trying to do in the national gallery is to encourage Canadians to engage in the arts in this medium.

Some hon. Members: One o'clock.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

The Deputy Chairman: Order. Shall vote 240 carry?

Mr. Pickersgill: Before it carries, Mr. Chairman, I feel I should make a somewhat fuller correction than I did of the statement made by the minister about the building where the national gallery is located. I am not surprised that the actual facts are not well known because there has been so much confusion about the matter. Under the national capital plan the national gallery was supposed to go where the barracks now are on the driveway. The Department of National Defence was not willing to release that site unless a new armoury was built somewhere else in Ottawa at a very great cost which the government of that day did not think was justified. Therefore that site was not available. It was then agreed that a temporary site should be chosen and that a building should be erected on that site which could ultimately be used as an office building but which would be used in the first instance as a national gallery. I accepted that compromise with a mental reservation which I must say I uttered at the time to a good many people, that the building would continue to be the national gallery for the rest of the twentieth century.

Mrs. Fairclough: I do not doubt it.

Mr. Pickersgill: I am quite sure it will be and I hope it is. It is a very much better site than the one chosen under the national capital plan because it is nearer the centre of the city. Anybody who knows where the national gallery is in London will realize that if one thing is more certain than another it is that if you want visitors to the national gallery, which I think you do, you want it in the

centre of the city and not even as far away from the centre as the national defence headquarters now are.

Item agreed to.

Public archives and national library—
National library—
318. General administration, $192,619.

Mr. Pickersgill: I should like to say a few words about this item. I know it is not the minister's fault and I am not blaming her but I do wish the minister would try to impress upon her junior colleague, the Minister of Public Works, and upon her senior colleague, the Minister of Finance, that the national library is a matter of some importance and that the collection of antiques down on Wellington street should be torn down and the new building should be proceeded with. No doubt it would be nice to retain part of the building down on Wellington street as a memorial to Mr. C. D. Howe whose office was there all through the war but I do not think Mr. Howe would want it. As a matter of fact, on one occasion I suggested to Mr. Howe that if he would go ahead with tearing down the building we would make him national librarian, and I offer that suggestion to the hon. lady. I think he would be most suitable. I also think that the present Minister of Public Works could do very well with having a library to which he could resort from time to time.

Item agreed to.

National film board—
238. Administration, production and distribution of films and other visual materials, $4,493,504.

Mr. Pickersgill: Is the hon. lady going to make a statement on the film board?

Mrs. Fairclough: Yes, Mr. Chairman. I am pleased to tell the committee that since the house last considered the estimates of the national film board it has been accorded a signal honour by the Canadian citizenship council. This year, its twenty first anniversary, it was given a Canadian citizenship award. Perhaps I might read the citation which accompanied it.

The national film board was nominated in this competition "for recording, depicting and interpreting on film, Canada, the Canadian people, Canadian regions and geography, Canadian problems and achievements, Canadian institutions and the work of Canadian institutions, Canada's cultural life in its varied and numerous aspects; for its promotion of the use of Canadian films by groups of all kinds, both in urban and rural areas; for its frequently courageous treatment of issues and ideas; for its imaginative efforts in informing and awakening Canadians through film of high quality, particularly documentary film, to the vast complex fabric of our nation."

[Mr. Pickersgill.]

Perhaps I might also mention a few of the most recent awards which the board has won. At the United States film festival the national film board headed the list with five blue ribbons for films and three for film strips. A couple of weeks ago in Cannes the jury of the international festival gave a special mention to the board's film "Universe" for the exceptional quality of its animation work, and the board also won the grand prix Eurovision for a documentary entitled "The Backbreaking Leaf" about the tobacco harvest in Ontario.

For the fiscal year 1960-61 the national film board estimates pretty well remain at the same level as for the previous year. The over-all increase is one of $91,732, brought about by an increase of $132,732 with respect to the board's operational vote and by a reduction of $40,000 in its acquisition of equipment vote. An amount of $94,012 will take care of merit increases to the board's personnel and $28,071 will cover an extension of the board's foreign distribution activity. The balance covers various small items.

Mr. Pickersgill: I should like to ask the hon. lady two questions. Can she say whether the C.B.C. is now paying for the film board films which it uses what they are really worth? Can she also say how many of the films of the film board are used by the C.B.C. and what is the pattern.

Mrs. Fairclough: The films which are used by the C.B.C. remain the property of the film board and accordingly what they pay for them is really a rental. The amount they pay varies between one third and one half of the cost of the film.

Mr. Pickersgill: About how many do they use?

Mrs. Fairclough: I am told it amounts to about 80 half hours per year.

Mr. Brunsden: May I ask the minister whether it is not true that film board productions are available to agencies other than the C.B.C.?

Mrs. Fairclough: Oh, yes.

Mr. Brunsden: I am thinking in terms of universities; I am thinking in terms of local film groups. It has been my privilege to enjoy a number of these films in the remote parts of western Canada. I think the film board should be commended for the work it is doing in making available to the distant parts of Canada the films that are made here.

Mrs. Fairclough: Yes, that is quite true. In so far as the films which are used by the C.B.C. are concerned, after a lapse of 30 days they are made available for other showings.

Mr. Pearson: I should like to pay my respects to the work the board is doing in Canada, especially in the remote areas. I should like also to ask the minister if she could give us some information about the work the board is doing in the projection of Canada abroad. She mentioned it in her statement. Perhaps she would elaborate a little upon it because I know how important that work is.

Mrs. Fairclough: We are rather proud of the work which the board does abroad, Mr. Chairman. In the United States, for instance, the national film board distributes Canadian films in the following ways: First, through the board's own offices in New York and Chicago which are engaged principally in arranging commercial distribution and carrying out Canadian travel film programs. In the commercial field, national film board films distributed to theatres had 5,260 bookings in the United States last year. There were 1,479 telecasts of films other than travel films. The board and its agents sold 2,976 copies of 16-millimetre films and 2,231 copies of film strips to libraries, educational and industrial organizations. In the travel promotion program, direct bookings from the board's own libraries and from 567 local outlets reached an attendance of 4,030,000; in the past year there were 1,780 telecasts of Canadian travel films and 1,639 telecasts of short filler items dealing with Canadian vacation attractions.

The Canadian embassy in Washington and seven Canadian consulate offices have been for years the principal means of carrying out non-commercial distribution. During 1959-60 the attendance they reached was 2,170,000. In a little over a two-year release period "City of Gold" has been booked into 3,600 theatres in the United States. Last summer our film on the St. Lawrence seaway received 334 telecasts. I am told that the film "City of Gold" was booked with a Brigitte Bardot film and we do not know which one was the attraction.

The report on the United States, which I have just given, is the only one I have on an individual country. However, through all of our posts abroad we have had in the year 1959-60, 223,500 showings, non-commercial, with a total attendance of 24,600,000.

Mr. Valade: I wonder if the minister would inform me how many of the French films produced by the national film board are included in the list which she has just submitted to the committee.

Mrs. Fairclough: It is about 50-50. I said 80, and there are approximately 40 in French and 40 in English.

Mr. Valade: Is that for use abroad?

Mrs. Fairclough: No, that was for the films shown on the C.B.C. The films abroad are generally produced, or at least the commentaries are made in the language of the country concerned. In France it would be in French and in the English speaking countries it would be in English. In other countries it is in the language of the country concerned.

Mr. Valade: I should like to comment a little bit on this, Mr. Chairman. I hope the minister will be able to emphasize to the national film board the importance of making more use of French films abroad so that the people of the United States and the people of other countries would know that this country has a bilingual and bi-ethnical aspect. I think the national film board would be well advised to use this sort of information about the country. I hope the minister will see that efforts are made to ensure that this country will be known abroad as a bi-ethnical country.

Mrs. Fairclough: We do distribute the films in French in places where the French language is understood; such as the New England states, for example, and some areas of South America where French is a language which is understood.

Mr. Herridge: Because of the wholehearted support of this group for this socialist style enterprise I want to say a few words on this item. I was not here when the minister made her opening remarks; I was unavoidably detained, but I understand when she made her brief remarks she referred to the awards won by the national film board. This is a matter in which I am very interested because I was reading of that in the report. These awards are clear evidence of Canadian technical ability, Canadian administrative ability and, in other directions, evidence of Canadian talent. We in this group are very pleased to see these awards because they indicate the fact that this government agency can hold its head up among the many free enterprise agencies doing the same type of work in North America. I see the minister looks as if she agrees with that statement at this time.

If I remember correctly, the film board was established in 1939. At the time there was considerable opposition to the idea of establishing a national film board to perform the services which it has performed since that date. As the years went by the opposition grew less and less and more and more people, even Conservatives, came to recognize the importance and value of the work done by the national film board. The results over a period of time have definitely demonstrated the value of the film board in several

directions. First, its value in promoting knowledge of Canada within Canada amongst Canadians; second, its value in promoting knowledge and understanding of Canada abroad and also promoting an understanding in other countries of the opportunities for settlement in Canada, for investment and for recreation. Those are only a few of the positive values that have flowed from the activities of the national film board. There are many others, but I just mention those as possibly the most important.

I rise to speak very briefly on this item because the activities of the national film board are very much appreciated in the constituency which I have the honour to represent. I say again that when I get up to make a few remarks it is my practice to express the opinions of my constituents or the opinions of persons who have taken the time to write to me about some aspect of government or who have discussed a matter with me. The national film board is the type of organization that has proved to be of particular value to the smaller, and in some cases the isolated places in my constituency. The value of the film board is recognized by the various active film councils that are supported by a cross-section of the community in such areas as the Rossland-Trail area and the Nelson-Kootenay lake area, as well as in numerous small communities, and which is found in local organizations such as women's institutes, the P.T.A., farmers' institutes or, in some cases, church congregations.

These two types of local organizations have benefited over a good period of years from the work of the national film board and its productions. At this point I wish to say that when I have had a problem or a complaint that has been brought to my attention or a suggestion, and I have brought it to the attention of the commissioner, I have always found him to be most helpful in ascertaining the facts in connection with any complaint and in making certain, from his point of view, that the national film board was performing its functions in a certain area properly and efficiently.

I also appreciate the work of the field men of the national film board, especially those who have come to the interior. Nelson is the centre of distribution for the national film board and ever since the commencement of this type of work by the national film board they have all worked in close co-operation with local organizations and people. That work and service has been appreciated and we hope it will be continued.

I am glad to note that the vote is being increased by something over $91,000. It is not a large increase but at least it is an indication that the government is determined to maintain the national film board activities at present standards and levels. We are pleased indeed to see that indication.

Before concluding I want to bring another matter to the minister's attention. As one of the press men said on one occasion, I am at times inclined to be somewhat parochial but I make no excuse for that inclination. The people of the southeastern interior, those living within the Columbia basin, are looking forward with anticipation to the documentary film that the national film board was going to produce on the Columbia river basin.

An hon. Member: Why?

Mr. Herridge: I will tell you why. As all hon. members know, we live in a garden of Eden and we want more and more people to know about it. As the film will have educational and cultural value and will provide information to people in Canada and in the United States as to the opportunities for recreation in the Kootenays, as to the opportunities for investment, for retiring, for settlement and in other ways, when the minister replies I should like to hear from her what progress has been made in connection with the production of this film which is awaited with such great interest by the people whom I have the honour to represent.

Mrs. Fairclough: As I think I said last year on the discussion of these estimates, the script was prepared last year, the shooting will take place this year. Distribution will be next year.

Mr. Pearson: I was interested to get the report on the distribution of Canadian films. I congratulate the board on its courage in the competition it is conducting. Gold will always outdraw dross. I hope so in this case. As to circulation of films abroad, can the minister tell the committee whether we have been successful in getting any of our films behind the iron curtain for showing?

Mrs. Fairclough: We will get that information in just a few minutes. Certainly in Russia. We will get a list of the various places. I am glad to say that we have been successful in having showings behind the iron curtain.

Mr. Benidickson: Both the minister and I have been in this chamber for a few years. I believe that I have been here for a slightly longer period. However we have both been here long enough to know that over a long period members of the Conservative party took a consistent attitude when they were sitting on this side of the house and had little to offer but sneers with respect to the activities of this government organization.

I simply want to observe that this is another of the activities that I think the government has found is not as bad as they had indicated or in any event not of the same colours as those they were painting with respect to it when they were sitting in opposition. I find that they have proposed larger expenditures year by year since they have come into office and a larger staff year by year.

Mrs. Fairclough: I draw the hon. member's attention to the fact that a member of the government was one of the early supporters of the national film board in its activities. I refer in particular to the present Secretary of State for External Affairs who supported this board and had a number of things to say as far back as 1939. I should like to quote briefly from some of his remarks at that time when he said—

Mr. Pickersgill: Could the minister give the date and place?

Mrs. Fairclough: This was in 1939 at the time the bill was being introduced by Hon. Mr. Euler. He said:

> The minister has suggested that parliament should look to the future and be thinking of national films. As I read the reports of the Department of Trade and Commerce, the films that we are producing at the present time are used largely for promotion of trade and of our tourist business. I suggest to him that provision should be made now for making and distributing national films, designed to help Canadians in all parts of Canada to understand the ways of living and the problems of Canadians in other parts. Perhaps every hon. member must have been impressed by two facts: first, that it is difficult for Canadians in one part of Canada to understand what is going on in other parts of the country, and second, that moving pictures are having a remarkable effect on the Canadian people, particularly on the children and young men and women.
>
> I see by "Canada 1939", issued by the Department of Trade and Commerce, that the motion picture continues to be the most popular form of amusement in this dominion. Figures for 1937 show 1,047 motion picture theatres, with a total of 134,374,061 paid admissions. We all know how the children flock to the moving picture theatres on Saturdays and other holidays and, in fact, on every occasion; I would ask the minister whether there is not some chance of this national film board, some time within not the distant but the near future, making and distributing films showing Canadian life, and making arrangements with the moving picture theatres across Canada to show these pictures once they are made.

I think it is well to record that a member of the present government was a strong supporter of the national film board at its inception.

Mr. Benidickson: I was not in the house in 1939 but I have been in the house since 1945 and recall the discussions at this stage of our proceedings on the estimates of the national film board in the years from 1945 to 1957. Without exception I recall that the activities of this board were always described by some person in the official opposition as being in the nature of a fifth wheel of government. That was particularly true after the conclusion of hostilities in 1945.

Mr. Pickersgill: Before this vote is carried I should like to make one or two observations. The hon. member for Kootenay West described this as a socialist enterprise. It is, of course, nothing of the kind. It is a typical example of the happy combination of public enterprise and private enterprise which was characteristic of the previous Liberal administration and of which we are extremely proud. But I do not intend to get into an ideological debate with the hon. gentleman unless he wants it and the Chair allows it, something which I think might be doubtful.

I rose with three purposes in mind. The first was to suggest that perhaps it might be possible, in view of some recent events in the immigration field, for the hon. lady to substitute Miss Gina Lollobrigida for Brigitte Bardot as a collaborator of the film board in the future.

The second was to inquire whether, now that we have the magnificent new terminal which was opened by the Queen last year at Gander after having been constructed at the instance of the Liberal government, and where there is an excellent place for the showing of films, the film board is making use of these facilities, because Gander remains one of the places where there are as many visitors to Canada as there are anywhere in the whole country from coast to coast.

My third suggestion is that if ever the new terminal should be completed at Dorval the film board might consider, since it is so near the headquarters of the board, showing its pictures at Dorval for the benefit of those passengers who come from the Atlantic provinces or from Ottawa and who are obliged, because of the extraordinary timetables, to spend so many hours of their lives at that airport.

Mr. Herridge: If I may make a brief remark in reply to the hon. member for Bonavista-Twillingate, I fully recognize the fact that the national film board was established during the time a Liberal government was in office, but I am sure the hon. gentleman will willingly recognize that it was established after repeated speeches made in this house and in the country by members of the C.C.F. group, and that these prepared the climate for the establishment of an agency of this type.

Mrs. Fairclough: I now have some information for which the Leader of the Opposition asked. We have three titles in theatrical

distribution in Czechoslovakia. We have several films in theatrical distribution in Poland, though I cannot give the exact number. In the U.S.S.R. we are currently arranging for the distribution of three titles and we have had representation at the Poznan festival and at the Moscow film festival also.

Perhaps I might take this opportunity to reply also to the hon. member for Bonavista-Twillingate. We do have facilities for showing films at Gander, but with the lessening of the traffic there the showings have decreased in number. However, the facilities are still there and they are being used. I think the other suggestion is a very good one. Certainly one has a more or less captive audience at airports.

Mr. Fisher: Going back to the remarks of my hon. friend concerning the garden of Kootenay West, we all know from our biblical background that there was a snake in the garden—

Some hon. Members: Oh.

Mr. Fisher: There may be a snake there now, but this snake's ambition is to introduce the export of power from the lower Arrow, so if this particular snake should have its way the film will become just more than a passing record; it may record something that is disappearing into history before the advance of hydroelectric power. For that reason we should all be interested in this particular move.

The point I want to speak about is something that is strictly speculative and concerned with the future. I have evidence from a number of places, not the least from the *Globe and Mail* which has published in this particular case an article on March 7, 1960 in the financial column, entitled "Famous Players". This article indicates that as far as this particular private organization, which is largely a distributing organization, is concerned there is to be what amounts to a revolution in operation as a result of the introduction of telemetering operations. In other articles from the same source there is an indication that video tape is carrying out a revolution within the television industry. The point about this article is that Famous Players show a tremendous drop in income and they say television is responsible. It goes on to indicate the extent to which television has affected the prosperity of the film industry and goes on to point out that this new field of operations may be the means of enabling Famous Players to get back into the revenue field, one that combines both film and television.

In the annual report of the film board, the following paragraph appears on page 22:

[Mrs. Fairclough.]

> The advent of T.V. has caused the national film board to revise methods of distribution that had been in use for several years. While the national film board still caters to the public at large, it fosters specialized distribution that answers the specific needs of organized groups, whether they be educational institutions, rural community associations, cine clubs, trade unions or study groups. In point of fact, the national film board must be constantly on the lookout for the most pliable available methods, adapting them to the ever-changing pattern of life.

That is all it really says about the advent of television causing the national film board to revise its methods. It seems to me that more than the method of distribution needs to be revised. I come to the possibility of co-operation with that other international agency which also is in effect a great film producing agency, and that is the Canadian Broadcasting Corporation. We have examples that have been none too happy of attempts by the parliament of Canada to legislate co-operation between corporations. I am thinking of the act which requires the C.N.R. and the C.P.R. to co-operate. However, I should like to know something of how the national film board and the C.B.C. might co-operate. It seems to me they have much in common, not the least because the C.B.C. is both a producing and distributing agency, just as is the national film board.

I do not want to make any comment that I cannot support on the position of the distribution agencies through the local film councils, but my impression is that the local film councils have lost a lot of the influence they had through the spread of television. The distribution to public libraries still constitutes a worth-while service, but the same wide audience is no longer attracted as in the days before television became as popular as it now is. For that reason I should like to know more extensively what the advent of television has meant and what may be the effect of this development of Famous Players—

Mr. Brunsden: On a point of order. Are we discussing the estimates of the Department of Citizenship and Immigration with respect to the national film board, or are we considering the effects of possible development in television upon the future plans of the board?

The Deputy Chairman: We are discussing the national film board vote No. 238. I have given the hon. member time to make his point. I have been listening to him very carefully and I shall be glad to know how he relates what he has been saying to the item.

Mr. Fisher: The point I was trying to make is that there has been in the last decade quite a revolution taking place on both

the technical and the distributive side, and I want to know how the national film board is gearing to this. There is nothing in the report other than the one bland sentence.

Mrs. Fairclough: We do have committees working on co-operation between the two organizations. There is a committee at the top level; an administrative committee of senior officers of both the C.B.C. and the film board who work together at the planning stage, and then there are two committees at a lower level, one concerned with French films and the other with English. In so far as the film board is concerned, television is not a competitor. As a matter of fact, it is just another medium of distribution. In certain parts of the country, if the viewing public change their habits of viewing then the method of distribution alters. I can assure the hon. member that this is a very flexible system. It works in very close contact with the C.B.C. and with television in general in film distribution.

Mr. Fisher: Television is a voracious user of films. It almost destroys them, as it were. If films are put over television it tends to cancel out later distribution. Is the film board gearing to a higher rate of production in this regard?

We are moving to the stage where educational television will become increasingly important. There has been disappointment in many parts of the country at the slow pace at which the C.B.C. has worked. Many films produced by the national film board are educational. We will not get the kind of educational television supported by provincial departments of education and supported by the C.B.C. until some other agency such as the national film board has the added time and the larger studios required to prepare a series for example in the field of science and geography. The film board can play a genuine role here. I am interested in hearing about developments in that field.

Mrs. Fairclough: Far from considering television showings as competitive may I say that after the 30-day interval, as I explained to another hon. member, these films go into general distribution and are very popular. Last year we had 4,210 telecasts. Afterwards these films are in demand. The people who see them on television ask for them for showings in various ways through organizations, church groups and the usual channels of film distribution in this field. I can assure my hon. friend that far from curtailing or diminishing showings in any way it is an incentive and serves to accelerate them.

Mr. Fisher: Has the minister received any complaints in the past year as to the national film board, in supplying films to television, dealing unfairly with private enterprise operations.

Mrs. Fairclough: I have received no such complaints.

Mr. Fisher: The hon. lady received none from any private producers?

Mrs. Fairclough: From time to time we receive complaints from private producers so far as the general activities of the film board are concerned but none directed to television production in particular.

Mr. Fisher: On what scale were these protests received? Can the minister assure us that there will be no restriction affecting private operators contemplated with respect to this agency?

Mrs. Fairclough: The production of film is like any other. Those who are engaged in the field commercially from time to time have objected to the national film board being engaged in the field of film production at all. I cannot give the hon. member specific instances but from time to time someone makes the complaint that the national film board should be closed down and should not produce films at all. They state that only commercial enterprises should produce films in Canada. That is a view with which we do not agree.

Mr. Fisher: You do not agree?

Mrs. Fairclough: I think that is a broad general statement.

Mr. Valade: I am sorry to take the precious time of this committee again but I think it is worth while to underline one point to the committee. I recently received a letter from a young person who wanted to study the technical aspects of film producing. Although she had worked for the C.B.C. and the national film board in some technical capacity she could find no way of studying the entire production of films in Canada. Unfortunately she had to go to Europe in order to study the whole system of production.

I am wondering if it would not be appropriate for the national film board to establish a school for technicians who would like to study the entire range of film production. I appreciate that the board is not a school but I wonder if it would not be feasible to have the board study the approach to the question so that future technicians could be educated in our country and thus perform the work that is required to be done by foreigners in this field.

I have received complaints to the effect that private industry is being discriminated against. I know one firm had to close its doors because it could not meet the competition of the national film board. Would the board consider co-operating with private enterprise so that private firms would have access to the facilities of the board for the production of commercial or other films by private enterprise. Since the board is a government organization I wonder if it would not be in accordance with the democratic point of view to allow the film board to co-operate with private industry in this way?

(Translation):

Mr. Pickersgill: Answer in French.

(Text):

Mrs. Fairclough: I wish I could.

Mr. Chevrier: Just try.

Mrs. Fairclough: Mr. Chairman, we do train some of our own people in the board but I am afraid we have not the facilities for the general educational training of a type that would equip people to go out into this industry. I am afraid the board is not set up for that type of thing.

With regard to co-operation, the board does co-operate with private producers. Sometimes on an emergency basis it even assists them temporarily with equipment and so on. I think they have a very good working arrangement. I cannot agree that the board should vacate the field of film production. I might say that the board only produces what it is commissioned to produce. It does co-operate with private producers where the agency which commissions the film indicates that it wishes it to be produced other than by the nation film board.

Mr. Benidickson: Mr. Chairman, I am sure the minister is aware of the fact that under the rules of the board of broadcast governors a private television station to retain its licence must have a certain percentage of Canadian produced programs. I was wondering if it is the experience of the film board that the utilization of its films could be a qualified component of that Canadian compulsory requirement for a private television station. Second, I was wondering whether or not the films of the national film board are provided to private television stations on the same financial basis as to the C.B.C.

Mrs. Fairclough: With regard to the latter question the national film board rents films and makes them available to any station, whether a C.B.C. or private station. Any station which wishes to use any film in the catalogue can rent it from the national film board.

I think the first part of the hon. member's question should properly be directed to the Minister of National Revenue when the estimates of the C.B.C. are before the committee.

Mr. Fisher: I should like to ask the minister a question which relates only incidentally to this item. The minister has four agencies under her jurisdiction. I suggested earlier that perhaps one way that such agencies would get greater attention and perhaps a greater share of government interest would be to have individual ministers for these four agencies, the film board and several others.

In another part of the building we had a great discussion over the way these agencies that are under the departments are looked at or examined or are the responsibility of the particular minister. I refer to the check on the Jacques Cartier bridge. How much time does the minister have to spend out of her daily allotment, in a rough way, on those particular agencies as against her departmental responsibilities? We know her departmental responsibilities are very heavy. Is the minister satisfied with the kind of administrative control she can exercise as a minister in so far as those agencies are concerned and especially over one like the national film board, which is located 100 miles or so away from Ottawa? We have already had experience with one agency located in Montreal which has not been a particularly happy one. I would not at all lay this at the door of any ministerial responsibility, but it is a question of administrative control. I would appreciate the minister's comments.

Mrs. Fairclough: I cannot answer that in a general way because each of these agencies is governed by its own act and the minister's powers and participation in the operations of the various agencies vary.

I would suggest to the hon. member that if he is interested to that extent he might examine the various acts and find out just where the minister enters into the picture, but I can say this: Regardless of where these agencies are situated, whether the head office is right here in Ottawa or in some other place, I have had personally the utmost co-operation from those who are charged with the responsibility of administering the affairs of the respective agencies.

The hon. member asked me whether I could say how much time I spent in a rough way. I assure him I do not spend any time in a rough way.

Mr. Fisher: The hon. member is being facetious. I mean a rough calculation. I know how the agencies are set up and in the main all those agencies which are under the minister fall into the same rough classification.

I use the word "rough" again. A study of the statutes would not make much difference. Does the minister feel it would be worth while to have this mooted Hoover type commission or committee that is going to look into administrative procedure study the particular agencies which are under her wing in order to see whether they might be brought under another ministry or better administrative control?

Mrs. Fairclough: I do not think I should answer that question; it is one that is more directly a responsibility of the Prime Minister.

Item agreed to.

The Deputy Chairman: This completes the estimates of the Department of Citizenship and Immigration.

Mr. Fisher: Mr. Chairman, the hon. member for Kootenay West, who is our spotter, did not realize that the public archives or the national library items had gone through.

The Deputy Chairman: May I point out that neither of the hon. members was in the house when they went through. They went through right after lunch.

DEPARTMENT OF MINES AND TECHNICAL SURVEYS

Departmental administration—

187. Administration, operation and maintenance, $360,962.

The Deputy Chairman: This item will be found on page 40 of the blue book and the details on page 260.

(Translation):

Hon. Paul Comtois (Minister of Mines and Technical Surveys): Mr. Chairman, when I submitted the estimates of my department last year, I pointed out that the mining industry had just gone through its first recession since the end of world war II. However, the drop in production for 1958 was not a serious one. Yet I indicated that prospects were already better and that in 1959, we could expect a good year.

Before continuing with the estimates of my department, I am happy to tell you that, last year, our mining production exceeded all former records, reaching a value of 2.4 billion dollars, and this trend has been maintained for most significant minerals since the beginning of 1960.

I would now like to say a few words about certain aspects of the situation of our mining industry which are especially significant and stimulating. I shall also list some important steps taken by my department, which are meant to further the development of Canada's huge mineral resources to a still greater extent.

(Text):

In the early part of 1959 the Canadian mineral industry was operating at levels considerably below capacity. A decline in industrial activity, and a condition of surplus mineral stocks in the United States had been important contributing factors to this situation. However, as the year moved on mineral demand improved with the general economic expansion in both North America and Europe. Strikes in the steel and nonferrous metals industries in the United States during the second half of 1959 also resulted in an increased demand for Canadian minerals. As a result of all of these and other factors iron ore shipment rose sharply, nickel output registered marked increases, and such other minerals as copper and asbestos came into greater demand.

In fact, Mr. Chairman, during the latter part of 1959 the over-all improvement in our mineral situation was general, with the exceptions of coal, uranium, lead and zinc. The coal industry has, of course, been experiencing considerable difficulties in recent years, and this matter is currently receiving the careful attention of a royal commission. The adverse decision of the United States atomic energy authority in November with respect to the renewal of Canadian contracts after 1962 has meant a considerable adjustment in the uranium industry. This matter is under continuing study, as you will have noted from statements of my colleague, the Minister of Trade and Commerce.

I am pleased to report that conditions in the lead and zinc industry have improved in recent months following the depressed market situation which existed from 1957 well into 1959. The United Nations lead and zinc study group, in which Canada is well represented, has been carrying on a continuing study of the world situation in lead and zinc and the 25 members of the group have held several important meetings to discuss mutual problems relative to world surpluses. Canadian lead and zinc producers are naturally encouraged by the recent improvement in market conditions because over 80 per cent of their production is sold on the export market. They do, however, still face uncertainties relative to a report of the United States tariff commission to be made in October of this year.

With few exceptions, Canadian mineral commodities have experienced favourable growth situations since the latter part of 1959 as a result of their generally improved position in world markets, particularly in the

United States and the United Kingdom. Although the export market remains of paramount importance for the mineral industry in general, there is a progressive increase in demand for iron ore, copper, lead, fuels and industrial minerals in the domestic market. In fact, I believe a related development of considerable significance to the mineral industry and the economy at large is under way with respect to the increasing trend toward greater mineral processing in Canada.

I could illustrate this by referring to several mining developments which have been of first importance during the past year. At Thompson, Manitoba, the International Nickel Company's new mining project is proceeding on schedule and is expected to come into full production next year at an annual rate of 75 million pounds of nickel. This operation will be second only in size to the Sudbury area in terms of world nickel production and all of its ore will be refined to nickel metal at a new refinery now being constructed at Thompson.

The Coronation mine in Saskatchewan and the Chisel lake mine in Manitoba are being brought into production this year and the copper concentrates from these new mines will be smelted and refined to metal in Canadian smelters and refineries. The Montreal east copper refinery, the second largest in the world, is being expanded to a capacity of 270,000 tons per year to handle increased production from the Noranda smelter as well as the output from Murdochville in the Gaspe peninsula and Flin Flon, Manitoba. The Consolidated Mining and Smelting Company of Canada Limited stands ready to bring the large Pine Point deposit on Great Slave lake into production, with the lead-zinc concentrate to be treated at Trail, B.C. The company also will commence a pig iron operation this year at Kimberley, B.C., with initial plans for an orderly expansion up to 1,000 tons of pig iron per day.

Other developments which have contributed to continuing growth and diversification of the Canadian mineral economy during the past year include three large iron ore mining projects in the Quebec-Labrador district, the preparation for zinc mining operations in the Mattagami lake area of northern Quebec, and a country-wide reactivation of a number of smaller base metal mining properties. Petroleum resource development has continued to make its major contribution, particularly in the natural gas sector. The potash industry in Saskatchewan is proceeding toward production. This province stands to become one of the major sources of potash in the world. The base metal deposits in New Brunswick seem to be moving toward the production stage.

[Mr. Comtois.]

Non-ferrous metal prices have increased somewhat in the past year and this has further improved the near-term outlook for mining activity. Copper in particular has benefited, as evidenced by the fact that although exports in 1959 did not increase in volume there was an increase in value of 17 per cent. Zinc price increases are illustrated by the rise in the United States prime western zinc price from the average of 11.45 cents in 1959 to 13 cents at present. Inasmuch as our offshore sales of copper and zinc are governed to a considerable degree by London metal exchange quotations, it is of interest to note that copper and zinc were recently quoted at £247.5 and £91.5 respectively, compared with an average of £237.8 and £82.1 in 1959. This is an encouraging price trend.

It is with satisfaction that I report that capital expenditures in the mineral industries are again on the increase, with the forecast for 1960 being 18 per cent above 1959 compared with a 1 per cent increase last year. The oil and gas industry continues to account for almost half of total mineral industry investment and further investment growth can be expected in the natural gas sector as the recently authorized gas export projects are completed and as the necessary gas processing plants go into operation in western Canada.

(Translation):

Mr. Chairman, I think those brief comments on the development of our mineral resources on their processing, on market trends, as well as investments and prices, confirm my conclusion, namely that Canada's mining industry has certainly made excellent progress and that, in 1960, it will provide employment for a greater number of Canadians.

That industry is a vital factor in Canadian economy; it therefore deserves to be closely followed and looked after. Of course it will go through bright periods in the future, and some that will be less so, because it is impossible to foresee the fluctuations of offer and demand on the world market. But a wisely managed Canadian industry will be able to face those difficulties. Forever true to its well established policy, my department tries to make a contribution to the mining development, in the field of pure and applied scientific research, so that the industry may, for a long time, rank first among the world's mineral producers.

(Text):

Now I should like to review the work of my department and our needs for the current fiscal year. In these main estimates we are asking for $43,028,402, a sum that includes $11,700,000 for the administration of the Emergency Gold Mining Assistance Act; $321,524 for the work of our mineral resources

division; $1,059,262 for departmental administration; and $95,418 for the administration of the Explosives Act. The major portion of our expenditures is, of course, earmarked for an intensified program of technical surveys and scientific research vital to many aspects of Canadian endeavour.

We have also included in the estimates a sum of $1,550,000 to cover the department's program of aerial photography. I am referring particularly to the $6,300,000 project to photograph the Arctic islands which was begun in 1958. Progress in this undertaking has been excellent.

For the surveys and mapping branch we are asking $16,645,625. This is to carry forward an integrated schedule of operations involving geodetic surveys in nearly every province of Canada and the Northwest Territories; topographic work over wide areas of the country and being undertaken for the first time in the Arctic islands; and hydrographic charting and tidal and current observations in many of our inland and coastal waterways.

One of the major branch projects for the year is the establishment of mapping control over a large portion of Baffin island, a project calling for helicopter support; expansion and renovation of part of the fleet of the Canadian hydrographic service and the purchase of new two-colour offset presses to speed the production of maps and charts. And I am pleased to say that the branch will shortly be moving to its new building on Booth street, probably in the fall.

(Translation):

Incidentally, may I say that last year, one hon. member stressed the fact that our topographical maps were available only in English. I replied at the time that those maps would soon be published in both official languages. I am now pleased to inform the house that we have already published some maps with bilingual legends and marginal notes and that we will be publishing others soon. This should make them much more valuable to French speaking Canadians.

(Text):

I should now like to mention two major projects recently undertaken by our department of utmost importance to our economic and scientific progress and, to some extent, our national sovereignty. These are the polar continental shelf project launched last year and continued on a much larger scale this year, and the all-embracing program of research in the field of oceanography. Particular items referred to in the estimates concern the C.G.S. *Hudson* which will be a $7 million floating laboratory for all types of marine studies, and the Bedford institute of oceanography now under way at Dartmouth, which will house over 300 oceanographers, hydrographers, submarine scientists and other scientific personnel. Tenders have been called for construction of the ship and we hope to have it in operation by 1962. Plans for the institute are also well advanced with initial construction begun.

I am pleased to say that our recruiting program for oceanographers is going well, thanks largely to the accounts of our efforts that have appeared in scientific periodicals in Canada and throughout the world. I might mention here that the Canadian government recently set up a national committee to direct oceanographic work on an integrated basis, comprising representatives from the interested government departments, various universities and chaired by Dr. W. E. van Steenburgh, our director general of scientific services.

The polar shelf project calls for the exploration, survey and detailed scientific study of the continental shelf area of the Canadian Arctic. It involves many diverse investigations including hydrographic observations, the study of the physical and chemical characteristics of the sea, study of ice conditions and marine biology. This year over 50 men are braving the hazards of Arctic travel and weather in the name of scientific research. I need not stress the need for this type of work. It is important to the assessment of our mineral potential, to the development of Arctic waterways, to national defence and to many other enterprises now or in the future. It is also a valuable contribution to world science.

The estimates for 1960-61 allow $3,987,419 for the geological survey of Canada. Last year the survey had 76 parties in the field. The number this year will be 88. To be of maximum benefit a geological map of an area should be available at an appropriate scale well in advance of the demand; otherwise great amounts of private capital may be wasted on blind-alley prospecting or unguided exploration programs.

It is for this reason that the survey has given top priority to completing its reconnaissance work, and this year several major items in the estimates have been earmarked for this purpose: Operation Back River in northwest Keewatin, Operation Pelly, now nearing completion in southeastern Yukon, both of which involve the use of helicopters. In addition, preparations will be made for Operation Ogilvy in central Yukon and a similar helicopter excursion in northern Quebec.

The survey will also carry forward its commitment in the roads to resources program undertaken in co-operation with the province of Ontario. This involves a survey

of bedrock and pleistocene geology, and geochemical and aeromagnetic studies over a large area of the province.

The survey is continuing to expand its ground water work, particularly in the prairie provinces. This is a project of particular importance to areas whose homes, farms and factories are dependent on underground water. The survey also intends to enlarge its geochemical work—the chemical analysis of rocks, soil, stream sediments and even vegetation for traces of metal. These observations plotted on a map indicate where ore deposits are most likely to occur. The survey has had considerable success with these studies in Yukon and the maritimes.

In addition to field work we have asked for a considerable sum for the purchase of laboratory equipment. In its new building which, just the other day, I had the honour of dedicating, the geological survey is carrying on a great variety of research as a supplement to the field work. Some of the investigations are calculated to improve the quality and usefulness of geological maps and reports. Others will lead to the development of new techniques and instruments for use both in the field and the laboratory. Still other projects are designed to advance the science of geology: for geology is becoming a more exact science and there is a heavy demand for chemical or X-ray analysis, sizing of sediments, radio-carbon dating and the many other procedures carried out in survey laboratories.

In addition to its own work the geological survey has, through funds provided by parliament, been aiding research work undertaken in Canadian universities, a program that has done much to further geological studies in this country. These grants in aid amount to $50,000. However, the sum falls far short of the need and it seems that in further years a larger amount should be earmarked for this basic research. I will repeat what I stated last year: that, quite apart from the other benefits, these grants encourage students to remain in Canada and help us make the most of the brain power in Canadian universities.

To finance the activities of the mines branch we have asked for $4,066,063. This is to meet the costs of projects, too numerous to describe here, designed to further the efficient recovery and use of our metallic ores, industrial minerals and fuels. In the face of a weakened market for a number of mineral commodities the branch's work has assumed a new urgency and the demands made on its facilities have grown considerably.

Much of the work is of immediate importance to the mineral industry Thus the branch's work on ground stress, long range program of direct concern to some of our deeper mines, should lead to better mining practices. To speed the development of our iron ore deposits the branch is seeking new and better methods of treating these ores. Its work with industry is well known. Many of the current processes in use in Canadian mining and milling were developed or improved by mines branch research. At a time when some facets of the industry are in difficulty I need not dwell on the importance of this work.

The Minister of Trade and Commerce has stressed the need for increased sales of uranium. I might mention here that our mines branch is currently investigating possible new uses for this commodity, one of our most important projects. I cannot, of course, say how successful our efforts will ultimately be; but it has already been established that uranium can be a useful alloying element, particularly for the production of steels of high fatigue strength.

The branch, of course, delves into many other problems. In the study of non-metallic minerals alone a dozen research projects are under way, many of which are of direct benefit to producers of industrial minerals and construction materials. Its work on fossil fuels points to a broader market for coal and improved refining techniques for crude oil. Its work with Canadian producers and fabricators of zinc is leading to new uses, and hence an improved market, for this commodity; and its research in physical metallurgy is bringing about the development of new alloys in urgent demand for missile development and nuclear research. These and many other items have been allowed for in our estimates for the mines branch.

In our estimates we have included $2,042,708 for the dominion observatories. With space research very much to the fore these days a great deal of interest has been focused on this branch of our department. Its work in the past has contributed greatly to the science of astronomy, to the international geophysical year and to many other related projects. The observatories have recently moved into the field of radio astronomy; and on June 20 I shall be pleased to preside at the opening of its new radio telescope at Penticton, British Columbia. This instrument will be used in a full scale study of distant hydrogen clouds and, to some extent, in an investigation of Mars, Jupiter, Saturn and other members of the solar system.

The observatories will be making airborne magnetometer observations over the Arctic islands, the Arctic ocean, in the neighbourhood of the north magnetic pole and over the

north Atlantic. It is also setting up a new network of seismic stations in northern Canada and the Arctic islands.

This year the branch's gravity surveys will be considerably increased to meet the demands of industry and national defence. Observations will be made over the prairies and in many parts of northern Canada.

In Ottawa the mirror transit, a new instrument in astronomic work, will be used to study positions and motions of stars and members of the solar system. In Victoria the 73-inch telescope will be used in the observatories' continuing study of interstellar gases, very hot stars and those of great brightness. The work of the geographical branch will call for the expenditure of $399,833.

(Translation):

The publication of the *Atlas of Canada*, in French as well as in English, is a recent undertaking of the geographical branch. This is hardly the moment to elaborate on the scope of the task involved in the publication of such a work but, in my opinion, we can rightly state that this has been one of the finest achievements of our department.

(Text):

This fiscal year the geographical branch will be intensifying its land use surveys. These studies, undertaken in co-operation with the provinces, lay the foundation for planned agriculture, forestry and many other endeavours of importance to the efficient development of our natural resources. The branch will also continue its investigation of ice conditions in the gulf of St. Lawrence and undertake various field studies of importance to our knowledge of Canada's geography.

May I say in conclusion, Mr. Speaker, that it was not my aim in these remarks to defend the work of the Department of Mines and Technical Surveys. I feel that its record speaks for itself; and I should like to use this occasion to congratulate and thank all the officials and employees of my department for the splendid and efficient work they are doing. The department has over the years been a powerful force in the economic development of this country, and its role in the future will be one of special significance to Canada's continued growth.

(Translation):

Mr. Dumas: Mr. Chairman, the Minister of Mines and Technical Surveys (Mr. Comtois) gave us a rather thorough account of his department's administration and some very interesting information. On the other hand it is unfair, as it is the only information we have as a basis for the discussion of that departments' estimates for the coming year.

The annual report which reached us in the last few days deals with activities in 1958. I was therefore extremely surprised to receive it only a few days ago. As a matter of fact, I must say that I approached the distribution branch to see whether they had forgotten to send it to me, but I found out that the only report, three or four weeks ago, was the one for 1957.

Mr. Chevrier: There has, of course, been some delay.

Mr. Dumas: The report we have just received is a repetition of the information which was given to us at the sittings of the standing committee on mines, forests, and waterways last year.

Mr. Chevrier: They always lag behind.

Mr. Dumas: I understand that, though the Minister of Mines and Technical Surveys is interested in all aspects of mining development, his first responsibilities are those of a vast laboratory of scientific research in all mining fields.

The branches of the department are the following: Mineral resources division, surveys and mapping branch, geological survey of Canada, mines branch, geographical branch, as well as dominion observatories, the polar continental shelf project, and the dominion coal board. All those branches make us realize the significance of the extremely varied research work for which the department is responsible.

Each of the branches I have just listed, has a most experienced staff, and I take this opportunity to commend the officials, the heads and chiefs of the various branches, as well as each of the 4,000 employees who have contributed to the splendid work accomplished by the department.

All those employees, Mr. Chairman, deserve to be encouraged and supported to the best of our ability.

Mr. Chevrier: Not too many orchids.

Mr. Dumas: The rapid development and expansion of our mineral deposits, more particularly during the periods from 1947 to 1957 was such that the various branches were taxed to the utmost and that the Department of Mines and Technical Surveys had difficulty in granting the numerous and varied requests that reached it from every quarter.

Consequently, in order to face the situation and to answer growing needs, the department, since its creation, has undertaken tremendous field work programs, research projects and surveys of all kinds.

So that this work might be stepped up, the staff had to be increased, and, in addition, the estimates had to be substantially increased.

I note that the estimates for 1960-61 reach $60 million, which shows the importance of the department.

After noting the estimates for this year and after listening to the minister's comments, I am happy to find that he managed to get action on at least part of the recommendations made last year by the standing committee on mines, forests and waters.

I note that the scientific staff of the surveys and mapping branch has been increased, that the scientific services of the mines branch have been reshuffled, and that a greater number of geologists have been taken on the staff for the coming year.

I am happy to note that someone has been appointed to head the oceanography service.

However, now that we are called upon to vote the necessary sums of money to ensure the proper operation of that department, it is unfortunate that we are not better informed about the practical works now under way or which will be under way soon in the field of geology, geodesy, topography, geophysics, hydrography, etc.

It is true the minister said that this session we will have 88 teams working on geological surveys across the country, as compared to 76 in 1959.

The minister also mentioned, I think, two particular projects, one of which is the polar continental shelf project.

He pointed out to the committee that about 50 employees, most of them scientists, are on their way to the Arctic to undertake certain scientific studies there.

I agree with the minister that those men are no doubt devoted to that particular work and that they deserve our praise, since they are going to spend the finest months of the year in the Arctic, where the temperature is certainly different from the one in our latitude.

I note that this item includes a sum of $1,134,000 for the current year, and I hope it will be substantially increased next year.

The minister also referred to the construction of roads to resources, more particularly in Ontario. This is very interesting. I understand the department is considering a joint study program with the government of that province where, last year I believe airborne geophysical surveys were made.

This year, there is no doubt that those works will continue and I imagine that some of those surveys, carried out by plane, will be checked on the ground, probably during the year, thus making it possible to determine the location of those access roads to resources.

I would have liked the minister to give equal attention to a similar project in my province, a project which deserves our encouragement and which would require the cooperation of the federal government and that of the Quebec government. I would have liked the minister to impress upon the province of Quebec the necessity of carrying out that project.

Now the Quebec government is building a railroad to open up the ore reserves discovered last year in the Mattagami area. The minister referred to that fact, and was indeed quite proud to mention those ore reserves, which, I hope, will be developed as soon as possible. I even hope they will be producing within a few years.

A road is now being built at a cost of $4 million—that is the provincial government's estimate—and mining companies are asked to share in the cost of construction. That does not make sense at a time when the federal government is making available to the provinces a minimum amount of $1,500,000 a year over a 10-year period, or a total of $15 million, provided of course that the provincial government agrees to contribute an equal amount.

Therefore, the highway between Amos and Mattagami should have been built without the help of mining concerns. Not that I object to mining firms contributing to the cost of such a highway, but if the same amount of money were put into research, then there could be more exploration work. More men could be hired for such purposes, and of course, the money spent on exploration work would be a better investment from the point of view of the company.

If the province of Quebec ever decides to build access roads, I hope the minister will bring more pressure to bear. I might add that it will be much easier after June 22, because he will be dealing with a new premier.

Mr. Chairman, I have no choice but to raise this point again and again ask the minister why, when dealing with the estimates of his department, we do not have available a preliminary release on the activities of his

department. For instance, the minister mentioned a moment ago that the geological survey has 88 teams in the field across the country. If we had a release indicating the location of those teams, and showing where the teams of the topographical survey are working during the 1960 season, and the same for every other service in the department, it would for one thing, add a great deal of interest to the committee's task. I know the minister wants the committee to take an interest in the estimates he is submitting to the house. Moreover, we in the committee could deal with them much faster.

In addition, why are we not provided, as in the past, with a brief outline of activities carried out in the previous year? All we have to go by is the annual report for the year 1958, and the comments we have just heard from the minister. I have indicated that his comments were quite interesting. I even pointed out that the minister has given us a number of explanations. However, all those explanations are given at the last minute, and it is the same with the reports.

We do have in hand the report on the Emergency Gold Mining Assistance Act. This is under the jurisdiction of the Department of Mines and Technical Surveys and this report covers the fiscal year ending March 31, 1959. This report was submitted by the minister on April 29, 1959; however, we did not get it until February. I realize it is no fault of the minister's since the report is dated April 29, 1959. It is due to neglect by the printing service for not publishing it earlier. This report is now two years too late and the information it contains covers only part of 1959. It is unfortunate, and I really believe that an effort should be made to make those very important reports available to us sooner.

I do not wish to reopen the debate on the Emergency Gold Mining Assistance Act but, when we discussed that bill, it was quite important for us to have the necessary information. I realize that the minister will be kind enough to give them to us when we resume debate on the bill, but until then, it is a handicap for hon. members who are concerned with those various measures designed to help an industry in which we are interested.

Now, in another field, Mr. Chairman, there is a point which I would like to draw to the minister's attention. I know that it does not directly concern his department but, on the other hand, I know that the minister is interested and that he may do something in this case.

There is a crown corporation which, since last year, has been doing exploration work in the Northwest Territories. Up to last year it had not done exploration work in new areas. Last year, I do not know why—maybe it was because they were forced to lay off some men—but on the other hand, I see in the report of the Eldorado Mining and Refining Limited that very few employees are engaged in this kind of work, last year, exploration work covered about 8,000 square miles east of the Port Radium mine, at a cost of $358,542.

The 1960 program is divided into two phases. First, work is going ahead on the projects started last year and, second, preliminary surveys are being made in another neighbouring area. Well, if things go on in this way, the first thing we will know, is that exploration work will be undertaken by an agency or a crown corporation, or by crown corporations on a large scale, whereas this field should be left to private enterprise.

I believe that the amounts this crown corporation is spending on exploration work could be much better used, especially in view of the fact that we are complaining of inadequate funds to spend on research.

Last year, for instance, the standing committee on mines, forests and waters, after hearing the officials of the department, learned that the Minister of Mines and Technical Surveys might encourage university students to do research work in the mining field.

Mr. Chairman, the money this crown corporation spends on exploration work could be put to much better use. Scholarships could be granted to some of those students under the direct supervision of the Department of Mines and Technical Surveys.

I think that the minister should consult his colleague the Minister of Trade and Commerce (Mr. Churchill) and look into this matter with him. He could insist that next year the Eldorado Mining and Refining Limited discontinue its exploration work.

Last year, it was alleged that the work was justified because it was carried out near the Port Radium mine. This year, this work is being carried on nearby over a rather wide area. I feel that this work should be discontinued or entrusted to private enterprise.

Mr. Chairman, the minister mentioned the prospects of the mining industry. The prospects of this industry are practically unlimited. We have abundant mineral resources, we have the required men for the development of those natural resources. We also have the necessary miners to extract those various minerals.

The minister mentioned also that in 1959 the mineral production reached the record figure of $2.4 billion.

Mr. Chairman, I am very pleased to find that after a rather sharp decline in 1958, mineral production finally reached a peak at the end of 1959. Let us not forget, however, that this amount of $2.4 billion includes $320 million representing the Canadian uranium production during 1959.

This production will not be reduced to such a great extent in 1960; it will probably reach about $275 or $300 million and be maintained between $225 and $250 million until 1966. I suggest that it is in 1966 that we shall probably find it difficult to dispose of those uranium reserves—

Mr. Comtois: Would the hon. member allow me a question?

Mr. Dumas: Yes.

Mr. Comtois: Would the hon. member rather I did not mention the uranium situation?

Mr. Dumas: Not at all. On the contrary, I am very glad the minister mentioned it.

Mr. Comtois: I had to mention the situation of the uranium industry during my remarks.

Mr. Dumas: Certainly, but this is the point I wish to make. If it were not uranium it would probably be another mineral, but if we could be assured of maintaining our uranium production during the next 10, 15, 20 or 25 years, or even of increasing it, I am sure that the mineral production would keep on rising on a large scale. However, this is my point: I hope that our mining production will keep up at the highest possible level but the marketing of our minerals is becoming increasingly difficult. The United States are more and more difficult and the best example of this is in the case of uranium.

We had contracts with the United States atomic energy authority for the production of uranium until 1962. As a matter of fact, the United States were so worried about being short of this important product that they pleaded with Canada to give them options on our uranium production from 1962 to 1966 and the companies concerned granted those options.

In due course, the United States decided not to take up those options and, as I said, we should have urged them, at the time, to meet their commitments. I think that in this way we would have got them to take up at least part of these options. I notice that the minister seems to disapprove; but industrialists and mine owners believe that, if Canada had insisted with the United States, we would have succeeded in getting the American government to take at least part of those options, and in that case we would now perhaps be assured of an annual production of $300 or $325 million for the next eight or ten years, instead of an annual production of $250 million for the next four or five years. So much for the matter of uranium.

As far as base metals, like copper and zinc, are concerned, it is well known that the United States, not quite two years ago, introduced a tax of 1.7 cents a pound on copper and they do not seem to be considering the removal of that tax. This tax is a handicap to our copper producers, and it is known what a quota system on zinc means for the industry. Production has to be curtailed; several mines had to close down and others will have to control their production in order not to exceed their quotas. These are problems in which the government must take interest, and perhaps the Minister of Trade and Commerce should go more often to the Minister of Mines and Technical Surveys for advice as far as the sale of our metals, either to the United States or to Europe, is concerned.

In fact, we should probably be able to sell base metals to European countries if we had an aggressive team who would study European markets. People are well aware of the complications arising out of the trading agreements of the European countries, known as the Six and the Seven. We should try to approach the representatives of those countries or try to negotiate with them in order to dispose of a greater quantity of our base metals.

I know that the Minister of Mines and Technical Surveys is mostly interested not

only in the production of Canadian metals, but also in their sale. Our domestic consumption takes up only a very small part of our production. Such are the matters on which I would like to call the attention of the minister. And now, Mr. Chairman, concerning the current studies on the polar continental shelf, it should not be forgotten that, in the same field, there are continental shelves adjacent to the provinces too.

I think that certain works have been undertaken. I understood the minister to say that work had been undertaken in the Magdalen islands and that certain projects had also been launched on the coast of New Brunswick and in the gulf of St. Lawrence.

I do not intend to deal at length with this matter now because I want to discuss it in great detail later on, but since it has been made clear in 1958 that the mineral resources of the continental shelf belong to the neighbouring country, I believe the time has come for the federal government to face the situation and to transfer those resources to the provinces, particularly where they are close to the provinces in James bay, in Hudson bay, in the gulf of St. Lawrence and along the Atlantic and Pacific coasts. On the other hand, as far as the provinces of Nova Scotia, New Brunswick, and Prince Edward Island are concerned, I believe that we should transfer to them those natural resources that we find on the continental shelf in a certain radius from those provinces.

I think we should transfer to the province of Quebec the resources found in the continental shelf along the gulf of St. Lawrence, close to the province of Quebec. Further, we should transfer to Newfoundland the part concerning that province, along the Labrador coast and around the island of Newfoundland. As to the sections located in Hudson bay and James bay, we should also transfer the relevant portions to the provinces of Quebec and Ontario. On the Pacific coast, such natural resources should be transferred to British Columbia. This is a very important matter. Moreover, we should transfer to the provinces the small islands located along their coasts. This is a problem of great concern to the Canadian people and particularly to the province of Quebec.

I think the minister should consult with his colleagues, the Minister of Northern Affairs and National Resources (Mr. Hamilton) and even the Prime Minister, and discuss the possibility of transferring the natural resources that are part of the continental shelf to the various provinces along the coast.

I think such action on his part would be highly appreciated not only by the provinces concerned, but by every Canadian. It is a most important matter. Perhaps he will also have an opportunity to discuss this plan with the next premier of the province of Quebec.

Mr. Chairman—

(Text):

The Deputy Chairman: Order. I am sorry to interrupt the hon. member, but his time has expired.

Some hon. Members: Carry on.

The Deputy Chairman: Will the committee give unanimous consent to the hon. member to continue?

Some hon. Members: Agreed.

(Translation):

Mr. Dumas: Thank you very much, Mr. Chairman. I was about to conclude my remarks. However, the problems I just listed are most important.

I want to add another thing. Since the minister mentioned university research grants through the geological commission, I must say that I think this is a good idea, which will benefit not only the mining industry but the whole country. The grants were introduced quite a long time ago. They have been raised to $50,000, and I quite agree with the minister when he says that they should be increased. They should, in fact, be substantially increased, not because the government is being asked to employ more geologists or because some of them are out of work, but because we have large geological projects to carry out. Indeed, we could double the staff of the Canadian geological commission. We are making no mistake in encouraging a greater number of young men to take up geological studies.

Mr. Martin (Essex East): Especially in the summertime, to encourage students.

Mr. Dumas: Especially in the summertime. Mr. Chairman, the hon. member for Essex East says that we should encourage students much more. We must give credit to the minister for what he is doing. Last year, many students were jobless. But, as a result of representations made to the department

by the geological commission, as well as by the mining industry, the government did employ a greater number of geologists. In view of the slackening tempo of mining operations in private industry, the department was asked to employ a greater number of geologists, and it did so, taking on several young men. I should think that this year a greater number of students will be employed, due to the fact that 88 teams will be at work.

I should like to get more information from the minister about that. Perhaps he might let me have them when we take up the various items of his estimates. Then we will know how many students can be hired for the summer.

Coming back to the matter of grants to universities and grants in aid to students, I think student aid should be continued on a wider scale. We should help students who wish to specialize in mineral research. Should the minister decide to earmark a certain amount in his estimates to provide help for students, he can be assured of my wholehearted support.

(Text):

Mr. Fisher: Mr. Chairman, the act respecting the Department of Mines and Technical Surveys sets out in seven general subsections of section 6 the further duties of the minister other than the general one to have jurisdiction over mines, minerals, explosives and technical surveys. The scope of his responsibility is very wide. It has been my feeling and observation that the department has never had the interest on the part of the government that it should have had. I think this general attitude was substantiated very strongly by the report published last year by the committee on mines, forests and waters. This very same committee considered the estimates of the Department of Northern Affairs and National Resources and came up with the suggestion that forestry should have a larger place. The government has given an indication that it is going to move in the direction that the committee wished by creating a department of forestry.

But while the committee's report on the Department of Northern Affairs and National Resources was critical to a degree, its report on the minister's department was the most devastating I have encountered of any report made by a parliamentary committee. I was very interested in it since, along with members who in the main are supporters of the government, I helped to prepare it. I will not claim that I played a large role but I was certainly in general agreement with many of the criticisms. These criticisms were published in the report of the committee which appeared in the minutes and proceedings of the standing committee last year for May 25.

I expected from the minister some résumé of how the department has moved to meet the criticisms expressed in that report. I am not going to be critical of the résumé he gave us but with regard to almost every phase of the department's activities there was a critical appraisal in the committee's report. One thing I should like to suggest is that the minister concerned should arrange to have his department reviewed next year not by the committee on mines, forests and waters but by the estimates committee of the House of Commons. In view of the very serious criticisms made last year by a committee that was intimately concerned with the subject matter, it seems to me that we need a further review of the department very soon from the spending point of view and an analysis made on the basis of that approach. I hope the minister will consider doing this because I am going to point out some extremely severe criticism in the recommendations of the committee.

I might add that the year before the very same committee examined the department and made a fourth report which was published on July 31, 1958. The 1958 report was not nearly as critical and the committee, of course, did not go as deeply into the affairs of the department. But recommendation No. 11 in the 1958 report was in these words:

> Your committee recommends that the government give consideration to the necessity for increasing the department's research program and facilities in order to keep pace with the accelerated tempo of northern development.

That is about the strongest suggestion in that report, but when you turn to the 1959 report you find nothing but strong suggestions or recommendations. I should like to bring to the attention of the minister and the committee the recommendation found in paragraph seven of the committee's report. It is, of course, a reflection on the previous government much more than on the present minister. It reads as follows:

> In almost all fields of national scientific endeavour, this department should have led and should lead the way. There is little need for this committee to apportion blame for the present state. Both

the people and those responsible for policy in Canada have been slow to realize the urgent need for expenditure and leadership in this field. The Department of Mines and Technical Surveys, your committee insists, must be recognized as a vitally important one, not one of inferior significance. The scientific function of the department cannot any longer be circumscribed by caution, hesitancy and lack of support. It is imperative that all branches of the department embark on an accelerated program of expansion, and planning for expansion; and that the provision of the needed money, staff and facilities be an immediate consideration of the government.

Let me tell the minister how pleased I am to see that the estimates for this year have been increased by $5,700,000, but I would have been much happier if I had not found that so much of this increase, as a matter of fact $3½ million, is going for the construction or acquisition of buildings, works, land and equipment. I realize that before you can expand a research program you need these things but I would have liked to see more of the increase this year devoted to the specific areas of research that the committee recommended. I want to go on to point out to the minister where these areas are. I think that perhaps the best place to start is where the committee's criticism was most severe and that is with the mines branch. In that respect the committee had this to say:

The information elicited on the mines branch was depressing. The branch does not have the funds or the staff it needs to carry out the work it should do and wants to do.

When I check the particulars of the estimates I cannot get any great encouragement that the minister is moving in the light of this particular criticism. Another area of the department that was criticized was the dominion coal board. I should like to draw the minister's attention to this statement.

Your committee learned with regret of losses of coal markets in both western and eastern Canada through a lack of liaison between the coal producer and the consumer. Your committee recommends that every possible effort be made to ensure that this situation is corrected.

If we turn to the geological survey of Canada we find the following in paragraph 55:

It is essential that the geological survey must not only keep pace with the mineral industry, but work ahead of it, providing the industry with geological information well in advance. If this objective is not met the function of the survey is not only seriously impaired but, as well, the information which is eventually supplied by the survey will have been obtained at an excessive cost in relation to the effort expended to obtain it. This has proven to be the fact.

That is a very serious criticism of this branch. We were made aware in the committee, and the committee so reported, that the geography division was short of geographers and that so far as geodesy was concerned we had an almost laughable situation compared with the Americans, although the Americans were very weak and puny compared with the Russians. With respect to the surveys and mapping branch the committee made this recommendation:

—the staff increase in this branch should be progressive over the period of the next five years to facilitate training and to increase assimilation.

The report went on to urge that much greater efforts be made in this particular field. It seems to me this was a call by a House of Commons committee to greater effort on the part of the minister to make his department more important. The reasons for urging this have been well put by the previous speaker. The part of the country from which I come, as the minister may know, totals 148,000 square miles, and this is a considerable chunk of the Laurentian shield. The whole hope for the future growth of this area rests on the development of the metal industry, and specifically the iron ore and base metal industries. It is rather disconcerting, in this particular situation, when you have two jurisdictions. We have a provincial jurisdiction and a federal jurisdiction, and there is very little indication of aggressive leadership in this particular field from either one, that is direct encouragement in the base metal or iron ore development.

I have been wanting to tell the minister how very pleased I was to have the opportunity of looking at these particular reports that have been prepared largely by Mr. R. D. Elver of the mineral resources division. This is the kind of survey of the prospects of the iron ore industry of which we should have more and which should be well broadcast so that the people appreciate the opportunity we have.

I might refer to one of these reports by Mr. Elver which came out in March, 1960, entitled "Direct iron ore processes and their prospects in eastern Canada". This is the kind of thing one welcomes from a department such as this. It is an economic survey of a very concrete situation, with an attempt to assess where we may get expansion, and not the least of my interest in this survey comes from the fact that two places are projected as being likely sources of direct iron industries, one being Seven Islands and the other being Port Arthur. I would suggest to the minister that we could stand many more analyses of this type, and the popularization of these analyses should be made on a fairly wide front.

Here again I should like to congratulate the department upon some of the publications it is putting out in an attempt to popularize the department. I am thinking especially of

one which was very attractive, the one I have here, which we all received recently. I hope the minister will see that this goes out not only to industry but to regional offices, development associations, chambers of commerce and so on. We are not getting an appreciation of what the department can do.

I must say in this regard that despite my criticism last year I had the opportunity of bringing a sample along certain lines to the minister's officials, and in so far as the assay report was concerned, it was a good economic appreciation. I thought that the reply and service were excellent.

One of the things that concerns me after the mines committee report of last year, and after the statement of the minister, was the fact that the Canadian metal association came out with an argument that they did not want the government to get into any more research. I have not got that particular clipping here, but I know for a fact they particularly did not want the government to get into any more advanced metallurgical research. There was an indication, as I read the comment, which I believe was made by the permanent secretary or secretary manager of that organization, that they felt the industry could take care of its own research in this particular field. The minister is shaking his head, and perhaps I misinterpreted it. I know definitely this was the interpretation I took from the report. I was disappointed in this comment. I hope it will not discourage the department.

Mr. Comtois: I was not aware of that.

Mr. Brunsden: Will the hon. member permit a question? Was this criticism of the research a reflection on the national research council?

Mr. Fisher: No, I do not think it was. I think it was specifically a reaction to the indication that this particular department was going to expand its research program. In so far as the national research council is concerned, I may say I knew a young scientist who was working for the minister's department not long ago. He has since moved. I checked, personally, as to why he had moved because he was a friend. It happened to be one of the evenings when the house was not sitting, so he said get in your car and I will show you why. We drove out to one of these old buildings of the mines department, and it was all in darkness. He said, now let us go for a drive out the other way. We went to the national research council building on Sussex street and he said, now look. There were lots of lights on. He showed me another national research council building and there were more lights on. He said, I am so fed up with the business of a scientist in the mines and technical surveys branch being looked upon as a kind of nine to five job. He said that in the national research council you are given much greater opportunity to work when you possibly can. It is not looked upon as a nine to five job. It is much more exciting; it is much easier to get equipment and have your specifications for an experiment checked. It was for these reasons, this lack of the kind of atmosphere that Dr. Steacie attempts to create in the national research council, perhaps very successfully, that this particular Ph.D. got out of the department. I just mention that to the minister as an indication of the kind of research spirit that needs to prevail in his kind of organization, and to suggest perhaps it does not exist there whereas it could and does in the national research council.

One of the aspects of the department that has been brought into question in my mind relates to its position to other government departments. I might refer in this connection to the uranium industry difficulties. Here we have a mining development that has come a cropper, and come a cropper for perhaps a decade or more. The department that one would think would properly be most concerned with the research aspect and all the other aspects of the problem has had almost nothing to do with it, so far as I know. I do believe it would have been much better, both for the Elliot Lake situation and the situation as a whole, if the minister of mines had been responsible rather than the Minister of Trade and Commerce, even though it may have been a merchandising or marketing problem that fell under that department. Certainly in terms of alternatives, what to do with these uranium properties, certainly in terms of background so far as the mining industry is concerned, it seems to me the mines department had it over trade and commerce.

I think of coal, for example, which is a marketing problem to a degree according to our house committee report. We do not have coal under the Minister of Trade and Commerce. I should like to know from the minister what his department is doing in so far as the uranium industry and its future is concerned. Is there any possibility at all of any of the research that is supposedly being rushed to find alternative uses for uranium originating in his department? Could his department play any role at all in this matter?

One of the specific questions that I wanted to ask the minister was the relationship of his department to the department of northern affairs in so far as this roads to resources program is concerned. As I understand it, one particular mining group in my constituency has a prospect into which they hope to put a fair amount of money. As a

matter of fact, I believe their development program calls for something in excess of $1 million. They applied, and were supported as I understand in their application by nearby communities, to have one of the roads put in partly sponsored by federal funds. I take it from the reply of the Minister of Northern Affairs and National Resources, the road was turned down and the basis for the turndown was an adverse report on the prospects of this particular property or company or development from the minister's department. I cannot be critical of the turndown because it may have been a proper one, but I should like to know how the information was gathered on this particular matter. In this case, since there so much expectation in our region and so much disappointment over the failure of the road program to go through, I think we would appreciate a full explanation.

The area in economic research which I should especially like to recommend to the minister is the future market for our iron ore in so far as it relates to Europe and the whole prospects of the kind of program that Cyrus Eaton had in contemplation in so far as Greenland, Germany and other parts of Europe are concerned. One of the difficulties for the ordinary member of the public, so far as mining is concerned, is the continual launching or the promotion of gigantic schemes—one might almost call them dreams —of developments here and developments there, assuming parts of Canada are always next year country or next decade country, not a little owing to the promotional imagination of people in the mining field. I think the kind of sober, thorough assessment that we should have here could be done on a wider scale and bring a bit more realism into this particular picture.

Another point I wanted to refer to was touched upon by the hon. member for Villeneuve, namely the question of jurisdiction or actual ownership of the continental shelf. I think the minister is aware of the fact that the regulations promulgated by the Minister of Northern Affairs and National Resources in so far as oil exploration is concerned, as I understand them, indicate that the federal government has decided to claim that jurisdiction. I have not any quarrel with this decision. It is regrettable to me and to my associates that a number of our natural resources were allowed to lapse, especially in the thirties, by the provinces; but I would appreciate from the minister a statement in this regard especially from the point of view of what consideration the government is giving. Were the Minister of Mines and Technical Surveys and the officials who are carrying out continental shelf projects and surveys consulted before the minister of northern affairs came out with these regulations? Is there any indication that the provinces are objecting to this particular approach? If so, generally what are the views of the minister and his officials on the matter? It seems to me this is a most legitimate point to have brought out.

The question of the geological survey and its relationship to students has been covered by the minister to a degree. Several years ago he gave me a reply that indicated there was a limited role the department could play in so far as the undergraduate is concerned. This particular summer is a very hard one on university students, just as was the one two years ago. It was an especially hard one two years ago, as the minister will recall, for students in geology. I wonder what consideration the minister has given to making a more flexible program that may be able to adjust quickly to a developing situation such as that which is upon us this summer when there is a great shortage of opportunities for many students in fields that relate to mining. I am thinking not only of geology but of mining engineering and other fields such as geography and the like, where students can get an exceptionally good part of their training in working on these particular surveys.

We have every reason to be prouder, I think, of the geological survey than of any other branch of the Canadian government. I think a case could be made for the proposition that it has been the most important and the best section of government in almost any real terms in our Canadian history. It is certainly the oldest of the scientific branches and it has made a contribution to the development of Canada that no one can really get into good focus, not the least because of these promotional extravangazas and the tendency to build up our mining picture historically upon the basis of types like Sir Harry Oakes. Long before Sir Harry Oakes, Gilbert LaBine and people like them were abroad in the land they had these geological teams far ahead, sometimes 50 and 60 years ahead.

We were talking a few weeks ago about Red Lake and the coming back of certain mines there. Robert Bell, a very distinguished man from Queen's University, in 1872 and 1873 was up in the Red Lake mining area long before the railroad was put through there and spotted these green stone formations on which the Howey camp developed. He also spotted the greenstone formation in lake Minnitaki that runs down through Atikokan on which many of our other best deposits have come along.

The prospectors throughout Canada and the geologists of private organizations lean

very much upon the records of this particular organization. I know that the library for which I work in Port Arthur was successful in obtaining a complete file of the geological surveys from 1848 up to 1935. It obtained it through the good graces of a famous geologist by the name of Dr. Baker. After getting it a private geologist came in and made the acknowledgement that this collection in its complete form and in such good shape was worth thousands of dollars to him. It was very useful for practical exploration even at this stage, even some of the older reports touching back into the 1870's. This underlines so much of the work that has been done. It is unfortunate to me that greater recognition has not been given to the pioneers of this particular branch. I think of Dr. Owen, Dr. Bell—

The Deputy Chairman: Order. It being five o'clock, in order to permit the house to proceed to the consideration of private and public bills, in pursuance of section 3 of standing order 15 it is my duty to rise, report certain resolutions and request leave to sit later this day or at the next sitting of this house, as the case may be.

Resolutions adopted in committee of supply this day reported and concurred in.

Mr. Speaker: It being five o'clock, the house will now proceed to the consideration of private and public bills, the former having precedence.

PRIVATE BILLS

Mr. Nicholas Mandziuk (Marquette): Before you leave the chair, Mr. Speaker, may I ask leave of the house to request that consideration be given to according precedence to several private bills and to changing the order as listed under the private bills item? The bills about which I am speaking are as follows: item No. 263, Bill No. S-29, to incorporate Allstate Insurance Company of Canada; item No. 264, Bill No. S-30, to incorporate Western Surety Company; item No. 265, Bill No. S-33, to incorporate the Wawanesa Mutual Life Insurance Company; and item No. 266, Bill No. S-34, respecting the Wawanesa Mutual Insurance Company.

Mr. Speaker: Is the house prepared to consider all these bills together?

Some hon. Members: Agreed.

CONSIDERED IN COMMITTEE—THIRD READINGS

Bill No. S-29, to incorporate Allstate Insurance Company of Canada.—Mr. Mandziuk.

Bill No. S-30, to incorporate Western Surety Company.—Mr. Mandziuk.

[Mr. Fisher.]

Bill No. S-34, respecting the Wawanesa Mutual Insurance Company.—Mr. Mandziuk.

THE WAWANESA MUTUAL LIFE INSURANCE COMPANY

The house in committee on Bill No. S-33, to incorporate the Wawanesa Mutual Life Insurance Company—Mr. Mandziuk—Mr. Rea in the chair.

On clause 1—*Incorporation.*

Mr. Chevrier: May I ask the reason why there are two bills dealing with the same company, one to incorporate and another dealing with another matter? Could they not have been dealt with in the same bill?

Mr. Mandziuk: I am very pleased to answer that question. The parent company is the Wawanesa Mutual Insurance Company, one of the largest strictly Canadian companies, and the offspring of this fire and casualty company is this new incorporation.

Mr. Brunsden: I should like to ask the sponsor of this bill if he feels from his knowledge of the life insurance business that the interests of the premium holders in this new company are adequately protected.

Mr. Mandziuk: When the incorporation of this life insurance company was considered in the banking and commerce committee the superintendent of insurance, Mr. MacGregor, gave his opinion on practically all these questions. Anyone taking out a policy under the company will become a member of the company. It is connected with the parent company, that is the mutual insurance company which writes fire and casualty insurance, only to the extent of the cash that is going to be advanced according to the provisions in the bill to the life insurance company subject to repayment later. The life insurance company when incorporated according to the provision in the charter will not be able to commence business until this advance of funds has been made by the parent company.

Mr. Brunsden: I am not too sure that the Wawanesa Mutual Insurance Company has always protected its policyholders. I am speaking in respect of casualty and other lines, and I want to be assured before this bill is passed that there will be some very definite responsibility accepted by the company on behalf of policyholders.

Mr. Mandziuk: As to the dealings carried on by the Wawanesa Mutual Insurance Company in both fire and casualty departments, that can hardly be questioned. The superintendent of insurance advised the committee that for every large company operating in Canada they have a complaints file, but they

have no such file in respect of the Wawanesa Insurance Company which is regarded as one of the best insurance companies in Canada as far as settlements and financial conditions are concerned.

The Wawanesa Mutual has assets of almost $30 million, and a surplus of over $8 million. That surely protects the interests of the policyholders as far as fire and casualty are concerned. Of course, the company to be incorporated to write life insurance starts off with the guaranteed fund that is to be advanced by the fire insurance company from its surplus funds.

Clause agreed to.

Clauses 2 to 13 inclusive agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, read the third time and passed.

Mr. R. J. McCleave (Halifax): Mr. Speaker, before you leave the chair I was going to suggest that there are a number of divorce bills standing on the order paper for second reading. I think the hon. member for Skeena (Mr. Howard) wishes to speak to Bill No. SD-320 which is order No. 267. Perhaps the other bills could be given second reading and then the hon. member would be given an opportunity to speak to Bill No. SD-320 if it is his wish to do so and then we could go into committee on the other divorce bills.

Mr. Howard: You may proceed in that fashion, Mr. Speaker.

Mr. Speaker: Is the house prepared to take out of their order the divorce bills standing for second reading in one motion?

Some hon. Members: Agreed.

SECOND READINGS—SENATE BILLS

Bill No. SD-427 for the relief of Lucien Dubuc.—Mr. McCleave.

Bill No. SD-428 for the relief of Aino Maria Leinonen Knudson.—Mr. McCleave.

Bill No. SD-429 for the relief of Mildred May Ghenender Greenspon.—Mr. McCleave.

Bill No. SD-430 for the relief of Gordon Lang Chessbrough.—Mr. McCleave.

Bill No. SD-431 for the relief of Charles Guy Comeau.—Mr. McCleave.

Bill No. SD-432 for the relief of Frida Rosen-Deutcher Falovitch.—Mr. McCleave.

Bill No. SD-433 for the relief of Elizabeth Giliaeff Jahn.—Mr. McCleave.

Bill No. SD-434 for the relief of Myrna Ada Webber Neiman.—Mr. McCleave.

Bill No. SD-435 for the relief of Ellery Gordon Duncan.—Mr. McCleave.

Private Bills—Divorce

Bill No. SD-436 for the relief of Sarah Wolman Rothman.—Mr. McCleave.

Bill No. SD-437 for the relief of Dragan Baljak.—Mr. McCleave.

Bill No. SD-438 for the relief of Glenda Ruth Warren Meades.—Mr. McCleave.

Bill No. SD-439 for the relief of Robert Hugh Parker.—Mr. McCleave.

Bill No. SD-440 for the relief of Catherine Hetty Dawson Gilbert Cathcart.—Mr. McCleave.

Bill No. SD-441 for the relief of Sheila Alexandra Anderson Williams.—Mr. McCleave.

Bill No. SD-442 for the relief of Georges Justin Goeury.—Mr. McCleave.

Bill No. SD-443 for the relief of Gabrielle Labranche Bisaillon.—Mr. McCleave.

Bill No. SD-444 for the relief of Maurice Joseph Martel.—Mr. McCleave.

Bill No. SD-445 for the relief of Ula Geraldine Taylor Gauthier.—Mr. McCleave.

Bill No. SD-446 for the relief of Margaret Veronica Stacey Abraham.—Mr. McCleave.

Bill No. SD-447 for the relief of Colette Bauer Landau.—Mr. McCleave.

Bill No. SD-448 for the relief of Margot Buerling Zich.—Mr. McCleave.

Bill No SD-449 for the relief of Barbara Helen Watson Coones.—Mr. McCleave.

Bill No. SD-450 for the relief of Bertha Jacqueline Alice Sweetinburgh Glynne-Percy. —Mr. McCleave.

Bill No. SD-451 for the relief of Alphonse Taghon.—Mr. McCleave.

Bill No. SD-452 for the relief of Paul Morency.—Mr. McCleave.

Bill No. SD-453 for the relief of Mary Jean Frances Collins Park.—Mr. McCleave.

Bill No. SD-454 for the relief of Martine Simonne Georgette Krettly Lefebvre.—Mr. McCleave.

Bill No. SD-455 for the relief of Elizabeth Davis Reed.—Mr. McCleave.

Mr. Speaker: Pursuant to standing order 105 the said bills are referred to the standing committee on miscellaneous private bills.

ELSA FAIGA MANACE GROSSMAN

Mr. R. J. McCleave (Halifax) moved the second reading of Bill No. SD-320, for the relief of Elsa Faiga Manace Grossman.

Mr. Frank Howard (Skeena): Mr. Speaker, I wish to raise three points in connection with this case to which I think serious consideration should be given. The first is an

examination as to whether there was a marriage and if so should that marriage be dissolved. The second point concerns an examination as to whether there is proper domicile within a province which would allow this bill to be presented to parliament. If there is not proper domicile it may be determined that parliament has no jurisdiction. The third point concerns an examination of the basis on which dissolution of the marriage is sought. Adultery is alleged and we must examine whether adultery took place. The committee of the other place and the other chamber itself has dealt with the bill and passed it through its various stages.

Because this is the first occasion on which I have a recollection of your being in the chair, Mr. Speaker, during a discussion on second reading of divorce bills, perhaps I should state that I seek permission to follow my usual practice of refraining from mentioning the names and addresses of the people involved in this case.

The petition reads as follows:

The petition of—

Giving the name of the petitioner.

—teacher, of the city of Toronto, province of Ontario,
Humbly Sheweth:

1. That your petitioner was lawfully married to—

Giving the name of the respondent.

—on or about the 7th day of September, A.D. 1954, at the city of Toronto, province of Ontario, your petitioner's maiden name being—presently residing at—

Giving the address.

—in the city of Toronto, province of Ontario, with her parents—

Giving their names.

—and your petitioner, moreover, was never married before her marriage to the respondent herein.

The petitioner under oath produced documentary evidence as proof of her marriage. The marriage took place in Toronto but the evidence reveals that the respondent has always been domiciled in Montreal. I submit that we have jurisdiction to deal with divorce from any province of Canada on any grounds whatsoever.

Now, with respect to the allegation of adultery—and it is in this respect that I should like to give some pertinent detailed references in the evidence itself if I am permitted to do so—

Mr. Speaker: Before the hon. member proceeds, I am concerned with the propriety of any detailed discussion of the evidence on second reading. The matter before the house is the principle of the bill, which is to dissolve the marriage of these people. The hon. member is, I think, within his rights in drawing the attention of the house to the fact that the principle should not be endorsed by the house because there are three defects, or three variations from the normal practice of the house in granting divorce by act of parliament. But when it comes to proving or substantiating these matters in detail it would seem to me that the proper place to do that would be in committee. I think the hon. member can make his point if he has any doubt about the proof of adultery but not to discuss the evidence in detail here.

Mr. Howard: Mr. Speaker, if I gave an indication to you that that was what I was trying to do, it is not the point which I was leading up to. I have no quarrel at this stage —as you have indicated perhaps I should have —with whether adultery had been committed and whether, following the practice of this house and of the other place, there is sufficient ground to dissolve the marriage. I have reference to the evidence produced before the committee in the other place but no reference to the question of whether adultery had or had not taken place.

My reference is to an entirely different matter and I hope to found upon this particular reference which I wish to make, which involves civil and human rights, a motion which would indicate that this house should not at this time consider second reading until another body has had an opportunity to consider this other matter. That is what I was leading toward and that is what I hope to make reference to by referring to the evidence itself. Therefore, if I may I should like to refer to page 14 of the evidence. This is the evidence by Mr. George Roland Foucher, age 43, who resides in Montreal. His occupation is an investigator. He appeared as a witness on behalf of the petitioner. He was sworn and testified as follows. I will paraphrase it. They went to a particular place and there they found certain things. If I can specify it, I should like to read from page 14 as follows: He made reference to the respondent and corespondent and said:

They had been in for over a couple of hours—we moved to the door and after knocking on it, the subject himself came to the door and opened it partly. I pushed on the door and we both rushed in and were met by a loud yell of pain inside, and just as we looked behind the door Mr.—was sitting in a wicker chair holding onto his foot. Our reaction was to ask him what happened—

I submit this is the normal reaction of someone who bursts into your premises. He found this man holding his foot. In any event, he followed the normal procedure and asked what happened. I continue:

—and he said that by pushing the door open I had knocked on his foot and he had a couple of broken toes.

It is not clear to me whether he had a couple of broken toes before and this action had injured them further, or whether he had a couple of broken toes as a result of the door being pushed open.

Mr. Speaker: I am not clear that I follow the point of the evidence in relation to the second reading of the bill. I am not sure what the hon. member's argument is with respect to approving the principle of the granting of this divorce. If he is able to state it I wish he would. If he is not, I suggest he leave the reading of the evidence to when we are in committee.

Mr. Howard: I think perhaps I shall be able to show that without any difficulty, Mr. Speaker. This is what I was leading up to in that slight reference. Let me indicate to you in a general way what I was trying to do. I think perhaps I have proceeded far enough with the reading of the evidence about people pushing the door open and knocking on someone's toes and either breaking them or injuring them additionally where they had been broken. The witness then goes on to say that the man in question was more concerned about his foot than talking to them about the purpose of their visit which, I submit, is a perfectly reasonable thing to expect. The point I am leading to, is that this invasion of the privileges and rights, human rights, civil rights and civil liberties of that person should not be condoned and that a person should not have his premises invaded arbitrarily, such as was done here.

What I am submitting is that before this house proceeds to give second reading to this bill we might properly refer the subject matter thereof to another body established under authority of this parliament, an authority which deals in the field of litigation, deals in the field of human and civil rights, an organization for which all of us have respect and admiration in Canada. I suggest the subject matter of this bill should be referred to that group in order that we may ask that group to pass upon not only what I have read here so far but upon other factors which are substantiated in the evidence and with which I do not intend to deal at this time. I think this matter should be referred to that other body so that they may take cognizance of it and determine whether or not civil rights and human rights, the right of an individual to privacy, have or have not been invaded.

Mr. McCleave: Don't be a hypocrite. You are destroying their rights in this house.

Mr. Howard: Mr. Speaker—

Mr. McCleave: Hypocrisy.

Mr. Howard: It is not my intention to be drawn into a side discussion by those to whom I have referred as preferring to talk from their seats rather than from their places in the house. If my hon. friend, whoever it was, down in that corner wishes to make reference to hypocrites I suggest to him with all deference, with all due respect—and I am only assuming that it was the hon. member for Halifax—

Mr. McCleave: Mr. Speaker, on a question of privilege, it was the member for Halifax who has put up with a great deal of nonsense from that particular corner and who is glad he is far removed from it so he cannot smell the odour from it.

Mr. Speaker: The hon. member for Halifax is taking liberties which he should not take in this chamber in using offensive language to the hon. member who has the floor.

Mr. Howard: Mr. Speaker, it is not my intention to complain about the reference of the hon. member for Halifax to hypocrisy.

Mr. Speaker: I hope the hon. member will not proceed with that subject.

Mr. Howard: No; I do not ask him to withdraw. This is one thing I do not want to do. If the hon. member for Halifax wants to make those allegations and stand by them, that is his privilege, especially if he wants to make them by hiding behind his privileges and remaining in his seat.

Mr. Speaker: If the hon. member is speaking on a question of privilege he may do so. If he is speaking on second reading I wish he would proceed.

Mr. Howard: The hon. member for Halifax raised a question of privilege. This is what I was dealing with.

Mr. Speaker: I thought that was disposed of.

Mr. Howard: If you have disposed of it, then I appreciate the manner in which you have done so. It was done in such a delicate way that there is no escape from it. The reference I am making to the evidence has to do with whether the rights of individuals to liberty, the rights of individuals to have their domicile, whether it be a home they own or a hotel or motel room they rent for the night, free from invasion, are to be protected. I say that we should refer to another body which has had considerable experience in this field the question of whether or not these human and civil rights have been invaded and ask that body to give an opinion to the house on the basis of their study and consideration of the matter. That is all I was leading up to and that is

why I referred to the particular part of the evidence which I recited. On that basis I would therefore move, seconded by the hon. member for Timiskaming (Mr. Peters):

That this bill be not now read a second time but that the subject matter thereof be referred to the Supreme Court of Canada for examination and report thereon.

Mr. McCleave: Mr. Speaker, before the motion is put I wish to argue, and I think I can do so effectively, that the amendment is clearly out of order in that it is not within the competence of the house to pass upon such a question.

Mr. Speaker: I would be very appreciative of any assistance which can be given by the hon. member for Halifax on the question whether or not there is provision for reference of a question of this kind by the House of Commons to the Supreme Court of Canada and for the Supreme Court of Canada to receive such a reference and deal with it. If the amendment would be nugatory in the sense that it could not be carried out, then I would think its regularity might be questioned.

Mr. McCleave: Mr. Speaker, that was exactly the point I was going to raise. If such a motion were sent to the Supreme Court of Canada their lordships would hardly know how to deal with it. It would not come to them in any regular fashion or through any regular process of law. I can understand that my hon. friend has perhaps got himself into this difficulty because he does not understand what the ordinary process of law means.

With respect to the bruised or broken toes of the respondent's husband, a remedy was clearly available in the courts. If he had wished to do so he could have taken the matter into the police court and charged Foucher and his associate with trespass or with having occasioned him bodily harm. He had these remedies open to him. But I know of no authority whereby a reference can be made to the Supreme Court of Canada when no grounds are stated but merely a general opinion is sought. Surely the highest court in the land should not be burdened with dealing with a matter with respect to which rights already exist under the law if the respondent had wished to pursue them. According to the evidence, he did not choose to do so and I cannot see any point in the hon. member trying to protect somebody who did not try to protect himself.

Mr. Speaker: If I may interrupt the hon. member, perhaps he will have given consideration to whether there is any authority or precedent for a reference by the House of Commons to the Supreme Court of Canada for advice on any matter and whether there is any power in the Supreme Court of Canada to receive and deal with such a reference.

Mr. McCleave: I think that would require reference to the act which sets up the Supreme Court of Canada. If that were done a definite answer could probably be given to your question. However, I submit that the burden surely must rest on those who propound such an amendment to show that this is a proper course of action, and no attempt has been made to do that.

Mr. Howard: If I may speak on the point of order, Mr. Speaker, raised by the hon. member for Halifax, I should like to point out to him that it is completely irrelevant whether the respondent took any action or chose not to do so. The last point mentioned by the hon. member, whether or not we have the authority to take such a course, is the one to which we should address ourselves. As suggested by the hon. member for Halifax, I should like to draw to your attention, Mr. Speaker, a statute passed by this house, being an act respecting the Supreme Court of Canada, chapter 259 of the Revised Statutes of Canada, 1952, which was amended by chapter 48 of the statutes of 1956, although the amendment is not relevant to this matter. I refer Your Honour to section 56 of the Supreme Court Act, this being the short title, which reads as follows:

The court—

The definition section indicates what the court is.

—or any two judges thereof, shall examine and report upon any private bill—

Of which this is one.

—or petition for a private bill—

There is a petition attached in this instance.

—presented to the Senate or House of Commons, and referred to the court under any rules or orders made by the Senate or House of Commons.

I submit that the House of Commons and the Senate together determined by enacting section 56 that under this section any private bill or petition for a private bill presented to the Senate or the House of Commons may be referred to the court under any rules or orders made by the Senate or House of Commons. I think there are perhaps no rules so far as the House of Commons are concerned. To my knowledge this has not occurred before. As there are no rules, we must look to the question of orders. If the house passes an order such as that to which I have alluded the matter would be referred to the Supreme

Court of Canada for its consideration and report thereon. I submit that the amendment is entirely in order pursuant to section 56 of the Supreme Court Act.

Mr. Baldwin: On the point of order, Mr. Speaker, it seems to me that the section read by the hon. member for Skeena clearly indicates that the amendment he has placed before the house is quite out of order. As I heard it read, section 56 suggests that there is a right in the Supreme Court of Canada but the Supreme Court of Canada is a statutory court created by the parliament of Canada and only has jurisdiction to deal with such cases and such matters by way of petition or otherwise as come clearly within the four corners of the act itself. There is no right in the court as of right unless the statute itself says that these matters may be brought before the court.

The section to which the hon. member referred only deals with such petitions or private bills as come within our rules. I have looked through the rules and I am sure there is no rule in our standing orders making any such provision. If I am wrong, perhaps the hon. member might refer me to it. I am relying on my memory but so far as I can recall there is no rule in our standing orders which makes provision for the transmitting of any petition or private bill directly from this house to the Supreme Court of Canada. I think the provision in the act says in effect that if we should choose to establish a rule then the Supreme Court of Canada can and would be bound to hear the matter, but in the absence of such a rule the amendment is clearly out of order.

Mr. MacLean (Winnipeg North Centre): I should like to speak to the point of order. If the hon. member was a member of the house committee last session—I do not recall whether or not he was—he would remember that this same problem arose at that time with regard to whether a committee had the power to come before the house and ask the house to make a motion to the effect that the attorney general investigate certain matters. We had before us then a precedent—I have not got the citation with me and I cannot remember the precise information—to the effect that the only request the house could make of the attorney general, or in this case the supreme court, would be one which related to something which happened before the committee itself, that is if there were perjury in the evidence or some offence committed before a committee of the house.

Here we have a motion based on an allegation connected with an investigation of some incident that happened outside of the house in one of the provinces of this country. The incident did not occur before a committee of this house, and according to the information given to us last year I would suggest that this motion is entirely out of order.

Mr. Howard: May I be permitted to speak further to the point of order, Mr. Speaker? I would deal with the reference by the hon. member for Winnipeg North Centre (Mr. MacLean) first. As I understand what he said, he did not recall what had happened last year and did not have the reference before him, but it had something to do with the fact that a committee, I assume a standing committee of the house such as the miscellaneous private bills committee; that this house had no authority to deal with anything of this nature until the committee had reported. I think, on the face of it—

Mr. MacLean (Winnipeg North Centre): No, that is not what I meant at all.

Mr. Howard: Perhaps I misunderstood what the hon. member intended to say. In any event, I think it is irrelevant. The hon. member said he has not the particular reference before him and he is only conjecturing as to the effect of it.

Mr. MacLean (Winnipeg North Centre): Perhaps I could clear that up before we go on.

Mr. Speaker: Order; I will hear the hon. member later.

Mr. Howard: In so far as the hon. member for Peace River (Mr. Baldwin) is concerned, as I understood his remarks he said that we have the right to refer matters to the Supreme Court of Canada only if there are rules. I would point out that the Supreme Court Act is not specific. It is not a specific reference under the rules, but it says, refer to the court under any rules or orders. I submit that if the house has the motion properly before it, and if it deems it wise to pass the motion, then it becomes an order of reference to the supreme court. We have no rules, there is no specific rule and because the wording of that section is general, we then consider it under the item of orders. I submit that if there were rules they would be the standing orders, I presume.

The section says that matters of this nature may be referred to the supreme court, and if there were rules they would set up this procedure for referring such matters to the supreme court, and the manner in which that could be done. The Supreme Court Act is general and refers to any rules. Since we have no rules I submit we are at liberty to hold that the motion is in order because it falls under the classification of orders. If the

motion were passed, it would then be an order of the house for a reference to the Supreme Court of Canada.

Mr. Speaker: The hon. member for Skeena has submitted an amendment which raises a point which is rather novel in that it suggests a reference of the subject matter of this bill to the Supreme Court of Canada, an action for which there is no precedent as I am advised, although there are precedents for such action being taken by the Senate which appears to have established a procedure for so doing. The section of the act under which this reference is sought to be made provides that the court or any two of the judges thereof shall examine and report upon any private bill or petition for a private bill presented to the Senate or the House of Commons. The amendment seeks to refer the subject matter of this bill, and not the bill itself. I think in that sense the motion is defective.

The other point which was raised was that the section of the Supreme Court Act to which I referred goes on to say that the matter must be referred to the court under rules or orders made by the Senate or House of Commons. The point is made; "what is meant is rules or standing orders," and that is met by the argument of the hon. member for Skeena (Mr. Howard) that an order of the house would come within the section, an order referring this matter would be an order within the meaning of that section of the act. I rather think that the other opinion is the better one because rules and orders are referred to in the plural and as synonymous. Our orders are called standing orders, and if the House of Commons chose to use this machinery for a reference to the supreme court, presumably they would have established standing orders by which the reference could be made, which we have not done.

However, I have some doubt on that point and if the matter turned on that point I would prefer to reserve it and give consideration to it. Since the amendment as submitted seems not to come within the section on rather narrow grounds, namely that the reference must be of a private bill or petition, not of the subject matter thereof, I rule the amendment out of order.

Mr. Howard: Mr. Speaker, it is—

Mr. Speaker: The hon. member has spoken, and he is not entitled to speak again. I have given my ruling and the hon. member has spoken on this motion, so he is not entitled to speak again.

Mr. Howard: Perhaps I was presuming to appeal your ruling.

[Mr. Howard.]

Mr. Speaker: The hon. member has a right to appeal the ruling. If he is rising for that purpose, he may say so.

Mr. Howard: If I am prevented from speaking again, then I would appeal your ruling to the house.

Mr. Speaker: I have given my ruling. There is no point in debating it after it has been given. The hon. member is at liberty to take such course as he feels is necessary.

Mr. Erhart Regier (Burnaby-Coquitlam): If I may with your leave, Mr. Speaker, I should like to move, seconded by the hon. member for Timmins (Mr. Martin), the motion that has been moved except that I should like to amend it by putting in the words "this bill", where the words "the subject matter of this bill" are now.

Mr. Speaker: Would the hon. member present his motion properly in writing and the Chair will be glad to consider it.

I now have a motion, moved by the hon. member for Burnaby-Coquitlam (Mr. Regier) and seconded by the hon. member for Timmins (Mr. Martin), in these terms:

That this bill be referred to the Supreme Court of Canada.

By leave of the house, I should like to reserve my view on this amendment, if that would be possible, because it raises a matter of some consequence. I think it is desirable, in establishing a precedent, to be sure it is in accordance with our practice and procedures. Perhaps the hon. member would move or the house would consent to the adjournment of the debate to give consideration to this proposed amendment; is that agreed?

Some hon. Members: Agreed.

Mr. Speaker: Debate adjourned by consent.

Mr. McCleave: It is now close to six o'clock, Mr. Speaker. It would be a simple matter for any hon. member to read into the record for ten minutes some of the evidence in one of these cases. Unless there is going to be agreement to get some of these cases out of the way today, I think that perhaps it could be called six o'clock.

Mr. Speaker: Does the house agree that it it six o'clock?

Some hon. Members: Six o'clock.

Mr. Churchill: The Minister of Finance (Mr. Fleming) would like permission to revert to motions at this stage.

Mr. Speaker: Has the minister leave to revert to motions?

Some hon. Members: Agreed.

INCOME TAX ACT

NOTICE OF AMENDMENTS

Hon. Donald M. Fleming (Minister of Finance): Mr. Speaker, I should like to give the house notice of three amendments which will be proposed on Monday to Bill No. C-68, to amend the Income Tax Act. I have endeavoured to give the house notice of all such amendments in advance. If it met with the wish of the house, these amendments could be printed in today's *Votes and Proceedings* and be available to hon. members when the bill is taken up on Monday.

Mr. Speaker: Is that agreed?

Some hon. Members: Agreed.

BUSINESS OF THE HOUSE

Mr. Chevrier: May I ask the house leader whether there is any change in the order of business announced last night for next week?

Mr. Churchill: No. There is no change in the legislative program for Monday.

At six o'clock the house adjourned, without question put, pursuant to standing order.

Questions

ANSWERS TO QUESTIONS

The following answers, deposited with the Clerk of the house, are printed in the official report of debates pursuant to standing order 39:

HOME CIVIL DEFENCE SHELTERS

Question No. 409—**Mr. Martin (Essex East):**

1. Has the government taken any steps to provide financial assistance to individuals or families for the purpose of building home civil defence shelters?
2. Has the government started distribution of the pamphlet containing home shelter plans?

Answer by: **Right Hon. J. G. Diefenbaker (Prime Minister):**

1. The government has decided to include home shelters in the schedule of items for which home improvement loans may be made under the National Housing Act. Action is now under way to implement this decision.

2. Distribution is commencing this day of a pamphlet describing how to build a relatively inexpensive basement shelter designed to protect a family against radioactive fall-out. Fall-out is considered likely to be the most widespread danger to Canadians if a nuclear war should occur. Other pamphlets will follow, dealing with backyard shelters, shelters to be built into new houses, and shelters giving a degree of blast protection.

"NOVA SCOTIA (S.E. COAST) AND BAY OF FUNDY PILOT"—THIRD EDITION

Question No. 412—**Mr. Morris:**

When will a third edition of "Nova Scotia (S.E. coast) and Bay of Fundy Pilot" be published?

Answer by: **Hon. Paul Comtois (Minister of Mines and Technical Surveys):**

The third edition of "Nova Scotia (S.E. coast) and Bay of Fundy Pilot" is expected to be published before the end of July, 1960.

[The following items were passed in committee of supply]:

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

46. Departmental administration, $824,266.

NATIONAL FILM BOARD

238. Administration, production and distribution of films and other visual materials, $4,493,504.

239. Acquisition of equipment, $153,964.

NATIONAL GALLERY OF CANADA

240. Administration, operation and maintenance including grants as detailed in the estimates, $929,145.

241. Payment to the national gallery purchase account for the purpose of acquiring works of art in conformity with section 8 of the National Gallery Act, $150,000.

PUBLIC ARCHIVES AND NATIONAL LIBRARY

A—Public archives—

317. General administration and technical services, $569,613.

B—National library—

318. General administration, $192,619.

319. Payment to the national library purchase account for the purpose of acquiring books, in conformity with section 12 of the National Library Act, $40,000.

HOUSE OF COMMONS

Monday, June 20, 1960

The house met at 11 a.m.

HOUSE OF COMMONS

PRESENCE IN GALLERY OF DEPUTY SPEAKER OF INDIAN HOUSE

Mr. Speaker: Order. If hon. members will permit me, I should like to say on behalf of all members of the House of Commons a word of welcome to a distinguished visitor from India, the deputy speaker of the Lok Sabha, the House of the People of India, Sardar Hukam Singh, who is in the gallery today.

EXTERNAL AFFAIRS

DISARMAMENT—REPORTED RECALL OF CANADIAN REPRESENTATIVE FOR CONSULTATION

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, I should like to direct a question to the Prime Minister, arising out of a report which I have just seen; therefore I was not able to give him notice of the question. The report is that the British and the United States governments have recalled their representatives on the disarmament commission in Geneva for consultation. In view of developments in Geneva, is the Canadian government asking General Burns to return for that purpose? If so, would it be possible for him to appear before the committee on external affairs to discuss this subject?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, there is of course, as the Leader of the Opposition realizes, continued communication in the ordinary way with our representative at that conference. I have no knowledge of any request or desire on the part of the Canadian government for the return to Canada at this time of General Burns. Naturally if it becomes apparent that his presence here would be of assistance in determining any of the questions which may require consideration, a decision in this regard can then be made.

TRANSPORT

REPORTED DECISION OF RAILWAYS TO SUSPEND GRAIN SHIPMENTS TO VANCOUVER

On the orders of the day:

Mr. Harold E. Winch (Vancouver East): I should like to address a question to the Minister of Transport. Has the minister received a telegram from Vancouver expressing serious concern at the decision of the railroads to cease loading any more box cars with grain destined for Vancouver because of fear of a strike, even though the union concerned has not received, and therefore has not discussed, the conciliation board report? Can the minister make any comment on the situation?

Hon. George H. Hees (Minister of Transport): No, Mr. Speaker, I have not received the telegram. I will inquire whether such a telegram has been received by my office, but I have not seen it myself.

CANADIAN BROADCASTING CORPORATION

RENE LEVESQUE—REPORTED STATEMENT BY QUEBEC PREMIER

On the orders of the day:

Hon. Lionel Chevrier (Laurier): May I direct a question to the Minister of National Revenue and ask him whether he has seen this morning's *Le Devoir* as well as this morning's *Gazette*. The headline in *Le Devoir* reads as follows:

Si René Lévesque Retourne à R.-Canada, Nous Fonderons Notre Radio du Québec!

"If René Lévesque returns to the C.B.C. we shall establish our own radio station in Quebec." Has the minister any comment to make on that statement made by the premier of the province of Quebec?

Hon. George C. Nowlan (Minister of National Revenue): I have not seen either paper, nor have I read the statement to which the hon. member refers. I will do so today and give him an answer tomorrow.

Mr. Chevrier: I should like to ask another question. I will send the statement to the minister. According to present radio and television regulations, would the board of broadcast governors be justified in granting a licence to a provincial government to operate a provincial radio and television network on the sole ground that the provincial government does not like certain individuals appearing on C.B.C. programs?

Mr. Nowlan: This is a legal question which I am not prepared to answer at the moment, but I am certain that the board of broadcast governors would not make any judgment one

way or the other based on personal predilections or opinions or prejudices.

Mr. Chevrier: May I ask a final question which the minister can perhaps answer when he answers the first one. Would he inquire whether the government of the province of Quebec has made an application for permission to set up a radio and television network to replace the C.B.C.?

Mr. Nowlan: Such an application, as the hon. member knows, would have to go to my colleague the Minister of Transport, to be approved by that department before it would come before the board.

Mr. Chevrier: Then may I direct the question to the Minister of Transport?

Hon. George H. Hees (Minister of Transport): I have no knowledge of any such application.

INDUSTRY

AUTOMOBILES—REQUEST FOR REPORT ON RECENT CONFERENCE

On the orders of the day:

Hon. Paul Martin (Essex East): May I ask the Prime Minister if he is in a position to report to the house following his conference on Friday last with the heads of the Canadian automobile industry regarding conditions in that industry?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I met with representatives of the automobile industry, Mr. Walker, Mr. Sale, Mr. Todgham, Mr. Grundy and Mr. Dykes of the Canadian automobile chamber of commerce, and following their discussions with me they met with the Minister of Finance and possibly one other—

Mr. Martin (Essex East): The Minister of National Revenue.

Mr. Diefenbaker: The Minister of National Revenue. I am not sure that there was not another minister as well. They raised a number of questions, particularly with reference to values for duty. In that regard I may say that a study is going on with respect to the values for duty placed on automobiles, and discounts on the values of imported cars. These studies, of course, are in accordance with the usual practice of the Department of National Revenue. In addition they made representations regarding the tariff on automobiles in the United Kingdom. They pointed out that while automobiles exported from the United Kingdom to Canada came in free, there was a duty on imports from Canada into the United Kingdom, and they asked that consideration be given to this particular problem as well to the end that equality in this regard be established.

[Mr. Nowlan.]

BILL OF RIGHTS

REPORTED STATEMENT BY QUEBEC PREMIER RESPECTING PRESS STATEMENTS

On the orders of the day:

Hon. Lionel Chevrier (Laurier): I wish to direct a question to the Prime Minister in view of the statement made by the premier of Quebec as reported in *Le Devoir* of this morning, which I have sent over to his colleague the Minister of National Revenue and which reads as follows:

> Each time a reporter will make an accusation, he will have to prove it and to give his sources of information. He will have to prove his accusation or to apologize.

The question is this. Can the Prime Minister tell the house whether that statement is compatible with the bill of rights introduced in the house in September of 1958 and designed to ensure—

Mr. Speaker: Order.

Mr. Chevrier: —freedom of the press.

Mr. Speaker: I do not like to interrupt the hon. member, but it seems to me that the question is not an appropriate one for the orders of the day. We have standing on the order paper a bill of rights—

Mr. Chevrier: No, Mr. Speaker.

Mr. Speaker: It has been forecast.

Mr. Chevrier: May I be heard on this point?

Mr. Speaker: I expect there will be a debate, but the subject matter which the hon. member raises seems to be more a matter of the administration of the law than of the administrative responsibility of the Prime Minister.

Mr. Chevrier: I should like to be heard on that point, Mr. Speaker, if I may. My point is this. While the Prime Minister announced some days ago—one day last week, I think it was—that it is the intention to introduce certain legislation with regard to a bill of rights, it has not yet been introduced. Here we have a statement made by the premier of a province, a statement that contravenes the very intent of the bill of rights. It would strike me that the question is quite within the rights of a member of parliament to ask, having regard to the circumstances under which the statement was made.

Mr. Speaker: I am sorry, but I do not agree with the hon. member. In substance his question is this: would the bill of rights, if it were passed by this house and by parliament, have a certain effect? To ask even whether the present law would have an effect

on the matters raised by the premier of Quebec would be asking for a legal opinion, and in my opinion the question is not a proper one for this period.

FLOODS

TIMMINS, ONT.—INQUIRY AS TO DECISION ON REQUEST FOR ASSISTANCE

On the orders of the day:

Mr. M. W. Martin (Timmins): I should like to direct a question to the Prime Minister. Can the Prime Minister inform the house whether any decision has yet been made with regard to the request of the Ontario government for financial assistance for the victims of the flood in Mount Joy township?

Right Hon. J. G. Diefenbaker (Prime Minister): The information I have, Mr. Speaker, is that no decision has yet been reached.

IMMIGRATION

REQUEST FOR MEETING WITH REPRESENTATIVES OF CHINESE COMMUNITY

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I should like to ask the Prime Minister whether he has made any arrangements for a delegation of representatives of the Chinese Canadian community to present a brief to him as head of the government.

Right Hon. J. G. Diefenbaker (Prime Minister): I think I answered that question a week or so ago, Mr. Speaker, and said that consideration has been given to a meeting in this regard and that I would be available at an appropriate occasion convenient both to the delegation and to me.

Mr. Pickersgill: Perhaps I could ask the Prime Minister a supplementary question. Was the Prime Minister aware of the fact that over the week end there had been a meeting of representatives of the Canadian Chinese community from all over Canada, and that there was an announcement to this effect on the radio this morning?

Mr. Diefenbaker: An announcement to what effect?

HOUSING

STATEMENT ON REQUEST FOR INCREASE IN AMOUNT FOR DIRECT LENDING

On the orders of the day:

Hon. D. J. Walker (Minister of Public Works): In reply to the hon. member for Nipissing (Mr. Garland) who on Friday last in my absence directed to the Prime Minister a question as to whether or not Central Mortgage and Housing Corporation would consider making more money available for direct loans, may I reply that as and when any decision in this matter is made by the government, or if the government decides on any change whatever, an announcement will be made to the house.

INQUIRY AS TO ACTION TO AVOID DISCRIMINATION

On the orders of the day:

Hon. Paul Martin (Essex East): May I ask the Minister of Public Works whether he has yet received from the Department of Justice any formula which would avoid discrimination under the housing legislation which he promised some time ago he would see would be looked into?

Hon. D. J. Walker (Minister of Public Works): Mr. Speaker, I am glad to have that question from the hon. member for Essex East. We are at this time, and as a matter of fact were on Friday last, discussing with the Department of Justice and the deputy minister the question which perplexes us all and to which we would like a solution.

INTERNATIONAL DEVELOPMENT ASSOCIATION

APPROVAL OF ARTICLES OF AGREEMENT AND PAYMENT OF SUBSCRIPTION

Hon. Donald M. Fleming (Minister of Finance) moved that the house go into committee to consider Bill No. C-70, respecting the International Development Association.

Motion agreed to and the house went into committee, Mr. Flynn in the chair.

On clause 1—*Short title.*

Mr. Macdonnell: Mr. Chairman, I was a member of the committee which unanimously approved this bill. I might say that this unanimity is not always present in the committee, the members of which include the hon. member for Bonavista-Twillingate and the hon. member for Essex East, but in this case there was unanimity.

My purpose in rising is to express my satisfaction at what the government has done and also to try to put on record certain views, including certain statements by witnesses and people whose opinions are of value, so that these may be useful to those who will continue to assist the government in creating a stronger and stronger feeling toward our duties and responsibilities in assisting underdeveloped countries. In this connection I am hardly bold enough to hope I can interest the press. One of these days somebody will come along who will be of interest to the press, but

I shall put the evidence of these witnesses on record in the sincere belief that it will be useful.

First of all I would like to go to our own Prime Minister, one of the world figures of today, and quote a statement I quoted some time ago. The Prime Minister, has said:

> Economic assistance to underdeveloped countries is a major and mandatory need if freedom is to be preserved in the world.

Then I was delighted to observe the other day that while the Prime Minister was attending DePauw University he followed up that statement with this one, and I quote briefly from his words on that occasion. He gives certain statistics, and then he says:

> I do not need, in view of these statistics, to underline the arguments for sacrifice on the part of the industrialized countries in the field of economic assistance—

Then finally he says:

> There is no alternative to continuing with, even increasing, this type of international assistance and co-operation. Until the day comes when the less developed nations expand their capacity to trade and achieve self-sustaining growth, there is an unanswerable argument in favour of assisting them. It was with this argument in mind that, at the recent meeting of commonwealth prime ministers in London, it was decided to begin work on a program of economic aid to the emerging nations of Africa, the largest remaining area where international assistance has yet to be launched on a scale remotely consistent with present and future needs.

It has been made quite clear in the press that our own Prime Minister was a leader in connection with this movement for aid to Africa, and I am glad to think that is so.

I should like to quote briefly from a pamphlet by Paul Hoffman which I commend to all members, which is called "One Hundred Countries, One And One Quarter Billion People". In the first place he draws attention to what I feel is a very important point, namely—

Mr. Martin (Essex East): On a point of order, Mr. Chairman; I think the hon. member who is now speaking ought to be accorded the courtesy which his sense of responsibility and the seriousness of this matter warrant. We ought to have the opportunity of hearing what he has to say.

Mr. Macdonnell: I am grateful to the hon. member, I can assure hon. members that what I am saying is just as dull to me as it is to them. I quote from Paul Hoffman, who has this to say:

> There was a time not long ago when, everywhere in the world, resources were for the most part exploited rather than developed.

Then he goes on to say this:

> These attitudes and practices have changed markedly. Exploitation is widely recognized as shortsighted and self-defeating.

[Mr. Macdonnell.]

> Not long ago, it was unquestioned that "the poor are always with us," and poverty of the majority of the people in any country—and certainly in the world—was regarded as inevitable, to be alleviated, as far as possible, through charity. Only in the last 30 or 40 years have even the most advanced countries of the west accepted that a national society, operating through government, has the responsibility for creating conditions which spur economic development within its borders, relieve poverty, and raise the standard of living of all classes in the population.
>
> Today they are discovering that the same principles and similar methods work on a world scale, and that they yield similar beneficial results.

Then I shall quote a word or two from Mr. Hoffman dealing with his own proposal:

> My proposal is this: That we—all of us together—fix it as our goal to double in the 1960's, as compared with the 1950's, the annual per capita rate of economic growth in 100 countries and territories containing a billion and a quarter of the world's people. If we achieve this goal it will mean increasing the per capita economic growth rate of the less developed countries from an average of 1 per cent a year in the 1950's to an average of 2 per cent in the 1960's.

You will see that this is a rather modest objective he sets. Then I wish to quote what Hoffman has to say about the subject we are discussing now, that is the international development association. He speaks very warmly about it:

> A splendid first virtue of the proposed I.D.A. as an instrument for promoting economic development in the low income countries is that it will be a genuinely co-operative undertaking comprising, as members, both industrialized and underdeveloped countries. All members will make contributions; all will have a voice in the truly international administration that will result.

I should like to accentuate as best I can the fact that Mr. Hoffman and other competent people who have been close to this question stress again and again that this is a matter of investment and not charity; that the nations requiring assistance have to take the initiative themselves, in effect have to become creditworthy. It is not just the question of dishing out money to undeserving people, but a question of assisting people to help themselves. I continue:

> A second great virtue of the proposed I.D.A. is that, inasmuch as the world bank has gained universal renown as an efficient and effective and objective international financial institution, I.D.A., as an affiliate of the world bank, will borrow its accumulated experience, knowledge, and expert direction.
>
> A third virtue of I.D.A. is that it is not required to confine its loans to support of specific projects, but may extend its support to plans and programs that support economic development.

This outstanding man is known to most hon. members. He is the man who administered the Marshall plan which was such a brilliant success. He goes on to say:

> There is, nevertheless, a major shortcoming in the international development association as currently projected:

The authorization planned for I.D.A. is only $1 billion. One billion dollars over five years! This is obviously too little to come anywhere near meeting the minimum investment gap of $2 billion a year. And yet, there is no other institution either in existence or on the drawing boards that can take up the slack!

For this reason I welcome the fact that in the bill it is proposed that the amount contemplated shall be reviewed and, if necessary, increased. Here we have the statements of Mr. Hoffman, who has worked very hard to find out what is required. He strongly praises the I.D.A. but points out what is required.

I should like now to quote from a statement made by Adlai Stevenson which appeared in the magazine *Foreign Affairs* of January, 1960. I shall quote two short paragraphs from Mr. Stevenson's most interesting article:

To me the two most dangerous realities we now face are the multiplication of nuclear weapons and the disparity in living standards between the rich nations and the poor.

I will not read further from that section of his remarks but I wanted to bring that sentence to the attention of hon. members. Further along he writes:

The average annual income in the United States is more than $2,000 as against less than $100 for a third of the world's population. And the worst thing about this disparity is that the rich nations are getting richer and the poor poorer.

That is the opinion of a man with a world reputation. I think it is full of practical good sense. I like to remind myself that he is not merely a man of good common sense but was also the good governor of one of the largest states in the United States. He goes on to speak about figures:

Happily, there is, at long last, a growing realization here and among our friends that these are the decisive areas and that we must assist the underdeveloped peoples to advance to self-sustaining growth while preserving their independence and some hope of evolving a political democracy. Without an alternative to communist methods of development, we face grim prospects indeed in poor countries where literacy is low, hunger high and the gap between resources and population widening.

I wish to read just one sentence of a speech made by Mr. Eugene R. Black at Oxford University on March 3 last. He is the banker who has lent some $5 billion on business terms without loss. In one paragraph he outlines the responsibility that must be taken by those who wish to benefit. He says, for example:

How important it is to develop a pride of workmanship so that every ounce of resources available for promoting higher material living standards is used as efficiently as possible.

I hope that will convey to every hon. member an idea of the responsibility that he is laying on the underdeveloped countries. He then goes on to utter a sentence every word of which I commend to hon. members.

And how important it is that the free world community stand ready to pledge whatever measure of its wealth can be usefully absorbed in this endeavour.

He is not asking us to waste our money but to pledge whatever measure of wealth can be usefully absorbed in this endeavour. Mr. Black is a hard-headed banker and I suppose knows more about these world-wide problems than any other man on the planet. I remind hon. gentlemen of the contribution Mr. Black made to the solution of the problems of the Indus waters.

I wish now to quote a sentence or two from a well-known writer in the London *Economist;* Barbara Ward, one of the most brilliant people living. She made a statement which I think really puts us on the spot. If we agree with it then we must do something about it. If some do not agree with it, that is their privilege. This is what she said:

As the world enters the 1960's, one fact seems sure. The pace of revolutionary change, in every sphere of human affairs will gather momentum.

The breakthrough accomplished in the fifties in weapons, in space research, in every type of scientific advance; the political breakthrough of a score of new nations; the emotional breakthrough of a third of humanity hungering for economic growth —all these forces will expand explosively to make the sixties a period of challenge and change unequalled in human history.

What, in these circumstances will be the response of the western powers? The answer depends not only upon the new political leadership available in the west, it depends profoundly upon the sort of people the free nations have become as they face the mounting crises of their age.

Mr. Martin (Essex East): The hon. member does not identify his quotation. Is that from her lectures at the University of Ghana?

Mr. Macdonnell: That statement is from the New York *Times* of December, 1959. I should like now to make a brief reference to a remark made by a man who I believe is familiar to us all, Sir Douglas Copland. He was the Australian representative here for years. In a proposal reported in the *Globe and Mail* of June 8, 1960, he stated:

Canada and Australia should give leadership in assisting underdeveloped countries.

Thank goodness we in Canada have given some leadership. Then he went on to speak about the question of trade. Hoffman has very strongly made the point that aid makes trade. That is a point which Hoffman underlines. Sir Douglas Copland goes pretty far in referring to the subject. He suggests:

There is no reason—why the western world should not contribute perhaps 1 per cent of its national income to underdeveloped countries.

Some people will think that is a lot. The statement to which I really wish to direct hon. members' attention is this:

> To some people a suggestion that 1 per cent of national income should be set aside as a contribution to underdeveloped countries will be regarded as a cost. This is far from being the case. It should be regarded as an investment from which the return will be very high.

I think it is terribly important for us to understand that. If we believe that statement it will take us a long way.

I will read another short paragraph from Hoffman which I think is full of practical good sense.

> The expression "trade and aid," which is used so often these days, conveys the subtly misleading impression that "trade" and "aid" are separate entities, that they might be mixed in varying proportions in promoting development in the low income countries, and even that one might be substituted for the other. This is, of course, false. Aid is trade. Investment is trade. The dollars or pounds or francs or marks that are expended on foreign aid and investment in the low income countries are only symbols representing food, textiles, metals, machinery, and other manufactures produced in the industrialized countries and exported to the developing countries, and technical services made available to them in support of their development. Aid and investment abroad is therefore more than trade; it is production and employment both in the investing and in the recipient countries; and it is economic growth and increased prosperity all around.
>
> Once we get this idea fixed in our heads, we can banish the idea that aid to and investment in the underdeveloped countries is charity or that it is a one-way street.

I commend those words to hon. gentlemen. I might say that this pamphlet is available, and I suggest that everyone should read it. It is packed full of practical good sense from a man who without exaggeration has to his credit the fact that he set western Europe on its feet.

I am almost finished now, Mr. Chairman. I wanted to put forward these things which I have read to you. I suggest that people have a choice. Needless to say, those people to whom I have referred know what they are talking about. It is not a lot of hooey but sober practical common sense. If you believe these things then the answer is you have to do something about it.

We have done something about it. I read to you what Mr. Hoffman said in welcoming the I.D.A., suggesting that that is what is implied in the act itself, because he leaves the door open for additional funds. I suggest that these words are weighty words. I suggest that what Barbara Ward said about those explosive questions facing us in 1960 is a simple statement of fact, and if it is a simple statement of fact we cannot run away from it. I suggest that in the past this nation to which we belong, when it has been faced with something that was regarded as a real emergency, has always stood up to it.

I do beg that you who are leaders in your communities, who are here responsible for legislation, who are approving this legislation, which is a fine step in the right direction; having heard the words of our own Prime Minister and of other people; having heard the words of those practical men who have been doing things in this matter; having heard what to me was a very good idea, that exploitation is receding and investment developing may not remain inactive but may do something about it.

I was anxious to bring these things forward. I hope the witnesses I have called and their words may carry much further than mine. If they do, I have not wasted your time.

Mr. Thomas: I should like to lend my wholehearted support to the efforts of the hon. member for Greenwood in creating public interest in this matter of support for underdeveloped countries. I do not wish to take up the time of the commitee except to assure the hon. member for Greenwood and this committee that my support is with him.

Mr. Regier: All I want to say at this time in support of the bill is to place on record the fact that while we are asked by the terms of this bill to authorize Canada's participation to the extent of $37.83 million, under the articles of agreement of the international development association our obligation initially is going to be only 10 per cent of our initial subscription. In other words we are obligated to spend within the next number of months only the sum of $3,783,000. We cannot let the people of Canada believe that we are now investing $37.83 million in this field of international aid. All we are doing is investing $3,783,000. Then we have about an equal amount which is payable one year later, and another similar amount one year after that. I feel that, much as we welcome this move, it should not be misunderstood by the Canadian people that we are immediately about to invest $37.83 million, because the articles of agreement allow us a goodly number of years in which to pay our full original subscription of $37.83 million.

When he replies, I should like the minister to indicate whether there has been any approach made in the evolution of this organization to obtain the co-operation and the participation of nations behind the so-called iron curtain. I feel it most regrettable that in the matter of international aid we are continuing to grant this aid as a western bloc, while the countries behind the iron curtain are granting their forms of aid in their own way. If the word "international" in the bill means anything at all it ought to

mean that this is international indeed. I regret that political implications are involved and are being used in so many of our international aid programs. I should like to have a little bit of an accounting on whether any of these countries have been asked to participate—I mean the so-called iron curtain countries—and what their reaction has been.

Mr. Pearson: Mr. Chairman, I wish to say just a word on behalf of our party in support of this bill, which was given very careful and sympathetic consideration in a committee of this house. Although I was not a member of that committee I have had the opportunity of reading the record of its proceedings and, as my hon. friend from Greenwood in his very constructive and thoughtful observations of a few moments ago pointed out, in respect of this matter there seems to be unanimity in the house.

The purposes of the bill are such, of course, that they must, I think, commend it to all of us. The committee report quotes Mr. Rasminsky, who is familiar with these matters, as having stated its purposes by reading article I of the bill, namely that:

> The purposes of the association are to promote economic development, increase productivity and thus raise standards of living in the less-developed areas of the world included within the association's membership.

At one time there were those who had some hesitation about the possibility of realizing these purposes through this association without causing some overlapping or some confusion and, indeed, without having some result of which we in Canada perhaps would not entirely approve. However, I think the justification for the association has been the great difference between the loans that are to be made under this association and those made by the bank itself. As was pointed out by Mr. Rasminsky and, indeed, as has already been pointed out by the minister, the terms would be somewhat easier in connection with loans under the I.D.A., and therefore loans could be made for economic development under the I.D.A. which perhaps should not be made under the bank as it is constituted at present. I think that does indeed justify the establishment of this association.

The hesitation which I know members of the government may have had when the association was first put forward have been removed in a way which Mr. Rasminsky and the minister have already pointed out. Particularly there is the hesitation and doubt once felt—and perhaps we may also have some questions to ask about this when we deal with the clauses of the bill—about the possibility of using this fund for United States surplus disposal programs in a way which we could not support. That is one doubt which was very much in all our minds at the time and which, so far as the government is concerned, has been removed.

The purposes of the bill, as I have said, are such that they commend themselves to all of us. They represent a further effort to meet what the hon. member for Greenwood has just referred to as a major and mandatory need. In the efforts that are being made internationally to meet this need, I think the time has come when we have to be careful that we do not proliferate our international agencies for this purpose. We have a good many now, and perhaps we should be more careful in the future than we have been in the past about relating the work of all these organizations, international in scope under the United Nations and under the Colombo plan arrangement, so as to make sure that they do not get in each other's may.

The need is great and, as the hon. member for Greenwood has pointed out, the need is not decreasing but increasing. I think he quoted that figure that Adlai Stevenson put forward in a speech not long ago of a requirement of $5 billion a year by way of assistance from what we call the developed countries to meet the needs of economic development in what we call the underdeveloped countries. The gap between the developed countries and these underdeveloped countries is not lessening in this respect but is widening. In other words the need is growing, not diminishing, in spite of the acceptance of reponsibility by the developed countries to do what they can to meet that need. That in itself is an encouraging development, because I think this is the first time in history that the more fortunate nations have accepted formally, through international organizations, a responsibility for helping the underdeveloped and less fortunate countries.

But the need is great and is increasing. I read not long ago—I think I am right in my memory of the figures—that the per capita increase in the national income of the United States over a recent period of a few years—I cannot remember the exact period—was greater than the total per capita income of many of the Asian and African countries. We are perhaps falling behind in meeting this necessity rather than gaining in meeting the requirements that are before us. In other words, we are falling behind in the race between resources and existence in so many countries.

The purposes of aid are, of course, just as important as the aid itself. That is why it is of such great importance to have aid of this kind, whenever possible, given under the United Nations where the political fears, suspicions,

pressures and influences just referred to need not exist. Surely aid under the United Nations should be above suspicion. When the hon. member for Burnaby-Coquitlam talks about the undesirability of any political strings being attached to western aid he is, of course, quite right; but aid under the United Nations does not and need not have these suspicions associated with it.

While all countries in the west may not be above suspicion in these matters, surely the record of the west and the record of the United States in what has been done to help meet these needs bear comparison not only in quantity but in purpose and in manner of distribution with the aid from the U.S.S.R. and countries behind the iron curtain. I know there have been some instances where aid from the U.S.S.R. has been very carefully proposed and as carefully administered to give the impression that there was no political purpose attached to it in any way, shape or form. That has happened in some cases, but in other cases the connection between politics and aid from the U.S.S.R. has been open and blatant.

I am thinking particularly of the help the U.S.S.R. once gave Yugoslavia. Immediately Yugoslavia refused to buckle down to Soviet foreign policy, that aid was cut off without a trace. So while it is desirable to remove from aid any political purposes of the kind that have been mentioned, I think this kind of proposal does just that. If the Soviet union and its friends criticize the United States, particularly, for tying up aid to political purposes, even under the United Nations, it should not be forgotten that any time the Soviet union so desires it can join in this kind of United Nations activity. So far it has not shown much desire to do so. Perhaps that is the most effective commentary on the criticism which we do get at times from the U.S.S.R.

The question of keeping international aid out of politics has a bearing on whether it should be in the form of grants or in the form of loans. That is why there is a good deal to be said for increasing our aid of this type under the development association and under the world bank in contrast to direct grants, some of which, while no doubt welcomed by the countries receiving them, do carry with them a kind of stigma of charity which no self-respecting people wish to have attached even to the kind of help they are getting from countries like our own. Therefore this kind of assistance under the international development association has that to commend it. It is the kind of assistance that could not be criticized on any of the political grounds mentioned this morning.

[Mr. Pearson.]

I think that is all I need to say now, Mr. Chairman. When we come to detailed discussion of the bill we may have some questions to ask. Meanwhile I want to repeat what the hon. member for Essex East has already said on second reading, that we are wholeheartedly behind the purposes of the bill, that we think it is well designed to carry out these purposes, and that this is a very appropriate contribution for Canada to make.

Mr. Fleming (Eglinton): Mr. Chairman, I thank hon. members for what they have said concerning the bill and for the unanimous expressions of support for the measure which have been heard at all stages.

There were only three matters raised that I think call for specific comment at this point. With regard to the point raised by the Leader of the Opposition as to the possible use of counterpart funds, I simply refer to article III and particularly section 1 of the articles of association in that regard.

The hon. member for Burnaby-Coquitlam raised two points. The first related to the terms of payment. Canada's subscription to the international development association is $37,830,000 in United States funds, and that is the amount which the bill will authorize the Minister of Finance to provide out of the consolidated revenue fund.

Mr. Martin (Essex East): The minister referred a moment ago to an observation made by the Leader of the Opposition and directed our attention to article III, section 2.

Mr. Fleming (Eglinton): Article III, especially section 2.

Mr. Benidickson: The minister said section 1.

Mr. Fleming (Eglinton): Especially section 2.

The terms of payment of the subscription are set forth in article II, section 2. Under its provisions 10 per cent of the initial subscription of each original member shall be payable in gold or freely convertible currency in the manner set out. Payment in full, of course, is not required by the association at the beginning. It is not necessary that it have all subscriptions paid in full, and that is the reason that the articles make provision for payment over a five-year period.

Mr. Benidickson: Of the 10 per cent?

Mr. Fleming (Eglinton): No. If the hon. member will let me finish I think it will be clear. The subscription in the first year is 23 per cent and in each of the four subsequent years 19¼ per cent of the aggregate amount.

The other point raised by the hon. member for Burnaby-Coquitlam concerned the possibility of countries behind the iron curtain joining the international development association and becoming members of it. Only members of the international bank are eligible for membership in this new association, and none of the countries behind the iron curtain has chosen to become a member of the international bank. I might point to the list of countries eligible for membership in the international development association, and that list appears in schedule A on page 23 of the bill. It will be observed that Yugoslavia is one of the countries mentioned in part II of the bill, but no country behind the iron curtain is eligible unless it first becomes a member of the international bank.

Clause agreed to.

On clause 2—*Articles of agreement approved.*

Mr. Martin (Essex East): There is a point or two I should like to make, not that there is any issue between the minister and those of us sitting on this side on what I have to say, but because it is important and one wants to give further emphasis by way of putting it into the record. When I spoke on second reading of this bill I called to the attention of the minister and those concerned the fact that the international development association might be used by the United States to further its surplus disposal program. The minister observed that that was, of course, not the intention and that the articles of agreement, as now worded, precluded that possibility. I agree with the minister that an interpretation of the revelant articles do not warrant the use by any country of its surplus disposal program in a way that would contravene the intention of this institution.

In the committee, Mr. Rasminsky was questioned by hon. members, including myself, on this point. He stated that when the matter was in the discussion stage, speaking on behalf of the government of Canada he did observe that he would not want to see the international development association operate as a kind of adjunct to the surplus disposal program of the United States. He also pointed out, of course, as is the case, that anything that was said in those meetings by anyone on behalf of any country did not have the effect of law any more than a debate in this house, in connection with legislation, is in itself an expression of the law and so recognized by the courts. Mr. Rasminsky also assured us that the point of view he expressed was a point of view that had been shared by the other directors. Then he called our attention to some commentary made in the special report of the national advisory council, to which I had directed the attention of the house and also the committee when this matter was discussed in the latter place.

My concern was with regard to the letter of transmittal by the President of the United States to the congress in which he used language that, in my judgment, was open to an interpretation not consistent with what I believe the articles of agreement specify, and certainly not open to the interpretation which the minister has given us with respect to the intention of all the parties.

I simply rise at this time to call attention to what Mr. Rasminsky said in that connection, to note especially his comment with regard to the letter of transmittal by the President of the United States, and to place alongside that letter the actual reference to the national advisory council which will be found at page 25 of the evidence before the banking and commerce committee on June 14. If, in the future, the United States or any country should use this agency to further its surplus disposal program in a manner that would be inimical to the interest of this country—I say this because of past situations—that would be a clear violation of this agreement to which Canada is now being asked to extend ratification.

Mr. Benidickson: May I draw to the attention of the hon. member for Essex East the reference he has just made to page 25 of the banking and commerce committee report which deals with this bill. I find that immediately before the reference he made there is a misprint in the evidence of the committee, in that to find the quotation that was given on second reading of the bill by the hon. member for Essex East, one does not go to page 4331 but to page 4631 of *Hansard.*

Mr. Martin (Essex East): I thank the hon. member.

Mr. Fleming (Eglinton): As hon. members are aware from the discussion both in the committee and during previous public references to this matter, this question of the possible use of counterpart funds acquired by the United States through its agricultural surplus disposal activities was one that gave the Canadian government some concern. In speaking on behalf of Canada at the annual meeting of the governors of the international bank in Washington last autumn I stated our concern in that respect. Mr. Rasminsky referred to my statement and quoted it in his testimony before the committee on June 14. Steps have been taken in the drafting of the articles, during the meetings which occurred in the autumn and winter, to deal as effectively as was possible with this problem.

The article which contemplates the possible use of such funds is article III, which is divided into two sections. The first section deals with additions to the resources in the form of additional subscriptions. Additional subscriptions may be made under decision of the association only by a two thirds majority of the total voting power.

Section 2 of this article deals with the provision of supplementary resources by a member in the currency of another member. This is the provision under which it might be possible for a country like the United States, holding a substantial amount of currency of other countries, to seek to offer these sums in foreign currency to the association for its use. I point out that such sums could only be accepted in that case by a decision of the association. That decision would not require a two thirds majority, but a simple majority in the ordinary way. No country has a right to make additional subscriptions to the association merely by turning over large sums of foreign currencies which it holds. This can be done, I emphasize, only by a decision of the association itself. The acceptance of such funds by the association does not give any additional voting rights to the country that has subscribed this foreign currency. It gives it a right, in that event, only to receive a special development certificate.

Then there is a further safeguard in subclause (c) of section 2 which reads:

> Nothing in this section shall preclude the association from accepting resources from a member in its own currency on such terms as may be agreed upon.

I stress the fact that the matter is left under the control of the association. The United States subscribes, in round figures, about 32 per cent of the total capital. In so far as what is likely to happen is concerned, I think that is best summarized by Mr. Rasminsky in that passage of his testimony recorded on page 25, which followed the quotation to which the hon. member for Essex East referred concerning the statement by the national advisory council. Mr. Rasminsky followed with this statement:

> I would not say that was an enthusiastic statement of possibilities. I cannot guarantee, of course, that the American hopes and aspirations are the same as ours in this connection, but against the background of the whole record of these discussions I think that the management of the institutions will be quite cautious about bringing proposals forward regarding these supplementary contributions.

I think it is quite clear that if any proposal is made to ask the association to accept counterpart funds in pursuance of section 2 of article III, the Canadian representative would wish to give such proposals very strict scrutiny.

Mr. Benidickson: In addition to the safeguards referred to by the minister just now, my recollection is that in his testimony Mr. Rasminsky placed a great deal of weight and importance in this regard upon article III, section 2, subsection (a), particularly the stipulation that even the association shall not enter into any such arrangement unless the association is satisfied that the member whose currency is involved agrees to the use of such currency. Does the minister not attach considerable weight to that stipulation?

Mr. Fleming (Eglinton): I fully agree with that statement. I intended to mention that matter. It is another safeguard that the country whose currency is held in the form of counterpart funds must agree. It might have strong objection to enter against any attempt on the part of the country holding its currency in counterpart funds to turn it over to the international development association for use. It might seriously affect the value of its currency, all its fiscal and trade plans and indeed its monetary plans. As the hon. member for Kenora-Rainy River has pointed out, this is another important safeguard in this respect.

Clause agreed to.

Clause 3 agreed to.

On clause 4—*Payment of subscription out of consolidated revenue fund.*

Mr. Regier: I should like to ask the minister why the clause allows him to make payment only in line with the articles of agreement. I can easily imagine that a year or two hence the international development association might see adequate use for all its authorized capital. Yet as I read this particular clause the minister would not have any authority to pay out the remaining unpaid portion of the Canadian subscription, because he has legislative authority to pay only in accordance with article II of the memorandum of agreement. Would the minister not be more useful to the aims of the international development association if this particular authority for which he is now asking would grant him permission to pay out the whole of the Canadian subscription at any time the governor in council deemed it advisable to do so? After all, it is not a great deal of money; it is $37 million. Yet the terms of article IV place the minister under a handicap, or they might place him under a handicap.

Mr. Fleming (Eglinton): All hon. members will appreciate the fact that parliament cannot change the articles of the association. We can decide whether or not Canada will become a member of the association. The terms

on which Canada has the opportunity of becoming a member are to be found in the articles of the association. All we can do is ask parliament to approve of Canada's adherence to the association on the terms set forth in the articles of association.

What the hon. member has in contemplation would, it seems to me, involve a change in the articles of association, and that matter would have to be dealt with in the light of the amending procedure contained in the articles of association themselves. If the articles were to be changed in any way that involved a change in the terms of payment that parliament has authorized, then it should be brought back to parliament for parliament's decision.

Mr. Regier: I hope I did not misunderstand the minister. Does the minister mean to say that if Canada immediately paid its whole subscription, Canada would be violating the terms of the international agreement?

Mr. Fleming (Eglinton): I would rather put it the other way and say that we would be going beyond the terms of the agreement or the terms of the articles of association.

Mr. Benidickson: Both in the debate in the house and in committee the minister made some reference to certain misgivings he originally had when this proposal reached the Canadian government; and at these international meetings he was the senior delegate representing Canada. This matter was not elaborated on too much in our original debate, and I asked Mr. Rasminsky to try to summarize for the committee on banking and commerce what were the principal misgivings of the Minister of Finance. In reply Mr. Rasminsky indicated that one of what he called the preoccupations of the Minister of Finance, when these discussions took place, was the possibility that use would be made of local currencies by the bank and that this might lead to inflation. I take it that this is the article in the agreement upon which the government relies in the belief that this misgiving or this preoccupation to a considerable extent has been eliminated or reduced; and I take it that the reference is to this phrase, that the use of currencies must be "consistent with sound monetary policies", something of course would be determined by the board of the association.

Clause agreed to.

On clause 5—*Annual report.*

Mr. Martin (Essex East): I want to ask a question on this clause. Before doing so, however, I should like to say to the hon. member for Greenwood—and I neglected to do so when I spoke a moment ago—how greatly we were all impressed by his remarks. The hon. gentleman who is one of the senior and most respected members of the House of Commons, has all his life had a great interest in international problems. As a businessman and now as a member of parliament he has displayed an intelligent interest in the means by which we believe it is possible to remove the tensions that exist in the world. The speech he made this morning is the kind of contribution we would have expected from a man who has interested himself in these matters for such a long time.

I should simply like to ask the Minister of Finance whether he can tell us what countries under part I have taken the necessary steps, pursuant to their constitutional requirements, to ratify or adhere to these articles of association; and likewise, what countries under part II have taken the necessary steps in this regard.

Mr. Fleming (Eglinton): I have not full information on that point. Naturally this question is engaging the attention of a good many countries at the present time. When I spoke at the resolution stage on June 7 I referred to the steps that have been taken by several of the principal countries in the light of their normal constitutional procedures in this respect. The hon. member will find that at page 4627 of *Hansard,* the first column. I said:

> The agreement will not come into force until it has been signed on behalf of the governments whose subscriptions comprise not less than 65 per cent of total subscriptions. Many of the main potential contributors have already initiated the legislative action necessary to allow them to become members of the association. In the United States the Senate has already approved the legislation; the banking and currency committee of the House of Representatives has also approved it and the legislation is expected to go before the house some time this week. In the United Kingdom I understand from our latest information that the second and third readings of the bill have been completed in the House of Commons and the second reading in the House of Lords. In Australia the legislation has received royal assent. In other countries, such as Germany, France and Norway, legislative action has also been taken.

My subsequent information is that in the United Kingdom the bill has now passed both houses and has become law.

Mr. Regier: I know the minister is interested in this part of the bill, but I regret to say I very often notice that within a week or so after the estimates of a minister have been passed in this house we get an official copy of the latest annual report which is a lot more up to date than the one available to members of the house at the time it is considering the estimates of that minister. In this regard I hope that when the minister is asked, as he is here, to prepare a report of operations under this act, he will ensure that whenever his annual estimates appear

before this house we will have as recent an annual report as it is possible to have, and that we will not receive a later one just a few weeks after the passage of the estimates.

However, what I rose to say was that I would like to ask the minister exactly how members of this house are able to obtain information as to what happens in regard to a matter of detail when an international organization such as the one of which it is now proposed we become a member has its meetings. I have reference, for instance, to meetings which are being held under the Colombo plan. I am particularly interested in what happened in the case of Canadian participation in the reactor which we helped to build under the Colombo plan. I would like to look at the minutes of a meeting which was held in Bombay on a certain date by officials of the Colombo plan in which Canada's participation was involved.

How are members of this house to obtain information? I think even the minister will admit—and being a Conservative I think he will readily agree—that an international agency can very easily remove itself from real democratic control and efficient supervision. Therefore how are members of the legislatures of participating countries to equip themselves with the necessary information in order that a proper observation can be made of the activities of these international organizations?

Mr. Fleming (Eglinton): First of all, Mr. Chairman, if I correctly followed the remarks of the hon. member with regard to the annual report, he is confusing two kinds of reports. The report which is contemplated by clause 5 of the bill is a report by the Minister of Finance to be tabled in the house as provided. In this respect the present bill follows the Bretton Woods legislation precisely, and the Minister of Finance annually tables in this house a report on the operations of the various Bretton Woods organizations.

Some time ago in accordance with a similar clause in the Bretton Woods legislation I tabled an annual report which covered the operations of the international bank for reconstruction and development, the international monetary fund and the international finance corporation. If this bill passes it will be the responsibility of the Minister of Finance next year and each succeeding fiscal year to lay his report before parliament within 30 days after the end of that fiscal year or, if parliament is not then sitting, on any of the first 30 days next thereafter that parliament is sitting.

The hon. member asked about reports of these organizations themselves. These organizations do issue annual reports; at least their responsible officers do. Those reports are submitted to the annual meetings of the governors of these institutions; that is to say, the governors of the international bank, the governors of the international monetary fund and the directors of the international finance corporation. Those meetings are normally held in the last week of September or sometimes in early October, depending on where they are held. No minister of finance of this country has any control over the date when those reports are issued; they are not his reports. His report as provided by this legislation is a different document entirely.

The final matter that was raised by the hon. member concerned the details of management of some organizations engaged on an international basis in sending aid, such as the Colombo plan. The administration of the Colombo plan as far as Canada is concerned is a matter of interest principally to three departments of government; the Department of External Affairs, the Department of Trade and Commerce and the Department of Finance. On the administrative side the Department of Trade and Commerce is the one principally involved, because the Colombo plan organization operates under that department. The practice when I was a private member and a member of the standing committee on external affairs of this house was that we always made our inquiries and detailed review of the operations of the Colombo plan and Canada's part in it annually on the estimates of the Department of External Affairs in the standing committee on external affairs.

Mr. Martin (Essex East): I would like to say a brief word on this point which has been raised by the hon. member for Burnaby-Coquitlam, because I think it is an important point. We urge that the treasure of this country should be shared with other countries by assisting the less developed countries of the world. Sometimes one runs into considerable opposition in putting forward what I believe most of us in this house recognize as an essential policy on the part of government in the interdependent world in which we live. But if we run into these objections, sometimes responsibly made and sometimes irresponsibly made, we should be prepared to give evidence of careful administration in the dispensation of funds which go from the Canadian taxpayer to assist people in other countries.

The hon. member for Burnaby-Coquitlam asked how we could get reports on the operation of this particular institution, with

special emphasis on the part that Canada has committed herself to play. I should think it must be clear at the outset that the opportunity in the case of the international development association is not as easy as in the case of the Colombo plan. The assistance given by the international development association is institutional assistance. The administration of the fund in the case of the I.D.A. is something that resides outside of Canada. The operation will be through the directors, who have a close affiliation with the international bank. In fairness I think one should say that the administration of the bank under Mr. Black has been so efficient that one may be sure that the moneys appropriated by this parliament are going to be carefully expended by him and his colleagues; but in any event that does not alter the right of the hon. member to question or to ascertain what has been done with the funds voted by parliament.

The minister, of course, will have to account for any funds voted by this parliament and expended by Canada as a member of the international development association. There would be that opportunity, I suspect, not only through interrogation and debate in the house but through participation in the committees of the house and particularly in the committee on external affairs.

With regard to Colombo plan expenditures, I do not know what the hon. member had in mind particularly when referring to the reactor in Bombay. I am not questioning his right to refer to that expenditure, because the contribution of Canada was very considerable. I believe the total expenditure is somewhere in the neighbourhood of $40 million, half of which came from Canada. One would want to make sure that the moneys spent on a project like that or on any other project were wisely spent.

In the case of the Colombo plan it should be remembered that the control on the part of the donor country is much greater, at least in principle, than it would be in the case of the project immediately before us, because the Colombo plan does not operate institutionally. It may be an international association in terms of general policy, but whatever moneys are expended by an individual country are expended by that country as the result of a bilateral arrangement made with the receiving country. In that narrower relationship there is a greater opportunity of checking up on the expenditure than there would be in the case of institutional assistance. I believe the hon. member was justified in putting this question, because we have to be able to satisfy ourselves and the Canadian people that the moneys expended in this way are being wisely spent.

We know of instances with respect to United States assistance to some of the smaller countries in Asia where there has been squandering and in some cases corruption. That situation naturally causes doubt and suspicion. In the case of any assistance given by Canada I am sure there would be no justification for any suspicion of that kind, because the administration of the Colombo plan is carefully scrutinized and I know that the Minister of Finance, as his predecessors did, exercises very great care in that regard.

I rise only to support the question put by the hon. member. I myself from time to time have run into criticisms about the expenditure of these funds. I believe we all want to feel that the greatest care is taken by those responsible for seeing that the moneys are devoted to the purposes which parliament intends.

Mr. Benidickson: Mr. Chairman, the hon. member for Essex East has very commendably referred to the desire on the part of the representatives of the taxpayers to assure the likelihood of moneys of this kind being dealt with in a manner that would satisfy the people who make contributions to funds of this kind. In the committee on banking and commerce we were all greatly encouraged to feel that we are very fortunate in having a new fund of this kind completely in the hands of experienced people such as those who have administered the world bank.

It is a remarkable achievement on the part of those connected with the world bank to be able to report that over 13 years they have lent $5 billion without loss. I believe those loans have gone to some 50 countries around the world. The Minister of Finance is a governor of the world bank and the international monetary fund. It is my recollection that the two organizations usually meet at the same time, most often in the autumn, but I was wondering how much more frequently, if at all, the governors of the bank meet.

The morning newspapers of both Montreal and Toronto carried substantial journalistic reports of the activities of the banking and commerce committee last week and of the purposes and functions of this proposed new lending agency. The article concluded by quoting the deputy governor of the bank who regularly has been representing Canada at the meetings of the world bank and presumably will be our senior official in the month to month operations of the new agency. The Canadian Press article quotes Mr. Rasminsky as saying:

> One of the remarkable developments of the last 15 years is the extent to which the richer countries of the world have assumed this obligation—

It has been part of the current thinking of the community—part of the current morality, if you like.

That of course I should hope would be reasonably valid. I certainly was impressed the other day by the remarks made in the committee by the hon. member for Greenwood who quoted such world-renowned witnesses as Adlai Stevenson, Mr. Hoffman, Miss Ward and others. Many of those comments the hon. member repeated here this morning.

The Leader of the Opposition referred to one of the quotations in the testimony as to the disparity between incomes in the developed and the underdeveloped countries. According to Mr. Hoffman the disparity is even greater than was mentioned this morning by the Leader of the Opposition. He indicated that in one country alone in the western world the per capita income showed an increase over the past 100 years that was double the rate of increase shown in respect to the total per capita income of the underdeveloped countries. According to the information provided by the hon. member for Greenwood the position was considerably worse than that. All the nations of the western world in the past few years have shown increases in per capita income which amount to twice the existing per capita income in the underdeveloped nations. In other words the increase in the western nations has been twice the total present annual income in the underdeveloped countries.

It was mentioned this morning that the per capita income increase in the United States is four times what the present income is estimated to be of those living in the underdeveloped countries. We are all very disturbed to find that while there has been some improvement as the result of funds of various kinds, including the United Nations special fund, the Marshall plan and the economic assistance provided through the world bank, the Colombo plan and other agencies, the startling fact remains that notwithstanding the billions of dollars provided over a period of nine years it is estimated that the per capita annual income in the underdeveloped countries has risen only to the extent of between $10 and $15 per year which works out to an increase of between $1.50 and $2 per person.

In the committee a question was raised as to just how far $1 billion through this new agency, however worth while it is, might go in accomplishing the objective of raising living standards in the underdeveloped countries which Mr. Rasminsky has described as part of the thinking and current morality of the community of western nations.

Mr. Brunsden: Have you the figures in terms of percentages?

Mr. Benidickson: No; the figures are quoted by Mr. Hoffman, who directs the United Nations special fund. He simply indicated that the rich are getting richer, and have been in the last nine or ten years, and that the progress in lifting the per capita income of the underdeveloped nations, despite the help that has been extended, has not been very impressive. The figures given indicated that the per capita income in 1950 in the 100 less developed countries and territories was estimated at $110. In 1959 it was estimated that it would reach $125 or perhaps as much as $130, a net gain of some $15 to $20, as I indicated earlier, in 10 years. Then Mr. Paul Hoffman went on to say:

The average increase in per capita income in the western nations between 1950 and 1957, the last year for which figures are available, was approximately $300—

That is in all the nations. I continue:

—in the United States it was $530.

He concluded with this very striking statement:

It is quite all right for the rich to get richer; but disturbing and distressing to have the desperately poor people remain desperately poor.

Mr. Fleming (Eglinton): I think it might be mentioned for reference purposes that that is to be found on page 34 of the minutes of proceedings and evidence of the standing committee on banking and commerce.

Mr. Benidickson: In connection with operations, I wish to deal with some of the details of this article in the agreement. I refer to Mr. Rasminsky's summary of some of the misgivings of the Minister of Finance when this proposal was originally advanced by the United States. In addition to the one I mentioned earlier, Mr. Rasminsky said that the minister had, as a second concern, the possibility that there would be trade distortion effects and that loans of this kind might result in uneconomic diversion of trade. Mr. Rasminsky indicated that he thought one of the protective measures to relieve our concern as international traders about a possible dislocation in consequence of this new agency was perhaps to be found in this article, and he referred to section 1, paragraph (g) of article V on page 9 of the bill before us. I take it that the reliance that we should look for here rests almost entirely in the phrase "competitive international trade". The paragraph reads:

The association shall make arrangements to ensure that the proceeds of any financing are used only for the purposes for which the financing was provided—

And this is the point:

—with due attention to considerations of economy, efficiency and competitive international trade and without regard to political or other non-economic influences or considerations.

Is the minister aware of anything beyond this which, under the articles or under the policies so far announced by those preparing for the set up of this agency, gives greater confidence that we are not likely to expect much distortion of international trade as a result of loans that might be advanced?

Mr. Fleming (Eglinton): I think section 1 of article IV also has a bearing on this subject in relation to the use of currency. Section 2 of article IV concerns the maintenance of value of currency holdings. I think they may be read also with article V.

Mr. Benidickson: We passed that section before I realized that we were on article V, and I was going to ask the minister with respect to article IV, section 2, paragraph (a), which reads—

The Chairman: I point out that we are discussing clause 5 of the bill. We are not yet discussing the articles of agreement.

Mr. Benidickson: I am not referring to an article; I am wondering in what currency it is proposed that Canada will be making its contribution?

Mr. Fleming (Eglinton): Under the articles Canada is required to make its contribution in gold or convertible currency expressed in United States dollars. That is the currency that is named as the currency of the association, and all the nations listed in part 1 of schedule A are required to make their contributions expressed in United States currency. The particular form in which the currency is to be made available is set forth in article II, section 2, (b), (c) and (d).

Mr. Benidickson: The only contributions under part II which would be expected to be paid would perhaps be additional amounts if there was a depreciation of substance in their currency.

Mr. Fleming (Eglinton): Yes, but the nations in part II which include the underdeveloped countries, have the opportunity of contributing a portion of their subscription in their own currencies.

Mr. McMillan: Mr. Chairman—

The Chairman: If the hon. member wishes to discuss the articles of agreement I suggest we adopt clause 5.

Mr. McMillan: I just want to ask the minister a question, Mr. Chairman. Are the minutes of the discussions and meetings in printed form? Are they available to members of parliament? Are the minutes of the meetings of this international organization and other related organizations available?

Mr. Fleming (Eglinton): My recollection is that the proceedings of the annual meetings of the bank and fund are not always printed in full. However, I think it is possible to obtain copies within any reasonable time of the statements made by the governor representing any particular country. These are normally mimeographed on the day they are made and circulated among all of the governors.

Mr. Regier: On the matter of the minister's annual report, I wish to express my appreciation of the answer the minister gave me, and especially to the hon. member for Essex East for his statement on what exactly is the situation. I realize that the minister is in full agreement with the intent of this international development association, as I think most Canadians will be. I believe it is not only right that we participate in this kind of organization and others like it, but it is also in our own economic interest as a country that is underdeveloped, in that we do not completely utilize as yet to anywhere near full capacity the great resources that our nation has. It is in our interest to aid these other countries.

However, the amount of Canadian participation, as the minister knows, is directly dependent on Canadian opinion. It is a desirable aim that not less than 1 per cent of our gross national product be devoted to economic aid. We have not come even near reaching half that amount, and the great handicap is the lack of demand for such action on the part of the people of Canada.

The minister is very much aware that while Canadians are most openhearted they are also conservatively inclined. At all times Canadians will have to have the utmost of assurances that these international agencies are being operated most efficiently and are really performing the functions they are supposed to perform and utilizing the money most wisely. I know that the minister as one of the governors of the international bank attends the annual meetings, and I assume that in all likelihood he will be one of the governors of the international development association. When the minister prepares his report on the international finance corporation, exactly what is the report based on? Is it simply a question of the annual report of the international finance corporation and possibly an hour's meeting of the board of governors held once a year?

I believe the minister knows what I am getting at. Is his annual report, as called for

in this bill, going to be based on the annual report of the officers of the organization, which in turn is more or less an affiliate or branch of a larger international organization? Will he be devoting possibly half a day a year to consideration of the report? How many men will he be taking with him to examine completely the operations of this proposed organization? How many men does he now take with him to examine the operations of the international finance corporation? In how much detail is the minister made aware of all the problems and mistakes, as I am sure there are, in the work of the international finance corporation? To what degree does he expect to be made aware of the difficulties of the proposed new organization?

Mr. Fleming (Eglinton): Mr. Chairman, so far as the annual report of the Minister of Finance in respect of the international finance corporation is concerned, I think the hon. member can best judge that from the report which was tabled some time ago, during the present session.

As to the extent to which the Minister of Finance endeavours to keep in touch with the activities of these international organizations, I must say that, as is intended by the articles of association of these important international organizations such as the international bank and the international monetary fund, the bulk of the executive work falls on the executive board of directors, and on that board Mr. Rasminsky has been Canada's very competent representative.

In addition, there is in Washington a representative of the Department of Finance who is there all the time and is available to carry on the work that is necessary in respect of Canada's position as a member of these organizations. So far as I personally am concerned, I receive a monthly report from Mr. Rasminsky as to the principal decisions that have been taken month by month by these organizations. In that way I try to keep in as close contact as may be possible with the more important decisions that are being taken in these organizations. Of course when questions arise which call for decision by the governors, such as occurred a year and a half ago in relation to the proposal for an increase in the capital of both the international bank and the international monetary fund, the Minister of Finance is kept in close contact with the discussions and a decision is taken, as was done in that case, by mail vote by the governors. A number of decisions are actually taken by the governors by mail vote.

Clause agreed to.

The Chairman: Shall the articles of agreement carry?

[Mr. Regier.]

Mr. Benidickson: Did you call article VI?

The Chairman: I am calling all of them together, because I do not think it is necessary to call them one by one.

Articles of agreement agreed to.

Schedule A agreed to.

Title agreed to.

Bill reported.

Mr. Speaker: When shall the said bill be read the third time?

Some hon. Members: Now.

Mr. Fleming (Eglinton) moved third reading of the bill.

Motion agreed to and bill read the third time and passed.

Mr. Speaker: It being one o'clock I do now leave the chair.

Mr. Fleming (Eglinton): Perhaps we could resolve the house into committee so that at 2.30 we could continue in committee without asking the Speaker to return.

PUBLIC SERVICE SUPERANNUATION ACT

AMENDMENTS WITH RESPECT TO CONTRIBUTIONS, PENSIONABLE SERVICE, BENEFITS, ETC.

Hon. Donald M. Fleming (Minister of Finance) moved that the house go into committee to consider the following resolution:

That it is expedient to introduce a measure to amend the Public Service Superannuation Act with respect to contributions, pensionable service, benefits, the calculation of annuities payable to widows and children, persons re-employed, medical examinations, transferred pensionable employees, contributions to the retirement fund, reciprocal transfer agreements and for certain other changes in connection with the administration of the act.

Motion agreed to and the house went into committee, Mr. Rea in the chair.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

Mr. Fleming (Eglinton): Mr. Chairman, the Public Service Superannuation Act was enacted in 1953 and came into effect on January 1, 1954. This resolution contemplates a number of amendments to the act to which the government has been giving consideration for some time. The most important of the amendments are designed to improve substantially the value of the basic benefits available to most civil servants who contribute to the superannuation account. Corresponding amendments provide for adjustments to rates of contribution. Other

amendments make provision for improved benefits to smaller groups of persons, and others are designed to streamline the administration of the act.

Earlier today I tabled three reports submitted to me by the chief actuary of the Department of Insurance on the actuarial valuations of the superannuation account, the public service death benefit account and the regular services death benefit account respectively. It was necessary for the government to receive the actuarial valuations of the various accounts maintained for the purposes of this act before the nature of the amendments thereto and their actuarial implications could be determined. The last of these reports was received subsequent to the last session of parliament.

I have received many requests concerning the pensions of civil servants. A great number related to increases in the pensions of persons already retired. These matters were dealt with at the last two sessions of parliament and embodied in the Public Service Pension Adjustment Act, 1959. Many requests have been made seeking improvements in the basic benefit formula for those who have not yet retired.

The basic benefit formula applicable to most civil servants who contribute to the superannuation account provides for a pension equal to the number of years of pensionable service up to 35 years, multiplied by 2 per cent of the average salary received by the pensioner over the period of 10 consecutive years in which his salary was highest. The representations which I have received have sought a reduction in the 10-year average salary formula, and thus an enhancement of the value of benefits received.

Accordingly it is proposed to introduce amendments which will establish the formula on the basis of the best consecutive six-year average instead of the previous 10-year average. This change will place the formula applicable under the Public Service Superannuation Act on the same basis as that now available to new members of the regular forces and of the Royal Canadian Mounted Police under their superannuation statutes. The uniformity in the basis of benefits throughout our superannuation legislation thus achieved, and which has heretofore been lacking, will represent a major advance for civil servants and a major improvement in administration.

I should mention that the amendments to which I have just referred in no way impair the position of a diminishing number of civil servants who fell into special categories on the coming into force of the earlier civil service superannuation act on July 19, 1924 and elected to contribute under that act during the following three years, thus qualifying for a pension calculated on a basis of the average salary over the last five years of service.

The Public Service Superannuation Act provides pension benefits comparing favourably with those of most private plans in Canada. It has been generally recognized in the civil service that under a plan of this nature, where costs are shared by civil servants and by the government as employer, it is only equitable that the cost of major improvements in the benefits should also be shared. Thus the improvement proposed in the benefit formula is coupled with an amendment which provides for an increase in the male contribution rate from 6 per cent to 6½ per cent of salary. No increase in the female contribution rate of 5 per cent is to be made. A corresponding increase will be made in the matching contribution made by the government. Thus the over-all rate of contribution will be 13 per cent for male employees and 10 per cent for female employees.

The additional cost to the government in a full year will be an estimated $2.5 million, based on salary rates in effect as of January 1, 1960. There will be some small upward revision of this figure to take account of salary increases granted or contemplated in 1960. The change from the 10-year average to the six-year average in the basic benefit formula will increase the value of benefits available under the superannuation act by $21 million as of January 1, 1960. Again, there will be a small increase in this amount to take account of salary increases granted or contemplated in 1960.

The other proposed major change in benefits relates to the supplementary death benefit provided under part II of the act. At present this commences to decrease after age 60 and disappears entirely on retirement or at age 70, whichever is the later. An amendment will be proposed providing that every person with five years' continuous employment participating under part II of the act will on his 65th birthday, either as an employee or as a pensioner if he was entitled to an immediate annuity on retirement, be credited with a paid-up $500 death benefit as part of his over-all benefit protection.

The cost of this benefit will be borne entirely by the government. It is estimated that this change will involve an additional expenditure of about $1.5 million in the first full year and $500,000 annually thereafter, increasing with the growth in the number of participants.

Another measure which I am sure will commend itself to the committee is one

which will provide for alleviation in the conditions which require a reduction of pension during short periods of re-employment in the civil service. The present formula, which calls for a reduction in the pension after as little as one day of re-employment in many cases, will be replaced by another which calls for a determination based on the salary received in each quarter by a re-employed civil service pensioner. This will eliminate the majority of the pension adjustments which otherwise would have had to be made in the future.

The bill proposes that the amendments relating to increased contributions shall come into force at a time provided for by the governor general in council. It is my intention to recommend that, after second reading, the bill be referred to a special committee where it will be possible to study the amendments and the changes in the basic benefit and contribution formulas in detail.

Mr. McIlraith: I am sure the committee of the whole is very much interested in this resolution and the subject of providing pensions or retirement benefits for employees of the public service. This subject is one that has occupied the House of Commons from time to time for a great many years and on many occasions.

However, I think it fair to say that the present concept of superannuation, as we understand it, had its origin in the work of the committee of 1923 which examined this whole field of civil service legislation and civil service superannuation. As a result of this very splendid piece of work done by this committee headed by Hon. James Malcolm, we had the civil service superannuation act of 1924, which I think was a considerable departure from the legislation in operation up to that time and was the basis of our present legislation.

Then in 1938 and again in 1939 there was a committee of this house set up to examine into this subject. Much excellent work was done by that committee in those years. Unfortunately the legislation which that committee recommended had to be postponed by reason of the intervention of the war in 1939 and its continuance for some years. It was not until 1944 that the amendments were made to the 1924 act, a period of 20 years having elapsed without any basic change in the legislation.

It is interesting that in the 1924 legislation there were two conditions precedent of special significance before an employee was entitled to receive superannuation on retirement. One of those conditions was that he must come under what was then called the status of a permanent employee. The word "permanent" seemed to have been given a secondary meaning in the legislation relating to the civil service at that time, and indeed until very recent times, and the word "temporary" to been given a secondary meaning that was quite different from its ordinary meaning.

In any event, the "temporaries" were excluded from the benefits of the legislation until the 1944 amendment, and all persons who were not paid on the basis of a stated annual salary were excluded from the possibility of benefits under the 1924 legislation. That provision applied to great numbers of persons. For instance, persons with trades training in the printing bureau who were paid on a weekly basis were excluded from the act because they did not meet the requirement of the legislation of being in receipt of a stated annual salary.

In 1944 a new departure was made and large numbers of temporaries or so-called temporaries and persons who were paid other than on the basis of a stated annual salary were included. Then in 1947 amendments were made improving the legislation and adopting more of the recommendations of the committee of 1938 and 1939. Then there were subsequent amendments in 1953. Prior to the 1953 bill the whole principle of the receipt of benefits had been that they were payable as a matter of grace rather than as a matter of right to the civil servant. The 1953 act changed that basis altogether and made the superannuation benefits payable as a matter of right to the employee on retiring rather than as a matter of grace. A great many other changes were made. However, the whole nature of the change was to extend what already, in relation to the times, was a good piece of legislation and a very satisfactory one in relation to the concept on this subject current at that time.

From 1953 onward there have been other consequential amendments, all of which I think were improvements in the act. They tended to meet the changing concepts on this subject and to enlarge the number of civil servants who are entitled to come under the scope of this legislation.

The resolution before us is a rather interesting one. It deals specifically with nine subject matters or nine changes. It is a resolution preceding a measure to amend the Public Service Superannuation Act on nine different points; namely, with respect to contributions, pensionable service, benefits, the calculation of annuities paid to widows and children, persons re-employed, medical examinations, transferred pensionable employees, contributions to the retirement fund, reciprocal transfer agreements and certain other changes.

A great many representations have been put forward to the minister by responsible associations of the civil service. Indeed, I think a great many of them have been circulated among all hon. members. I suppose it would be technically possible to argue the merits or demerits of each of those numerous recommendations, but I do not think that is the effective way in which to approach this legislation today. From what the minister has said I take it that while there may be a great number of subject matters covered and a great number of amendments, there is not any extensive basic new principle involved in the new legislation.

I was interested to hear the minister advise the committee that three actuarial reports have been tabled dealing with the condition of the fund. I shall look forward with interest to seeing those documents and to seeing what the situation is. I have not seen them; I am not familiar with them, so it would be useless to debate them.

I was interested to hear the minister say that the rights of those persons under the old retirement act of 1919 and 1920 are preserved and are not affected. That has been a problem of some real concern. Some of them felt they should have come under that act, particularly so far as it involved retirement benefit based on five years' employment rather than ten years. The matter has been one of some controversy and concern over the years. With the change in the main act reducing the term of service on which superannuation is based from ten years to six, the difficulty, for that reason as well as from the effluxion of time, will, of course, have largely disappeared.

Mr. Bell (Carleton): Will the hon. member permit a question?

Mr. McIlraith: Yes.

Mr. Bell (Carleton): As the hon. gentleman has obviously made a study of this matter, would he be good enough to tell the committee, if he knows, why the original change was made from the five-year average to the ten-year average?

Mr. McIlraith: I have always understood it was an actuarial matter. It is a matter that has been controversial. There have been arguments about it for as long as I can remember, and very severe ones. I do not think I would want to give a categorical answer to the question.

Mr. Bell (Carleton): It was made in 1924.

Mr. McIlraith: In 1924, yes. Then as a result of the study, when the new superannuation act of 1924 was brought in—and in relation to its time it was indeed a revolutionary act, a progressive one—it was based, as I say, on the provision that contributions should be computed on the basis of the best ten years of employment. In the previous legislation, namely the retirement act, it was based on the concept of five years.

The other thing I was interested to hear the minister say had to do with the death benefits under part II of the act. There has been a good deal of discussion about that matter. It would appear that some unfairness was being suffered owing to the fact that those supplementary death benefits were reduced each year after age 60. It was a subject of great controversy and a good deal of discussion. As I understood the minister's remarks, a change is being made in order to rectify that difficulty in the light of the experience since that provision was first put in the act, and to improve the position. There is another factor, of course, namely the longer life expectancy which has made this provision in the act more important than it had been when it was first put in or when it was first advocated in earlier years.

My own attitude about the resolution is this. I should like to see the bill. I want to have it before us and to study it. I understand that the minister proposes having the bill referred to a special committee to be set up and having it studied in that way. In general the legislation has been very good legislation. There are many small technical matters in it which are very important to individual civil servants and which should be examined. I am sure the committee will want to hear the representations of associations on the subject and examine the matter in some detail.

I was interested in noting that the superannuation act was referred to a committee in 1938, but that it took two whole sessions of parliament to deal with the matter. I hope nothing like that will happen this time. I hope we can deal with it in committee quite promptly, have the matter examined and brought back into the house so that it can be dealt with legislatively this session and brought into operation. I presume that is the minister's intention in that regard.

Mr. Fleming (Eglinton): Yes, Mr. Chairman. May I just say that I am entirely in accord with the view expressed by the hon. member. We have this resolution procedure applied to a measure like this. It really does not fit measures of this kind, and I entirely share his view that the discussion of this measure can be much more aptly, indeed more intelligently, carried on after members have had an opportunity to peruse the bill.

Mr. McIlraith: Just to conclude my remarks, I look forward with eagerness to seeing the bill.

Mr. Fleming (Eglinton): It is ready to be distributed.

Mr. McIlraith: I hope it is a good bill and corrects many of the anomalies which are now in the act. I hope it will improve some of the weak spots which have been found in the course of administration of the act, and I for one look forward to an opportunity of examining it in some detail at the appropriate committee stage.

Mr. Regier: Mr. Chairman, the resolution before us reads, in part, that it is expedient to introduce a measure to amend the Public Service Superannuation Act, and this is the time for us to express our opinions as to what these amendments ought to contain.

It has long been my contention that any act of this kind ought to arrange for pensions to be automatically raised or lowered as the cost of living rises or falls. I remember a former minister of finance announcing in this house that if he were able to accommodate pensioners in this matter he would establish for himself the reputation of being the most famous minister of finance anywhere in the world. However, he was a little in error, in that there are many ministers of finance in the western democratic world who have made arrangements whereby people on fixed incomes have those incomes moved upward or downward in step with the cost of living. For many long years in this house the former member for Winnipeg North Centre, Mr. Stanley Knowles, pleaded the cause of the retired civil servants, and Conservatives when in opposition used to endorse his contentions in this regard.

I notice the minister had this to say in this regard:

> I have received many requests concerning the pensions of civil servants. A great number related to increases in the pensions of persons already retired. These matters were dealt with at the last two sessions and embodied in the Public Service Pension Adjustment Act, 1959.

Apparently that is all the minister has to say on this matter at this particular time. It is our contention that the cause of the retired civil servants has not yet been adequately dealt with. I hope that despite the minister's announcement, when we have the bill before us we will find therein that the government now, as was its opinion when it was on the opposition benches, is going to pay some attention to the needs of the retired civil servants, and that a real move is going to be made in order to bring their incomes into line with the contributions they made in the light of cost of living as it was at the time they made those contributions.

I will be watching the bill very closely when it is brought down, and I hope the Conservative government in office are going to be as good in this regard as when they were not in government but in opposition. I hope that at long last those retired civil servants who have been unduly penalized by the ever rising cost of living are going to receive equity in our society.

Resolution reported and concurred in.

Mr. Fleming (Eglinton) thereupon moved for leave to introduce Bill No. C-76, to amend the Public Service Superannuation Act.

Motion agreed to and bill read the first time.

CIVIL SERVICE ACT

AMENDMENT, REVISION AND CONSOLIDATION OF ACT

Hon. Donald M. Fleming (Minister of Finance) moved that the house go into committee to consider the following resolution:

> That it is expedient to introduce a measure respecting the civil service of Canada to amend, revise and consolidate the Civil Service Act, chapter 48 of the revised statutes of Canada, 1952.

Motion agreed to and the house went into committee, Mr. Rea in the chair.

Mr. Fleming (Eglinton): Mr. Chairman, the measure which the present resolution would authorize to be introduced is of the highest importance. It touches all aspects of the appointment, classification, tenure, rights and responsibilities of the civil service of Canada, and the powers and duties of the independent civil service commission charged with responsibility in relation thereto.

The present Civil Service Act enacted in 1918 is a landmark in Canadian history. It was a major advance over all the legislation which preceded it, including the acts of 1868, 1882, 1885 and 1908. At a stroke it placed the recruitment, promotion, classification and organization of the Civil Service Act of Canada beyond the reach of partisan political interference, and laid the foundation of what has come to be known as "the merit system". For many years the Civil Service Act has been the bulwark of this principle.

This principle, however, has not withstood all the tests to which it has been submitted. During world war II overriding legislation was adopted which permitted both the principles and the provisions of the act to be ignored and practices and procedures to grow up at variance with the letter of the law. During the post-war period it became increasingly clear that strict adherence to

the provisions of the act prevented the civil service commission from giving such service to departments of government as it was required and indeed desired to give, particularly in the fields of organization and classification. In these latter fields the expansion of the country and the enlargement of the federal government's commitments posed special problems.

Since 1918 the functions of the civil service have undergone a transformation and proliferation. Its tasks have become infinitely more diverse, more complex, more technical and more specialized in keeping with the vast extension of the public business and the activities of government. More and more it has been recognized as essential to good government that Canada should maintain a public service of the highest competence in many fields and of unchallenged integrity.

At the request first of Mr. St. Laurent in 1957, then of the present government on its accession to office in June of that year, the civil service commission conducted a review of the entire field of personnel administration in the public service with a view to revision of the Civil Service Act. Its report, which has been commonly named after the then chairman of the commission, Mr. Heeney, was in due course presented to the government, and was tabled in parliament early in 1959. It has attracted the widest interest across Canada. The government has acknowledged its deep appreciation to Mr. Heeney and the two commissioners, Miss Addison and Mr. Pelletier, for this very valuable report.

The report does not in any sense purport to be a draft statute, but it contains in appendix A a detailed list of provisions which it suggests should be incorporated either in the act or in the regulations made pursuant thereto. I am informed that it was not the purpose in drawing up this appendix to use language which would be necessarily appropriate to such enactments, nor to do more than suggest the subject matters and the method of treating them as a guide to the draftsman in drawing the bill, subject always to the views of the government on matters of policy. It therefore follows that the language of the bill, taking into account the special requirements of an act of parliament, will rarely conform to that of the recommendations contained in the report. Particularly in that area of decision as to what should properly be contained in the body of the bill and what should be assigned to regulations to be made pursuant to it, it has been necessary to modify the commission's suggestions.

It should be noted also that the report contemplates the eventual establishment of a single civil service which would embrace the employees of a number of agencies which have been established by separate acts of parliament with provisions which are peculiar to the agencies themselves and under which they have been working for many years. The government does not at this time propose to disturb the composition of the civil service by adding to it the personnel of agencies not subject to the existing act. Such a course would involve the submission to parliament of amendments to the numerous statutes which constitute such agencies now and the wholesale incorporation within the civil service of large numbers of men and women without consultation and without sufficient examination of the problems which such a step would entail.

The report proposed that the commission should give up its responsibility for approving the organization of government departments and, while retaining an advisory function in this field, in which it has become expert over the years, permit deputy heads of departments to be masters in their own houses where questions of departmental organization are concerned, subject to the approval and authority of the governor in council. It was further proposed in the report that more flexibility in matters of recruitment and selection of personnel for the civil service be permitted to the commission and, let me say at once, only to the commission, under circumstances which might in its opinion render the usual procedure by way of competition impracticable and unsuitable, and where the commission might deem it desirable to delegate these functions in special circumstances to deputy heads. These two cardinal recommendations of the commissioners have been adopted and incorporated in the bill.

The bill reaffirms and establishes the principles of the merit system as exemplified in provisions for selection and classification of employees in the civil service of Canada by a strong and independent civil service commission and by that commission alone. Anything less would be a renunciation of a tradition of which this country may well be proud, the tradition of the independence of our civil service which has placed it in the front rank of similar organizations throughout the world.

The bill also contains a definition of the public service extending beyond the civil service itself. This definition will extend to employees of agencies outside the civil service but within the greater compass of the public service the privilege of transfer and promotion into the civil service on the same basis as employees who are already in the civil service.

The present act contains no provision for the right of appeal by an employee to the civil service commission, although the regulations made pursuant to it provide for such appeals as are now taken. The bill will contain explicit provision for the composition of appeal boards under the authority of the commission and for the circumstances under which an appeal may be taken, including the right of appeal against a departmental recommendation to dismiss an employee.

In keeping with the spirit of the times, recognition is given to two important principles which have engaged the attention of staff associations within the civil service; first, that the pay of an employee is a matter not of grace but right, and second, that consultation between the staff associations and appropriate officers of the government or the commission on questions of pay and conditions of work as the need arises is desirable. These principles are either expressly recommended or implied in the Heeney report.

The present statute provides for an employee appointed to a local position to be qualified in the knowledge and use of the language of the majority of persons with whom he is required to do business, be it French or English. The proposed bill, however, recognizes additionally the desirability of giving a preference not only to those who can speak the language of the majority but to those who are skilled in the use of both the official languages of this country, not only when appointed to local positions but also to positions at the main offices of departments wherever, in the opinion of the civil service commission, effective service requires them to be placed.

The government does not think it right at this time to give effect to those recommendations in the report which would have the effect of altering the existing law providing for preference in competitions for entry into the service in the case of veterans of the first and second world wars and the campaign in Korea. The law which was established in this respect by the previous administration may not have proved uniformly satisfactory in all its aspects, but it represents a covenant between the nation and its returned servicemen the terms of which cannot be enlarged or abridged at this late date without injury to both parties. If the entitlement were now enlarged to confer the preference upon those who did not possess it heretofore, all those servicemen who were applicants for vacancies in the civil service over these past years and who have not enjoyed its benefits would feel unjustly treated in retrospect. If it were in any way limited or curtailed by restricting, for instance, its application to only one occasion, such action would constitute a breach of faith which the government declines to contemplate.

The house will therefore observe, when the bill is examined, that the veterans preference provisions of the present act are maintained intact subject to a direct reference to the situation of veterans of the Korean campaign as contained in the Veterans Benefit Act.

Generally speaking, therefore, the bill contains the best of the existing legislation, provides for the removal of such anomalies as have arisen in the course of the application of the former during over 40 years, and plainly provides for either the authorization or prohibition of many of the practices which have grown up without sanction during this period.

The bill is somewhat longer than the present act. The government recognizes the need for careful examination of it by parliament. To facilitate such detailed consideration I shall propose that the bill, following second reading, be referred to a special select committee of the house for study and report. I think it is obvious that our resolution procedure is not well adapted—

Mr. McIlraith: On that point, does the minister contemplate that the study and report will take place this session?

Mr. Fleming (Eglinton): Yes, Mr. Chairman. When hon. members have an opportunity of examining the bill I think they will feel that this is quite feasible. I am expressing that opinion. It is an opinion given after careful consideration of the matter. It will, of course, be a matter for decision by the house.

I think it is obvious, Mr. Chairman, that our resolution procedure is not well adapted to new measures of this comprehensive nature, and that the measure can be debated much more intelligently on the motion for second reading after all hon. members have received copies of the bill and have studied its provisions. The bill is available for distribution immediately on adoption of this resolution.

(Translation):

Mr. Caron: Mr. Chairman, it is obvious that the Liberal party does not object to a detailed examination of the Civil Service Act for the purpose of improving it, if possible.

Besides, it was the Liberal party which recalled Mr. Heeney from Washington to make him chairman of the civil service commission and entrusted him with the task of making a thorough study of the service and of submitting a report to parliament to enable us to legislate on this matter.

We are ready to approve any intelligent change that could be made. Th act is out of date, conditions have changed. It is not possible for us, however, following the statement made by the minister, to accept straight off the government's proposals.

Before coming to a definite conclusion, surely we must carefully look into them.

However, we can at present discuss the situation of federal civil servants. An uneasiness is being felt, especially since the present government came into office. At present, civil servants fear any changes to the present act, particularly when those changes are suggested by the Conservative party.

They remember the old precept: I fear the Greeks even when they are bearing gifts, even though, since the Conservative government came into office, they have not received any gifts; instead, they met with rebuffs.

I have on file a great many letters expressing the views of civil service commission employees. Since the Conservative party came into power, those employees have been living in fear because of the stand taken towards them by certain members of that party.

In this house and outside, certain Conservative members have criticized the civil service commission and referred to it in not too pleasant words. Moreover, one of the ministers, during an election campaign, went as far as to say that he had not managed to curb the civil service. As a matter of fact, the Minister of Defence Production (Mr. O'Hurley) stated this:

> We have not yet managed to curb the chaps at the civil service commission, but we will do it yet and then we are the ones who will be running all that business.

Following such statements made by a minister of the crown, you can be sure that federal civil servants do not trust the present government too much when it comes up with proposals to revise the Civil Service Act.

Besides, when the matter of salary increases was brought up, the minister replied: "If you want increases, we shall have to raise taxes by 15 per cent."

Yet, some increases have been granted, and taxes have not gone up 15 per cent.

Therefore that statement was only meant as a scare to check those who were clamouring for higher salaries or better working conditions.

Yet those people are servants of the state and render innumerable services, regardless of the party in power.

The minister mentioned—and if I misunderstood him, let him set me right—that more latitude was to be given department heads.

That is taking an extremely dangerous position. Such attitude can only lead to favouritism within the commission itself.

Commissioners are independent from divisional heads. On the other hand, if a department head does not quite agree with his subordinates, a difference of opinion may arise which, in practice, may lead to an incomplete, incorrect report. Thus the civil service commission is not supplied with a true picture of the situation, and this can work to the detriment of the employee, particularly when he is trying to obtain a raise in salary, some improvement in his position, or a promotion.

The minister tells us that he wants to establish a new appeal board, so that appeals may be decided upon outside the commission. I am all for it, as long as that new appeal board has no political character.

Since 1917 Canada's public service has been kept out of politics and I hope that this government intends to maintain that practice. Federal civil servants are meant to serve the state, the people of Canada and not any particular political party.

We have asked for raises in salaries and improved working conditions so that public servants would be in a state of mind conducive to better work. Our request has been rejected. Yet, goodness knows how many complaints have come in from every quarter.

Even the papers have protested against the government's attitude since salary raises were granted. As a matter of fact, I have here in my hand a letter written by the employees' association of the Veterans Affairs Department, which reads in part as follows:

(Text):

> I have been asked to draw your attention to the very considerable dissatisfaction and unrest—

(Translation):

Please note, Mr. Chairman, that this was written rather recently, on May 18, 1960.

(Text):

> —of our members over the government's recently adopted practice of making pay revisions in the civil service effective on different dates.
>
> Attached is the news release of our president on May 16 and the statement made on CBOT, on the same date, by the undersigned. These speak for themselves.

(Translation):

And it was further said that:

(Text):

By its latest action in making wage increases for cleaning service men, maintenance helpers, firemen labourers, and stationary engineers effective May 1 rather than April 1, the present government has shown itself completely indifferent to good employer-employee relations in the federal government service.

(Translation):

Yes, Mr. Chairman, it seems this government has been doing its best to keep creating difficulties for civil servants. I do not know what has been going on in their minds but I am sure they have not carried on the policy of the previous government. In fact, we note that a salary increase of 8.5 per cent was granted in 1947; one of 8 per cent, in 1948; one of 10 per cent, in 1950; of 8.5 per cent, in 1951; of 7 per cent, in 1953; of 7.5 per cent, in 1956, and of 6 per cent, in 1957, the government having taken all the credit for the latter, which, mind you, had been planned by the previous government, before the Conservative party got in. That series of increases was clear evidence of the attitude of a government which had at heart the welfare and satisfaction of its employees. If we want civil servants to do the work we ask them to do, we must give them satisfaction, make them confident, put them at ease; otherwise, they will be unable to work properly.

Mr. Chairman, we noted that among salary increases granted recently, some were still inadequate. I have here a registered letter sent to me by a civil servant who is getting $237.50 a month and who, after all deductions are made, only gets $104.20 every two weeks, that is, $208.40 a month, instead of $237.50, which is still an inadequate salary for him to live decently.

Mr. Chairman, the civil service fears the government, has always feared it, and will keep on fearing it. I have here several notices issued by civil service associations, and if we consider them one by one—I will not read what the employees themselves have stated, but I am going to give you the titles —we realize what civil servants think of the whole thing. I quote:

(Text):

A look at the record reveals persistent efforts made by the C.S.A.C. to close the gap between salaries paid by the government and those paid by private employers.

(Translation):

They have received nothing yet, despite representations from many sources.

Still in the same magazine, we find a little further down that the committee is always complaining that civil servants are keeping a united front in negotiations.

[Mr. Caron.]

Mr. Chairman, in any one of those magazines, you could find similar comments. There is this one, for instance:

(Text):

Urge Immediate Increases.

(Translation):

A little farther down, we find this:

(Text):

President Sees Discontent.

(Translation):

Again in the same magazine, we read—

(Text):

Report on civil service. Civil service commissioners make far-reaching recommendations following exhaustive study of Civil Service Act and regulations.

(Translation):

And today, when the session is nearing the end, the Minister of Finance comes forward with this resolution and says: We are going to insist that this bill be passed this year. He will not even allow civil servants and civil service organizations enough time to give it adequate consideration, or give them an opportunity to appear before the committee and make recommendations. I think it is unfair to hon. members, to federal civil servants and to their organizations, to expect them to make such a quick study of the bill.

We ask the government, after the house approves the bill on first reading, to postpone consideration of it so that we may study it seriously and adequately with a copy in hand. Thus we could reach an opinion, raise objections if necessary, and suggest whatever amendments we feel are called for.

The hon. members who will be appointed to the committee to study this bill will have to sit on other committees, and in the house, at a time when the government proposes to bring in its most contentious legislation. This is unfair to an opposition which is not numerous enough to be able to study all those bills at the same time—

(Text):

Mr. Fleming (Eglinton): Mr. Chairman, I should like to ask for your ruling. It had not occurred to me that this resolution asking for leave to introduce a bill to amend, revise and consolidate the Civil Service Act would be a proper vehicle under the rules of the house for a debate on civil service salaries. The hon. member is speaking on the subject of civil service salaries. If it is proper for him to do that, presumably it would be proper for other members of the committee to do the same thing. I ask for your ruling on the point, Mr. Chairman, because I had assumed that the estimates would provide a proper occasion for that sort of discussion. As you

know, I have brought in supplementary estimates designed to provide an amount to increase civil service salaries, and no doubt any debate on this subject can properly be held on that item.

Although the hon. member has gone on now on this subject for some time, it had not occurred to me, as I say, that it would be proper to discuss this subject on the resolution and on the bill. This is a measure dealing with legislation. It is designed to replace the present legislation with an entirely new act. It does not touch the question of salaries of civil servants as such at all. That is a matter for provision by way of estimates. In view of the fact that the hon. member has made it quite clear that this is the subject of his speech, I think it would be well that the point should be ruled on, because other members will wish to have the benefit of the guidance of the Chair.

Mr. Chevrier: On the point of order, may I say it strikes us on this side of the house that there is no one who attempts to hold up his own legislation more than the Minister of Finance. Speaking to the point of order, sir, I took down some of the minister's words in the course of his discussion of the resolution a few moments ago, and he dealt in effect with what the bill would contain. Among at least half a dozen items that were mentioned, No. 4 was that the pay of the employees was a matter of right and not of grace.

During the course of one paragraph at least he went on to give some indication that this was contained in the legislation. The resolution therefore deals with exactly what the hon. member for Hull was discussing, and how can funds be provided other than by means of a resolution? If our right to discuss the pay and allowances of members of the civil service is going to be affected, what is the use of opening up the whole of the Civil Service Act during the course of second reading and in committee? It cannot be done, I submit with deference, without some discussion of pay and other matters.

Mr. Caron: On the point of order, it is a fact that I have spoken about salaries and salary increases, but I simply wanted to exemplify the uneasiness which exists in the civil service at the present time because of the attitude the government has taken since it has been in power. I was dealing with the difficulties which have been created by the government since 1957, and I have the right—

The Deputy Chairman: Order. The hon. member for Ottawa West.

Mr. McIlraith: Mr. Chairman, as I understand the procedure of the house, legislation which requires the expenditure of money must be preceded by a resolution, and if there is one thing that the resolution stage does permit it is discussion of the money aspect of the legislation. The house is being asked to consider whether or not it should give approval to the government to bring forward this legislation. The reason that approval, before the introduction of the bill, is asked for, is that the legislation involves the expenditure of money. In other words it involves the payment of salaries to civil servants. That is my understanding of the whole basis of the resolution.

The minister started his remarks by a historical reference to civil service matters and to the Heeney commission being set up. Then he went on to deal with more specific matters that would be included in the legislation which the minister is asking permission to bring forward for approval or rejection by the house.

The minister referred to two important principles. As I have noted it, the first important principle is that the pay of an employee is not a matter of grace but of right.

That is the first principle the minister sets out in his own remarks on the resolution. Then he goes on to deal with consultation between the staff associations and the appropriate officers of the government or the commission on the question of pay and so on. Then, if these two principles were not enough, he goes on to say that these two principles are either expressed or implied in the Heeney report, about which he had a great deal to say. So if there is one subject that we are permitted to discuss on this resolution, it is the matter of the provision of pay and the expenditure of the taxpayers' money.

Mr. Fleming (Eglinton): May I clarify one point? There is some difference between discussing a principle that pay shall be a matter of right and not of grace, on the one hand, and discussing rates of pay and salary, on the other. This is the point I was raising. Certainly the principle here is clearly within the scope of proper discussion on the resolution, but what the government has been doing in relation to rates surely is not raised by this. There will be a proper opportunity to discuss that later on the estimates.

Mr. Chevrier: May I ask the minister a question? I should like to ask why we have a resolution at all.

Mr. Fleming (Eglinton): In this case the bill has to be preceded by a resolution because it provides for the appointment of a

commission; it provides for the remuneration of the employees of the commission, and so on. It is for this reason the bill has to be preceded by a resolution.

Mr. Chevrier: Will the minister tell me what expenditure is being provided by this bill?

Mr. Fleming (Eglinton): There is no direct expenditure provided by the bill, but the bill provides, as does the present act, for the appointment of a commission, for its retaining its employees, and then there is a provision with relation to the exercise of its functions with respect to the civil service.

It is clear, Mr. Chairman, that for much of the content of the bill no resolution is required, but in the respect I have mentioned a resolution is required. The point I was raising concerns rates of pay. Now any member can discuss the principle that pay should be a matter of right and not of grace. It is a matter of grace under the present act. What is being brought into the discussion now is the question of rates of pay, those rates that have been provided and changed. I think, with respect, Mr. Chairman, that that is a proper matter for discussion when that item in the supplementary estimates is under discussion.

Mr. Pickersgill: Before you make a ruling, sir, may I say that I have looked at the resolution and it is a well accepted rule that the only purpose in having a resolution is that the legislation involves some expenditure by the crown, otherwise a resolution is not necessary at all. It was always accepted also when I was secretary of the cabinet and when I was a minister that the precise nature and purpose of the expenditure must be stated in the resolution. I have read this resolution and I have not found anything in it which gives a hint or indication of what the expenditures are to be. All it says is:

> That it is expedient to introduce a measure respecting the civil service of Canada to amend, revise and consolidate the Civil Service Act, chapter 48 of the Revised Statutes of Canada, 1952.

It appears to me either that this resolution is totally unnecessary or that the government has not told us in the resolution in what respect it is necessary. It seems to me that on the basis of this resolution we cannot proceed at all. We are entitled to be told in the message from the crown precisely what is the nature of the charge that is to be imposed before we are asked to embark upon a debate.

(Translation):

Mr. Caron: Mr. Chairman, if I took the liberty of dealing with salaries, it is because the civil service commission itself makes recommendations to the government with regard to salary increases. This is obvious; this has been proved and established. Last year, the civil service commission refused to recommend salary increases. The report was made public. This year, the civil service commission recommended such increases and the report remained secret. Since the civil service commission may be called upon to make a recommendation respecting salary increases for civil servants, I feel that when we are considering this resolution we have a right to refer to salaries and to the dissatisfaction of civil servants. Mr. Chairman, at all events—

(Text):

The Deputy Chairman: I quite agree with what the hon. member for Ottawa West said until he reached almost the end of his remarks. I feel that this resolution is concerned with the machinery of this act and not with rates of pay. I believe most hon. members will agree with that. In my opinion this should be borne in mind because there is nothing that I can see in the resolution about rates of pay. I suggest, therefore, that the hon. member stay away from rates of pay.

Mr. Pickersgill: If the hon. member will permit me, Mr. Chairman, I raised a definite point of order. My point is, what is the purpose of this resolution, and whether or not there is a proper resolution before the house.

The Deputy Chairman: That is a legal point, of course, upon which the Chair has no right to rule. I can only rule on the relevancy of speeches to the resolution.

Mr. Caron: If there should not be any resolution upon which to base any remarks, why is it here?

The Deputy Chairman: The house has ordered me to come into the chair on this resolution. There is nothing else I can do at this moment.

(Translation):

Mr. Caron: Mr. Chairman, while avoiding to speak of the rates of salary increases, because the Minister of Finance has suddenly become extremely touchy since he has moved to the other side of the house—I must say that it is important that the matter of those increases be discussed.

Recently a report was submitted to the government by the civil service commission. We wanted to get a copy of that report, but the government refused to make it available. I do not know why, but it was refused, and through their organizations, the civil servants —who have vested rights, being government employees, state employees—were not able

the civil service commission. And since everybody was interested in the—

(Text):

The Deputy Chairman: Order; that has nothing to do with this resolution, that has to do with rates of pay.

Mr. Caron: I think I might be permitted to say that because I have something else to bring forward on the resolution and this has to be said so that it is clearly established. There is a report from the civil service commission. It is not from me, it is not from the government, and the report deals with salary increases but the employees have not had an opportunity to look at that report. I am not speaking about rates. I am not saying that the employees should get 2 per cent or 10 per cent or 8 per cent. I am saying that an increase has been recommended by the civil service commission, and that report should have been placed before the committee so that the employees could look at it and know what it is about. This is not on rates.

The Deputy Chairman: How would the hon. member relate that to this resolution?

Mr. McIlraith: Mr. Chairman, how can the committee determine the question of whether or not this resolution is bad because the minister does not propose to put into the Civil Service Act a provision that the rates of pay shall be determined by the commission or shall not be determined by the commission. How can that question be determined. We are dealing with legislation which affects the whole civil service of Canada. I do not know how we can discuss the adequacy or inadequacy of the legislation if we cannot discuss this matter of whether rates of pay should be determined in one way or another; whether the minister is handling it right or handling it wrongly. For the life of me, I cannot understand how we can discuss this matter concerning public employees without discussing, of necessity, the method of payment and the amount of their pay, whether it is adequate or inadequate, depending on your point of view. I am at a loss to understand the minister's objection to the discussion of rates of pay.

Mr. Pearson: May I just say a word. In this resolution, of course, we are dealing among other things with the report of what is called the Heeney commission on personnel administration in the public service, a report to which the minister himself has made reference in his observations. Surely we can discuss this report if the minister can discuss it. One section of this report deals with "compensation and allowances". In fact, certain recommendations are made by the commission on compensation and allowances. Surely we have the right to deal with that section. Surely we also have the right to criticize the government, if we so desire, for the way in which it has handled these recommendations and, if we can find them, to give illustrations to show that this matter has been badly handled. But how can we do that without dealing with the question of civil service wages and salaries?

The Deputy Chairman: I do not think the hon. member for Hull was referring to the Heeney report at all; I think he was referring to the other report.

Mr. Caron: I was dealing with the report produced by the civil service commission. We are dealing with a change in the Civil Service Act. We have not received the bill. We do not know to what extent the government is going to act in this respect. I know that at the present time the civil service commission recommends the increase of salaries. Hence it is the civil service commission which is to be discussed because they have the power of recommending salary increases. Therefore I do not believe we can be stopped. Otherwise we would not be able to discuss the matter at all.

(Translation):

Mr. Chairman, I was no longer talking about salary increases; I dropped that subject a good while ago and I wanted to deal with something else. But, when the civil service commission made its report on recommendations for salary increases, the government refused to reveal its contents to the civil servants and refused—

(Text):

The Deputy Chairman: Order.

Mr. Caron: No, Mr. Chairman. I want to bring forward something with respect to the new commission.

The Deputy Chairman: I must be fair with the hon. member. However, I am trying to explain to him that we are not supposed to be discussing rates of pay and salaries. If he can show me that what he is going to say is relevant to this resolution, I shall be happy to hear it.

Mr. Martin (Essex East): May I say something on the point of order, Mr. Chairman? It seems to me, first of all, that the point made by the hon. member for Bonavista-Twillingate is one that cannot go unchallenged; and it cannot be said that the hon. member should have raised that point at another point in our proceedings. I assume that the hon. member for Bonavista-Twillingate assumed, as have

we all, that the resolution before the committee was one that dealt with the expenditure of public money. If that is the case, it is inconceivable that the expenditure of public money, in the particular context, could have reference to anything but salaries paid to those in the public service.

If that is not the case, then the question put by the hon. member for Bonavista-Twillingate is certainly not one that must go unanswered. Otherwise the resolution is not one that deals with any money matter whatsoever. But that cannot be the case because the minister himself, as we were reminded by the hon. member for Ottawa West, pointed out that it deals with proposed expenditures. It deals with the particular question of pay to servants in the public service, the very matter being discussed by the hon. member for Hull. The Heeney report to which the Leader of the Opposition directed our attention certainly is one that involves pay to officials. If that report was in order, as Your Honour seems to suggest, then certainly the argument of the hon. member for Hull was likewise in order. Here is what the Minister of Finance said in part. He is talking about what this bill is going to do and he goes on to say this:

> The bill will contain explicit provision for the composition of appeal boards under the authority of the commission and for the circumstances under which an appeal may be taken, including the right of appeal against a departmental recommendation to dismiss an employee.

If that was the only kind of thing that was included in the resolution, certainly the point made by the hon. member for Bonavista-Twillingate would be unanswerable. But it does not deal only with that kind of matter. The hon. gentleman goes on to say this:

> In keeping with the spirit of the times, recognition is given to two important principles which have engaged the attention of staff associations within the civil service; first, that the pay of an employee is a matter not of grace but right,—

If it is not a matter of grace but right surely it ought to be open to the hon. member to argue what is a matter of right or what should be regarded as a matter of right, namely because of the insufficiency of the remuneration extended. Then he goes on to say:

> —first, that the pay of an employee is a matter not of grace but right, and second, that consultation between the staff associations and appropriate officers of the government or the commission on questions of pay and conditions of work as the need arises is desirable. These principles are either expressly recommended or implied in the Heeney report.

The Heeney report at page 13 states this:

> The present Civil Service Act imposes upon the commission sole responsibility for making recommendations—

The Deputy Chairman: Order.

[Mr. Martin (Essex East).]

Mr. Martin (Essex East): I just wanted to point out—

The Deputy Chairman: I think the hon. member is reading from the Heeney report.

Mr. Martin (Essex East): Which is the basis of this argument. I am just trying to point out that it is in order. I am just trying to point out what the particular paragraph in the Heeney report says in order to show that the argument made is certainly one that is valid. It states as follows:

> The present Civil Service Act imposes upon the commission sole responsibility for making recommendations to government on the remuneration—

I hope Your Honour will do me the honour of listening because this is the crux of the point of issue. Your Honour has acknowledged that the Heeney report should be discussed and of course Your Honour was right in that regard.

The Deputy Chairman: Order. May I just make that point clear. Anything from the Heeney report that is relevant to this resolution may be discussed. I did not say the whole Heeney report could be discussed.

Mr. Chevrier: That includes pay and allowances.

Mr. Martin (Essex East): If Your Honour will recall what the Minister of Finance said at the outset, Your Honour will be obliged to recognize that his whole speech was based upon all that is implied, in one way or another, in the Heeney report. But I was just pointing out this one paragraph in the Heeney report to show this. To do so may I remind Your Honour, if I may have Your Honour's attention, of the concluding words that I quoted:

> These principles are either expressly recommended or implied in the Heeney report.

That particular paragraph, which I will read again, commences as follows:

> The present Civil Service Act imposes upon the commission sole responsibility for making recommendations to government—

These are the important words.

> —on the remuneration of all employees in the civil service and leaves to government the authority to make final decisions, subject of course to the will of parliament in the appropriation of the necessary funds.

In the light of all this, with respect and confidence I submit to Your Honour that the argument of the hon. member for Hull was in order. If it was not in order, then the Minister of Finance must explain why he precedes the introduction of this bill by this resolution. He is then obliged, it seems to me, to meet the argument put forward by the hon. member for Bonavista-Twillingate who questions—if

the argument against the petitioner is unsound—the necessity and the form of the resolution before us. We cannot have it both ways. I submit, for these reasons, that the hon. member for Hull was certainly in order.

The Deputy Chairman: The question of whether or not this is a money resolution should have been raised, I believe, when Mr. Speaker was in the chair and before the house was ordered into committee. That would be my thought on that matter. Therefore I am sure the hon. member for Hull will co-operate with the Chair in his remaining remarks.

Mr. Pearson: Mr. Chairman, in our discussion of this resolution we assumed the resolution was preparatory to the introduction of a bill which would require direct expenditures. That being the case those direct expenditures would have been on the public service, and of course it would be impossible to discuss those direct expenditures on the public service without discussing rates of pay, conditions of service and all that sort of thing. If this does not involve direct expenditure and the Minister of Finance has somehow given us the impression that it does not, citation 277 (2) of Beauchesne's fourth edition says:

> A bill, which does not involve a direct expenditure but merely confers upon the government a power for the exercise of which public money will have to be voted by parliament, is not a money bill and no resolution is necessary as a condition precedent to its introduction.

Therefore this bill presumably does involve direct expenditures on the public service, and surely when discussing a resolution preparatory to a bill of this kind we should be permitted to discuss the nature of this direct expenditure, rates of pay, conditions of work and everything which goes with direct expenditure. Otherwise discussion becomes limited to the point where it may be even meagre.

Mr. Caron: I want to say something on this point.

The Deputy Chairman: I think the Chair has heard enough. However, I would be happy to hear the hon. member again if he desires.

Mr. Caron: We read in the Ottawa *Citizen* of today:

> The government has not yet received a recommendation from the civil service commission on salary increases for postal employees—

According to this the government said today that it had not received—

Some hon. Members: Order.

The Deputy Chairman: Order. I cannot understand what that has to do with this resolution.

Mr. Caron: It concerns salaries and the civil service commission.

The Deputy Chairman: Nowhere in this resolution can I see anything to do with rates of pay, and I have no alternative but to give my ruling and hope that the hon. member will co-operate with the Chair. I cannot see anything about rates of pay in this resolution.

Mr. Chevrier: Mr. Chairman, you have not dealt with the point raised by the Leader of the Opposition and the hon. member for Bonavista-Twillingate. I think it has been made quite clear that it was impossible for us to raise the point until we knew what the position was, and it arose in answer to the two questions which I asked the Minister of Finance as to what the resolution meant and what the expenditure was for. It may well be that Your Honour was right in suggesting you had no power at the time, but now that we know and we are advised of the position, as has been explained by the Leader of the Opposition, I want to make a motion and I hope you will accept it. I move that we rise and report progress and ask leave to sit again, so that we can get back into the house and bring the point to the attention of Mr. Speaker as would have occurred in the first instance.

The Deputy Chairman: Would the hon. member give me that in writing.

Mr. Chevrier: Yes.

The Deputy Chairman: May I ask the hon. member if he has put "later this day"?

Mr. Chevrier: Yes, I have.

The Deputy Chairman: Just to clear up a point, as the hon. member for Hull has the floor it would take unanimous consent for me to accept this motion. I assume the committee will give unanimous consent?

Mr. Caron: In that case I would be ready to move this motion.

The Deputy Chairman: It is moved by the hon. member for Hull that the committee rise, report progress and ask leave to sit again later this day, for the purpose of raising a point of order concerning the resolution.

Motion negatived: Nays, 43; yeas, 13.

The Deputy Chairman: I declare the motion lost.

Mr. Pearson: Mr. Chairman, in order to clarify matters may I ask exactly what the ruling is now under which we are not allowed to pursue this discussion? Have you ruled that it is out of order to deal with government policy with regard to civil service rates of pay and such matters?

The Deputy Chairman: No. I just said that the hon. member should not discuss rates of pay.

Mr. Pearson: Have you stated that if he tried to discuss rates of pay in connection with government policy he would be out of order?

The Deputy Chairman: I hoped I had made myself clear before.

Mr. McIlraith: With great respect we will have to appeal the ruling. A whole section of the Civil Service Act deals with rates of pay and compensation. It is part II of the act and it is entitled "Organization, classification and compensation of the service". Sections 11, 12, 13, 14, 15, 16 and 17 have to do with that whole question of rates of pay in the service, and if we are to discuss an amending bill replacing the existing bill but are not allowed to discuss the subject matter under that part of the act, with great deference we shall have to appeal your ruling.

Mr. Fleming (Eglinton): Mr. Chairman, before you complete this matter let me say at once—and I think what you said earlier is quite in accord with this—that there is nothing to prevent anyone discussing the machinery which the act creates or which the old act contains in regard to how rates are arrived at. Nobody questions that. The machinery is in the present act and there will be machinery provided in the new bill. But what it seems to me is not in order is to discuss particular existing rates or what should have been done with a particular rate. That does not relate to the machinery by which rates are arrived at. That is all this measure does. It deals, among other things, with the machinery by which rates are arrived at. It does not set rates at all. What has been left undone in relation to the establishment of particular rates may be discussed in the committee of supply on the supplementary estimates.

Mr. Caron: Mr. Chairman, on the point raised by the minister—

The Deputy Chairman: Order. The hon. member for Ottawa West has moved a motion. I am a little at a loss to understand how I could accept the motion. I have made no ruling since we voted on the amendment. That ruling was made before we voted on the amendment. I do not see how we can go back.

(Translation):

Mr. Caron: Mr. Chairman, that is precisely what I was doing; I was discussing the agency through which the civil service establishes and recommends pay rates for government employees. I hope I am quite in order if I keep within those limits.

[Mr. Pearson.]

There is one thing I wanted to point out, namely, that civil servants are in a position of inferiority. A report was prepared, but they were not allowed to see it. They wanted to discuss it with the proper authorities, but were not informed of its contents.

I would suggest that the government include in its proposed amendment something to the effect that, in matters pertaining to salaries or working conditions, a representative of each civil service organization sit in on civil service commission meetings. Thus they would be kept informed of matters under discussion, and could submit their views. There would be no more of those secret reports so familiar to the Minister of Finance.

The main grievance, I think, is against the way the matter is handled. Civil servants are treated as underlings by the Minister of Finance and the government. That is the point of my objection. They should not be placed in a position of inferiority; on the contrary, they should be given an opportunity to defend their own interests. I am not referring to any specific amount, but to working conditions, and particularly to the procedure for preparing recommendations to be submitted to the civil service commission.

The civil service commission has done its duty, and deserves no blame, but I do blame the government for failing to disclose the contents of its report. The minister, in particular, refused to say a word, and I think he is to be blamed for that.

Precisely as a result of the attitude displayed by the Minister of Finance, civil service associations have lost confidence in the government. They want their demands to be more thoroughly considered.

We also protest against the introduction of this resolution at the end of a session, at a time when there is still a considerable amount of important legislation to be passed, and when there are committees requiring our attendance.

The government does not seem concerned about its attitude. They want us to rush through legislation that we cannot accept without thorough consideration. It is a kind of steam roller, or what one might term a form of indirect closure.

We are not afforded the opportunity of giving proper consideration to the resolutions submitted. A rule of closure that we cannot accept is being imposed.

Mr. Chairman, I maintain that in the present circumstances there is only one way to deal with this: the minister should move

the first reading of his measure and supply us and the civil servants with the information required for consideration.

Thus, we could come back at the next session well prepared, ready, acquainted with the measure and the spirit that prompts it.

I have always dreaded the Conservative spirit in this country. That is why I wish to have the opportunity to study this bill and to understand its essence so as to be able to discuss it properly.

For all those reasons, I urge the minister to give the bill only its first reading, so that we may have time to consider it and to take it up in detail at the next session.

(Text):

Mr. Howard: Mr. Chairman, I endorse the validity of the suggestion made by the hon. member for Hull concerning the introduction of this bill and its study not only by the select committee but by all those affected. There is one way of meeting the problem of having the bill adequately studied and passed during the present session of parliament. That would be for the government to arrange a summer recess and to return in the fall so this and other matters could be studied in the intervening period.

I will today discuss the method by which salary scales have been arrived at and suggest an alternative method. The government has followed the old process of divide and rule by its action in the past few months in arbitrarily establishing salaries. This has tended to make some branches of the public service a little happier while curtailing the legitimate activities of civil servants to secure bargaining rights. This is the age old employer tactic of preventing people from having a voice in their own affairs and should not be followed by the government. The bill should reflect the right of individuals to bargain collectively with their employer, the government of Canada. If the bill does not reflect this principle it will fall far short of being a full solution.

Public servants have been concerned about this matter for some time. I am sure all hon. members have received many letters on the subject including form letters probably prepared by civil service associations. Although the minister may consider that the letter I hold in my hand expresses the position in violent language I propose to read a portion of it to indicate the feeling of civil service associations in this respect:

> Sir, as a civil servant I feel strongly regarding the morally dishonest manner in which the present government has misled both the civil service and the public. I object to the misleading statements made by the Minister of Finance in this respect. I feel that I have the right to question the honesty of intent of the Minister of Finance in his reference to personal income taxes and in his presentation of other data.
>
> I now ask you as my member of parliament, and in the interests of the efficient administration of the government of Canada, to take a special interest in the proposed changes to the Civil Service Act.

Mr. Bell (Carleton): If the hon. gentleman is going to read this letter I ask him whether he would give the name of the author of it and lay it on the table?

Mr. Howard: No, I am not going to give the author of it.

Mr. Bell (Carleton): You cannot read it.

Mr. Howard: This, Mr. Chairman, is one of many, many letters that I have received. I indicated earlier they were printed.

Mr. Brunsden: Inspired?

Mr. McIlraith: No, not on this subject; they do not have to be inspired.

Mr. Howard: I continue:

> I ask you to consider what the government—

Mr. Bell (Carleton): Surely, Mr. Chairman, the hon. gentleman cannot read it unless he is prepared to disclose the author.

Mr. Martin (Timmins): May I say a word on the point of order. Not so very long ago, on a similar matter, the hon. member for Assiniboia challenged—I forget the name of the hon. member—

Mr. Pearson: We remember it.

Mr. Martin (Timmins): He was from Saskatchewan.

Mr. Pickersgill: It is the hon. member back here from Alberta.

Mr. Martin (Timmins): Yes. At that time he was challenged to name the author and he refused. He took it on his own personal responsibility to quote the letter. I believe it was the hon. member for Wetaskiwin.

Mr. Speakman: Mr. Chairman, on a question of privilege, since my name has been mentioned, I took the statements from the letters as my own.

Mr. MacLean (Winnipeg North Centre): If the hon. member wants to take the statements in the letters that he is reading and support them, then he can do so.

Mr. Howard: May I say one word. These statements are mild compared with the ones I would use in condemning this government.

An hon. Member: Use your own, then.

The Deputy Chairman: I think it is quite obvious that if the hon. member does not wish to disclose where the quotation comes from then, of course, he must himself assume the responsibility for what he is talking about.

Mr. Bell (Carleton): But he does not.

Mr. Howard: Yes. I continue.

I ask you to consider what the government proposes to substitute for the confidence that it has destroyed,—

I think it has destroyed confidence.

—for it has now become clear that 200,000 citizens, taxpayers, voters, and civil servants need the protection of collective bargaining rights to ensure straightforward dealing.

As I said, I wish to make only a few comments on that to indicate the feeling of the civil servants across this nation who have sent these letters to many, many people. It is a key point of bargaining rights that I am leading up to. I do not think anything else, regardless of whether it is a benevolent attitude at election time or at any other time to establish upward adjustments or otherwise in civil servants' salaries, will meet the point. The main point is that here are many thousands of people in the public service of Canada who do not have the rights that are enjoyed by countless thousands of other people across this nation, namely the human and civil right to make a determination of, or participate in making a determination of their own, in consultation and discussion with their employer, a determination of what their working conditions, wages and other provisions relating to their work will be.

As the committee knows, I introduced a bill earlier this session in this regard. There was some discussion of it. I do not intend to go into it. It was a bill to amend the Industrial Relations and Disputes Investigation Act. It was designed to make that act, with some exceptions, applicable to the public service of Canada. It met with a number of objections. What I should like to do is to lay the groundwork here to indicate what I think should be included in the bill when it is presented to the house. These objections revolve mainly around the fact that in the final analysis parliament should have the right to determine what the salary structure will be and what wages will be paid to civil servants, since parliament has the right to decide in the final analysis what all other payments out of the public treasury will be. Perhaps there should be a modification of the original thoughts that I had on this matter to meet this point. I think that a conciliation board or an arbitration board, or whatever you wish to call it, should be established, although in the strict sense of the word it would not be an arbitration board that I intend to suggest but a conciliation board of the public service of Canada.

I think the public service should have the right to proceed to such a board if it cannot find satisfaction in its contract negotiations and at other stages. I think that a report of this board should be tabled in parliament and that parliament itself should make the final recommendation so that parliament would then have the final say as to what rates would be applied to the public service rather than have the minister in his ivory tower decide what those rates would be.

As I said earlier, he is now doing that in an arbitrary and discriminatory way. There is some reference also in the initial Industrial Relations and Disputes Investigation Act to the fact that perhaps the definition section there of employee is not strictly applicable to the public service because certainly the structure of the public service is not strictly comparable with any private industry and perhaps there should be some modification there.

With these two modifications that I have suggested and the one that I initially proposed, namely that there should not be the right to strike, we think the provisions of the Industrial Relations and Disputes Investigation Act, if the government so desired, could be properly embodied within the Civil Service Act, to set up the machinery whereby the civil servants could reach fair and just settlement and equity in their dealings with the government, not only with respect to wages and salary adjustments, but also with respect to the resolution of disputes and differences of opinion between the time when they are actually bargaining for an alteration in any collective agreement that they may have and other times. This relates to such things as classifications of employees, promotions and allocations within different departments, rates of pay and whether they are receiving a fair rate of pay for the particular type of work they are doing, and all of these other matters which will arise from time to time in any organization. When a person feels he is aggrieved and has a grievance he should have the right to proceed in this instance to the board of arbitration to determine whether or not he is right in his suggestion that he has been aggrieved.

I think, Mr. Chairman, this is the key point to which we should direct ourselves. I refer to the giving of bargaining rights to civil servants, to the people in the public service, to determine, as all other employees in industry have, their own destiny to a degree; the right to form themselves into organizations, to bargain collectively with

their employer. This is the basic human right that we think should be embodied in the Prime Minister's bill of rights if and when we get around to seeing it. But this is one of the rights that I think individuals within the public service should have just the same as people in private industry have. Without this right, without providing the machinery by which a member of the public service of Canada may state his objections, without the right to a piece of machinery through which he can express himself, and collaborate with others in a similar class of work, and attempt to deal with his employer; without those rights placed in the Civil Service Act we shall continue to have the recurrence, maybe not year after year but time after time as the years go on of the attitude that is existing at the moment among many of the people in our civil service.

The attitude expressed in the form letter I read earlier also expressed my views, and I say it is not good for our public servants to have this sort of attitude toward the government. It is not good to have a policy toward the public service that continually makes for dissatisfaction and causes some employees to leave the civil service and seek other fields of employment because there is a better opportunity for the expression of themselves as individuals in private industry. We should not allow a situation to continue which creates such hard feeling.

Similar conditions have existed in other provincial and municipal governmental organizations. I do not intend to go into those at the moment because they involve other jurisdictions, but I think we can certainly profit from the attitude of one provincial government and take a cue from the manner in which it has dealt by legislation with the rights of the individual members of its public service. If the minister would do something of that nature I think he would do a great deal to dispel the frustration and anger existing among our civil servants at the present time and help greatly to prevent a recurrence in the future.

Mr. Nielsen: Mr. Chairman, I have been waiting since the beginning of the session to bring up a matter which is of concern to civil servants in my riding. In view of the ruling of the Chair as to rates of pay, it is doubtful whether I can go too deeply into that aspect of what I intended to say this afternoon. The subject to which I wish to draw the attention of the committee and the minister is the matter of isolated post allowances, which may not properly be considered as pay of civil servants. I will not go into the question of rates but rather will deal with the method of arriving at the isolated post allowance paid to civil servants in the north.

In the more remote areas of the north civil servants are paid an allowance over and above the rate of salary they get, and in order to arrive at this allowance four factors are taken into consideration. Among the factors is one concerning the cost of living and another concerning the supplementary cost of living. The method of arriving at the cost of living and the supplementary cost of living allowance is one which in my view is producing certain inequitable results so far as the actual rates are concerned.

The previous government set up a committee known as the interdepartmental committee on isolated post regulations, and the recommendations of that committee are either accepted or rejected by treasury board in arriving at the rate of allowance to be paid to the northern civil servant. In arriving at an assessment of the factors in order that a rate of allowance may be calculated the committee has recourse to information provided on certain forms which are supposed to be completed by civil servants in the north. In the past these forms have been poorly distributed and have not been fully completed. As a result erroneous information has come to the hands of the administration both prior to the time that present government took office and subsequent thereto.

I suggest that a more accurate method of assessing the factors which are properly considered when arriving at the rate of allowance to be paid would be to conduct an on the spot survey of conditions in the post which is being assessed. The cost of living allowance, of course, has to do with the cost of food in these remote areas, and the supplementary cost of living allowance has to do with the cost of other goods and services supplied in the area which may be under examination. Recently there has been a reduction in both these allowances on the recommendation of the interdepartmental committee on isolated post allowances, a committee which incidentally, is composed entirely of civil servants. In effect, therefore, it is a recommendation made by civil servants for a reduction in the isolated post allowance of civil servants.

I think the information the committee had on which it based its recommendation for this reduction was far from complete. As a result, I feel that a more accurate assessment should be made and in the meantime any positive action with relation to a reduction of these allowances should continue to be suspended. For instance, at the moment the method of calculating the cost of living allowance is

by determining the relative difference between the cost of food in Vancouver or Edmonton and that in the given location in the north. I feel that the calculation of the allowance by relying on the relative difference is wrong. What should be done is to conduct an on the spot survey of the cost of food in any given location and upon that basis the rate of allowance should be arrived at.

As to the supplementary cost of living allowance, the cost of other goods and services in the remoter northern areas should be assessed and likewise calculated. This is now calculated simply by an arbitrary guess as to what the allowance should be. The method which I suggest should be adopted is an on the spot survey of the actual cost of other goods and services in these various locations. If this method is substituted in each case for the method employed by the previous administration and still carried on by the present administration, perhaps because the matter has not been brought to the minister's attention before, I think a much more accurate assessment of such allowances could be made. With these few remarks, Mr. Chairman, may I say it is my hope that there will be some provision in the new act or the regulations that will be made thereunder which will result in a revision of the method of calculating these allowances so that a much more accurate and equitable allowance may be paid.

Mr. McIlraith: Mr. Chairman, the legislation we are now discussing has been described by the Minister of Finance as having its origin in the 1918 act. A technical argument could probably be made that the principle of the merit system was attempted to be introduced in earlier legislation, but in any event the 1918 act certainly was a landmark on this subject and was properly described by the minister as such. I think the people of Canada owe a great debt of gratitude to the Hon. A. K. Maclean who presented the legislation and piloted it through the house and to men like the Hon. Newton Wesley Rowell, afterwards chief justice of Ontario, for the contribution they made in that regard. It seems to me that in their remarks they showed an appreciation of the problem and suggested methods whereby real strength could be achieved in the administrative arm of government which have served as a good base on which to operate.

Mr. Bell (Carleton): What about the leader of the administration, Sir Robert Borden?

Mr. McIlraith: I am just coming to that, if the hon. member for Carleton would be just a little patient he would see that all things come in their proper place.

[Mr. Nielsen.]

An hon. Member: Sometimes it is the reverse.

Mr. McIlraith: I do not know what is reversed about it. The minister of finance introduced the legislation in that time because apparently at that time the secretary of state did not have so much to do with the legislation. In the last number of years it has been the responsibility of the secretary of state and I, for one, am thoroughly mystified as to why the Secretary of State is not presenting this legislation today.

Be that as it may, when I started my remarks I was mentioning the importance of principles laid down by former leaders. There is a particularly good reference from the leader of the union government, when he spoke about the civil service being free from the maligning influence of patronage. The whole attempt has been to get away from that patronage and establish a truly merit system of appointment. I, therefore, welcome a review of this legislation at this stage to see what improvement can be made.

It is rather interesting that the last government, when the new chairman of the civil service commission, Mr. Heeney, was appointed, directed him to deal with this subject, to examine the whole subject and to make a report and recommendations. The new government when it came in renewed that direction in very similar terms. Clearly, Mr. Chairman, I take it there was no difference in the reference intended, so we have the Heeney report to which the Minister of Finance, in introducing this measure, made so much reference. There is a particularly good paper dealing with the subject of the Heeney report by one of the commissioners of the civil service commission, Mr. Paul Pelletier, on October 23, 1959. This will be found in the proceedings of the 11th annual conference of the institute of public administration of Canada. There is an abundance of good material on this subject and, quite frankly, in discussing a subject which is so wide there is some difficulty in knowing just which segment should be discussed.

I wanted to raise one more matter, and I think in order to do so I should quote a line or two from the Heeney report. This will be found on page 8 of that report, paragraph No. 17. It reads:

> Law alone cannot guarantee good administration, but it can and does have a real effect on the quality of the personnel who are recruited and it can provide incentives to good performance.

There is more said about the subject, and then the report goes on to say this:

> The effectiveness of the present act in protecting the national service from these traditional abuses—

Referring to the abuse of patronage and other abuses.

—is a convincing argument for the preservation of the essential legal safeguards of the merit principle.

The minister indicated he was attempting to preserve and strengthen that principle in the legislation he is seeking to introduce. I feel that that paragraph makes it clear that there are two principles that are involved in developing a healthy and strong civil service. One is the legislation itself, and that has been relatively good legislation in this country and we hope the new bill will be a good bill when it comes before us, and the other thing is the attitude of the government itself toward its own administrative arm.

I am bound to admit that as I studied the history of Canada I have observed over the years, differing attitudes by different governments to the administrative arm of government. There have been periods when, unfortunately, the treatment of the civil service was not such as most of us in this house would wish. Since the recent change in government I have, at times, been somewhat concerned with the attitude of this government toward the civil service. The Minister of Finance, I am quite sure, as time goes on and his experience continues will come to the conclusion that his method of handling the pay increases over the last year—quite in addition to the question of the pay increases themselves, the amounts and so on—leaves something to be desired. It seems to me that it does not reveal on the part of the government an appreciation of the proper place of the civil service in the functioning of government in Canada. I could labour that subject for some time, but I hope the minister will pay more attention to that subject in the future so that we will not have the same rather peremptory announcements such as were made during the last year. I must say, frankly, that I had regarded the Civil Service Act as doing one outstanding thing and that was setting up a commission that was answerable to parliament.

There are quite adequate safeguards in that, such as the provision that the chairman of the civil service commission can only be removed by a joint address of the two houses of parliament, which is the method of removal that is made applicable to judges of the supreme court. Here we can see the lengths to which our predecessors went in seeking to guarantee the independence of the civil service commission from partisan interference by government. I do not want to reiterate a debate that took place earlier as I am not sure of the extent to which I could do it, although I believe I could bring it under the rules.

I must say I was shocked with an answer given by the Minister of Finance when he was asked to table a report of the commission to the government. Possibly the nature of his answer was dictated by the procedure on motions for the production of papers which would not permit the minister to debate the matter. Perhaps I should be charitable to the minister as certainly the answer was in an abbreviated form, and the form in which it appeared on that occasion was such as to weaken the confidence of the public service of Canada in the government's attitude toward that service.

I could pick out other points, but perhaps I have said enough to indicate that I am very concerned that this legislation being introduced shall in no way weaken that principle of the independence of the commission from the partisan influence of the government of the day. This principle should be preserved and strengthened.

There is another point that concerns me greatly. The last really thorough study of the civil service was in 1938 and 1939. I was interested in noting, when I sent for the evidence of this committee, that the special committee of 1938 held some 48 sittings. The committee was reconvened in 1939 and held nine meetings. In other words, on that occasion some 57 meetings were held on the Civil Service Act. This leads me to say that in my opinion no government of Canada can be really effective in the interests of the public of this country without a strong and competent civil service, a civil service with a high morale and efficiency. I believe we have such a service, and I believe it is important that we always have such a service.

We are told by the minister that the legislation now coming before us is going to be longer than is the present act. The present act has some 65 sections to it. It is divided into five parts, one part which, by the way, seems to deal with the subject of compensation. I will not elaborate too much on that matter. However, to deal with that act and to review it required some 57 meetings of a special committee the last time it was done. We are now going to be asked to review the whole subject matter and to consider a new act that is longer than this one of 65 sections and to do it all, as the minister said, "I hope rather hurriedly" this session without having the opportunity to think about them.

I am going to make a direct appeal to the minister to consider this whole matter in order to ascertain if the interest of the country would not be better served by allowing this bill, once it is introduced and is

given first reading, to stand over so that a committee can be set up at the start of a session, one that can look forward with interest and eagerness to holding 57 sittings or more, if necessary, in order to deal with this matter thoroughly and to give it the kind of treatment it deserves.

I have had some opportunity of dealing with civil service associations, civil service bodies and civil servants individually and I think I can assure any committee to be set up that some numbers of civil service associations will wish to be heard. I think it is appropriate and proper that they should be heard. The act, the regulations thereunder and the procedures are quite cumbrous and quite involved. They are not simple things that can be dealt with in a few minutes. I would hope that all these organizations would feel that they are going to have the opportunity of being heard, of making full representations and of submitting to examination by members of the committee so that the bill as it is finally enacted by the house will be one that will meet all the requirements of good government, that will have been examined thoroughly and that the civil service—whose charter it will be, in reality—will feel that it has been competently examined by the house and by the committee.

I therefore repeat with all the strength at my command the request to the minister to reconsider this matter, that he let the bill, after first reading, stand over and have the committee set up immediately after the throne speech so that the months required for full examination of the bill may be available.

There are many subjects, briefs and sections that will require to be examined. Any lesser treatment of the matter is not one that will serve the interests of the country or of the government adequately and well. I perhaps have no need to draw to the attention of hon. members the fact that this is the 106th day of the session. According to my arithmetic, if the committee were to hold the same number of meetings as the former committee held, it would be the 163rd day of the session, if the committee held a sitting every day from now on for the rest of this session, before it could even start to prepare its report. From this calculation hon. members will see just how serious this matter is and I hope they will join me in the request I am making to the minister.

A good deal could be said about governments of the day. It seems to me that the situation is this, as I have been able to study it. If you examine governments since confederation, Mr. Chairman, you will find a rather interesting coincidence, namely that governments which have been incompetent, if I may use that word, or which have been antagonistic in their handling of this subject or which have misunderstood the role of the civil servant in the art of government or in the business of government have tended to be weak governments and have tended to destroy themselves. It is a rather interesting study for anyone to pursue. While I cannot express too many wishes for the present government, I would hope they would not fall into the error of treating this subject in any way less seriously than its inherent merit demands.

There is a great range of subjects requiring discussion. I noted that the minister indicated he is changing the provisions having to do with the pay of an employee of the crown being a matter of right instead of a matter of grace, following a principle that was laid down in the civil service superannuation legislation some years ago. Then he mentions that consultation between the staff associations and the appropriate officers of the government or the commission on questions of pay and conditions of work as the need arises is desirable. There is a whole area of discussion there. I do not propose to spend the rest of the time allotted to me this afternoon in discussing it. But because of its complexity, that subject alone deserves close attention from all hon. members. I am not sure just what the minister meant in that reference or just what he proposes in the legislation. We look forward with interest to seeing what the legislation contains on that subject. With the growth of the service and with the changing ideas of our times it is readily apparent that the present method of consultation is not working efficiently and is not adequate as in regard to the present needs.

I must revert to an earlier point. I place a little bit of blame for that situation on the minister's attitude or, shall I say, his failure to understand the whole subject and his failure to give to the workers in the service the confidence which they deserve and to which they are entitled as long as they are doing their work efficiently and in the interests of the country.

Then there is this other matter mentioned by the minister, namely the changing situation to be covered by legislation, the matter of the veteran preferences in relation to such things as the war in Korea which did not involve the kind of declaration of war envisaged by the earlier legislation and matters of that kind. We could go on then into this whole question of existing legislation, the method of the rates of pay, the rates of compensation for new classes; the method of

submitting the reports for the rates of compensation; to whom are they to be submitted; what is the method of handling them after they are submitted; what is the method of having them made public; what is the method of having them made available to parliament and so on. I think that whole sector of the act needs strengthening and needs to be brought up to date. On that point I await with interest the provisions of the bill.

Again I do not want to revert to something already dealt with, but I must say I was rather shocked at what I thought was the limitation the minister was seeking to put on the debate. That is past now, but the whole matter not only of rates of pay but of methods of determining and examining them to see that they are adequate, and so on, requires minute consideration by some appropriate procedure of parliament, which in this case I would say is the special committee. Then there are all the other matters to be considered, such as the development of the Whitley councils as they were first created in the United Kingdom a number of years ago and their adaptation to this country, the modernization of them to meet modern needs, the extent to which they should be adopted, modernized and improved, and the extent to which they should be discontinued because they may not be quite up to date. All that covers a vast area.

It is not my purpose to develop the argument any further at this stage. I for one want to see this bill. I hope it will be possible, when the bill is made available to me, to have a proper opportunity of reading and studying it thoroughly and that I will not be expected to deal with it in a rush at the committee stage when we have such important committees sitting as the committee dealing with the combines legislation, the committee dealing with broadcasting and the committee dealing with the bill of rights.

Therefore I conclude my remarks with the reiteration of my request to the minister to lay before his colleagues consideration of procedure from here on in the handling of this piece of legislation. As I said, when the act was previously before the special committee in 1938 and 1939 it required some 57 sittings to deal with it. We are now in our 106th day of this session, and if we are expected to deal with this legislation in a special committee, bring it back to the house and enact the legislation at this session, I am afraid it will get less competent treatment from us than it deserves, and less competent treatment than any one of us would wish it to get. It will also create a situation in the civil service where there will be further demoralization.

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May I point that last factor out as being of some importance, because if the civil service bodies are not given an opportunity of being adequately heard by that special committee there will undoubtedly be the impression created that the government of the day is seeking to force legislation through without adequate consideration. That can be a very important thing when you are dealing with a body of employees running to some 140,000 or 150,000 people. I noticed that the hon. member for Carleton does not like my reference to some demoralization in the civil service—

Mr. Bell (Carleton): No, of course not, and the hon. member does not believe that himself.

Mr. McIlraith: I repeat my statement. In my opinion there is no doubt at all that there is. It has been created basically through slowness in granting pay increases, as the hon. member for Carleton, if he has anything to do with postal employees these days, will soon know.

I do not think the government's method of handling the increases has been quite up to what it should have been. As I say, I do not propose to state a case. For instance, discussing the question of the failure to make these increases retroactive to the appropriate date, not following the earlier practice in this regard, would occupy me for some time. I could discuss the whole question of failure to deal with what is probably one of the most underpaid classes in the civil service, namely the postal employees. Any suggestion on the part of hon. members that those problems have not caused concern in the civil service is, in my view, not a conscientious and complete picture of the subject at all, and I say it has not been treated in the way it should have been treated.

However, I have made my plea to the minister. I regret there is only one of his colleagues in the chamber at the moment. I do hope that the request I have made gets to his colleagues in the government and that they do consider the matter in the way in which it is put forward in an effort to make sure that this legislation which is being introduced will be the best possible legislation that the house can produce.

Mr. Brunsden: Mr. Chairman, two or three very definite impressions have arisen from this debate, and may I be permitted a few moments to give my thoughts with respect to them. These impressions arise from the very lengthy and rather tedious remarks of the hon. member for Hull and the hon. member for Skeena to the effect that the gentlemen to my immediate right are the only members of this committee who are interested in

the Canadian civil service. Let me say, Mr. Chairman, that those of us on this side of the house share with them a deep concern with respect to their futures and that we are determined, as they were some years ago, when they had the opportunity, to do everything possible to safeguard their interests.

There is a factor which has not been mentioned today, and I say this with all due respect to every civil servant in Canada. Much has been said today with respect to the transition of the civil servant to private business, the breaking down, it is alleged, of our civil service organization. The civil servant enjoys something that no other worker in Canada enjoys, and that is a very large measure of security. While there may be times in the course of his active life when he feels he has not been entirely fairly dealt with, he always knows that except for cause he cannot be removed from his office. I say to you, Mr. Chairman, that that is an advantage that should be given some consideration in any discussion of this great working force. I can think of many other groups who have no security; I am not too far from one at the moment. Other groups also could claim they are underpaid. Some members of this group close to me make that claim. I am not among them, but I do feel that there are factors involved in employment in the government service which have not been given the credit to which they are entitled.

Mention has been made of patronage. I am very happy to say as a private member of this government it has been impossible for me to indulge in any patronage. First of all it is not my wish to seek it; second, I could not get my brother, if I had one, appointed as a janitor if there was such a job open. The civil service commission in Canada is doing a most excellent job with respect to the filling of positions. There have been some disappointments of course with respect to appointments which have been made, but by and large I am very happy to say that in my opinion the replenishing of the ranks of our civil service is entirely removed from politics.

So I say that when this resolution is adopted and the bill comes before us it will be the concern of all of us regardless of political party to analyse it from the point of view of the greatest advantage for the greatest number. I am sure the Minister of Finance as he pilots the bill through the house will demonstrate to all civil servants his sincere interest in their welfare.

Mr. Richard (Ottawa East): Mr. Chairman, after listening to the speech of the Minister of Finance and other hon. gentlemen who have spoken this afternoon I am wondering if as a whole the committee takes seriously enough the question which is before it. This is not just another act that will from time to time be amended or overhauled. This is the act which affects the working conditions and status of what is the most important permanent administrative arm of the government of this country. It is often said that we have the finest civil service in the world, a great organization, outstanding people. That is all very well. We must ensure that the act governing how they are appointed, the conditions under which they will work, the basis on which they are remunerated, the method by which they will achieve promotions, the regulations concerning their tenure of office, et cetera, is also the finest act of its kind in the world.

This is not a political matter. This subject should be taken out of politics altogether. Up to a point I do not think there is too much cause for complaining that too strong a political element has been injected into the debate this afternoon. However, I feel that if I were to do justice to the importance of the subject before us I and every other hon. member in this chamber who is interested in this measure would speak for at least 40 minutes because the subject is much larger and of greater importance than one would be led to believe by what has been said in the debate today.

Parliament has had no opportunity since 1938 or 1939 to discuss the whole question of the civil service. Last year we had a small review in a committee of the house. The meetings were very friendly. The hon. member for Carleton was in attendance. We were also honoured to have the acting chief commissioner, Mr. Pelletier, present, as well as others who gave us information on conditions in the civil service and the operations of the commission. But that was not the type of study a committee of this house should have given to so broad a subject. There are many serious matters to be considered including the question of the first examination appointment. That is a great question. Promotions is another. There are also the questions of assignment, transfer, tenure of office, removal, et cetera.

Another big question that must be solved is that of consultation or collective bargaining as it is referred to by some. Hon. members do not even know what is in the bill. Perhaps some hon. members on the government side know what is in the proposed bill but certainly I do not. What is more important, those who are affected do not know what is going to be in the bill.

Surely whatever our views on the matter may be we need the assistance of those who

will be affected by this legislation. The civil service associations should have an ample opportunity to appear before the committee. The officers of the commission should also appear. Surely we will not pass a bill without giving ample opportunity to those who want to speak on various aspects of it to present their case before the committee.

Mr. Fleming (Eglinton): I do not know if the hon. member was in the chamber when I said that after second reading of the bill I proposed to ask that it be referred to a special select committee for the purpose of going into the bill in the utmost detail.

Mr. Richard (Ottawa East): Of course I agree with that. My hon. friend does not understand my point.

Mr. Fleming (Eglinton): No, I do not.

Mr. Richard (Ottawa East): The committee in a period of one or two months cannot properly examine the bill and hear all the representations that will be made on it. I congratulate the minister and the government for bringing the bill before us at long last. The act requires revision and it is high time it has come about. I also congratulate the government for having given us an opportunity last year to study the Heeney report. All this is to the good.

My point is that the bill should be introduced now and next year let us go to work early in the session in a special committee and do a thorough job of analysing the measure. The minister should know that he will be the loser if a bill such as this is passed within a month or a month and a half without adequate study having been made. The minister will take all the blame and plenty of blame will be directed at the hon. gentleman because there will not have been an ample opportunity provided for those who wish to make representations to the committee. It will be too late. Afterwards we will find all kinds of holes in this legislation and the blame will be directed to one individual. Hon. members will observe how sympathetic I am to my good friend the Minister of Finance. I am trying to save him that embarrassment.

I will not elaborate at great length because I believe I have made my point. The resolution should be passed, the bill introduced and the minister should agree to delay examination of the measure by the committee until the next session of parliament. The minister pitched one good game this afternoon in the field of superannuation and I do not think the hon. gentleman should expect that his arm is limber enough to enable him to pitch another good game today.

Mr. Bell (Carleton): Mr. Chairman, no resolution of more basic long range significance has been or will be considered at this session of parliament than this proposal to amend, revise and consolidate the Civil Service Act. However sound may be the other legislation of this parliament, however competent the ministerial direction, all will be found wanting if the subsequent and consequent administrative responsibilities are not fulfilled by a competent, responsible and loyal public service. Everything this parliament does, everything the ministry seeks to achieve, ultimately must be enforced or carried out by public servants of all levels and grades. And so I submit that this particular legislation is basic, is of vital, fundamental and lasting significance.

I therefore deeply regretted the attitude of the hon. member for Hull. Presumably this afternoon the hon. gentleman was spokesman for the official opposition in this important matter. Did he approach this resolution in an objective way? No, the hon. gentleman engaged in a political harangue. The hon. gentleman endeavoured to drag the civil service into politics, to make the act a partisan and political issue. Nothing could be more harmful to parliament or more harmful to the civil service. I say that the hon. gentleman's remarks this afternoon were both cheap and unfair. They were totally without dignity or an understanding of the fundamental precept that the civil service must be above and beyond politics.

May I remind the hon. member for Hull and indeed also remind the hon. member for Ottawa West that it is to a very great Canadian, Sir Robert Borden, and his colleagues that Canada owes the present structure of its civil service. The monument of a civil service appointed on the merit principle, promoted on the same basis, freed from partisanship, the spoils system, the favouritism and the nepotism which plagued our earlier days, is a monument to Sir Robert Borden more lasting than the bronze and granite we observe on parliament hill.

The Heeney report of December, 1958 had this to say of the Borden bill of 1918, the bill of 40 years earlier:

> It has been said that the Civil Service Act of 1918 gave Canada, in a single step, as advanced a measure of public service reform as existed anywhere in the world.

So for more than 40 years the principles of the Borden bill have stood the test of time. To all governments, to all parties, credit is due and let credit be given. Let us keep this resolution, let us keep our discussion of it above and beyond partisanship in this chamber.

During those 42 years Canada has emerged from colony into nationhood, and the status of its civil service has kept pace with that. Without reservation I submit to the committee that our senior civil servants can hold their own at international meetings, at learned societies and in the performance of their day to day duties with the public servants of any other nation; and this submission, indeed I call it this confident assertion, I would apply to all in less senior roles. That fact itself is a vindication of the Borden Civil Service Act, in principle not amended in 42 years.

Mr. McIlraith: Will the hon. gentleman permit a question?

Mr. Bell (Carleton): Yes.

Mr. McIlraith: I agree with what the hon. member says about the civil service. Is that not a pretty good indication of how well the previous government administered the act in the previous 22 years?

Mr. Bell (Carleton): I would like to say to the hon. gentleman that during 42 years I believe on the part of governments generally there has been adherence to that sound principle and there has been in the last three years an adherence to that principle the like of which has not existed in the 22 years previous thereto.

The fact that there has been that adherence would indicate that the modernization of the act, its streamlining, if you like, its up to dating, ought to be in general conformity with those principles which have stood the test of time in Canada's rush from a frontier colony to a nation capable of foremost leadership in the world.

Though Canadians are proud of the standards of our civil service—and have reason, as I have said, to be—that fact must not lead us to smug self-satisfaction or into complacency with the status quo. By parliament and by the civil service itself there must be a constant striving for improvement in the standards of our administration of public service matters. But what I emphasize is this. Parliament must be certain at all times to preserve the great traditions of our civil service. I submit that the legislation which is introduced must be tested on that basis. For those reasons I believe the house and the country will welcome what the Minister of Finance has said in introducing this legislation this afternoon and the assurances which he has given.

The first and the most significant assurance is that the merit principle will be preserved inviolate in the proposed bill. It is the cornerstone on which we build. The Heeney report had this to say at page 23:

> It can, we believe, be asserted with confidence that the merit system is a permanent feature of the Canadian philosophy and machinery of government.

Last year, after its detailed review of the civil service commission, the standing committee on estimates ended its report with this uncompromising declaration of the faith of the members of this house, and I quote from *Votes and Proceedings* of Thursday, July 2, 1959, at page 648:

> In reviewing the evidence and the recommendations contained in the foregoing your committee wishes to impress upon parliament the importance and the necessity for reaffirming our belief in the fundamental and underlying principle of the public service of Canada. The principle to which we refer is generally described as the "merit system" which we suggest provides the one assurance that the civil servant will remain free from political or other influences in discharging his responsibility to the Canadian public.

This declaration, drafted by the hon. member for Calgary South, but approved unanimously by all members of the committee representing all parties in this house, is a fulfilment of the pledge which was made to the civil service association of Canada by the Prime Minister on May 1, 1958, in what I may describe as a very sympathetic and certainly a very enlightened speech on the subject of the civil service. I quote:

> Our revised Civil Service Act, I am sure, will preserve the vital principles of the merit system which have been in our legislation for the past half century. Nowadays we take it for granted that civil servants are appointed and promoted on the basis of ability. We must not forget, however, that this depends upon having the right principles in our law and the effective application of them by an impartial tribunal. This we must preserve.
>
> The public service is so important and its work affects all Canadians so directly, that we need the best men and women in it that we can secure. That is the positive aspect of the merit system—to ensure the selection of those who will do the best job.

So there is embedded in this bill, and for all time it must be a part of Canadian theories of government, the assurance of the practice, the genuine practice of—not just lip service to—the merit system. But let us not believe that just the mere assertion of adherence to the merit system is assurance of its practice. Here, as in so many aspects of life, eternal vigilance is the price of adherence to principle. Safeguards against internal abuses, against tailor-made competitions, against favouritism by senior officials, all these are required for the genuine practice of merit in promotions. The Heeney report, at page 8, put it this way and this is a statement always to be kept before us:

> Forty years ago, and this is all too frequently forgotten, the need was also for a public service

free from nepotism, the coddling of incompetent favourites, the granting of promotions for consideration and similar internal abuses. Not much is gained if the "malign influence" of political patronage is replaced by bureaucratic patronage, which may be less apparent but which can be no less insidious and demoralizing.

Most emphatically do I agree that bureaucratic patronage is insidious and demoralizing and the new act and its administration must endeavour to eliminate bureaucratic patronage as fully and completely as political patronage. Had I to choose between them, I would support political patronage ahead of bureaucratic patronage, for the politician at least is accountable for his actions. Fortunately that choice is not necessary.

And so, basically, the merit system means simply that appointments and promotions are made on the basis of an objective determination of the relative merit of qualified candidates, under which all qualified persons have the opportunity for consideration for appointments and promotions and under which duties performed are equitably compensated.

I believe it is a major responsibility of this parliament to make civil service employment an attractive and rewarding career for any young Canadian. We need to recruit the very best of our young Canadians for government, government at all levels, not those whose prime interest is in security. To do that, the rewards additional to security must be genuine. Service of the state must be considered the very highest type of service and those who pursue such a career must be given the confidence that they will not be shot down blind alleys, will not have their potential for advancement restricted by red tape, will not have their initiative blighted by needless frustrating administrative techniques, will not have their leadership qualities lost in the giant mechanism of an inhumane bureaucracy.

For that reason, personally I welcome the assurances of the Minister of Finance that the new legislation will provide greater flexibility, greater simplicity in meeting the administrative functions of the departments of government, all without prejudice to the merit system. As I understand it, the proposed legislation will provide for a clearer division of authority. It will preserve unimpaired the authority and responsibility of the civil service commission in all matters dealing with recruitment and promotion. On the other hand, in all matters of managerial concern, greater authority for decision and action will be vested in deputy heads.

I think that is good. It is in strict conformity with the Heeney report and with what I believe are recognized as the best principles of modern public administration. What I hope this may be able to achieve is what I might describe as a better internal relativity, that is to say, an improvement in the relationship between various classes of work and rates of pay within the civil service. What we must seek to achieve, and what I believe and hope this legislation will achieve, is the establishment of definite principles of class comparability, a reduction in the number of classifications and the removal generally of discriminations and frustrations, of blind alleys for some employees. This I believe can be accomplished and will be promoted by the principles which have been outlined to the committee this afternoon by the Minister of Finance.

I think the house will have welcomed as well the assurance of the Minister of Finance that there will be no alteration in the independent status of the civil service commission as a quasi-judicial tribunal. This is in accord with the positive assurance given by the Prime Minister to the civil service association of Canada in what I have already described as a powerful speech on May 1, 1958, a speech which, as I have said, revealed a deep understanding of and sympathy for civil service traditions. At that time the Prime Minister said:

> The commission is not an arm of the government to which ministers can give direction. It derives its powers and basic instructions from parliament.

That position is fundamental to the preservation of sound principles of recruitment and promotion. Welcome indeed to the whole house, I am sure, was the appointment as chairman of the civil service commission of a man of such distinction as Mr. Justice Hughes. I think he is to be congratulated upon his willingness to leave the security of the supreme court bench, a role which he achieved at a comparatively youthful age, for a term appointment in a difficult and perplexing administrative task. As a friend of his of some 30 years now, may I say I believe the commission is fortunate indeed to have as its chief a man of such civilized mind, such keen perceptions, such articulate capacities and such basic common sense and, as well, one who all his life has been guided by a firm determination to fight for the principles in which he believes.

The minister has indicated that the bill will provide the technique for an ever-increasing participation of employees and their associations in the processes leading to a determination of conditions of employment. That is good. But this I do want to say. Responsibility is a concomitant of authority. Staff associations must display genuine responsibility, moderation in language and

statesmanship in conduct to ensure an approach to effective participation in bargaining techniques. Abusive language, extravagance of expression and action have no place in civil service negotiations and only succeed in retarding what genuine friends of the civil service seek to achieve.

On other occasions I have spoken in the house about the accomplishments of the present government in civil service matters. Let it never be forgotten that the change of government in 1957 was accomplished with the least upset to the civil service of any change in history. This government has never had enough credit for that fact, for the fact that there were virtually no dismissals, no parade of dismissed employees of the type invariably experienced after previous changes of government. From the very outset this government has not given lip service but genuine adherence to the true principles of the merit system and it is time that credit was given for that fact.

In all its actions the government has demonstrated a sympathetic, understanding approach to civil service problems. Examples are the establishment of the pay research bureau, a matter frequently proposed to the former government but invariably declined; the institution of increases for superannuated civil servants, again a matter for years, sought by them but invariably refused by the St. Laurent government; the institution of a modern medical-surgical plan; the appointment of a justice of the Supreme Court of Ontario as chairman of the civil service commission; the appointment on every practical occasion of deputy ministers from within the service; the institution of a system of class by class increases in salaries with regular and periodic reviews based on the principle of fair comparison. These are but a few of the indications of the genuine understanding of the Prime Minister and his colleagues of civil service administration and problems. This legislation is further evidence of the good faith of the government.

Therefore, pleased am I that the government has decided to send this legislation to a special committee. There in the exchange of opinion, in the clash of what I hope will be non-partisan views, I believe we can bring to relative perfection a bill which for the next 40 years will shine as a beacon of sound, progressive civil service policy as the Borden Civil Service Act has shone for the past four decades.

Mr. Martin (Timmins): Mr. Chairman, in listening to the parliamentary secretary I heard him condemn extravagance but I think there is one other type of extravagance which he omitted and should condemn as well, his extravagance of words. The hon. member also boasted about the fact that the present government has not indulged in the time-honoured practice of mass dismissals since they came to office. If we look back over the last three years I think we will find they have devised a much better method, that of making things so miserable and unpleasant for people that in the end they resign.

When the minister introduced the resolution today he made reference to the Civil Service Act of 1918 as a landmark. From the extent and scope of the amendments now proposed I think the minister will agree that the landmark has become rather moss grown over the period of 40 odd years, and we certainly agree that it is time for a thorough overhauling of the act. The minister also made a great point about how the civil service commission has been free from political control. I wish I could be as sure as the minister that that has been the case. I am sure that many people in the civil service do not agree fully with the minister's remarks.

We must remember that the civil service commission or the Canadian government, whichever way you prefer to put it, employs more people than any other single employer in this country. At least, if there is another who employs more I do not know who it is. As has been pointed out today, by various members, I would say that in the last three years suspicion of the government among civil servants has been growing. Because of the delay and procrastination with respect to raising the salaries of civil servants and bringing them up to what they should be to meet the current cost of living we saw a very strong development among civil servants who started working together to present a united front to the government in support of their requests. As was pointed out by the hon. member for Skeena, I think the method of giving increases to certain groups and taking other groups under consideration was devised for the sole purpose of breaking up that solid front. I do not know whether they are taken under consideration or under active consideration but I saw definitions of these two phrases the other day that I think are quite appropriate. I am sure many civil servants will agree with them. The definition of "under consideration" is "we never heard of it" and the definition of "active consideration" is "we are looking in the files for it".

I was never a civil servant but I spent 11 years of my life as a civic servant and there is really not too much difference between the two. I found from personal experience that it was six years after I started to work for the municipality before I enjoyed the same rights as I had enjoyed before entering

the service. It was not until after I had been with the department for six years, five of which I had spent actively in the trade union movement, that we were able to incorporate into our contract a grievance procedure sufficient to protect the members of that local and give them the same rights as everyone else.

Unfortunately these rights have not yet been passed on to the civil servants. They are still in the category of second class citizens. I recall when I first started to take an active part in politics I was warned by well-meaning friends that this was a crazy thing to do; you are going to lose your job. Well, I did, and I sometimes wonder if I improved my lot. The fact still remains that the civil servants of this country have not the same rights as other citizens of this country or as the employees of other employers. It seems that in every country there is a certain class which does not enjoy full citizenship. In India there are the untouchables, in South Africa there is apartheid and in Canada we have the civil servants.

I must confess that I was shocked when I came to Ottawa to realize that for the first time I had the power, without any proof required beyond my say so, to deprive any civil servant of his livelihood. I merely had to state that I knew he had taken an active part in politics. As I say, Mr. Chairman, I was shocked because I do not believe I have any right to that privilege, if you can call it a privilege. Certainly there is no other group of employees in this country whose jobs depend upon the whim of any one of 265 people. It is for this reason, Mr. Chairman, that I should like to support the plea of the hon. member for Skeena that when we are conducting a major overhaul of the Civil Service Act we should realize that the civil servants of this country are entitled to the same rights and privileges as any other citizens of this country. These rights should be guaranteed to them.

I agree with the hon. member for Ottawa West, and with other hon. members, who have pointed out that at this late stage in the session, at a time when the annual speed-up has been put into operation, it is no time to start a major overhaul of the act in the hope of getting it passed at this session. I say that during this major overhaul we should give the rights to our civil servants that are granted to every other citizen of Canada and, in addition, we should devote the time necessary to make sure that the job is properly done.

(Translation):

Mr. Lafreniere: Mr. Chairman, I want to take this opportunity to make a few remarks in connection with this resolution. It is obviously important, for the good administration of this country, that employees and employer be on excellent terms.

Everybody will agree that each civil servant, whatever his job, plays an important part in the administration. It is no sin for a man to labour in his vocation, whether it be in the public service or in other fields of human endeavour. Due allowance being made, the humblest of civil servants, is as necessary to an efficient operation of the government machine as the one occupying the highest post, which means that the man in charge of maintenance in public buildings, the elevator operator, the junior clerk doing some obscure and unassuming work, are quite as essential to this country as the highest state official. If people in the humblest of jobs do not play their part with a full sense of responsibility, the whole administrative machine can be impaired.

The civil servant obviously has some rights, but he also has responsibilities.

He has a right to expect some consideration on the part of his employer and to a treatment consistent with human dignity. He has a right to working hours enabling him to fulfil his obligations to the extent demanded by his employer. He is entitled to a salary that will allow him to face his personal and social obligations; in a word, he is entitled to a square deal.

I am sure, Mr. Chairman, that this government is prepared to entertain the fair and reasonable claims of public employees in the matter of salary increases.

But the government is expected to restore within a few weeks, or a few months, a balance which had been upset during the too many years of Liberal rule. Yet, it would be wrong to believe that living costs in this country increased spontaneously, or all of a sudden. If today, federal civil servants' salaries are out of line with the cost of living, it means that there was a lack of the necessary gradual adjustment. The best proof is found in the speech made by the hon. member for Hull (Mr. Caron) on January 25, 1960, when he said:

> Some civil servants, because they receive an inadequate salary, have to take other employment in their spare time.

Mr. Chairman, I would not want to press this point unduly, but if civil service salaries

were inadequate a few months ago, why did not the former administration at the time immediately decide to remedy the position; because, as I said before, the cost of living cannot change and rise all of a sudden, in a single month, or even in a single year. It is a gradual process.

Consequently it must be recognized that in respect of salary increases for the civil service, this government has made a commendable effort to date.

Mr. Chairman, I was just now speaking of the civil servant's rights. Obviously, he has not only rights; he also has duties. And, before insisting on the civil servant's duties, I want to call your attention to the fact that our country is endowed with a system of government of which we are proud, that is the democratic system. As you know, some countries waged, and are still waging, a violent struggle to attain a system of government which ensures freedom to each and every citizen of a country, in accordance with human dignity as we understand it, that is in the Christian meaning of the term.

Under that system, the voice of the people has to be heard and understood by the government. The spokesmen for the people are, of course, the citizens who have been chosen and elected by them, and they are called members of parliament. In their respective communities, those members consider the problems and needs of the people, first through their personal studies and observations, as well as through social agencies that study problems of a sociological character, problems therefore of general interest, for the common weal. In reference to those social agencies, I should like to take this opportunity to draw the attention of the house to the fine contribution made in the form of the very substantial reports coming from the various sections of the chambers of commerce throughout Canada.

In other words, Mr. Chairman, the point I wish to make here is that the democratic system must allow the people to directly influence the conduct of the country's business, allowing them at the same time to guide their political destiny. That is why everything must be done to protect that system of government, so that there may always be, between the people and the government, easy communications as well as frequent and continuous relationships.

The purpose of my brief remarks is simply to point out to distinguished members of this house, wherever they sit, a danger which might make our democratic system inoperative and inefficient.

[Mr. Lafreniere.]

To put it briefly, Mr. Chairman, among the duties of civil servants towards the government, there is loyalty towards the representatives elected by the people. Otherwise, the civil service would eventually set up an impassable barrier between the government and the people. I am not complaining, Mr. Chairman, of the situation which might have existed in the past or which might now exist; I am making those remarks merely to describe what should be done in my opinion, to safeguard our system of government.

Consequently, civil servants must show great loyalty towards the representatives who have been elected by the people, and give evidence of serious co-operation.

If, after an election is held in Canada, civil servants were to apply laws already enacted by parliament without taking into account the directives or policy of the newly elected representatives of the people, well, as I said a moment ago, democracy would become inoperative, the voice of the people that is, the voice of those who have been vested with the responsibility of administering the country would never be heard.

Mr. Chairman, that is the danger I wanted to point out. I would not like to give examples nor lay any specific charge against anyone, but I say that it is a danger which any government must avoid, regardless of its political creed.

The government is responsible for seeing that the specific mandate entrusted to a member of parliament by his constituents is carried out, and division heads should follow that directive.

Mr. Chairman, I hope that in its amendments to the Civil Service Act, the present government will do something specific and practical about bilingualism and its application throughout Canada, and particularly in the various government departments.

On the matter of bilingualism, the government deserves credit for its practical action in this field. I do not want to take up too much of the house's time to list the government's accomplishments but let me mention the simultaneous interpretation system in the House of Commons—

Mr. Martin (Essex East): Proposed by the former government.

Mr. Lafreniere: —which allows hon. members to express themselves—in reply to the interjection of the hon. member for Essex

East (Mr. Martin), it came as a result of a motion introduced by the Prime Minister (Mr. Diefenbaker).

Mr. Martin (Essex East): At the suggestion of representatives on this side of the house.

Mr. Lafreniere: After consideration by ministers and members of the present government.

In any event, I think if the former government had really wanted to introduce simultaneous translation in the house, it had ample time to do so during its 22 years in power.

It is obviously too late for the former administration to think of things that might have been practical contributions to national unity. That action was taken by the present Conservative government.

Mr. Chairman, may I also express the hope that the present government will look into the causes or reasons for the small number of bilingual people in the Canadian government civil service. In that way, it could determine why there is such an imbalance in the number of French-speaking, as opposed to English-speaking civil servants at the senior levels of the civil service.

In my view, Mr. Chairman, this subject would warrant a thorough examination.

I am not, of course, trying to raise the cry of discrimination; however, in this field as in many others, the former government showed some laxity. That is why we are now faced with such a heavy imbalance in the number of Canadians of French extraction, in relation to Canadians of English extraction, at the top levels of the various government departments.

Mr. Chairman, I hope and trust that the government will take serious note of these brief remarks, because referring to page 22 of the report itself, I find that section 53 reads as follows:

> The commission recommends that clear provisions be made in the new act and regulations to ensure that both English-speaking and French-speaking Canadians are served by civil servants in their own tongue.

Of course, Mr. Chairman, we must not overlook certain practical considerations that may exist in Canada, but I see no reason why civil servants draw up reports in what, to them, is a second language.

It might be reported that the hiring of bilingual personnel in some departments would entail extra expense for the government. In my view, the appropriate word in this case is not "expense" but "investment". Action in this regard would contribute to national unity and to a deeper mutual understanding between both ethnic groups of this country.

Therefore, Mr. Chairman, I hope that this government will correct the weaknesses of the former administration and, in righting the wrongs committed, it will see, in all fairness, that the rights of both the main ethnic groups of this country are properly respected.

Those are, Mr. Chairman, the remarks I wanted to make.

(Text):

Mr. Badanai: Mr. Chairman, the matter before us is not controversial and it is one with which everyone here will I am sure agree. I agree with what the hon. member for Ottawa West said this afternoon; he dealt with the subject more extensively than I propose to. We can also agree with a lot of what the hon. member for Carleton said, although he dealt with the subject in a rather general way without pinpointing any real important changes in the act.

I have no doubt whatever that some amendments to the Civil Service Act are due and perhaps the act should have been considered for revision long before this. What appears to me to be wrong in bringing this measure up for discussion at this late date is the time factor involved in order to give these proposed changes the consideration they properly deserve.

Here is an important piece of legislation brought in in a late rush hour fashion as though we were dealing with merchandise instead of the welfare of an important segment of every community in Canada, with the possible exception of the rural areas. Any contemplated changes to the act should have been made known to parliament at the beginning, not when the talk is that the end of the session is a few weeks away.

One of the changes needed to bring this act up to date is that of giving civil servants the right to bargain with their employer. The Prime Minister, speaking at the merger banquet of the civil service association of Canada, made a statement which should foreshadow the application of the principle of bargaining rights. Said the Prime Minister:

> I believe that civil servants, through their organizations, should have a greater voice ... in the process of determining ... and participating more effectively in the application of certain principles of policy ... There should be a more systematic

method of bringing your views and information to bear... What is needed is more opportunity and better arrangements for your representatives to sit down at a table with officials representing the government and with officers of the civil service commission... You will have noticed I spoke of your representatives having a greater voice and participating more effectively in the application of certain principles of policy... Your power will be the power of persuasion... Your success will depend, as it should, upon the merits of your arguments and the skill of your representatives in presenting them...

Finally, perhaps the most important victory of them all so far, for you, was acceptance, free and full, by the government of the principle that it must lead the way in mutually rewarding, forward looking staff relations... that is, people must be paid at least on a par with the best in competing fields of business and industry—

From this excerpt of the Prime Minister I wish to underline the passage where he said:

What is needed is more opportunity and better arrangements for your representatives to sit down at a table with officials representing the government and with officers of the civil service commission...

If this sentence means what it is supposed to convey, then the Prime Minister is certainly committed to giving the civil service bargaining rights.

The issue is a simple one. It is whether or not a man or a woman working for the government should be deprived of those rights which are fundamental in our Canadian way of life. They want the right to sit at a bargaining table with their employers, the right to complain through newspapers or other media without fear of being dismissed, and the right to enter a committee room of a candidate for public office or to attend a political meeting without suffering the consequence of being cast in the ranks of the unemployed because of the whim of a member of parliament. Without these rights being clearly defined there would not be much use in rewriting the act.

Last November the hon. member for Winnipeg South, speaking at a meeting of Manitoba federal government workers, made the statement that he would give very serious consideration to the introduction of a bill in parliament to grant collective bargaining rights to civil servants. He later qualified the statement that he would bring the matter up in the caucus of the Conservative party and be guided by the general reaction of his colleagues. I think he was sincere, but evidently his colleagues were not impressed or he was prevented by the government from introducing a bill. If we are not going to make a better job the people will certainly feel that the government has let them down on a principle of which the Prime Minister has so often proclaimed himself its champion.

Arbitrary treatment of civil servants, however unintentional, should have no place in any code of government conduct, and the civil service commission's annual recommendations should be tabled in parliament regardless of the nature of the recommendations.

In the matter of dealing with the question of salaries the Prime Minister made the following statement in May 1958:

For many years it has been generally accepted that two main principles should guide the determination of salaries in the service.

Mr. Chairman, may I call it six o'clock.

At six o'clock the committee took recess.

AFTER RECESS

The committee resumed at 8 p.m.

Mr. Badanai: Mr. Chairman, at six o'clock I was reading a statement made by the Prime Minister in May of 1958. He said:

For many years it has been generally accepted that two main principles should guide the determination of salaries in the service. First, the salaries must be enough to do the job, that is to attract enough of the right kind of men and women into the service and keep them in it; second, they must be fair as between civil servants and people outside the service, the taxpayers if you will, which means that the salaries we pay for any class of work should be comparable with those paid by private employers for similar classes of work, taking into account the other terms of employment that are necessary to make a fair comparison. I think these principles should continue to guide us.

He then went on to say:

We are fortunate in having in the commission persons of outstanding ability and long standing records of outstanding work as career civil servants with a wide variety of experience.

These are statements with which we all agree but unfortunately these principles have not been made operative at any time since they were enunciated two years ago. Civil service employees give of their best to the government of the day no matter whether a Conservative or a Liberal administration is in power and indeed that is the way it should be because after all the government of the day is elected by the Canadian people, the actual employers of the civil servants. In other words, they do not serve a particular political party but simply perform their duties to the best of their ability by serving and advising those in authority above them what is best for the Canadian people.

It is in the light of these considerations that I believe the civil servants should be treated. The treatment accorded them should be on a par with the treatment accorded those employed in other fields of endeavour by private industry as has already been indicated by previous speakers participating

in the debate this afternoon. Without these principles fully spelled out any changes in the act will be relatively meaningless.

These men and women of the civil service fully realize their responsibilities as part of the government's administration. Let us treat them not as machines but as our worthy partners working together each in our own sphere for a better and more prosperous Canada.

Mr. Fleming (Eglinton): Mr. Chairman, there is one matter which was touched on this afternoon by the hon. member for Ottawa West upon which I should like to comment. It had to do with the procedure on the bill with respect to the present session.

What I said this afternoon was said by way of emphasizing the importance the government attaches to this measure and with it the importance that we feel should be attached to the study of this measure both by the house and by the proposed committee. Indeed, in closing my remarks this afternoon I said that the government recognizes the need for careful consideration of the bill by parliament and that to facilitate such detailed consideration I would propose that the bill following second reading be referred to a special select committee of the house for study and report. That is the purpose of the proposed committee, that the bill may be subjected to the most thorough study possible.

The hon. member for Ottawa West seemed to confuse this proposed detailed study with some suggestion of haste. There is nothing in my remarks this afternoon that bears that interpretation. My emphasis was on the necessity for the most careful consideration and study. I realize that that may take some time. That is something that will depend upon the length of time that the committee is prepared to devote day by day to this measure.

The hon. member asked me if in my opinion it was possible for the committee at the present session to give to this measure that detailed study. I expressed my own opinion on the subject and stated that that opinion based on a study of the act was that it could be done. No one knows the duration of this session, but the time required by this bill depends to some extent on the committee itself. I said, and I think rightly, that this is a matter for a decision of the house. I was giving an opinion on the point in reply to the question asked by the hon. member for Ottawa West.

Mention has been made of the fact that the various civil service associations will wish to be heard. I am quite sure they will. The cabinet committee that was engaged on this subject heard representatives of the associations, and I am quite sure they will wish to be heard before the committee.

What I should like to appeal for is that hon. members suspend their judgment in this respect until they have seen the bill. They will certainly then be in a much better position to decide whether this bill is going to occupy as much time as some hon. gentlemen seemed to indicate this afternoon they thought it would require.

That is what I am appealing for on this subject now, that when hon. members consider the resolution has been sufficiently debated in the committee they allow the bill to be introduced. It is ready now and could be distributed at once. After hon. gentlemen have had an ample opportunity to study the bill—and they certainly will have an ample opportunity to do so—that will be the time, I think, to decide whether in the light of such estimates as we can make of the probable duration of the session and the willingness of the committee to apply itself industriously to the task that is proposed for it, it is then in the view of the house a measure that can be proceeded with at this session with the hope of its being disposed of at this session having regard to all the tasks of the house.

Mr. Pickersgill: Mr. Chairman, I think the minister on whom I do not often heap any compliments is to be commended for an attitude which, I may say, if he adopted it more frequently would undoubtedly facilitate the procedure of the House of Commons a great deal. The minister's suggestion is so reasonable that I do not think any hon. member of the committee could take any real exception to it.

If indeed the amendments that the minister is going to propose in the bill he is going to lay before us are so slight, so unimportant and so lacking in fundamental character that they would really represent no great change there probably will be no need for a lengthy and detailed examination—

Mr. Fleming (Eglinton): I meant to suggest that it would so commend itself I am sure to the judgment of hon. members opposite.

Mr. Pickersgill: As a matter of fact there are many hon. members on both sides of the house whose judgment is rather slow to be exercised, and it is part of the essence of parliamentary government, instead of making hasty, snap decisions such as the Minister of Finance is so capable of doing, many of us like to have a good deal of time for reflection, particularly when we are dealing with matters as important as this one.

I think what the minister has said is a quite reasonable position to take, that we can look at this bill after it has been given first reading—and we shall have to look at it from several points of view, one of which I intend to say something about before I take my seat, —and when we have it, as the minister has assured us, we will have ample opportunity to consider it. Then I think there might be that consultation between my hon. friend from Laurier and the leader of the house, which from time to time does facilitate the proceedings, in the hope that we shall do what will be in the genuine interests of the public.

I agree entirely with the sentiments expressed this afternoon by the hon. member for Carleton at the opening of his speech. Nothing could have been more admirable than the general sentiment expressed by the hon. gentleman that we should approach this matter in a non-partisan sprit. But I do hope that the house and the committee from now on will follow those precepts and not the example of the hon. member for Carleton who, having enunciated those lofty principles, proceeded to give a very thorough demonstration of how widely one can deviate from principles and still appear to be following them.

The hon. gentleman, of course, in talking about the ancestry of this legislation had something to say which, if I were to make a very poor pun I would say was somewhat a foreshortening of history because, as the hon. member for Carleton must know, with the erudition we all know he is so celebrated for, it was Sir Wilfrid Laurier and Dr. Adam Shortt who were really responsible for laying the foundations of the Civil Service Act. Mr. A. K. MacLean, when he introduced the motion in 1918, had this to say at page 699 of *Hansard* of April 12, 1918:

> A few moments ago I stated that I did not think the great advance proposed by the terms of the order in council in the civil service of this country could have been accomplished by the leader of the opposition,—

I have not done a great deal of research, and this is an inference. I take it this was an order in council that had been passed under the War Measures Act by the union government. He went on to say:

> —if he were in power as leader of the Liberal party,—

That would be Sir Wilfrid Laurier.

> —nor by the present prime minister—

That is Sir Robert Borden.

> —if he were in office as head of the Conservative party. I did not intend to detract—

I draw the hon. gentleman's attention particularly to this sentence:

> I did not intend to detract in the slightest from the credit due to the ministry led by my right hon. friend—

That is Sir Wilfrid Laurier.

> —the leader of the opposition for passing the Civil Service Act of 1908. On the contrary, I think that ministry is entitled to every possible credit for passing that act. It was a great reform.

Mr. Bell (Carleton): Hear, hear.

Mr. Pickersgill: It seems to me that, just to set the record straight that ought to be on the record. I do not intend to go on and labour the point.

Mr. Bell (Carleton): Will the hon. gentleman permit a question?

Mr. Pickersgill: Certainly.

Mr. Bell (Carleton): Is the hon. gentleman familiar with the quotation from Mr. A. D. P. Heeney, his predecessor as clerk of the privy council, which says that the Civil Service Act of 1918 gave Canada the greatest measure of public service reform existing anywhere in the world?

Mr. Pickersgill: Oh, quite. I am also very familiar with the fact that Mr. A. K. MacLean never called himself a Conservative and that it was Mr. A. K. MacLean who introduced this legislation as a member of the union government. This does bring me to another aspect of this matter, and that is the motion which was introduced by Mr. MacLean. I think perhaps it might be worth while to put the terms of that motion on the record because I want to say something about the point that came up earlier today, Mr. Chairman, when you were not in the chair. The motion read:

> Resolved, that it is expedient to consolidate, revise and amend the Civil Service Act of Canada; and to provide that the salary of the chairman of the civil service commission shall be six thousand dollars per annum; and to make provision for the readjustment of grades and salaries in the various classes of the inside service, and for the preparation by the commission of schedules of the positions, duties and salaries of the outside service or of any portion or branch thereof; and to make appointments to the public service upon competitive examination and otherwise eliminate political patronage in the control and management of the said service.

I read that for this reason: That resolution bears a marked dissimilarity to the resolution which is now before the committee and I want particularly to draw your attention, sir, to the dissimilarity between that resolution and the resolution which is now before us.

Perhaps when I have the attention of the Chair I can continue with this point. The resolution in 1918 spelled out very specifically

the charges upon the crown which were involved in this matter. It is a marked contrast, therefore, with the resolution which is now before us which says:

> Resolved, that it is expedient to introduce a measure respecting the civil service of Canada to amend, revise and consolidate the Civil Service Act, chapter 48 of the Revised Statutes of Canada, 1952.

During the course of this debate, I made a very hasty examination of the act as it was recently consolidated and I could find nothing in the present act which appears to me to lay any charge upon the crown. Before the committee completes its consideration of this resolution the Minister of Finance should tell us what this resolution is really all about because the citation which was read this afternoon by the Leader of the Opposition, which I think ought to be put on the record again, namely citation 277 of Beauchesne's Parliamentary Rules and Forms, fourth edition, is very clear. It reads:

> A bill, which does not involve a direct expenditure but merely confers upon the government a power for the exercise of which public money will have to be voted by parliament, is not a money bill and no resolution is necessary as a condition precedent to its introduction.

It has always been clearly understood that in these resolutions there is no harm in putting in much surplus verbiage, but the one thing that must be in the resolution is a precise statement of the charge which the crown is asking to be imposed. No bill can be introduced imposing a charge unless the preceding resolution which has been accepted by the house states precisely what that charge is. There is absolutely nothing in this resolution which states what is the charge upon the crown.

It is true that at one time up until a very few years ago the salaries of the civil service commissioners were set out in the act but that is no longer the case. They are now fixed by the governor in council. I believe hon. gentlemen who are on the treasury benches took exception to that legislation at the time it was passed and it may be that the minister in his bill is considering going back to the situation that prevailed before that amendment was made. But I would point out that if that is what he is doing he should have spelled it out in his resolution and that the bill cannot be considered by the house if it contains such a provision unless there has been a message from the crown to that effect.

Unless the government is deliberately anxious to prolong the session, one wonders why this resolution is on the order paper at all and being debated if there is no charge, and if there is a charge being imposed by the legislation why the government has not spelled it out in the resolution. It seems to me that mystery should be cleared up by the minister before we complete consideration of this matter.

I should also like to refer to an editorial which I will not attempt to read because I know the minister can read and also because I am afraid I would be provoking the minister into rising on another of his frequent points of order if I did so. But before the minister rises perhaps I may go the length of commending to his attention an editorial in the Ottawa *Journal* of Monday, June 20 which says: "Sane and balanced study of Civil Service Act is essential". I think that is what is required if we are going to take our duties in the house seriously in a matter which is as serious as anything that is likely to come before us, as the hon. member for Carleton so justly indicated earlier today.

The government of this country under modern conditions cannot possibly function without an effective, reliable, honest and in the main I would go so far as to say a contented civil service. We cannot expect to have that unless we have the kind of legislation which gives to them a status, working conditions and a reasonable security which they have enjoyed in the past and to which I think every hon. member feels they are and should be entitled. I do not think it would be reasonable to consider that we should start on the 106th day of the session to attempt to pass at this session an act of parliament of the importance and of the volume of this legislation. There are things, of course, that are of the utmost importance but also of the utmost brevity but this matter is important without being brief and it cannot be made brief in any respect whatsoever.

Without prejudging the case, because I think we should all accept what the minister has said and look at the bill before we reach a final judgment on the matter, I would feel that the weight of evidence should lead us to reach the judgment that we should not proceed until everyone who is interested, including all civil service organizations and many other persons and organizations who have nothing to do with the civil service but are deeply concerned about good administration and good government of the country, has had adequate time to study the legislation and to make such representations as they may wish to make in order that when we revise and codify the act once again we will have the best possible legislation that we can, by the application of all our talents in a non-partisan way, give to the Canadian people.

Mr. Herridge: Mr. Chairman, I would not pretend to emulate the righteous indignation

expressed by the hon. member for Hull or the rolling, rollicking eloquence of the hon. member for Carleton, but I do want to take advantage of the latitude allowed at the resolution stage to deal particularly with one point that I wish to bring to the attention of the minister and the Prime Minister. Before doing so, may I say that we wholeheartedly concur in the criticism of the hon. member for Bonavista-Twillingate on two particular points. First of all, this is most important legislation that concerns the people of Canada, the government of Canada and the civil service of Canada upon which efficient government has to depend. We think it is most unfortunate that this important and lengthy legislation has been introduced in the house at this late date in the session. I do not see how it can be properly dealt with unless the house is willing to sit until toward the end of August.

Second, we agree with his criticism—I had already looked up the same reference that the hon. member for Bonavista-Twillingate mentioned—that the resolution is very barren indeed of information and of details concerning what the proposed act is going to include. However, we will have to leave our discussion of the details until we see the bill.

Others in this group and other hon. members of the house have dealt with the questions of collective bargaining rights for civil servants, terms of employment, classifications, salaries and so on. However, I want to take this opportunity to deal with a particular problem that I think is of interest to people who are first of all interested in an efficient civil service and also in the rights of the civil servants. When one reads the history of developments in Great Britain, France and other European countries he sees that there is a changing climate and a changing opinion in that direction. In speaking of the civil service this evening there may be a tendency to assume that such organizations are of long duration and have a considerable history. As a matter of fact, in terms of history a civil service is a very recent innovation on the part of parliaments and governments.

I checked up quite hurriedly in the library and found that the first indication of concern for a civil service by the British government was around 1848 to 1850. It is interesting to note that a civil service in all countries began to develop with the advance of industrialism and, shall I say, the fading away of feudalism or the remnants of feudalism because an industrial society requires first of all a better functioning government and therefore a more efficient and better functioning civil service.

Of course, under feudalism and the remnants of feudalism most government appointments were the result of nepotism and, as one might say, by grace.

I found that the first study was around 1848 to 1850. Then there was the Trevelyan Northcote report of 1853 which dealt extensively with the question of establishing a civil service in Great Britain. It was on the basis of that report that in 1870 Gladstone, by order in council, introduced the first civil service legislation in Great Britain. Since that time, of course, there has been tremendous development in the civil service of that country. As a matter of fact, it is so efficient that it has been a model for all other countries.

Coming to Canada I find on checking the records that the first civil service act of a rather primitive nature was passed in 1882. Then there were amendments in 1883, 1884 and 1885 which, according to my rather quick checking of the records, concerned largely what was then known as the inside civil service. You might say it was the birth of the civil service in Canada. But the great step forward was in April of 1918. Without doubt, for the first time in Canadian history the civil service was put on a sound foundation so far as legislation was concerned.

It interested me, in just checking the history of the past, to notice the recurrence of human weakness. I do not blame any party. This conception of to the victor belongs the spoils is a very human one. I can well understand that when a party has been out of power for 22 years it must have a considerable percentage of supporters who think it is their turn. Life is a rather short affair, and when you have not had a dip into the basket in 22 years you get a bit hungry. I am quite sure this government has had to resist a great deal in that respect because this is a very human weakness. The more civilized people become, the more they recognize what democracy really means, the more they are able to resist.

I was very interested in noting that in the debates of 1918, shortly after the union government was elected, there were still members of the Conservative party who, according to their correspondence, supported the idea of patronage. I should like to quote from *Hansard* for April 12, 1918, page 711, on which page a letter is to be found which reads as follows:

> Dear Sir,
>
> Yours of the 9th instant duly received. As far as any patronage in connection with the railway department is concerned, there is not the slightest doubt but that both Liberals and Conservatives who supported the Union government will receive every consideration.

In fairness I must say that at the same time and in the same debate there is evidence that members of the same party had taken the very opposite point of view. I mention that to indicate that this is a human weakness which is found in all parties and because it is human, it is natural, we have to resist it.

When I was reading that I was reminded of a story. My father, who was president of the Liberal association of that day in the riding from which I come, actually supported the Union government. This was the only time he ever supported a hybrid thing in his life, and he did so on account of the war effort. I remember running through some correspondence in 1917 when this Conservative government was proposing these amendments to this Civil Service Act, and there was still this spirit of patronage. There was a Conservative association in our riding. This shows how a division can occur even within a party.

The president of the association was a strong patronage man and the secretary treasurer was an anti-patronage man. The secretary was pressing the association to support what the government intended to do, and so there was a clash. The president wrote to the minister of the day who was directly connected with British Columbia and told him about the difficulty he was having with the secretary. In fact, the president mentioned that the secretary thought he was living in England where you could run a government without patronage. The complaint was very bitter. The person to whom he was writing was not in sympathy with his ideas. This is what he wrote back. He said, My dear Mr. So-and-So: I fully appreciate your criticism of Mr. So-and-So, the secretary, but we are going to have an election within a few months and we do not want any trouble in the party.

To give you an idea that this man was very much against the whole idea, I may say he simply wrote, so far as I am concerned, we do not want any trouble within the party, so my advice to you is to continue to scratch his back until the election is over and then after that you have my permission to tell him to go to hell. This patronage condition within parties is something about which we all have to be watchful, no matter to what party you belong.

I want to deal now particularly with a point I raised, and bring it to the attention of the Prime Minister and the Minister of Finance. I refer to the question of the rights of civil servants, that is to have the full rights of citizenship. As I said before, this concerns thinking people. It has been mentioned before today. It is a matter of concern to those who desire the maintenance of an efficient civil service and who, at the same time, want to see those civil servants given their full rights as citizens of the country. I want to bring to the Prime Minister's attention a book written by H. J. Laski entitled, "Reflections on the Constitution, the House of Commons, the Cabinet, the Civil Service", published by the Manchester University press. We all know Mr. Harold Laski as a Labour member of parliament and a very brilliant person.

Mr. Martin (Essex East): He was never a member of parliament.

Mr. Herridge: Excuse me, a lecturer at the London school of economics and chairman of the Labour party. I do not know why I made that slip. His writings are even read by Conservatives in England because he had a brilliant mind and was an authority on the constitution and parliamentary practices. I want to read a few paragraphs from this book because I believe that every thinking person who has given any thought to this problem—it is not an easy problem—will recognize that he does bring forward some very valid ideas. I think this is something to which consideration should be given. This chapter is headed, "The political rights and social interests of civil servants", and he says:

> I turn to a very different issue—now a matter of acute controversy—on which I think far more clear and frank thought is necessary than it has thus far received—I mean the degree to which we ought to place restrictions on the political rights of civil servants.

Then farther down he says:

> Above all, I believe it is a great mistake to separate the vast majority of officials from work in local government where, very often, their experience of administration would enable them to make an important contribution to the standards of administration. I do not believe that the public would lose confidence in the detachment and loyalty of civil servants if, under agreed conventions, they were given the chance of exercising the rights of a citizen.

Then he goes on to say:

> In the French system, a great many civil servants, of whom, perhaps the best known among those living is that eminent humanist, Mr. Leon Blum, have played their part in politics without any deterioration in their work; and I have known scores of lesser cases in which the official's political affiliation was both active and known without producing the conviction that he would not be loyal to a minister whose convictions were of a different school.

I realize that when you get that type of relationship you have to have very high principles and devoted persons on both sides of the question.

> Let me begin by saying that officials do not need a special party connection in order to make their views obvious.

Then he goes on at some length and says:

Perhaps I may summarize this by saying that when an official had strong political opinions, he could not conceal them from any but the most stupid of ministers for more than the first hour of their relationship; and the real question was, and is, granted those convictions, was he capable of looking at the minister's views with detachment, and of helping him to apply them with the full energy of his mind. The answer is, sometimes yes, and sometimes no. Sir Austen Chamberlain, in his autobiography, tells an admirable story of the permanent secretary of the post office when he was postmaster general.

I am sorry to see that the Postmaster General has just gone out, but I am sure his parliamentary secretary will listen to this.

They quarrelled violently over a decision Sir Austen proposed to make until at last he told his official that he had made up his mind that the decision stood. Thereupon, Sir Austen tells us, his permanent secretary said, "Well, Postmoster General, if you want to make a damn fool of yourself, I cannot prevent you from doing so. But at least I can show you how to do it with the least possible damage to the country."

Now there was a first class civil servant. I hope the minister's civil servants take the same attitude when required.

That is what I mean by loyalty and detachment, and I think they are qualities quite distinct from political convictions and party preference.

Farther down, he says:

First, it is clear that all members of the administrative class should impose upon themselves a self-denying ordinance in the political sphere.

I agree with that.

They ought to resign if they want to be candidates for parliament. They ought not to make political speeches. They ought not to write books or articles on the immediate issues of political controversy. They are too near the centre of power to do any of these things.

Then he goes on to say:

But below the administrative class, I do not think that rule should apply. It is enough if an official in the executive, or clerical class, give an undertaking, whether he becomes a parliamentary candidate or takes an active interest in his party, not to discuss in public the affairs of the department to which he belongs, nor to reveal information which he obtains by virtue of his position in the service; if he were to break his undertaking the permanent secretary would be justified in recommending disciplinary action, though I should hope that, before the permanent secretary made his proposal to the minister, he would discuss it with the departmental Whitley council and proceed, if possible, with its approval. I should give officials who became parliamentary candidates leave, with pay, for the period of their election. If they were defeated, they would return to the department in the ordinary way. If they were elected, I should put them on a special list the officials on which would be free to return to the department if they were defeated in the next election in their old grade, and with any increments of pay which had normally accrued to them; if, however, they were returned for a second parliament, I should assume that this operated as a normal resignation from the service, though I should hope that they would receive a due proportion of the pension rights they would have received on retirement. I frankly see no difficulty in this. I do not really think such a candidature would embarrass the department. And if it is a question of practical activity other than that of a candidate, I feel pretty certain that no Manchester constituency would be seriously concerned about the fairness of civil servants if, let us say, a woman shorthand typist in the area office of the ministry of health made a swinging attack in the exchange division at a Tory meeting on the folly of Mr. Strachey's ground-nuts scheme, or a clerical officer in the office of the local inspector of taxes spoke with some heat about the refusal of the Home Secretary to ban the Fascist party. Assuming that the average civil servant observes the normal decencies of political behaviour, I am unable to believe that the liberation of the grades below the administrative would shock any public opinion or do any harm to the work of these departments.

He goes on at some considerable length, and then towards the end of his remarks he has this to say:

There are two related questions upon which I should like to say a word. I hope we shall rapidly end the system which prohibits the civil servant from writing upon politics and public administration save by the permission of the department. Here again my view is that there should be the right to freedom limited only by some obvious conventions which could easily be agreed through discussions in the Whitley organisation at national and departmental levels. I do not think that an official of the Foreign Office should attack his minister—

And so on. Anyway, he goes on to deal with the argument that, under proper central arrangements and under proper legislation, with a civil service of high standard it should be possible for civil servants below the administrative class to be allowed leave to take an active part in politics without losing their rights in the civil service until after, say, the second election.

I have mentioned these few quotations. I bring this book to the attention of the Prime Minister and the minister because he has given great thought to this matter. There has been discussion in the House of Commons in Great Britain. It has been given serious consideration and considerable attention. Mind you, as I have mentioned previously, the standards with respect to the treatment by ministers of the senior officials is very high indeed and is a model to the world. But in fairness to the civil service I think we should give some consideration to this question. To that end I urge the government of the day to consider this important question.

I frankly admit it is not a simple or an easy one. However, it is important to the people of Canada as a whole who are interested in an efficiently functioning civil service. It is important to the government that needs the continuing support of a first class civil service. It is also extremely important to the civil servants of Canada who are citizens of this country.

I trust the government and the committee will also give consideration to the other suggestions brought to the attention of the committee by various hon. members who have spoken in this debate this afternoon.

The Chairman: Shall the resolution carry?

Mr. Pickersgill: Before the resolution carries, perhaps the minister would say a word about the point I raised in connection with the resolution.

Mr. Fleming (Eglinton): I think the desire of all hon. members is to see this bill as soon as possible. The hon. member is raising something that he sought to raise on a point of order this afternoon. Frankly, there is no proper foundation. Hon. members know these resolutions are drafted by the most skilled and experienced person in Canada on these matters, namely the law officer of the House of Commons.

Mr. Benidickson: In tonight's edition of the Ottawa *Citizen* we have all read an article that, I am sure, interests us all. It says that the Prime Minister has replied to certain communications from the postal employees and it says that the letter is in answer to one sent to the Prime Minister on June 11 by the Canadian postal employees association. It indicates that this association had not much prior to this time sent representations to the civil service commission or to the Prime Minister. This is contrary to the type of representations that we have received during the last six months. I wonder whether the Prime Minister or the Minister of Finance would indicate whether or not they have steadily received representations from the Canadian postal employees association for increases in salary and why the civil service commission has not, as the Prime Minister has indicated in his reply, reported up to date on this matter. It was my understanding that the Minister of Finance had referred to this trade category as one that desired a very early consideration.

The Chairman: Shall the resolution carry?

Some hon. Members: Carried.

Resolution reported and concurred in.

Mr. Fleming (Eglinton) thereupon moved for leave to introduce Bill No. C-77, respecting the civil service of Canada.

Mr. Pickersgill: I am rising on a point of order, Mr. Speaker. As Your Honour will observe, the resolution on which the bill is to be founded, contains only the barest citation of the fact that the bill proposes to consolidate or revise the Civil Service Act. As Your Honour well knows, the purpose of a resolution preceding a bill is to indicate clearly to the house the charge laid upon the exchequer by a money bill. As Your Honour is well aware, citation 277 of Beauchesne's fourth edition reads as follows:

> 277. (2) A bill, which does not involve a direct expenditure but merely confers upon the government a power for the exercise of which public money will have to be voted by parliament, is not a money bill and no resolution is necessary as a condition precedent to its introduction.
>
> (3) A bill designed to furnish machinery for the expenditure of a certain sum of public money to be voted subsequently by parliament may be introduced in the house without the recommendation of the crown and without a resolution being first considered in committee.

Mr. Speaker: What is the number of the citation?

Mr. Pickersgill: It is citation 277, to be found at page 226. It seems to me—and I do not intend to labour this point at all—in view of the fact that the resolution gives no indication of any kind as to what is the charge that is being laid on the exchequer by the proposed bill that before we consent to the introduction of the bill, the bill should be examined to see whether or not it imposes a charge or seeks to impose a charge about which the house has not been apprised by a message from the crown.

Mr. Fleming (Eglinton): Mr. Speaker, the hon. member is raising a point of order. In my submission to you this point of order is raised much too late. This afternoon the house by decision resolved itself into committee on this self-same resolution. That was a decision of the house. If any hon. member considered at that time that there was anything lacking in the resolution, that was the time to raise it. No such point was raised at the time. Hon. members are aware that such a motion is not debatable but it can be voted on; and if there is anything out of order about it a point can be taken, but it must be taken at the proper time. It is much too late now to be raising a point of this kind after the house has already resolved itself into committee on the resolution and the resolution has been reported back in pursuance of the instructions of the house. So I say in the first place that this point is raised much too late.

In the second place the hon. member is questioning whether this resolution is sufficient. He sought to raise the point this afternoon that the resolution did not go far enough, that it should have spelled out some provisions of the intended bill, or their effect, in greater detail. I do not think he can have it both ways.

It has been ruled, and I think it must be a matter of common knowledge in the house now, that the reason we have these resolutions involving charges or expenditure of

money is that the house shall have notice of the purpose of the measure. There have been statements and rulings to that effect. It is not necessary that the proposed charge be spelled out in specific terms. The hon. member before the committee rose sought to go back and raise these subjects again, or at least discuss them, although the point had been disposed of this afternoon.

I say in the first place, Mr. Speaker, that hon. members are aware that these resolutions preceding so-called money bills are drawn by the most experienced authority on this subject in Canada; they are drawn by the law officer of the House of Commons. When the law officer of the House of Commons draws a resolution I think hon. members are entitled to prefer his opinion as to the necessity of such a resolution and as to the sufficiency of the resolution which he draws over the opinion of the hon. member for Bonavista-Twillingate (Mr. Pickersgill). However, I suppose there is no harm in his trying.

The fact is, Mr. Speaker, that the house has had resolutions in comparable form on previous occasions and they have been ruled to be quite sufficient. There is a decision made in this house, for example, on March 24, 1882. On that occasion Mr. McLelan—

Mr. Chevrier: It is out of date.

Mr. Fleming (Eglinton): No, it is not out of date; it is the hon. member opposite who is out of date if he has not been following this. Mr. Speaker, so that you will realize that the matter was discussed fully from all of the angles, I would like to read the content of *Hansard,* commencing at page 546 for March 24, 1882, in relation to the argument that was then put forward. I quote:

Mr. McLelan moved that the house resolve itself into committee of the whole to consider the following resolution:—

"That it is expedient further to amend and consolidate as amended, the Act 31 Victoria, Chapter 65, and the acts amending it, respecting the inspection of steamboats, and for the greater safety of passengers by them."

Sir Albert J. Smith: The resolution does not indicate at all the change which the hon. gentleman contemplates. It is defective in that respect and I think he ought to explain it.

Does this not remind you of the words of the hon. member for Bonavista-Twillingate? I continue:

Mr. McLelan: The object of the bill is to consolidate the various amendments made by the Inspection Act, and to provide more fully for the inspection of the hulls of ships. The inspectors of steamboats are men mainly qualified to inspect boilers and machinery. It is proposed to appoint men specially qualified to inspect the hulls of vessels, and the certificates of both classes of inspectors will be necessary for a ship to be pronounced seaworthy. Regulations are also made to fix the number of passengers which each boat shall be allowed to carry. These are the two main features of the bill.

Then Mr. Mackenzie, the former prime minister, went on to say:

The rules require that, on any bill relating to trade or to alter the laws concerning trade, being brought into the house, the proposition must first be submitted in committee of the whole. This is a simple notice of the minister's intention to bring in some amendments, and I object to it as being entirely out of order.

Mr. McLelan: The only change proposed to be made is to consolidate the law, and to define clearly the mode of appointment and qualifications of the inspectors.

Mr. Blake.

And here is the great constitutional authority speaking.

Of course it is more than a consolidation, because the resolution tells us that "it is expedient further to amend and consolidate as amended," the various acts. The objection of the hon. member for Lambton is that the whole purpose of the rule, which is to give the house an opportunity to make any suggestions they wish, is entirely thwarted, unless in some sort the substance, the essence, of the proposed legislation is stated in the resolution upon which the house goes into committee. That is the difficulty—how are we to know that it is expedient to alter anything unless we know what the alteration is?

Sir John A. Macdonald: The house can pass a resolution, no matter how vague in its terms, declaring that it is expedient to amend the act. The house can ask for a most specific statement unless it is fully satisfied with that made.

Mr. Mackenzie. I do not think it is open to the house to adopt that course. It laid down very clearly that no bill is to be brought in until the proposition has been first considered in committee of the whole. I ask the right hon. gentleman if he will state from the paper what the statement is.

Sir John A. Macdonald. That it is expedient to amend and consolidate the acts. A clearer or more specific statement could not be made.

Mr. Blake. What is to be considered is the proposition contained in the bill. It is not sufficient that the act shall be amended, but it shall be amended in some particular way, and it is that proposition that shall be submitted to the committee.

Mr. Speaker decided that the rule, as generally understood and interpreted by late English practice, simply required the house to go into committee to consider a general proposition setting forth the expediency of bringing in a measure on a particular question; and that consequently in his opinion the proposed motion came sufficiently within the meaning of the rule.

Motion agreed to; and house resolved itself into committee.

Mr. Speaker, you will observe there that the objection was taken before the house resolved itself into committee on the resolution and the Speaker, having heard a very full argument from some of the leading figures in Canadian parliamentary history, ruled that the resolution had given sufficient notice and was sufficient in its terms and that the resolution was in order.

The hon. member for Laurier (Mr. Chevrier) undertook to suggest, that this was out of

date. Well, May 11, 1925 is a more recent date and here I refer you, Mr. Speaker, to *Hansard* where there was a discussion on a similar point. As reported on page 3038 of *Hansard* a point was raised that the resolution did not give sufficient particularity to indicate what were the specific charges that the measure was to lay upon the crown. The significant thing here, as you will see on reference to page 3038, is that the chairman in making his ruling reviewed this very decision and quoted the argument I have just read from *Hansard* of 1882.

Mr. Martin (Essex East): Would the hon. minister tell us what was the resolution in 1925?

Mr. Fleming (Eglinton): The resolution was as follows:

Resolved, that it is expedient to amend and consolidate the Canada Grain Act, chapter 27 of the statutes of 1912, and amending acts, and to make further provisions in respect to the handling and marketing of grain, or incident to the buying, selling and transportation of grain; the grading and weighing of grain; the handling of grain in and out by country elevators and at country points and inspection of such elevators; the operation, management and control of terminal, public and private elevators; the storing, cleaning and binning of grain; the mixing of grain and the disposition of screenings.

The very same point was raised and Mr. Lapointe, and I trust the hon. member for Essex East (Mr. Martin) is not going to challenge the authority of Mr. Lapointe—

Mr. Martin (Essex East): No, but I will challenge your interpretation of it.

Mr. Fleming (Eglinton): After the chairman had quoted at great length from the *Hansard* of 1882 and had said that he ruled the motion in order having regard to the decision of the speaker in 1882, Mr. Lapointe said further, as reported at page 3038 of *Hansard* of May 11, 1925:

In support of your ruling, Mr. Chairman, may I quote a precedent? On the 11th March, 1914, a resolution was moved reading as follows:

Resolved, that it is expedient to consolidate and amend the Canada Shipping Act and the acts in amendment thereof and various laws relating to merchant shipping.

That was under the government of which my right hon. friend was a specially distinguished member.

That one was ruled to be in order. I hope the hon. member for Essex East has not reached the point now of challenging the things said in this house by the late Right Hon. William Lyon Mackenzie King.

Mr. Martin (Essex East): I am challenging the Minister of Finance.

Mr. Fleming (Eglinton): Here is what William Lyon Mackenzie King had to say in this house on March 24, 1936, as found at page 1385 of *Hansard* of that year, during the course of a similar discussion:

The resolution is essential as a preliminary notice to the house that public expenditure is involved; it so to speak, gives double notice of what is of significance in that respect. The rules of the house never contemplated that, on the resolution preceding a bill, all particulars of the bill itself should be discussed or should be the subject matter of a general debate. The present administration feels that it will not only facilitate the business of the House of Commons but will effect a greater dispatch of public business if when presenting resolutions the explanation is limited to essentials.

This afternoon I made a statement reviewing the background of the present measure and outlining the leading features of the measure according to the practice of the house. The resolution reads as follows:

Resolved, that it is expedient to introduce a measure respecting the civil service of Canada to amend, revise and consolidate the Civil Service Act, chapter 48 of the Revised Statutes of Canada, 1952.

The house was put on ample notice of the proposed measure related to the civil service of Canada and that it was a measure to amend, revise and consolidate the Civil Service Act. All hon. members of the house have access to that act and can see the detailed provisions that it contains and realize that there are some of them which have the effect of creating certain charges on the crown. This resolution gives the house notice that the bill to follow this resolution is one to amend, revise and consolidate that act.

I dealt with the various aspects of this resolution and have made the house well acquainted, I think, with the leading features of the bill as far as it is proper to deal with those on the resolution stage and the house is aware of those in which any question of charge on the crown is affected.

This is my concluding observation, Mr. Speaker. In a situation like this if there is any doubt in the mind of the government as to whether a charge is or is not involved then we in obedience to the authority of the House of Commons are bound to err if at all on the side of bringing in a resolution so that there may be no question whatsoever of abridging the rights of the house or its opportunity to have full and ample discussion.

Hon. Lionel Chevrier (Laurier): Mr. Speaker, we have had a long dissertation from the Minister of Finance (Mr. Fleming)—

Mr. Monteith (Perth): Very informative.

Mr. Chevrier: —on the procedure and on the motion which was raised in the course of the debate this afternoon. Perhaps Your Honour would allow me to say that at one stage after the minister had outlined the resolution and made it quite clear that there

was no question of expenditure in this resolution the hon. member for Hull (Mr. Caron) proceeded to discuss the question of pay and other allowances affecting the civil service of Canada and was immediately stopped by the chairman of the committee.

It was then in answer to two questions put by myself that the Minister of Finance (Mr. Fleming) made it quite clear that this measure did not involve the expenditure of any money. For the first time, then, at that stage of the resolution we were told that this matter did not involve the expenditure of any money although during the course of the explanation he made of the resolution the Minister of Finance indicated that there would be certainly a discussion of the right to pay and salaries. Knowing for the first time then that it did involve the expenditure of money we raised the point. I moved a motion that the committee rise, report progress and ask leave to sit again later this day but that was voted down. This was the only opportunity with Your Honour in the chair when it was possible for the hon. member for Bonavista-Twillingate (Mr. Pickersgill) to raise the matter again. I believe the minister this evening has repeated exactly what he said this afternoon. If it is true as the minister has said to me that there is no expenditure involved in this resolution—

Mr. Fleming (Eglinton): I never said any such thing, Mr. Speaker.

Mr. Martin (Essex East): Yes, you did.

An hon. Member: He never did.

Mr. Fleming (Eglinton): I never made any such statement.

Mr. Chevrier: I do not know who said, "He never did," but I have read my *Hansard* and I know what the minister said. I put two questions to him. One of the answers I received was that there was no expenditure involved in this measure.

Mr. Fleming (Eglinton): Mr. Speaker, that is not complete or correct in any way.

Mr. Martin (Essex East): That is a complete and correct statement of what the minister said.

Mr. Fleming (Eglinton): I said no such thing.

Mr. Chevrier: If that is so there should be no resolution at all and we should be dealing with second reading of the bill. I repeat, if I may, subparagraph 2 of citation No. 277 of Beauchesne which is up to date and does not deal with a matter that transpired in 1882. The citation reads as follows:

277. (2) A bill, which does not involve a direct expenditure but merely confers upon the government a power for the exercise of which public money will have to be voted by parliament, is not a money bill and no resolution is necessary as a condition precedent to its introduction.

With Your Honour in the chair I submit with deference we have the right at this stage to present the point as the hon. member for Bonavista-Twillingate has done.

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I wonder if you would permit a very brief argument on one point raised—

Mr. Speaker: I will permit the argument. Perhaps I had better hear the hon. member before commenting.

Mr. Pickersgill: Mr. Speaker, if as the Minister of Finance (Mr. Fleming) said to the hon. member for Laurier (Mr. Chevrier) this afternoon no expenditure is involved I believe there is then no point of order. I do not question the right of the government to introduce an unnecessary resolution at all. I think it is silly but I do not question the government's right to do so. If, on the other hand, as the minister now seems to contend this evening there is a charge imposed by this bill then I say that the resolution was insufficient because the resolution does not tell us what is the charge.

As I say, if there is no charge I do not think there is any merit in my point of order because while I think it is silly to have introduced the resolution the government has a right to do so; but if there is a charge we have a right to know what it is.

Mr. Bell (Carleton): Just plain pettifoggery.

Mr. Speaker: May I review the procedure which brings us up to the point of order raised by the hon. member for Bonavista-Twillingate (Mr. Pickersgill). Earlier in the day the house accepted a motion to resolve itself into committee of the whole to consider the resolution in question:

Resolved, that it is expedient to introduce a measure respecting the civil service of Canada to amend, revise and consolidate the Civil Service Act, chapter 48 of the Revised Statutes of Canada, 1952.

That resolution was then considered by the committee of the whole and it has been reported to the house. The report, by vote of the house, has now been received. Then the motion that the resolution be concurred in was accepted. What followed was a motion by the Minister of Finance (Mr. Fleming) for leave to present a bill based on the said resolution. At that point the resolution has been accepted by the house in committee and reported. It has been adopted and the matter before the house is whether the minister shall have leave to introduce a bill based on the said resolution.

As I understood the argument of the hon. member for Bonavista-Twillingate the bill should be looked at before the house gives leave to its introduction. I personally do not see how that could be done. The house does not accept the bill by allowing it to be introduced. If any exception is to be taken to the contents of the bill as not being in accordance with the resolution, then it seems to me that exception must be taken after the bill has been introduced and when it is under consideration. Therefore, I fail to see how the point of order is properly taken at this time. It seems to me that the motion must be accepted or rejected.

When the bill is introduced, if it appears that the other matters which have been debated are relevant and there has been an insufficiency of resolution to support the bill, that point may be taken, of course, on any particular section of the bill which seems to go beyond the resolution improperly and it could be objected to on that ground.

The other point that was made that if this is not a money bill no resolution was needed may be so, but I do not know of any authority to say that if it is not a money bill the fact that there has been a resolution is irregular. It is unnecessary perhaps, but there is no irregularity. I am afraid I cannot give effect to the point of order which was raised, certainly at this time, and I must proceed with the motion which is before the house.

The Minister of Finance, seconded by the Minister of National Health and Welfare (Mr. Monteith) has moved for leave to present a bill based on the said resolution. Is it the pleasure of the house to adopt the motion?

Motion agreed to and bill read the first time.

INCOME TAX ACT

Hon. Donald M. Fleming (Minister of Finance) moved the second reading of Bill No. C-68, to amend the Income Tax Act.

Mr. W. M. Benidickson (Kenora-Rainy River): Mr. Speaker, I think the Minister of Finance (Mr. Fleming) has rather condemned this bill for perhaps inadequate discussion when on budget night, March 31, in his remarks he indicated that we were more or less, in so far as tax matters were concerned, in a considerable state of status quo, unusually so, sir, I say. The Minister of Finance, as reported at page 2685 of *Hansard* of March 31, 1960, to indicate this element of status quo, had this to say after a long speech, which the minister is always noted for. He said:

> The net effect of all the amendments I am proposing to our taxing statutes will be to make no measurable change ... for 1960-61.

Mr. Fleming (Eglinton): On a point of order, if the hon. member is going to quote me I suggest he quote me correctly. He just omitted about seven words. I said:

> —to make no measurable change in the estimate of total revenues for 1960-61, which I presented to the house earlier this evening.

Mr. Benidickson: I will accept that and I will go on, Mr. Speaker. I was just saving time because the minister is so keen always to get up and say that we should save time here, and that was my intent.

Mr. Chevrier: He takes much more time than anyone else.

Mr. Benidickson: He takes much more time, as the hon. member for Laurier said, in introducing petty points of order that delay procedure, than anyone else in the house, which is contrary to the procedure which he followed when he was on this side of the house. However, I go on with the quotation:

> The amount of tax relief—

This will be interesting to all hon. members.

> The amount of tax relief accorded by some amendments will be approximately balanced by the increased revenues from others. The total loss of revenue from the relieving amendments could add up to as much as—

What, is anybody's guess. I quote from the Minister of Finance:

> —$2 million—

This is how important the budget propositions of the Minister of Finance were this year. Then, he went on to say:

> —and the increased revenues from blocked loopholes and clarified definitions are likely to be of about the same amount.

In other words, he was presenting a balance in so far as legislative changes were concerned which would come before this committee and this legislature. Yet, that, of course, is not entirely the picture. He was very quiet this year, but he took an awful bite last year. Last year he increased the taxes on the Canadian people, as estimated by himself, and that should be a favourable estimate, to the extent of $352 million. If we have a quiet time this year, it means that the same people are going to pay the same $352 million this year. This, of course, compares—

Mr. Pallett: What about before June 10, 1957?

Mr. Benidickson: The hon. member for Peel (Mr. Pallett) refers to the promises that were given. Actually, I was not proposing to refer to those but I have some notes on them. I think the whip of the Conservative party will regret this.

Mr. Martin (Essex East): He always interrupts, anyway.

Mr. Benidickson: He has interrupted. Because of that I think I have the right to suggest to you, Mr. Speaker, that this present government when asking for power suggested that when a bill would come before us—and this is not the first time, not the second time, but the third time—at some time we would get some of the promised things in an income tax bill. The Prime Minister (Mr. Diefenbaker) was responsible for and was leading the party when he appealed, as the hon. member for Peel says, in the election of 1957, for votes. He got a lot of votes by saying that tax changes to put Canadian companies on a basis of equality with foreign corporations or their subsidiaries operating in Canada should become part of our tax laws. Do we find that in the bill before us today? No.

The member for Peel has prompted me to say also that the same individual, now our Prime Minister, in his opening campaign speech in Massey hall, Toronto, in April, 1957, said that less discriminatory methods of taxing Canadian oil companies should be introduced into our income tax laws.

There was a suggestion that there should be a change in the income tax law to encourage Canadians to acquire a greater equity in Canadian enterprises, but we find nothing of that kind in the bill before us. I have referred several times this session to the possibility that the committee on mines, forests and waters should do something about the well known desire of its chairman to have Canadian research specially recognized for exemption so far as income taxation is concerned. Let me tell the whip of the Conservative party very frankly that I had this here but I had not intended to rub his nose into it particularly.

I intended to say that the effects of this legislation on the balance of ways and means were so slender this year that we were just having a repetition of another impost, a new impost of $350 million the same as imposed in the budget of 1959. I was prepared to say that before taking my seat and examining the particular clauses of the bill before us.

Mr. Pallett: The hon. member does not question that taxes are still lower than they were before June 10, 1957?

Mr. Benidickson: The hon. member has again stuck out his nose. I have certain figures here which I had not intended to use.

Mr. Martin (Essex East): The whip had better stay quiet. He is only embarrassing the Minister of Finance (Mr. Fleming).

[Mr. Benidickson.]

Mr. Benidickson: He is embarrassing the Minister of Finance considerably because having regard to the constituents in his riding I think he would be one of the first to recognize that the latest available statistics we as members of parliament have—

Mr. Starr: Whose statistics?

Mr. Benidickson: —are found in the report of the Department of National Revenue, taxation division, for 1959. This report analyses in great detail the various categories of people paying taxes, and I am referring to those in the low tax-paying bracket. According to this green book of the Department of National Revenue, may I tell the hon. member for Peel that the total number of people in this country paying income tax is 4,076,465. I want him to go to his constituents and compare the present tax rates, including the new impost for old age security, with those that prevailed before this government came into office. I want him to relate that to the fact that in the $4,000 to $5,000 income group there are 573,000 taxpayers and in the $3,000 to $4,000 income group there are approximately 1,015,000 taxpayers. I calculate that the latter group represent about 25 per cent of the total number of taxpayers in the country.

If the hon. member for Peel will look at the statistics and take account of the increase in the old age security tax compared with the 1957 old age security tax and the ordinary tax on income, he will find he was very inopportune in introducing that subject at this time.

Mr. Pallett: You had better check *Hansard.*

Mr. Starr: You had better go back and tell that to your own people.

Mr. Benidickson: The labourers of this country who contribute their share to the unemployment insurance fund had a new tax bite of $75 million imposed on them last year by this new government. I think the whip of the Conservative party is perhaps not too thoughtful when he makes interjections of this kind because I was very considerate of the Minister of Finance at the resolution stage prior to the introduction of the bill to amend the Income Tax Act. I said to him then—

Mr. Fleming (Eglinton): Page?

Mr. Benidickson: —that I thought he had introduced a procedure that I should commend. He introduced his proposed budget changes on March 31 and on May 6 he saw fit to inform the public and ourselves that he had had some second thoughts. I said that his predecessors had had second thoughts after introducing budget proposals but that

the minister had decided to put his amendments in the form of an appendix to *Votes and Proceedings*. The minister rather glowed when I said that this was a novel and nice thing to do but I am afraid the Minister of Finance has reverted to his shell that is so typical of him and is again giving notice at the last possible minute. He took the last available opportunity to inform us of the amendments that he is going to propose to the legislation tonight. On Friday night he gave notice of certain changes affecting the bill now before us.

If there is any substance to the amendments that the minister is proposing why did he delay giving notice of them from March 31? He forgot about them on May 6 when I commended him for taking the house and the country into his confidence. Why did he only give notice last Friday of his change of mind with respect to these matters? I want to remind the minister that this particular bill was called on June 9, I think.

Mr. Fleming (Eglinton): No.

Mr. Benidickson: If there is any merit to these amendments, why did he not introduce them long ago? In all my experience in the house I have never known the minister to give such short notice as he gave us today, not on this bill, I admit, but with respect to a report he received last August. This is typical of the minister. Last August he received a report in connection with the deficit in the superannuation fund and he brought it before the house this morning at eleven o'clock when the matter was coming up today.

Mr. Fleming (Eglinton): Mr. Speaker, I suggest that there must be some limit to the strayings of the hon. member. He is now talking about something that was dealt with earlier in the day and has nothing to do with this matter. Can the hon. member stick to the bill for a little while?

Mr. Benidickson: I think that in this case the Minister of Finance at long last has a valid point of order. I have opposed him for some three years and in all that time he has never advanced a point of order that was not entirely out of line with the leniency that was always extended to him when he sat on this side of the house and was a very superior, capable and active critic of budget resolutions.

I want to say that in examining this bill we must recognize that if we approve the rates and schedules that are involved—forgetting all about what the former government did—as the minister himself said in his budget speech of March 31, the program for 1959-60 it is estimated will take in personal income taxes $1,555 million and corporation income taxes, $1,140 million for a total of $2,695 million. The minister's forecast is that under this bill he will for next year raise in personal income taxes $1,750 million, under corporation income taxes, $1,340 million, for a total of $3,090 million, which represents an increase of $400 million of taxes over what was taken from the Canadian people under the present administration, and not even related to the previous administration, which administration was so severely condemned by the minister who is facing me at the present time and by the Prime Minister (Mr. Diefenbaker).

This is the type of thing upon which the government of this country got elected. I have a quotation here from the Windsor *Daily Star* of May 10, 1957.

Mr. Pearkes: Who got elected on that?

Mr. Benidickson: You tried to get elected on that. This is what the Prime Minister said, referring to the previous administration:

> They have refused to reduce the awful load of income taxation which bears down on all. They have refused to take adequate action for the old age pensioners—

And so on.

> They have done this because—

Some hon. Members: Hear, hear.

Mr. Benidickson: Look at all these backbenchers who are applauding, and who got elected on the grounds that they were going to reduce income taxes. This is what the Prime Minister said in Windsor, in 1957:

> They have done this because an all powerful party ruling . . .

Right now, are we going to pass legislation that involves taking from the Canadian people in income tax a greater intake by about a billion dollars than was taken by the previous administration? Are we going to do that solely because there is not sufficient criticism in this house from that large mass of supporters of the Minister of Finance in connection with a proposal such as he has in the bill that is presented to us? We have nothing in this bill, that compares with the propositions that were presented in 1957 or 1958 to the Canadian electorate. I think the Minister of Finance should, in these various instances, indicate to us why he comes before us without introducing into this bill the items which in 1956 and 1957, when he was the financial critic, he said were essential to the economy of this country.

Mr. Erhart Regier (Burnaby-Coquitlam): I should like to assure the minister immediately that any efforts contained in the bill to plug what he chose to call "loopholes" are going to receive our endorsement. I regret that the minister has not deemed it advisable

to include in the bill now before us the plugging of a lot more loopholes that exist in the present act. I would have liked to have noted that he had taken a long look at existing allowances for depreciation and depletion, and that he had curtailed greatly these allowances. I believe that the restrictions in our existing Income Tax Act are such that even the president of the Canadian stock exchange underlines the great allowances permitted to Canadian corporations for reinvestment purposes by reason of the fact they are able to obtain these funds from the depreciation and depletion allowances permitted them under the existing Income Tax Act. I believe this is a loophole that the minister might well have plugged, since these allowances amount to about $3 billion per year and, in the opinion of many investment people in Canada, the rates are excessive and, in themselves, harmful to the Canadian economy.

I had hoped also that the minister would have plugged the loopholes a little more thoroughly in regard to the very lavish expense allowances being permitted to executives of corporations doing business in Canada. A number of cases are on record where these extraordinary concessions allowed business executives amount to much more than the wages of those executives. There was one famous case before the Exchequer Court of Canada for decision in which the severance pay demanded by a certain oil company executive amounted to no less than a million dollars. He was granted that amount for relinquishing his position with one company and moving over to another company. I was glad to note that the Exchequer Court of Canada decided that here was a loophole that ought to be plugged, and they did plug it in that particular instance.

Another loophole which, in our opinion, is in urgent need of plugging is the obtaining of money when capital gains are made which are not included as income. The minister, in looking for loopholes to be plugged, has not realized that a change in the definition of what is regarded as income for taxation purposes to include capital gains would have yielded him a lot more revenue than even he anticipates at this time.

I would hope also that, if not this year maybe next year, the government will give very earnest consideration, when amendments are again brought before this house in regard to the Income Tax Act, to putting corporations on the same basis as they now put individuals, and that the income tax payable by corporations would be on a graduated basis rather than on a flat basis. If this government is concerned about the growth of big business, if this government is anxious to help the small, independent business survive and prosper, if the proposed graduated income tax is right when it is applied to individuals, then I have yet to hear one argument that the graduated income tax ought not to be applicable to Canadian corporations. I believe many of the evils of our economic society would be overcome if we were to make the same law in regard to graduated income tax applicable to Canadian corporations as is applicable now to individuals. Much other legislation would then be unnecessary because of the evils that would have been overcome by this new imposition of a graduated income tax under the existing Income Tax Act.

Mr. L. D. Crestohl (Cartier): I rise, Mr. Speaker, to draw the attention of the minister to what I hope he might consider to be an omission which perhaps could be remedied. We have always expressed great concern, as we have done recently, for the education of the youth of our country at the universities and we have taken steps in that direction. However, because of the continued increase in the cost of school fees and in the cost of instruments—and certainly I could quote, for example, at medical schools the question of the purchase of microscopes and extremely costly books—I wonder whether the minister and the government would not consider allowing as an exemption from income tax the payment of school fees to universities and other institutions of higher education. That action would encourage attendance at the universities and would facilitate more opportunities for education. Where a father, an uncle or a relative pays the school fees for a child at a university I think it is a service to the country to encourage that generosity and to make such action possible. It would be an encouragement if these school fees and the cost of instruments and books were to be exempt from income tax.

Let me quote an illustration. Certainly there are wealthy relatives who would be pleased to pay for the education of a nephew or a niece or to pay the school fees, and they would do it gladly if they could be encouraged by having these school fees and these payments or advances made exempt from income tax. The same thing would apply even to corporations. If a corporation knew that any scholarships for which they paid would be exempt from income tax, notwithstanding their munificence and contributions for that purpose, I think there would be more encouragement. I regard it as being a real service to the country for the government to do everything possible to make education at the universities or higher education increasingly possible.

I feel that thought in that direction by the government would be welcome throughout the country and certainly would assist education. I bespeak this aid for these young men and women who find it difficult to pay the increasing cost of school fees, whose parents of modest means cannot afford to pay for their education, but who could easily obtain assistance from corporations or perhaps from relatives of more comfortable means to pay for this education. Provision for that exemption, I suggest to the minister, would be a constructive piece of legislation to incorporate into our Income Tax Act, namely of all school fees of universities or other institutions of higher education. I am speaking of related seminaries or, if there are such things, technical schools that are considered to be on a higher level of education. By doing that I think the government would be enacting a popular piece of legislation. Not only would it be popular with the taxpayers but it would be in conformity with our genuine desire and urge for university education in Canada.

I make that as a suggestion to the minister. I do not see provision for it in this bill. I am wondering whether, between now and the time we reach clause by clause study of the bill, he will consider the introduction of such an amendment so that we might get into this act one section that would be more popular perhaps than are many of the sections that are now in the bill.

Mr. Speaker: May I remind the house that if the minister speaks now he will close the debate.

Hon. Donald M. Fleming (Minister of Finance): The hon. member for Kenora-Rainy River (Mr. Benidickson) was not any clearer this evening than usual. However, he somehow said that taxes had been increased for the people who constitute the great bulk of the Canadian taxpayers. He was completely wrong. I propose to quote what I had to say on this subject in the budget speech of 1959. This is to be found at page 2417 of *Hansard* of April 9, 1959, in the second column, where, summarizing the tax changes in the 1959 budget and comparing the income tax position of the great bulk of Canadian taxpayers with their tax position prior to the change of government three years ago tomorrow, I had this to say:

> The best way to illustrate the effect on the individual is to compare the taxes which will be payable in a full year after this year's changes with the taxes payable in 1957 prior to the reductions we introduced in that year. For purposes of comparison, let us consider the position of a typical married man who is the father of two children of family allowance age.
>
> At an income level of $3,000 a year, under the new rates, this man will pay a total of income tax and social security contribution of $56, an increase of $4 from the 1958 level. He will, however, be paying $34 less than he paid before the reductions we introduced in 1957.
>
> At an income level of $4,000 a year, under the new rates, he will pay a total of $208, an increase of $14 from the 1958 level but $44 less than before the reductions we introduced in 1957.
>
> At an income level of $5,000 a year, he will pay a total of $390, an increase of $24 from the 1958 level but $44 less than before the reductions we introduced in 1957.
>
> At an income level of $7,500 a year, he will pay a total of $898, an increase of $68 from the 1958 level but still $2 less than before the reductions we introduced in 1957.
>
> It is clear from these examples that even after the increases now being proposed the vast majority of taxpayers will be paying less in income tax and old security contributions than they paid prior to the reductions we introduced in 1957.
>
> At the same time they are receiving the protection of a social security system which has been greatly improved and extended.

The hon. member for Kenora-Rainy River may find his way back to these facts some time soon. That will be our hope.

As to the matter raised by the hon. member for Cartier (Mr. Crestohl), may I say that this matter was discussed fully last year. He is aware of the additional burden we are carrying in the federal treasury now by reason of our increase from $1 to $1.50 in the per capita federal grants to the universities; that is per capita of population in each province. These are substantial additions that we have undertaken. I think there is little to be gained now in reviewing this question again. It could have been raised in the budget discussion but I do not believe it was raised there. It was discussed fully a year ago and I think the situation has not changed since that time. The government has done more for the assistance of universities than any other federal government has ever before done in Canadian history.

Mr. Benidickson: May I ask the Minister of Finance a question?

Mr. Fleming (Eglinton): When we go into committee, I suggest.

Mr. Benidickson: Would the minister indicate whether or not—

Mr. Speaker: Order. I take it the hon. minister who had the floor is not prepared to answer questions now.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Rea in the chair.

On clause 1—*Estate tax and succession duties applicable to certain property.*

The Deputy Chairman: Order. House in committee on Bill No. C-68, an act to amend the Income Tax Act and also the proposed amendments which are appended to *Votes and Proceedings.*

Shall clause 1 carry?

Mr. Benidickson: Mr. Chairman, on this clause I would like to refer back to page 4591 of *Hansard,* the explanation which I think is not now a fully responsible explanation for the Canadian public to be given by the Minister of Finance with respect to the intent of this legislation. Although I am sure the minister has read the debate in the other house on the Estate Tax Act, there was reference in the course of it to certain amendments such as those which are before us in this house. There was reference to the fact that the other place referred the amendments of 1958, certain proposals of the Minister of Finance, back to us. The over-powering majority in this house rejected them.

To what extent have we here a recognition of the non-political judgment that might have been exercised in the other place when they considered the elements involved in a matter of this kind?

The Deputy Chairman: Shall clause 1 carry?

Mr. Benidickson: Well, is the minister not going to reply?

Mr. Fleming (Eglinton): Mr. Chairman, that is a political question. The hon. member has not asked for elucidation of this clause. I am prepared to offer to elucidate the clause if any hon. member asks.

Mr. Benidickson: Then we can go on for some time. Has the minister before him, and I am sure he has because his officials formerly always prepared a very excellent book of words clause by clause, any reference to what the recommendations were from the committee of the other house with respect to this matter?

Mr. Fleming (Eglinton): Mr. Chairman, we do not discuss what transpires in the other place; it is quite out of order to do so.

Mr. Benidickson: Mr. Chairman, I want to say we very definitely discussed what happened in the other place.

Mr. Fleming (Eglinton): When the other house is dealing with a matter and sends it back to us, then this house deals with it. But with great respect we do not discuss the proceedings in the other place and it is quite out of order to do so.

Mr. Benidickson: Mr. Chairman, I am referring to the fact that last year we discussed the merits of a proposal that came from the other house. The overriding majority of the government defeated it here, but it seems to me it is back here before us. I wonder if the minister with the help of the staff that is in front of him would indicate to us to what extent this complies with the legislation that was presented to us last year which we rejected?

[The Deputy Chairman.]

The Deputy Chairman: Shall clause 1 carry?

Mr. Benidickson: Is the minister not going to assist the committee?

Mr. Fleming (Eglinton): Mr. Chairman, there was no amendment last year to the Income Tax Act in this regard. If the hon. member wishes to talk about another act altogether, or about what happened with that other act last year, or what happened to a bill to amend that act this year in the other place, it is completely out of order.

Mr. Benidickson: Mr. Chairman, I would not have risen to say anything further had it not been for the fact that I am quite sure that very competent lawyers whose evidence I have read in committees of the other place have asserted that we are doing here, by means of the Income Tax Act amendment, what the other place suggested we should do when admittedly they had before them the Estate Tax Act. The two are related in the resolution now before us—

The Deputy Chairman: Order. I cannot understand how the hon. member can show that what he is talking about is relevant to clause 1 of this bill.

Mr. Benidickson: Mr. Chairman, have you looked at the left hand sidenote, "Estate tax and succession duties—", which relates to this clause, and are you satisfied that I am not in order in asking about the co-relation between this clause and the legislation that was before this house last year?

Mr. Regier: I wonder if the minister might at this stage supply us with an answer as to why he has not included in the bill adequate amendments so that corporations would also be liable to graduated income tax, as are individuals?

Mr. Fleming (Eglinton): Mr. Chairman, with respect, that question does not arise on this bill. The proper place to raise questions of this kind is in the budget debate which took place two months ago. There is nothing in this bill which relates to that subject at all.

Mr. Regier: On that point of order, Mr. Chairman, if clause 1 has any significance at all, I should be allowed to ask this. It always has had great significance in committee when we are amending the whole of an act to this great extent. I submit we ought to be entitled to ask this question, and it is the only place where we can ask the minister why the act has not been amended in other respects.

The Deputy Chairman: Order. It being ten o'clock shall I rise, report progress, and ask leave to sit again at the next sitting of the house?

Some hon. Members: Agreed.

Progress reported.

BUSINESS OF THE HOUSE

Mr. Chevrier: May I inquire from the house leader what we will be doing tomorrow and Wednesday?

Mr. Churchill: Tomorrow, Mr. Speaker, after consultation with representatives on the other side of the house it seems advisable to continue with this bill and, on a reasonable allocation of time, we might complete it by, say, one o'clock. Then we will carry on with the motion in the name of the Minister of National Revenue to set up a select committee on broadcasting; that would be item No. 2. The third would be item No. 10 on today's order paper, the resolution in the name of the Minister of Justice with regard to the Judges Act. Fourth would be item No. 4 on today's order paper, the Emergency Gold Mining Assistance Act which we have had before us on several occasions. Fifth would be second reading of Bill No. S-32 concerning a bridge over the St. Lawrence river. If we make good progress we could complete item No. 1 on today's order paper which would be the last item, Bill No. C-72 with respect to the Canadian National Railways.

On Wednesday we will continue with the estimates. We will take those of the Department of Mines and Technical Surveys which have already been started and those of the Department of Fisheries.

It being two minutes after ten o'clock the house adjourned, without question put, pursuant to standing order.

Questions

ANSWERS TO QUESTIONS

The following answers, deposited with the Clerk of the house, are printed in the official report of debates pursuant to standing order 39:

RESTAURANT CONCESSION TENDERS, MONTREAL HARBOUR

Question No. 403—**Mr. Denis:**

1. Have tenders been recently called by the national harbours board in connection with restaurant concessions in the Montreal harbour?
2. If so, (a) have tenders been received; (b) from whom, and what was the amount of each tender?
3. What are the names and addresses of those awarded such concessions and the respective amounts of their tenders?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The national harbours board advises as follows:

1. Yes.

2. (a) Yes.

(b) See below:

Name of tenderer and amount of tender:

Restaurant A, Bickerdike Pier: P. Passaretti, $750.

Restaurant B, Alexandra Pier: Marcel Cardinal, $1,225; Gelinas Fortin, $1,140; Louis Huss, $1,060; United Fruit Store, $700; Geralde Lalonde, $700; Cyprien Bousquet, $625.

Restaurant C, King Edward Pier: Laurier Cardinal, $1,225; Louis Huss, $1,060; R. Beaudoin, $900; Angelo Gagliardi, $800; Gelinas Fortin, $800; United Fruit Store, $700; Geralde Lalonde, $700; Cyprien Bousquet, $625; Paul DeSeve, $435.

Restaurant No. 3, Section 18: *A. Martinangeli, $2,000; *Gelinas Fortin, $2,000; Albert Ruffolo, $1,800; G. P. Gleason, $1,000; L. Chevalier, $1,300; Paul DeSeve, $975; Geralde Lalonde, $820.

Restaurant No. 7, Section 35: Roger Soumis, $2,104; Mrs. M. Rossi Martinangeli, $2,000; Nathan Margel, $1,300; G. P. Gleason, $1,000; Geralde Lalonde, $820; Angeline Gagliardi, $770; Frank Bozehorich, $522.80.

3.

Restaurant No.	Concessionnaire	Amount of Tender
A	Phillip Passaretti 8041 St. Andre street, Montreal	$ 750.
B	Marcel Cardinal, 8478 Chateaubriand street, Montreal	1,225.
C	Laurier Cardinal, 4366 Chateaubriand street, Montreal	1,225.
3	Armand Martinangeli, 325 Laflamme street, Montreal	2,000.
7	Roger Soumis, 1584 Lagauchetiere street, Montreal	2,104.

*It will be noted from the tabulation of tenders that there were two tenders of $2,000 for restaurant No. 3—section 18—one from A. Martinangeli and the other from Gelinas Fortin. However, the amount of $2,000 is not arrived at in the same manner, that is

A. Martinangeli tendered: permit, $800; lease, $1,200.

Gelinas Fortin tendered: permit, $500; lease, $1,500.

The "payment" clause in the instructions to tenderers provides that the amount tendered for the permit shall be paid in advance and that the amount of the lease shall be paid in six equal instalments. In view of the fact that Mr. Martinangeli's tender for the permit was $300 higher than that of Mr. Fortin and the board will have the use of this money for a longer period and also because Mr. Martinangeli, in company with his wife, Mrs. Marie Rossi Martinangeli, has satisfactorily operated a restaurant on the harbour for several years, it was decided to grant the concession for restaurant No. 3 to Mr. Martinangeli.

LECTURES TO SMALL BUSINESS BRANCH, TRADE AND COMMERCE

Question No. 413—**Mr. Dupuis:**

1. Are lectures being given in the small business branch of the Department of Trade and Commerce?
2. If so, who are the persons in charge of such lectures?
3. Of the said persons, how many are French speaking, and what are their names?

Answer by: **Hon. Gordon Churchill (Minister of Trade and Commerce):**

1. No.

2 and 3. Answered by No. 1.

HOUSE OF COMMONS

Tuesday, June 21, 1960

The house met at 11 a.m.

LABOUR CONDITIONS

UNEMPLOYMENT—REQUEST FOR ACTION ON CURRENT SITUATION

On the orders of the day:

Hon. Paul Martin (Essex East): Mr. Speaker, I should like to direct a question to the Minister of Labour. In view of the fact that, according to the figures on unemployment released by the bureau of statistics last night, unemployment both in absolute and relative terms is higher than in the corresponding periods of 1959 and 1958 and, indeed, higher than in any corresponding period since the great depression—

Some hon. Members: Order.

Mr. Martin (Essex East): —is the minister now in a position to tell the house how the government intends to deal with this most disturbing national situation?

Hon. Michael Starr (Minister of Labour): Mr. Speaker, in response to some of the statements made by the hon. member for Essex East I wish to say that in the opinion of the government the situation, as we have stated in the past, is always serious as long as there are people unemployed, but it is only half as serious as it was in the years 1935 to 1940 when the hon. member was a member of the government. According to this release there are 250,000 more people working than last month and 140,000 more people working than in the same period last year. The government is always looking at the situation and reviewing it. I am sure the hon. member will find that the government, in its efforts to look after the people of this country, will devise ways and means to rectify the situation, and when that is done an announcement will be made as usual.

Mr. Hazen Argue (Assiniboia): I should like to ask a supplementary question. Would the minister care to inform the house what the government feels employment prospects are for the near future, and whether in the opinion of the government there is likely to be a reduction in the number of unemployed in the near future compared with a year ago?

Mr. Starr: The hon. member has asked me to foretell the future and I decline to do that, because I would not want to be quoted at this time, not knowing exactly what the situation may be.

Mr. Argue: It is worse and it is going to get worse under this administration.

Mr. Martin (Essex East): May I ask a supplementary question. In view of the admittedly serious situation, does the Minister of Labour not think this house ought to be given an opportunity of at least co-operating with an organization being set up in another place to deal with this particular problem? Is it not a disgrace that parliament is denied this opportunity?

Mr. Starr: Mr. Speaker, I would say this. The sooner I see any evidence of co-operation from the hon. member for Essex East, the better it will be for the economy of this country.

Hon. J. W. Pickersgill (Bonavista-Twillingate): I wonder if I could put a question to the Prime Minister. Notwithstanding the arrangements that have previously been made, would the Prime Minister consider having the estimates of the Department of Labour called this week so that at least there can be a debate in this house on this most important domestic question?

Right Hon. J. G. Diefenbaker (Prime Minister): The progress made in calling the various departments depends on the co-operation received from all parts of the house. I am sure that when it is appropriate to have these departments before the house, and when matters already before the house have been cleared away, then an opportunity will be given to the hon. gentleman to discuss these matters.

UNITED NATIONS

FOOD BANK—REPORTED SUGGESTION BY U.S. VICE PRESIDENT

On the orders of the day:

Mr. E. W. Brunsden (Medicine Hat): May I address a question to the Prime Minister. Has the Prime Minister's attention been drawn to, and does he care to comment upon, a recent statement by Vice President Nixon of the United States with respect to the establishment of a United Nations food pool?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, on a number of occasions in recent years I have advocated the

paramount importance of making surplus food stocks available for consumption in parts of the world where food shortages occur or might occur. Indeed, in December, 1957 I advocated the establishment of a NATO food bank which, as yet, has not received the complete support of the various nations in NATO.

When I was in Washington on June 3 I discussed with the President of the United States, not this particular matter but the urgency of working out some satisfactory arrangement for the distribution and utilization of surplus foodstuffs.

The house will also recall that as a result of the food for peace conference held in Washington in May of 1959 there is now in existence an international body known as the wheat utilization committee, the establishment of which was designed to find means of utilizing food surpluses for beneficial purposes. This committee, on which Canada is represented, will have its next semi-annual meeting in Ottawa in this coming July.

The Nixon proposal is one that envisages the co-operation of the countries within the United Nations. Certainly the matter has been discussed on occasions in the past, but there has been no evidence of any support for such a plan from the U.S.S.R. or those countries adhering to the views of the U.S.S.R. However, the suggestion is one that deserves the fullest consideration, for all of us are desirous of assuring that surpluses shall be used to the end that poverty will be met and hunger assuaged in the parts of the world where today food is not available.

Hon. L. B. Pearson (Leader of the Opposition): May I ask the Prime Minister a supplementary question. Has there in fact been any serious discussion at the NATO council of the proposal for a NATO food bank, and if so what has been the result of that consideration?

Mr. Diefenbaker: There have been discussions on various occasions regarding a food bank, but there has not been that unanimity that characterizes the opinion of Canadians as a whole.

WORLD REFUGEE YEAR—ADMISSION OF REFUGEES FROM MIDDLE EAST AND HONG KONG

On the orders of the day:

Mr. Erhart Regier (Burnaby-Coquitlam): I would like to direct a question to the Secretary of State for External Affairs. Upon representations being made by a number of religious organizations in Canada, is the government giving any consideration to altering our participation in world refugee year so as to include refugees in the Middle East and in Hong Kong?

[Mr. Diefenbaker.]

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, there have been no such representations made to the department, certainly within recent weeks. If and when there were any change in government policy with regard to refugees it would be announced in the house in the usual manner.

TRADE

WHEAT—ALLEGED EXCLUSION OF CANADA FROM MARKET IN INDIA

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I should like to ask a supplementary question. Can the Prime Minister say whether the Canadian government has under consideration any action for the disposal of surplus Canadian food, particularly wheat, and whether there was consultation before the United States obtained a contract for the sale of 587 million bushels of United States wheat to India over a four-year period, thus almost totally excluding us from that market?

Right Hon. J. G. Diefenbaker (Prime Minister): I am not sure whether that is a proper question for the orders of the day. The matter of the agreement entered into between the United States and India I think was the subject of discussion on an earlier occasion. In any event, my information is that it will not have the effect which the hon. gentleman has ascribed to it, namely that Canada will be denied any market in India. Indeed, one of the bases for the agreement is the general assurance that Canada's exports to that country will not be diminished.

Mr. Argue: I should like to ask a further supplementary question. Is the Prime Minister not aware that a spokesman for India said that although India would attempt to maintain its commercial purchases of some 400,000 tons of wheat, this amount might also be reduced?

Mr. Diefenbaker: I am sure that the Prime Minister has available to him sources of information that even the hon. gentleman has not available.

Mr. Argue: You cannot sell any more wheat.

NORTHERN AFFAIRS

WHOOPING CRANES—EFFECT OF PROPOSED RAILWAY ROUTE

On the orders of the day:

Mr. G. W. Baldwin (Peace River): I should like to direct a question to the Minister of Northern Affairs and National Resources. Will he be good enough to comment on the

editorial appearing in last night's Ottawa *Journal* entitled "A Rare Bird for the Future". For the purpose of putting the record straight will he advise whether it is not correct that the whooping cranes referred to have their present nesting grounds in Wood Buffalo national park along the proposed eastern route of the railway to Great Slave lake, and that these rare birds would not be disturbed by a railroad constructed along the western route; which would not only make the whooping cranes very happy but would have the incidental effect of bringing much joy and relief to some 12,000 people in the Peace river area who have been waiting for over a quarter of a century for this railway?

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): I have seen the editorial in question, Mr. Speaker, and I immediately confirm the fact that the statement made about the choice of the route, namely that it should be the eastern route to keep away from the nesting ground of the whooping cranes, is not true. The whooping cranes, about 30 of them in number, nest in Wood Buffalo national park.

I should like to point out also that in a letter to me of June 1 the president of the Audubon society pointed out, his understanding, which is correct, namely that no route so far is in any sense "final or even accurate". I have no doubt that whatever route is recommended by the royal commission or finally chosen for the railway, it will be possible to establish it in such a fashion that ample protection will be given to the breeding ground of these rare birds. I want to assure the hon. member that I fully share his concern that these birds will not be imperilled.

Mr. H. W. Herridge (Kootenay West): I should like to ask a supplementary question. Will the minister inform the house whether he has received from the United States wildlife authorities any representations in connection with the preservation of these whooping cranes?

Mr. Hamilton (Qu'Appelle): I shall be obliged to take that supplementary question as notice.

TRANSPORT

GREAT SLAVE LAKE—COMMISSION REPORT ON PROPOSED RAILWAY

On the orders of the day:

Mr. M. A. Hardie (Mackenzie River): May I ask the Prime Minister whether he has yet received the report of the commission studying the route of the railroad to Great Slave lake? If so, will he take the house into his confidence?

Right Hon. J. G. Diefenbaker (Prime Minister): I have not received the report, Mr. Speaker.

REPORTED DECISION OF RAILWAYS TO SUSPEND GRAIN SHIPMENTS TO VANCOUVER

On the orders of the day:

Mr. Harold E. Winch (Vancouver East): Mr. Speaker, may I ask the Minister of Transport whether he is yet in a position to give any information on the reported cancellation of the loading of box cars to Vancouver?

Hon. George H. Hees (Minister of Transport): I checked with my office, and I received a telegram dealing with that matter. Since it comes under the jurisdiction of the Department of Labour I passed it along to my colleague the Minister of Labour (Mr. Starr).

Mr. Winch: In view of the answer of the Minister of Transport, can he inform the house what the cancellation of the loading of box cars has to do with the Minister of Labour?

Mr. Hees: The telegram I received, to which I thought the hon. member was referring, was a telegram dealing with jurisdictional matters concerning a union agreement, as I remember it; and that being a labour matter—

Mr. Winch: No.

Mr. Hees: Well, then, if that is the case I did not receive the telegram to which the hon. member is referring.

Mr. Winch: It was sent on the 17th.

HEALTH AND WELFARE

INQUIRY AS TO RESEARCH ON LIVE VIRUS POLIO VACCINE

On the orders of the day:

Mr. W. H. McMillan (Welland): I should like to direct a question to the Minister of National Health and Welfare. Is the Department of National Health and Welfare engaged in research on a live virus polio vaccine? Also, is this oral vaccine to be made available in Canada? If so, to what extent?

Hon. J. W. Monteith (Minister of National Health and Welfare): Mr. Speaker, the answer is yes to the first part of the hon. member's question, as trials of this vaccine have been in progress in Canada since February of this year. Members of my department are directly associated with this continuing project, which is receiving federal assistance through national health grants.

No live polio virus vaccine is licensed in Canada at the present time. Following a review of recent information, the national technical advisory committee on live poliomyelitis vaccines on June 20 recommended limited

and well supervised field trials of live polio virus vaccines which have received the necessary approval of this department. My department will continue its co-operation in the planning of such trials and study of applications for assistance under the national health grants program. Any decision as to use for the public will depend upon the findings.

Hon. Paul Hellyer (Trinity): May I ask a supplementary question. I wonder whether the minister could tell the house, if he has the information with him, how many of the considerable number of cases of paralytic polio reported so far this year in Canada are of the people who have previously been vaccinated with the Salk vaccine.

Mr. Monteith (Perth): No, I do not have that information available, but I would be glad to procure it and give it to the hon. member.

ATOMIC ENERGY

U.S. UNDERGROUND TEST—INQUIRY AS TO CANADIAN OBSERVER

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, I would like to ask the Secretary of State for External Affairs whether the Canadian government has been notified of the intention of the government of the United States to carry out an underground chemical explosion in Nevada on July 12 and, if so, whether Canada has been invited to send an observer.

Hon. Howard C. Green (Secretary of State for External Affairs): No, Mr. Speaker, we have had no such notification.

Mr. Pearson: May I ask the Secretary of State for External Affairs a supplementary question arising out of his reply to my question a moment ago. Is he aware that observers from the U.S.S.R. and the United Kingdom have been invited to this underground explosion on July 12 in the United States?

Mr. Green: No, I have had no such notification.

CANADIAN BROADCASTING CORPORATION

RENE LEVESQUE—REPORTED STATEMENT BY QUEBEC PREMIER

On the orders of the day:

Hon. Lionel Chevrier (Laurier): May I ask the Minister of National Revenue whether he has had an opportunity of looking at the report in *Le Devoir* which I sent him yesterday, and whether he can answer the question I put to him at that time.

[Mr. Monteith (Perth).]

Hon. George C. Nowlan (Minister of National Revenue): Yes, Mr. Speaker, I was waiting for an opportunity to rise to my feet.

I have read the report in *Le Devoir* and the officials of the board of broadcast governors are at present conducting hearings in Halifax. However, I have consulted with their counsel as well as counsel for the Canadian Broadcasting Corporation and I am informed that there is nothing in the statutes or in the regulations which precludes an application on behalf of a government or government agency or crown corporation for a television or broadcasting licence.

Of course, if such application is made, it has to be in exactly the same manner as any other. First it has to be approved by the Department of Transport. Then there has to be a public hearing by the board of broadcast governors, and a decision will then be made as to the appropriateness of granting such licence.

Mr. Chevrier: I thank the minister for his answer, but that was not the question I put to him. That was my second question which he has just answered. The question I put was this. A statement was made by the premier of Quebec in which he stated that if Rene Levesque returned to the C.B.C., the Quebec government would establish its own radio station in Quebec. That is the report contained in *Le Devoir* which I sent to the minister, and I asked the minister if he had any comment to make.

Mr. Nowlan: I have no comment to make on that other than what I have just said. Whatever the government of Quebec or the premier of Quebec decides to do is a matter of responsibility for that organization, not for me. I have simply said what would happen in the ordinary course of events if such an application were made.

PUBLIC WORKS

FORT WILLIAM, ONT.—REQUEST FOR PROTECTIVE BREAKWATERS

On the orders of the day:

Mr. Hubert Badanai (Fort William): I wish to address a question to the Minister of Public Works. Has the minister received a letter from the city of Fort William containing a resolution urging the government to give serious consideration to the construction of breakwater facilities for the protection of the McKellar and Mission islands, where large tracts of industrial property face lake Superior within the limits of the city of Fort William? If so, will the minister be good enough to give the house an indication of the government's intentions?

Hon. D. J. Walker (Minister of Public Works): So far I have received no such letter, but when I do I shall be very happy to give it my earliest consideration. As and when any determination is made of the matter, or if the government feels an announcement should be made, one will be made in due course.

POST OFFICE DEPARTMENT

SHERBROOKE, QUE.—REPORTED POLITICAL ACTIVITY OF RURAL MAIL DRIVER

On the orders of the day:

Mr. Adrien Meunier (Papineau): I should like to address a question to the Postmaster General. I want to know whether the hon. gentleman has an answer to the question which was put to him on Friday last by the hon. member for Maisonneuve-Rosemont.

Hon. W. M. Hamilton (Postmaster General): I have inquired about this, but I have received no such telegram as the one referred to by the hon. member for Maisonneuve-Rosemont.

[*Later:*]

Hon. Lionel Chevrier (Laurier): I should like to ask a supplemenatry question to that asked by the hon. member for Papineau of the Postmaster General concerning a question which was asked in this house by the hon. member for Maisonneuve-Rosemont on June 17, in which he inquired whether the Postmaster General had received a telegram dated June 9 from Sherbrooke, Quebec, with regard to political activities on the part of a rural mail driver.

In his answer to the question the Postmaster General said this morning that he had not received the message. Well, I have the message here, and it is dated June 9. My supplementary question is, how is it that since June 9 the Postmaster General has not seen this message?

Mr. Hamilton (Notre Dame de Grace): My information from my own staff, Mr. Speaker, is that this message was not received in my office. If the hon. member will send it to me I will be delighted to have it.

Mr. Chevrier: I am sending it to the minister now.

Mr. Hamilton (Notre Dame de Grace): Send it.

Mr. Chevrier: I wish the minister would make some comment on it. It is dated two weeks ago.

Mr. Hamilton (Notre Dame de Grace): I now have the document which the hon. member for Laurier sent across to me, and I am more convinced than ever that it is quite possible that this so-called telegram was never received by me or by my office. I notice that what is said to be a telegram appears on a letterhead which reads "Association Liberal du Comte de Compton". It purports to be a copy of a telegram, but in the light of some of the activities of the hon. gentleman's associates over the last few weeks in a certain province in Canada it is quite possible this telegram never reached me, and was merely printed for political purposes.

Mr. Chevrier: A supplementary question. May I ask the Postmaster General, in the light of his answer, if it is the policy of his department to dispense with and fire people without an investigation.

Mr. McIlraith: Yes.

Mr. Hamilton (Notre Dame de Grace): No. Since this government has come into power, Mr. Speaker, we have changed that previous Liberal policy.

Mr. Chevrier: On a question of privilege; the Postmaster General—

Mr. Speaker: Order.

Mr. Chevrier: The Postmaster General is quite wrong, because the Minister of Agriculture—I am rising on a question of privilege.

Mr. Speaker: Order. Will the hon. member state his question of privilege.

Mr. Chevrier: Yes. The Postmaster General said that since this government has been in office it has changed the policy of firing people for political reasons, and I say now—

Mr. Hees: Without investigation.

Mr. Chevrier: I am saying now that not only is that not so, sir, but that the Minister of Agriculture fired a constituent of mine without the slightest investigation.

Some hon. Members: Order.

Mr. Chevrier: I say that the Minister of Agriculture fired a constituent of the hon. member for Laurier without any investigation.

Some hon. Members: Order.

Mr. Speaker: Order. The hon. member has raised a matter as a question of privilege, but it does not seem to affect the privileges or conduct of any member of the house. Therefore I would think that it is more a matter of controversy and argument.

Hon. D. S. Harkness (Minister of Agriculture): Mr. Speaker, on a question of privilege which does affect a member of this house, the hon. member for Laurier has just

made a statement which is absolutely incorrect. The man to whom he has referred was discharged for due cause after an investigation which showed serious irregularities on his part.

Mr. Chevrier: Mr. Speaker, I think I am as familiar as the Minister of Agriculture with the facts of this case.

Some hon. Members: Oh, oh.

Mr. Chevrier: I say now—

Mr. Speaker: Order.

Mr. Chevrier: I am rising on a question of privilege.

Mr. Speaker: I will hear the hon. member if he has a question of privilege.

Mr. Chevrier: The question of privilege is that the statement made by the Minister of Agriculture is totally inaccurate.

Mr. Speaker: If the hon. member will permit me, there seems to be a very sharp difference of opinion between the Minister of Agriculture and the hon. member for Laurier. Each says that the other is inaccurate, and I suggest that the matter be dropped there.

Mr. Chevrier: I should like to rise on a question of privilege.

Some hon. Members: Order.

Mr. Chevrier: The Minister of Agriculture—

Some hon. Members: Order.

Mr. Chevrier: Just a moment.

Some hon. Members: Oh, oh.

Mr. Speaker: If the hon. member wishes to raise a question of privilege I must hear what it is, and I hope the house will give the hon. member a chance to state it. So far I have not heard anything which seems to involve privilege, and I hope the hon. member will not abuse the privilege of rising on a question of privilege.

Mr. Chevrier: I do not generally abuse the privileges of the house, but the Minister of Agriculture raised a question of privilege and I think I should be allowed to reply. My reply is that the individual concerned, one Mitchell, was fired without any investigation after the Department of National Revenue found that there was absolutely nothing against him, and he was fired by the Minister of Agriculture.

Mr. Speaker: Order. The hon. member is making statements of fact, and there is no procedure by which such a matter can be dealt with at this time of the day. It is quite true that there is a difference of opinion, but I see no question of privilege with which the house should occupy itself.

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, speaking for a group that is snow white with respect to patronage, I wish to protest that the rules do not provide for a pot calling the kettle black debate at this stage in our proceedings.

(Translation):

NATIONAL DEFENCE

FARNHAM, QUE.—REQUEST FOR BILINGUAL SIGNS AT CAMP

On the orders of the day:

Mr. Romuald Bourque (Outremont-St. Jean): Mr. Speaker, I should like to direct a question to the Associate Minister of National Defence. I apologize for not giving him notice of it.

In the June 20, 1960 issue of *Le Devoir*, a correspondent complained that, at the entrance of the French Canadian cadet camp at Farnham, the Department of National Defence has erected a 20 foot square bill board with a message written in English only.

Would the minister tell us if his department intends to erect a similar bill board carrying a message in French?

Hon. Pierre Sevigny (Associate Minister of National Defence): Mr. Speaker, in reply to the question of the hon. member for Outremont-St. Jean, I must say that I shall look into this matter and give him an answer at the next sitting of the house.

It is certainly not the intention of the present government to show anything but the fullest regard for bilingualism, and I can assure the hon. member for Outremont-St. Jean and all members of the opposition that the present government will, at all times, see that bilingualism is respected, whenever possible.

(Text):

INDIAN AFFAIRS

SARNIA, ONT.—REPORTED INSTALMENT PAYMENT ON SALE OF LAND

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I wish to address a question to the Minister of Citizenship and Immigration. I wonder whether the hon. lady has received any information at any time from any source to the effect that before the vote was taken for the surrender or the sale of the Sarnia Indian lands, the Indians were told by a representative of the company that they would receive an immediate instalment payment of $100 at the conclusion of the meeting.

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): I received some information to the effect that after the sale was completed the Indians asked for a payment because it was so near Christmas. That is about all the information I have without searching the files.

Mr. Speaker: I wonder whether the hon. member would consider dealing with this matter in another way. I suppose the estimates of the department have been concluded, but this is a record of what happened in the past and I believe it would be better if the question were put on the order paper.

GRAIN

ACREAGE PAYMENT PROGRAM—REPORTED STATEMENT BY FARM UNION DIRECTOR

On the orders of the day:

Hon. Paul Martin (Essex East): I wish to direct a question to the Minister of Agriculture. Will the minister comment on a statement made by Mr. Anderson, director of the farmers' union of Alberta, that western Canadian farmers are stymied and stunned by the Prime Minister's claim in the House of Commons that no request had been received for an acreage payment program?

Hon. D. S. Harkness (Minister of Agriculture): I have not seen this alleged statement which the hon. member has mentioned; therefore I am in no position to comment on it. I do not think it would be appropriate for me on the orders of the day to be commenting on all the statements made by various people throughout the country, in any event.

INCOME TAX ACT

The house resumed, from Monday, June 20, consideration in committee of Bill No. C-68, to amend the Income Tax Act—Mr. Fleming (Eglinton)—Mr. Flynn in the chair.

On clause 1—*Estate tax and succession duties applicable to certain property.*

Mr. Benidickson: Mr. Chairman, I wonder whether the Minister of Finance—

The Chairman: Order. I am sorry, but I am told that the hon. member for Burnaby-Coquitlam had the floor when we adjourned last night.

Mr. Regier: Mr. Chairman, as I indicated last night, this is a major amending bill. We are asked to pass 33 clauses, which in itself constitutes a major overhaul of the Income Tax Act. I believe it is only right when we are on clause 1 in the committee stage that we should be able to ask the minister to give the reasons why amendments have not been brought forward with respect to other parts of the Income Tax Act.

As I indicated yesterday, I should like him to explain why he has not seen fit to amend the definition of taxable income. We would like to know why capital gains were not considered worthy of being classed as taxable income. We would like to know why the minister did not deem it advisable to amend the act so that corporations, like individuals, would be liable to a graduated income tax rather than to a flat levy as is now the case. Why did the minister not deem it advisable to reduce the allowances permitted for depreciation and depletion? Why did the minister not deem it advisable to amend the act so as to curtail the wide-open expense allowances companies are permitted to pay, especially to their senior executives, which allowances in turn companies are able to claim as expenses, the amounts therefore not being liable to income tax?

Mr. Fleming (Eglinton): There is nothing in clause 1 of the bill nor, indeed, anything in the bill at all relating to these subjects. Therefore I think we should address ourselves to the bill. When it becomes the policy to introduce measures dealing with these subjects the house will be acquainted with that fact.

Mr. Regier: On a point of order, I think the committee is well aware that there is hardly ever anything at all in clause 1. Very often it only contains definitions of words. However, clause 1 is the only place where we can ask for a reply on the part of the minister if he has not deemed it advisable to reply on second reading of the bill. It has been a traditional privilege to allow more latitude on clause 1 than on any other clause, and I believe the minister owes the house and the country an explanation as to why other amendments were not introduced.

Mr. Hellyer: The hon. member for Kenora-Rainy River will be back in a moment. He wishes to speak on clause 1, and I would ask the minister to agree to hold it open until he returns. In the meantime we might pass on to other clauses.

Mr. Fleming (Eglinton): We could let clause 1 stand and go on to clause 2.

The Chairman: Shall clause 1 stand?

Some hon. Members: Agreed.

Clause stands.

On clause 2—*Idem.*

Mr. Hellyer: While we are waiting, would the minister explain the operative parts of

this clause? I know that the hon. member for Kenora-Rainy River has underlined some parts of it with respect to which he intended to ask questions. Is there something the minister can say by way of explanation?

Mr. Fleming (Eglinton): I thought the request was that clause 1 stand so that we could go on with the other clauses, not that they should all stand. Clause 2, as the note makes clear, proposes an amendment which is designed to ensure that a taxpayer may not receive a benefit under both sections 15 and 37 of the act. It is just to prevent an unintended double benefit being used by a taxpayer.

Clause agreed to.

On clause 3—*Transferred property.*

Mr. Fleming (Eglinton): On clause 3 there is an amendment of which I gave notice on Friday last. It appears in *Votes and Proceedings* for June 17. I would ask my colleague the Minister of National Defence to move this amendment.

Mr. Pearkes: I move:

That Bill C-68, an act to amend the Income Tax Act, be amended by striking out lines 27 to 33 on page 33 thereof and substituting therefor the following:

(2) Section 20 of the said act is further amended by adding thereto the following subsections:

"(10) Where property of a corporation that was depreciable property of a prescribed class has, on the making of a receiving order or the filing of an assignment for the benefit of creditors of the corporation, become vested in a trustee in bankruptcy, the property of the corporation of that class shall be deemed, for the purpose of this section and regulations made under paragraph (a) of subsection (1) of section 11, to have been disposed of by the corporation at that time for an amount equal to the undepreciated capital cost thereof to the corporation immediately before that time, and to have been acquired by the trustee at that time at a capital cost equal to that amount.

(11) Where a corporation that has become bankrupt has received an amount in a taxation year from a trustee in bankruptcy as or on account of any surplus remaining to which the corporation has become entitled after payment in full of its creditors with interest and other costs, charges and expenses as provided by law, the lesser of

(a) the amount so received, or

(b) the amount, if any, that would have been included in computing the income of the corporation for that or a previous year by virtue of subsection (1), if the amount or the aggregate of the amounts received by the trustee as proceeds of disposition of property of the corporation that was depreciable property of a prescribed class had been received by the corporation, immediately before becoming bankrupt, as proceeds of disposition thereof, shall be included in computing the income of the corporation for that year."

(3) Subsection (5b) of section 20 of the said act as enacted by this section is applicable in determining the undepreciated capital cost of property at any time after the coming into force of this section, subsection (5c) of section 20 of the said act as enacted by this section is applicable in respect of any direction made after the coming into force of this section, subsection (10) of section 20 of the said act as enacted by this section is applicable in respect of property of a corporation that became bankrupt at any time after 1959, and subsection (11) of section 20 of the said act as enacted by this section is applicable in respect of amounts received by a corporation as or on account of any surplus described therein after the coming into force of this section.

[Mr. Hellyer.]

The Chairman: Shall I dispense with the reading of the amendment? It is in *Votes and Proceedings.*

Some hon. Members: Agreed.

The Chairman: Shall the amendment carry?

Mr. Benidickson: I do not have any objection to the amendment but on the other hand, as I mentioned during the debate on second reading of this bill, I am not satisfied with the reasons the minister gave for not having reached a decision such as is presented in this amendment either on March 31, when he introduced his budget resolutions, or on May 6, when he adopted the policy of putting into *Votes and Proceedings* his suggested amendments to the budget resolutions. If this amendment is consequential, why do we get it on a Friday night when many members are not, perhaps, going to go to their post office boxes on Saturday, and when everybody knows that this particular subject might have been debated yesterday instead of today?

I indicated yesterday that I thought the minister had a good policy in introducing into *Votes and Proceedings* as an appendix the proposed amendments to his budget resolutions. However, I feel that he has more or less forfeited the compliments that we would normally give to him in this respect by introducing this particular amendment, which comprises two pages, on a Friday night prior to a debate that might very well have taken place on Monday, without advance notice either to his colleagues in the House of Commons, to industry or to those who are concerned with matters such as are involved in this proposed amendment. I wonder if the minister would indicate whether or not this is a decision that was reached just last Thursday?

Mr. Fleming (Eglinton): I will be pleased to deal with this point, and to deal with the kind of criticism in which the hon. member indulged last night in regard to notice. The hon. member has been in this house for 15 years, and I doubt very much whether in all that time he has seen the annual bill to amend the Income Tax Act passed without amendments being introduced in the committee of the whole, because these always arise. The only difference between what is being done now and last year and what was

done before is that previously, under my predecessors, there was no advance notice given of the proposed amendments. Now, in order to give the house as much notice as possible, I have been following the practice of giving notice of the amendments. I did that with respect to the amendments to the budget resolutions, and they appeared in *Votes and Proceedings* for May 6.

These three amendments to the present bill, Mr. Chairman, I gave to the house last Friday afternoon as soon as they were available. This bill was introduced on June 6. It was to have been proceeded with on June 13. The hon. member did not want to proceed then and asked that it be put over. We did not proceed with it. It was only called again on June 20. These amendments relate to matters that have come to our attention in that period, and notice has been given to the house as soon as it was possible to do so. As a matter of fact I came into the chamber late last Friday afternoon and asked the house to give leave to revert to motions so these amendments could be made a matter of record on Friday. At the same time I gave copies of the amendments to both parties in opposition so they would have an opportunity of reviewing them over the week end.

If the hon. member has not chosen to do his work on these amendments over the week end, all I can say is that I think the practice is one of which the house approves. The alternative, I suppose, is to revert to the practice that existed during the time the hon. member was a parliamentary assistant, and not to give any notice to the house at all but just throw these amendments, sometimes in technical terms, at the house just at the moment the clause to which they relate is called in committee of the whole.

Mr. Benidickson: The Minister of Finance has chosen to be rather nasty in this respect. I complimented the minister fully when I found that he was introducing a system of indicating his changes of mind from budget night before the time we would have a chance of debating the budget issues. I complimented the minister upon the fact that on May 6 he introduced as an appendix to *Votes and Proceedings* notice of amendments indicating his change of mind since March 31, when he introduced his budget, and in so doing gave notice to those affected as taxpayers of his intention to move these amendments.

What I complained about and continue to complain about is that the minister did not continue the good job in this respect. Why did he not, between May 6 and now, bring in this two-page amendment; because the public at large has not the same kind of advantage with regard to notice that we have. I praised the minister for introducing the amendments on May 6.

The minister has suggested that I asked on a certain date—was it June 13?—that the debate on second reading not be proceeded with. I want to say to the House of Commons, and to the country at large, that I quoted to the minister over the telephone a letter I received from the people in this land chiefly responsible for examining income tax matters, the Canadian tax foundation, in which they said it would be an affront to them and to the taxpayers at large if the minister and the leader of the house on the government side proposed to go ahead on Monday with the debate on second reading, because the public at large would not have had an opportunity of considering the debate that had taken place the preceding week.

The Canadian tax foundation had an appointment—now, I want the Minister of Finance to deny this if it is not so, since he has brought my name into this discussion by saying that I asked for delay—with the officials of his department in the subsequent week. What the minister and the government were proposing was that, prior to that appointment, we would be asked in this house to give second reading to this bill without the consultation which the Canadian tax foundation had informally every year with the officials of the department.

I do not want the Minister of Finance to say, Mr. Chairman, that I asked for postponement of the debate on second reading. It was on a certain Friday that I communicated with the minister, and the minister never called me back. I found that the leader of the house, on that particular Friday night, did indicate that the subject would not be debated on the following Monday. My request was on behalf of those experts who wanted to analyse the bill which had been presented only a few days before.

Mr. Fleming (Eglinton): I wish the hon. member would get his facts straight. The letter which he read to me contained no suggestion about any affront. This is his own, personal interpretation. The purport of the letter was not anything of the kind, and there is no comparison between what the hon. member said this morning and what was in the letter. Let me make it clear, Mr. Chairman. He said I did not call him back a week ago Friday. I called him back but he was not available. I think he ought to distinguish between the two positions. He was told on Monday that I had called him back to discuss this matter with him, as I told him I would. I carried out my undertaking, but he was not there to receive the call.

Mr. Chairman, I hope the hon. member has wasted enough time of the committee last night and today, and that we can proceed with the business.

Mr. Martin (Essex East): I rise on a question of privilege, Mr. Chairman. The Minister of Finance has just said, referring to the hon. member for Kenora-Rainy River, that we have wasted the time of this committee. The Minister of Finance, of course, is notoriously becoming an expert in the obstruction of his own estimates and his own proposals in this House of Commons. However, that fact does not justify him in saying of any other member that he has wasted the time of the House of Commons. I realize that the Minister of Finance and the members of the government do not like criticism of their policies, and that for that reason they seek at every turn to deny to this opposition the right to criticize important measures like this one. The Minister of Finance is the last man in the world who should accuse another hon. member of wasting the time of the House of Commons. It was a most uncalled for remark.

The Chairman: Order. I do not recognize any question of privilege in what the hon. member for Essex East has said. It is a sure thing that we are not discussing the amendment.

Mr. Argue: We are discussing the statement of the Minister of Finance.

Mr. Martin (Essex East): I was discussing the statement of the Minister of Finance.

The Chairman: Yes, but the hon. member for Essex East raised a question of privilege. What I was saying was that I did not recognize any question of privilege in his remarks. What I want to point out to the committee is that for about five minutes we have not been discussing the amendment which is before the committee. I would ask all members to come back to this discussion.

Mr. Martin (Essex East): That may be so, Mr. Chairman. Nevertheless, and notwithstanding what you say, there are certain rights and privileges which are open to members of this committee. The Minister of Finance said that last night the hon. member for Kenora-Rainy River had wasted the time of this committee. I say that is an unparliamentary statement, that it is not worthy of the Minister of Finance, and that it is not calculated to facilitate the passage of this particular bill or of any other legislation introduced by the Minister of Finance, who continually obstructs the proceedings of the House of Commons and takes up more time than any other hon. member.

[Mr. Fleming (Eglinton).]

Mr. Fleming (Eglinton): What is the hon. member doing now but putting on a sham?

The Chairman: Shall clause 2 carry?

Mr. Benidickson: I have a brief reply, Mr. Chairman. I am indicating to you that we have before us an important amendment which involves two pages of close printing in our appendix to *Hansard*. The minister referred to his attempt to reach me on that certain Friday afternoon to which I referred. I am glad to think he made that attempt. However, all hon. members know that we cannot be in two places at the same time. We cannot be here in the House of Commons and do our duty in connection with the governmental departments all at the same time.

On that particular occasion I will admit that I was not in the chamber after five o'clock in the afternoon, though, I was here in the chamber on that Friday for most of the afternoon. However, I want to say that a matter of a serious nature, such as whether we are going to go ahead with an income tax debate on Monday, deserves the courtesy that was usually shown to the hon. member for Greenwood when he was the official critic of the opposition in previous days.

I went to my office on Saturday and Sunday in order to see whether there was any intimation. The only intimation, of course, was the fact that the Minister of Trade and Commerce, the leader on the government side, at six o'clock indicated that somehow he had communicated to the Minister of Finance, after my telephone conversation on behalf of some of those people whom I thought were interested, that there was a change in the program and we would not proceed on Monday.

I want to say that it is a simple matter to send a letter to an hon. member's office—and I was looking for that letter—if he did not reach me on the phone on an important matter like the changing of the order of debate on Monday. Perhaps in part I am to blame. However, I want to say to the minister that this procedure was not customary under the previous administration.

The Chairman: Shall clause 2 as amended carry?

Clause as amended agreed to.

On clause 3 as amended—*Transferred property.*

The Chairman: Shall clause 3 as amended carry?

Mr. Benidickson: I do not think clause 3 has reference to any subject that is involved in the resolution. In other words, we have not

had prior announcement of the government's intention in this respect. I think it would be proper for the minister to provide to us and to those taxpayers affected an explanation of what is involved in connection with this section.

Mr. Fleming (Eglinton): I understand we are dealing with clause 3 as amended. The new subsection (5b)—I am speaking now of the original clause 3 of the bill, owing to the fact that the amendment has now been carried and disposed of—is explained in the printed explanatory note. The regulations prescribed under the authority of the Income Tax Act provide for rates of capital cost allowance or depreciation that may be claimed by taxpayers. These regulations divide depreciable assets into about 18 classes, with a different rate for each class. It sometimes happens that a taxpayer regards some asset as falling in a class which enjoys a lower rate of allowance than that for which it properly qualifies and that when he finds his error he will wish to transfer the property to its proper class. It may also happen that the minister will find that a taxpayer has regarded his assets as qualifying for a higher rate of allowance than that to which they are entitled, and the minister will direct that the asset be transferred to its proper class. The amendment made in clause 3 will provide rules to be followed in this event.

The Chairman: Shall clause 3 as amended carry?

Clause 3 as amended agreed to.

On clause 4.

Mr. Benidickson: Is this a necessary amendment every year in consequence of the statute to which there is reference in this subsection, and which was passed in 1956?

Mr. Fleming (Eglinton): This has been an annual provision in this bill for four years now.

Mr. Benidickson: I note that subsection 2 of chapter 39 of the statutes of Canada, 1956, indicates that this must be done every year. Has the government given consideration to the possibility that this procedure could be avoided by some other amendment to our laws? I know it refers to assistance to immigrants and settlers and their rights with regard to family allowances, but are we obliged every year to have an amendment to the Income Tax Act in order to make this provision?

Mr. Fleming (Eglinton): We are obliged to do so if we wish to provide this result, unless the Family Allowances Act were to be amended.

Mr. Benidickson: Could that not perhaps be done?

Mr. Fleming (Eglinton): Parliament could do it, but it has not been done.

Mr. Benidickson: With regard to clause 4, we are dealing with family allowances and their relationship to income tax. As to this matter, what is the position of those members of the armed services who have served abroad?

Mr. Fleming (Eglinton): This clause could have no possible bearing on them, Mr. Chairman. This clause applies to the children of immigrants.

Clause agreed to.

On clause 5.

Mr. Benidickson: I do not want to repeat what I said at the resolution stage with respect to this matter. From some organizations that do not always agree, such as the chambers of commerce and the brotherhoods of railway workers, the government has received representations that these ceilings are perhaps not realistic. Will the Minister of Finance give some indication of the review he has given to these representations? We all know that in 1957 Mr. Harris, the former minister of finance, introduced certain budgetary changes which involved a $100 standard deduction whether or not it was actually fortified by receipts. That, I think, simplified some of the subsequent accounting necessary in the Department of National Revenue.

We also note that since that time many of the provinces have taken part in the hospital insurance plan offered to them by the federal legislation enacted in 1956 and amended in 1957. The Canadian Chamber of Commerce, for instance, thinks the new government attitude toward the deduction of hospital costs under this section of the act is not fair to premium-paying taxpayers in some provinces. In some provinces, as we all know, the support for this hospital insurance scheme is provided by—

Mr. Fleming (Eglinton): Mr. Chairman, on a point of order, this has nothing to do with the scope of medical expenses, or what are or what are not admissible expenses. This simply has to do with the maximum amount, in other words the ceiling on the total of admissible medical expenses. There is nothing in this section which relates to what are or what are not admissible categories of medical expense.

Mr. Benidickson: Mr. Chairman, as I think you have learned from your experience here, the minister constantly raises petty matters on points of order. We are referring to an

amendment to a certain section of the Income Tax Act, and in that section you will find reference to all the items that up to now I have referred to. I say that if there is a proposal by the minister for the amendment of section 27, it is perfectly in order for any member of the House of Commons to discuss the section in the thought that perhaps the amendment does not go far enough, and that further amendments should possibly follow.

Mr. Fleming (Eglinton): Mr. Chairman, the amendment proposed in clause 5 of this bill does not apply to all of section 27 of the act. It does not apply to all of section 27, subsection 1 of the Income Tax Act. It applies only to subparagraphs (viii) and (ix) of paragraph (c) of subsection 1 of section 27. The only changes made in the section of the act are the figures, and these are underlined in the bill before us. That is all that is before the committee, just the change in the figures.

Mr. Benidickson: Mr. Chairman, would the minister just indicate what reply he may have given to the representations which I believe were made to him and his officials in 1960 by such organizations as the Canadian Chamber of Commerce and the railway brotherhoods relating to the amendment that is proposed here?

Mr. Fleming (Eglinton): Mr. Chairman, I do not recall that those organizations raised any question with regard to the ceiling on admissible medical expenses.

Mr. Benidickson: Well, Mr. Chairman, the minister is wrong.

Mr. McMillan: Mr. Chairman, I think I asked the minister before about medical expenses, as to the time of application, and he said it was within the calendar year. This has to do with the amount, but as to time I have had two or three representations from people who have incurred high medical expenses during the last three months of one calendar year and for two or three months in the next calendar year. They find it difficult not to be able to deduct the full medical expenses for one sickness at one time, and it is discriminatory against those particular people who might pay some of their expenses in the last three months of the year and not carry them over and pay them all at once in the following year.

Mr. Fleming (Eglinton): I can only direct the attention of the hon. member to the provisions of section 27, subsection 1, paragraph (c) of the act, which defines the period covered by the medical expenses in question. It is within a period of twelve months ending in the year, and not included in the calculation of the deduction for medical expenses for a previous year.

With regard to any particular cases, or the elucidation of provisions contained in any of these sections which are not included in the bill, the hon. member can obtain what assistance he needs from the Department of National Revenue at any time.

Mr. McMillan: I realize that, and I realized that perhaps it was not appropriate to ask that question at this time. But I think the minister told me before that it had to be within the calendar year.

Mr. Fleming (Eglinton): No.

Mr. McMillan: Then I am sorry.

Mr. Fleming (Eglinton): No; it is a period ending in the calendar year, as enacted by the language of section 27(1)(c).

Mr. Benidickson: I think the delegates representing the Canadian Chamber of Commerce and the national legislative committee of the international railway brotherhoods will be disappointed to think that the minister has such a poor recollection of the representations which were made by them this year with respect to this item. In the brief presented by the Canadian Chamber of Commerce in February, 1960 to the government with respect to section 27(1)(c) of the act, medical expenses, the Canadian Chamber of Commerce recommended that all medical expenses in excess of the 3 per cent be deductible.

Mr. Fleming (Eglinton): That is not involved here.

Mr. Benidickson: Yes, it is; we are raising the ceilings.

Mr. Fleming (Eglinton): I was asked if I recalled representations made by these particular organizations, and I said I did not recall any particular representations from them dealing with the amount of the ceiling that is established here. I was relating my answer to the terms of this amendment.

Mr. Benidickson: Well, the representations were that the ceilings should be abandoned, as I read them.

Mr. Fleming (Eglinton): That is a different matter altogether.

Mr. Benidickson: I have the floor, Mr. Chairman. In the case of the brotherhoods, they indicated on page 7 of their brief that all expenditures made by the taxpayer for medical care for himself and dependants be deductible. Now, here we have facing us a proposed limitation, a ceiling, and I think

the observations of these organizations are relevant to the discussion which we have before us.

Clause agreed to.

On clause 6—*Application of definition of "loss".*

Mr. Benidickson: Mr. Chairman, I think in this instance the minister did provide on June 6 an explanation of the purposes of the proposed change in our law. It is to be found on page 4588 of *Hansard*. Here we have an overriding of a recent supreme court decision. Would the minister just explain why in the public interest it was necessary to alter the law as it would otherwise have stood under the Interprovincial Pipe Lines case, which case went to the supreme court?

Mr. Fleming (Eglinton): Mr. Chairman, the decision to which I think the hon. member refers only incidentally has any bearing on the provisions of clause 6, which were discussed at the resolution stage. As far as clause 6 of the bill is concerned, that decision is only incidental to the subject matter.

Clause agreed to.

Clauses 7 and 8 agreed to.

On clause 9—*Amounts to be subtracted from payment out of pension fund.*

Mr. Benidickson: On this clause, would the minister give an explanation of the intent? I think this has no reference to our previous debate or to the resolutions presented on budget night, and I should be grateful for an explanation which would give to the taxpaying public an idea of the minister's intentions.

Mr. Fleming (Eglinton): There is a very full note on this clause printed in the bill. This is a technical amendment to prevent a taxpayer receiving benefit under two sections of the act. In other words, the purpose is to avoid giving double benefit.

Clause agreed to.

On clause 10—*"Earnings period" defined.*

Mr. Benidickson: Is this just something that was overlooked in drafting in 1958, when certain changes were made?

Mr. Fleming (Eglinton): It is an amendment to delete certain words from the existing provision—

Mr. Benidickson: I am thinking of subclause 1, of course.

Mr. Fleming (Eglinton): It is subclause 1 I am dealing with. The amendment deletes the words "in respect of the same business" from this reference to what I might call the carry-forward of losses provision contained in section 27(1)(e) of the act.

Clause agreed to.

On clause 11—*Election.*

Mr. Benidickson: I shall not ask the minister to repeat what I thought was a fairly adequate explanation given with respect to the resolution which appeared in the budget papers when we were at the resolution stage on June 6.

Clause agreed to.

Clause 12 agreed to.

On clause 13—*Foreign tax.*

Mr. Benidickson: I wonder if we could have an explanation of the purpose of subsection 3 of clause 13?

Mr. Fleming (Eglinton): Subclause 3 is part of the general provisions of clause 13 of the bill designed, as I indicated in discussing this resolution, as reported at page 4588 of *Hansard* of June 6, to provide a less restrictive method of computing tax credits for foreign taxes paid. This will eliminate one of three restrictions which now apply leaving, two.

Clause agreed to.

Clause 14 agreed to.

On clause 15—*Incorrect valuation of inventory: election.*

Mr. Fleming (Eglinton): There is an amendment to this clause of which I gave notice, and which is printed in *Votes and Proceedings* of June 17. I will ask my colleague the Minister of National Defence if he will be good enough to move this amendment.

Mr. Pearkes: I move:

That Bill C-68, an act to amend the Income Tax Act, be amended by adding thereto, immediately after line 22 on page 12 thereof, the following:

(3) a reference in paragraph (b) of subsection (4) of section 46 of the said act as enacted by this section to a period of four years from the day referred to in subparagraph (ii) of paragraph (a) thereof shall, in its application in any case where an appeal from a reassessment was instituted before the coming into force of this section, be construed as a reference to a period of four years from the day of an original assessment or the day of mailing of a notification described in subsection (4) of section 46 of the said act as enacted by this section.

Mr. Benidickson: With respect to the amendment, would the minister, despite our earlier words, not look at this question with the possibility in mind that next year not only will he follow the good procedure he has now introduced of putting proposed amendments in a form which provides public notice, but

also, when he reaches a decision of this kind after budget day, try to inform everybody at the earliest opportunity in order to make the best of an innovation upon which I complimented the hon. gentleman earlier?

Mr. Fleming (Eglinton): That is precisely what I did on Friday.

Mr. Benidickson: Does the minister say he had reached no decision prior to Friday with regard to this item?

Mr. Fleming (Eglinton): Precisely so. This amendment has a limited effect. It is introduced simply to make it clear that the amendment contained in clause 15 of the bill has no retroactive effect on appeals now pending. The question was raised as to whether the clause might possibly have a bearing on appeals now pending. This amendment was introduced as a precaution to make it clear beyond question that this will not be the case.

Mr. Benidickson: I naturally accept the minister's statement that his decision was not really made until the Friday prior to a debate which could have taken place on the following Monday. However, I would urge the minister and his officials to follow through this commendable practice by giving notice as soon as possible after amendments seem clearly indicated following the introduction of the minister's budget proposals.

You know, Mr. Chairman, that my suspicions are somewhat aroused in a matter of this kind, because yesterday the minister waited until practically the last minute, or the midnight hour, before filing for the benefit of his colleagues information with respect to the actuarial position of the superannuation fund prior to the debate.

Amendment agreed to.

Clause as amended agreed to.

Clause 16 agreed to.

On clause 17—*Statements or omissions in return.*

Mr. Benidickson: On clause 17, there were some representations, as I recall the circumstances, from bodies which are experienced in practice in relation to the income tax department concerning this particular item. Does this satisfy such representations as were made, for example, by the Canadian Chamber of Commerce?

Mr. Fleming (Eglinton): I have not received any representations on clause 17 of the bill. So far as representations prior to the budget are concerned, my understanding is that this clause is in line with some of them and that it gives effect to requests which have been made.

Clause agreed to.

Clauses 18 to 21 inclusive agreed to.

On clause 22.

Mr. Benidickson: I wonder whether the minister would just provide for our *Hansard* record and for the benefit of our taxpayers an explanation beyond what is provided in the bill as to intent?

Mr. Fleming (Eglinton): Clause 22 is a relieving provision. Section 81(8) of the Income Tax Act provides that where a corporation has increased its paid-up capital in any way other than in accordance with certain stated exceptions the corporation shall be deemed to have capitalized undistributed income. This would give rise to a situation in which a shareholder would be deemed to have received a dividend. This amendment makes it clear that a reduction of liabilities with an accompanying increase in paid-up capital shall not be deemed to be capitalization of undistributed income.

Clause agreed to.

On clause 23.

Mr. Benidickson: I do not want to bother the minister for a further explanation. On June 6 I asked for an idea of the intended scope of the amendment to the law, and the minister provided it.

Clause agreed to.

Clause 24 agreed to.

On clause 25—*Change in residence.*

Mr. Benidickson: In connection with this clause, Mr. Chairman, I raised some questions about this at the earlier stage of debate on June 6. What are our means of collecting from a person who departs from Canada?

Mr. Fleming (Eglinton): Mr. Chairman, I really do not think there is anything I can add to what I said in our discussion of this subject on June 6. The *Hansard* reference is page 4587. The hon. member asked me the same question there. I gave him as full an answer as I could. The means of collecting are not absolute or infallible. The Department of National Revenue has to do the best it can in those circumstances with such means as the statute gives it.

Clause agreed to.

On clause 26.

Mr. Benidickson: Has the minister received any representations protesting the enactment

of this clause since the presentation of the bill for first reading on June 6?

Mr. Fleming (Eglinton): I am informed that we have not, Mr. Chairman.

Clause agreed to.

On clause 27—*Board constituted.*

Mr. Benidickson: Will the minister indicate what vacancies there are on this board, and how long it is since the vacancies occurred?

Mr. Fleming (Eglinton): There is no vacancy at present, Mr. Chairman. This clause will provide for an enlargement of the tax appeal board by the addition of one more member, raising the total personnel of the board, inclusive of the chairman, from five to six members.

Clause agreed to.

Clause 28 agreed to.

On clause 29.

Mr. Benidickson: Does the minister envisage that here we would in any way meet the suggestion, long advocated by the minister and the Prime Minister, that we should amend our income tax law in such a way that non-residents would not have a special advantage in connection with operations in Canada?

Mr. Fleming (Eglinton): Mr. Chairman, this clause, which is not of far-reaching effect, involves merely a change in wording which makes it clear that the agent of the person concerned has a requirement to "deduct or withhold tax".

Mr. Benidickson: This is done because of penalties imposed for failure to deduct or withhold.

Clause agreed to.

On clause 30.

Mr. Benidickson: Will the minister provide all of us with an explanation of the likely results from this enactment?

Mr. Fleming (Eglinton): This is a relieving provision. Paragraph (a) of section 123, subsection 8 of the act being amended provides a penalty of 10 per cent. Paragraph (b) of section 123, subsection 8, provides as follows:

> In any other case, the whole amount that should have been deducted or withheld.

The amendment contained in clause 30 of the bill, by adding the underlined words to paragraph (a) removes the case of failure to deduct tax from payments to non-residents from the application of paragraph (b) which I have quoted, where the penalty is 100 per cent.

Clause agreed to.

On clause 31—*Penalty upon conviction.*

Mr. Benidickson: On this clause, Mr. Chairman, I think it would be timely for the minister to indicate to us and to taxpayers generally what is available in the area of ministerial discretion when it is determined that a certain taxpayer has perhaps wilfully withheld a disclosure of his real income. I think we had a previous section which referred to this, but to what extent have we ministerial discretion in the matter of penalties when the officials of the tax-gathering department find that in their view there has been some, it says here, "wilful withholding of information and disclosure of income"? What leeway has the minister under the act in this respect?

Mr. Fleming (Eglinton): Mr. Chairman, the effect of clauses 16 and 31 of the bill is to reduce ministerial discretion.

Mr. Benidickson: Yes. The minister says the effect is to reduce it, but since this is an important issue and all of us hear from time to time of taxpayers who are in difficulty either with the department or with the courts, I think we would like just a little indication of what is the present law and what will the law be if this particular clause is passed.

Mr. Fleming (Eglinton): The amendment to be found in clause 31 provides for a continuation of the present rule that a person who has been convicted under section 132 of the act may not be required to pay in addition a penalty under section 56 (1) of the act for the same evasion or attempted evasion unless he was assessed for the penalty under section 56 (1) before the information or complaint giving rise to the conviction under section 132 was laid or made.

Mr. Benidickson: Yes; but section 56, which is now the law, says:

> Every person who has wilfully, in any manner, evaded or attempted to evade payment of the tax payable by him under this part for a taxation year or any part thereof is liable to a penalty, to be fixed by the minister, of not less than 25 per cent and not more than 50 per cent of the amount of the tax evaded or sought to be evaded.

I take it that under the present law there is little discretion in the hands of the minister. If the facts indicate an evasion of tax in a wilful manner the taxpayer cannot escape a penalty upon discovery, regardless of any representations made to the minister, of less than 25 per cent, and it cannot exceed 50 per cent. There is the wording "is liable". Is there any escape from that phrase. Does it mean that it is mandatory that in all cases he is liable, or does it mean that he could be liable?

Mr. Fleming (Eglinton): I am sure the hon. member does not need any comment from me on the meaning of the word "liable" as it appears in our legislation, particularly in penal provisions. Section 56, which the hon. member has read, is a section applying to cases of wilful evasion. In clause 16 of the bill we are seeking to add to section 56 of the act subsection 2, which will deal now with cases not falling under subsection 1, cases where the taxpayer concerned knowingly, or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by the act, has done or failed to do certain of the things mentioned in the new subsection 2.

The provisions of the old section 56, which now becomes section 56, subsection 1, make an offender liable to a penalty to be fixed by the minister of not less than 25 per cent and not more than 50 per cent of the tax evaded or sought to be evaded, but by clause 16 of the bill subsection 2 is now added, under which an offender is liable to a penalty of 25 per cent of the amount by which the tax that would so have been payable is less than the tax paid by him for the year. There is no ministerial discretion as to the amount of penalty under the new subsection 2 of section 56. So far as clause 31 of the bill is concerned, I pointed out the fact that it has no relation to convictions under section 132 of the act.

Mr. Benidickson: I thank the minister for this explanation of clause 16 of the bill. Could he give some examples of the difference in operation under the new subsection 2 which involve omissions in a statement of income filed by a taxpayer, having in mind the present law which provides a penalty of 25 per cent to 50 per cent? I take it that under the new subsection 2 the maximum is 25 per cent. What relationship is there to situations under section 56 as it now stands that would call for an automatic penalty of not less than 25 per cent and not more than 50 per cent, without any discretion on the part of the minister?

Mr. Fleming (Eglinton): It is thought that there are differences between cases of wilful evasion and cases where, in the new language employed in clause 16 of the bill, there has been a failure or an omission that is done knowingly or under such circumstances as amount to gross negligence in the discharge of a duty or obligation imposed by the act. I think the hon. member will agree that there are differences of meaning between the offences created by what now becomes the two subsections of section 56.

[Mr. Benidickson.]

Section 56 has been in effect in its present form since 1950, and it applies only in the case of a wilful evasion or attempt. The case must be brought clearly within the word "wilful". Where it is brought within the meaning of the word "wilful", then the offender is liable to this higher penalty, a minimum of 25 per cent and a maximum of 50 per cent. The offence defined in the new subsection 2 of section 56 is one which falls short of being wilful in the sense in which that term is used in subsection 1 but is one where the evasion is done knowingly or, for example, where there has been an omission and the omission is equivalent to gross negligence on the part of the taxpayer in the discharge of the duty or obligation created by the act.

Mr. Benidickson: I do not want to press the minister for legal advice, because in the last three or four years he has been engaged in other duties. However, as a layman, shall I say, I do not see what the distinction is between one who has evaded tax in a wilful manner under section 56 as it now stands and one who omits statements in a return knowingly or under circumstances amounting to gross negligence. Could the minister, with the help of the officials who are before him, give an illustration of the in between land that exists with respect to which it is thought fit to change the penalty from one ranging from a minimum of 25 per cent to a maximum of 50 per cent to a maximum penalty of 25 per cent?

Mr. Fleming (Eglinton): In the experience of the Department of National Revenue there have been cases where, in the view of the department, there was not sufficient evidence to establish a clear case of wilful evasion within the meaning of section 56 but where, had there been such a provision in effect as is now proposed by clause 16, there would have been ample evidence to establish a clear case of an offence on the part of a taxpayer who knowingly or as the result of gross negligence on his part has failed to discharge a duty or obligation imposed upon him by the act.

Mr. Benidickson: In other words, in the view of the minister some taxpayers may have hitherto escaped the consequences of the penalties involved in section 56 of the act, where it says that every person who has wilfully done certain things shall be subject to a certain penalty. I take it the minister is saying that such persons may have escaped the results of the law and that some people will perhaps be caught, who otherwise might escape, by reason of the new subsection 2 of section 56 which refers to every person who knowingly, or under circumstances amounting

to gross negligence, has made statements or omissions in his return that were not proper. I find some difficulty in discovering the difference between wilfully doing this kind of thing and doing it knowingly or under circumstances amounting to gross negligence.

Mr. Fleming (Eglinton): The answer to the hon. member's question is yes.

Clause agreed to.

On clause 32—*Mailing date.*

Mr. Fleming (Eglinton): Clause 32 is the last clause with respect to which an amendment is proposed. I gave notice of it on June 17 and I would ask my colleague the Minister of National Defence to move this amendment.

Mr. Pearkes: I move:

That Bill C-68, an act to amend the Income Tax Act, be amended

(a) by striking out lines 10 to 12 on page 20 thereof and substituting therefor the following:

32. (1) Section 136 of the said act is amended by adding thereto, immediately after subsection (12) thereof, the following subsections:

(b) by adding thereto, immediately after line 19 on page 20 thereof, the following:

(12b) Where any notice of an assessment has been sent by the minister as required by this act, the assessment shall be deemed to have been made on the day of mailing of the notice of the assessment."

(2) Subsection (12b) of section 136 of the said act as enacted by this section is applicable in respect of any assessment whether made before or after the coming into force of this section, except where an appeal from any such assessment was instituted before the coming into force of this section.

Mr. Benidickson: Would the minister provide an explanation? I think the amendment has reference to a recommendation made by the Canadian Chamber of Commerce which the original resolution did not entirely meet.

Mr. Fleming (Eglinton): Mr. Chairman, the hon. member came close to dealing with this subject on June 6. The purpose of the amendment is to establish very clearly, beyond any question, the intent that was set forth at that time in relation to the original resolution. This is in keeping with the recommendations put forward in a joint brief submitted by the chartered accountants and lawyers in relation to the amendment of section 46, subsection 4 of the act.

Mr. Benidickson: Yes, Mr. Chairman; I raised this when we were debating the resolution as worded by the minister when he introduced it on March 31, budget night. I indicated on June 6, during the debate, that I felt the resolution was lacking in some clarity and some substance. I think this amendment takes care of the points that were raised in that debate.

Amendment agreed to.

Clause as amended agreed to.

On clause 33—*Death benefit.*

Mr. Benidickson: I believe clause 33 has very widespread interest, because death benefits which arise as the result of employment are becoming of some consequence today. Perhaps the minister has a statement to read to the committee.

Mr. Fleming (Eglinton): I do not know that I have any statement to read. The explanatory notes in the bill are quite clear and are fairly lengthy. Clause 33 of the bill makes a number of amendments which are related to the definition of death benefits. The present law provides that there shall be an exemption of $10,000 or an amount equal to an employee's yearly remuneration, whichever is the lesser, but it does not state who shall receive this exemption if the employee dies without leaving a widow and the death benefit is payable to several people. The amendment deals with that situation.

Subclause 5 has the same subject matter as paragraph 8 of the income tax resolution which was dealt with on June 6. I refer to *Hansard*, page 4588. This amendment, Mr. Chairman, is intended to clarify the rules for computing income from a particular place or source. The Income Tax Act permits certain deductions in computing income. It provides also a definition of income from a source or from a particular place, but at present this definition does not make it clear that the deductions generally permitted in computing income also apply when computing income from a source or from a particular place. It is necessary that this be clarified for the purpose of computing income from a foreign country so that the foreign tax credit may be correctly computed. It is necessary also that the meaning of income from a source be clarified for the purpose of computing income of a non-resident person from business or employment in Canada.

Mr. Benidickson: Is subclause 4 something new, or is it just something that was perhaps overlooked when there was an amendment in 1959?

Mr. Fleming (Eglinton): This amendment simply adds the reference to part II (c) to the previous language of section 139.

Mr. Benidickson: Would the minister, with respect to subclause 5, just spell out the definition of income from a source or a particular place, as referred to here?

Mr. Fleming (Eglinton): Well, it was on subclause 5 that I was speaking principally in saying what I did just a moment ago.

Mr. Benidickson: It will be on the record.

Clause agreed to.

Clause 1 agreed to.

Title agreed to.

Bill reported.

BROADCASTING

APPOINTMENT OF COMMITTEE ON RADIO AND TELEVISION

Hon. George C. Nowlan (Minister of National Revenue) moved:

That a select committee be appointed on broadcasting to consider radio and television broadcasting with power to examine and inquire into the matters herein referred to and to report from time to time their observations and opinions thereon and to send for persons, papers and records;

That the committee have power to print such papers and evidence from day to day as may be deemed advisable or necessary;

That the committee shall consist of 35 members;

That standing orders 66 and 67 be suspended in relation thereto.

Mr. Chevrier: May we call it one o'clock, Mr. Speaker?

At one o'clock the house took recess.

AFTER RECESS

The house resumed at 2.30 p.m.

Mr. Nowlan: When the house rose for the luncheon recess order No. 7, dealing with the appointment of a select committee on broadcasting, had been called. It is not my purpose at the moment to make any extended remarks whatsoever on this matter. This motion arises out of the hearings of the committee last year. At the conclusion of those hearings an understanding was arrived at that a similar committee would be set up during this session.

I can anticipate some criticism to the effect that the committee should have been set up earlier, and so on and so forth. I shall be prepared at least to consider those arguments if, as and when they are presented to this house. At the moment all I wish to say is that this committee is being set up now and that the terms of reference are slightly different from those of the committee of last year, but I think only in detail, not in principle.

Last year the committee was set up to deal exclusively with the Canadian Broadcasting Corporation. I am advised by the law officers of the department and of the House of Commons that this resolution meets that requirement, and that in addition to the reference to the Canadian Broadcasting Corporation there is included the Canadian association of broadcasters, or in other words the private broadcasters of Canada, and also

the board of broadcast governors. I think the committee last year expressed the opinion that at the next session they should have an opportunity to consider the work of the board of broadcast governors as well as the opinions of the C.A.B. Other than that, this motion is exactly the same as the motion which has been presented to this house throughout the years.

I do not think any good purpose would be served by my making any extensive remarks at this time, although at the conclusion of the debate, if there is one, I shall be glad to deal with any matters which are raised.

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I hope there will not be any extended debate on this motion, for this reason. I am going to suggest to the minister —and I might as well make the suggestion right at the outset—that at the conclusion of such debate as there may be he seek leave of the house to withdraw this motion. To introduce this motion at this stage of this session of parliament, unless it is intended to adjourn parliament next week and come back in September or October—in which case I think it would be more sensible to wait until September or October to introduce the motion—is making a mockery of parliament.

In support of that statement I think perhaps I could read no greater authority than the hon. member for Digby-Annapolis-Kings (Mr. Nowlan), the Minister of National Revenue, speaking in this house on August 25, 1958 at a good deal earlier stage of the session of 1958 than we have now reached in the session of 1960. On August 25, 1958 we had not sat for as many days as we have now been sitting in this session. At that time, speaking about a proposal that had appeared in the speech from the throne at the beginning of that session, the minister said he thought it was too late to appoint a committee which could do anything useful. Here are his exact words, which are to be found at page 4045 of *Hansard* of August 25, 1958:

As far as the regulations are concerned—

That is to say, the regulations which would be made under the Broadcasting Act which was then under consideration in the house.

—they are to be promulgated by the board itself, and neither I nor anyone else can say, except in very broad outline, what they are going to be. So, frankly, I do not know what purpose would be served by a committee at this time. However, if the house wants a committee it will get one. I might, however, point out that this house will probably close, we hope, this week, next week, or some time in the relatively near future.

I certainly echo that hope.

I suspect there will be a certain amount of breath taking and a little relief from pressure—

I think I could echo that hope also.

—and that the government will then be dealing with the backlog of matters—

I think it is about time they started dealing with the backlog of matters today.

—which hon. gentlemen know always accumulate during a session. Then it will give consideration to the personnel of these two boards.

The minister next went on to say something about their appointment. Then he went on to make this statement, about which I want to say something. It is found at page 4046 of *Hansard* of that year:

On behalf of the government, Mr. Speaker, I would say—

Mr. Nowlan: Is that 1958?

Mr. Pickersgill: Yes, the same year; August 25, 1958. The minister said this:

On behalf of the government, Mr. Speaker, I would say that if it is requested at the next session of parliament, we will shortly after the session begins set up a special committee of the house to deal with radio and broadcasting generally. All these matters can be referred to that committee, and perhaps the committee can watch the organization take shape and form and grow during the session rather than speculate, which is all we can do now concerning the operation of the bill.

I took that statement then, as I take it still, to be an undertaking on the part of the government. This matter came up for discussion on a number of other occasions, as the hon. gentleman will recall, when the view taken on this side of the house was that we wanted to have a committee which would not go on fishing expeditions in all sorts of quarters but would have specific terms of reference and would address itself to consideration of the operation of the broadcasting legislation which the hon. gentleman was then piloting through the house.

We in the Liberal opposition took the very strongest exception to certain features of that broadcasting legislation. In forgoing at the request of the hon. gentleman a right which we would have had to have that legislation considered in committee, to have witnesses called, and so on, we always understood that we were to have a committee on the legislation and its operation. But instead of that, when we did get a committee last year we had a committee that turned itself into a kind of super board of governors of the C.B.C. and started to niggle about all kinds of little things about which most members of this house have no real knowledge and no competence to discuss, seeking to supplant the board which parliament had appointed under its legislation—legislation of which we did not entirely approve—for the purpose of regulating broadcasting.

We do not think any useful purpose at all would be served by that kind of committee. What we want is a committee that will consider the principles on which the broadcasting legislation is based and on which broadcasting operates in this country, and we want to consider them in a reasonable and systematic manner.

That there is need for such a committee I do not for one minute deny, and I want to give one or two illustrations of the kind of thing into which I think there is some need for a committee to look. But before I do that I want to say why we do not think this committee should be set up at this stage of the session.

We do not think it should be set up at this stage of the session because it is utterly impossible for those members of the opposition—and I speak only for my own colleagues in the opposition because other members of the opposition will speak for themselves—who are greatly interested in the subject of broadcasting to do their duty in this house and their duty in one or two other committees which are of the utmost importance, particularly in the banking and commerce committee which is sitting at this very moment and where I ought to be if I did not have to be here.

Mr. McGee: You have 48 members.

Mr. Pickersgill: It is going to be quite impossible to give any kind of adequate consideration to this committee. The hon. member for York-Scarborough (Mr. McGee) said something about 48 members. It is quite true that there are 48 members of the opposition, and it is also quite true that every one of them has equal rights and equal opportunities. But we do know as a matter of fact that on both sides of the house there are certain people who have certain interests, and we know that there is legislation before this parliament which has to be considered by committees if the legislation is going to be dealt with at all.

There will be nothing before this committee except the general subject of broadcasting, and the general subject of broadcasting has not changed to any appreciable degree since last January. There is no reason why this committee could not have been set up at latest by February 1, and could not have had its meetings at a time when there was no legislation to be considered and when those members who had devoted some study to the matter and are especially interested in it would have had ample opportunity to give the kind of consideration to the committee which ought to be given a subject of this importance.

As I say, at this stage I am not going to do more than appeal to the minister to get the consent of the house at the end of this debate to withdraw this motion and give us an undertaking that as the first item of ordinary business at the next session a similar motion will be made. I think it would be preferable if the government would give consideration to an amendment of the standing orders to make the broadcasting committee a standing committee of the house. I have been in government, and I know what an embarrassment it is to find time for a debate such as we are engaged in now.

Perhaps I should not say anything in extenuation of the government, but I know it is sometimes difficult jockeying for position to get things on. It is often said that a certain debate will take a whole day and that that is a day lost and a motion gets put off from week to week and then from month to month, as this motion did. Of course it was not on the order paper for very long; it was only put on the order paper on May 30, but it might have been put on in January and still have been in much the same position. I feel that at this stage of the session we should not be put in this kind of position at all.

The other thing is that I appeal to the minister to do what in 1958 he certainly gave us in the opposition the impression he was going to do, namely to introduce a motion in express terms so the terms of reference of that committee will deal with the Broadcasting Act and the operations of the act itself, instead of permitting these general investigations into this, that and the other thing connected with the detailed operations of broadcasting. I am not saying that if hon. members do not want to do that they should be denied the opportunity; not at all; but I do think a prior commitment was given to the opposition by the government which I maintain has not been kept and which I think should be kept. That is the argument I am making.

I am not arguing that this committee should not be set up because an investigation is not needed. An investigation is needed, but it does seem to me that, at this stage of the session, the only appropriate way in which we can carry on a discussion on broadcasting at all is in committee of supply, when the estimates come before us. I might say that is one reason why this whole situation is different from what it was in the past. In the past, up until 1956, there were no estimates of the C.B.C. and no broadcasting estimates. The C.B.C. was provided with a budget in another way, and the only opportunity for any discussion of broadcasting was in a committee. But now, owing to a regrettable step taken by the present government, a step which we intend to change when we get into office, there is an annual budget for the C.B.C. which keeps the C.B.C. pretty effectively under the thumb under the Minister of Finance.

That is a principle in which we do not believe. It is a principle which leads in the direction of totalitarianism. We believe that the C.B.C. and the whole broadcasting set-up in Canada should have the same kind of independence the judiciary has. That is the only safe way to have broadcasting by the state.

Mr. Nowlan: Are you saying that the government should not submit appropriations in this respect to be approved by parliament?

Mr. Pickersgill: The minister knows as well as I do that the salaries of judges are fixed in the Judges Act, that they are a statutory charge, and that the government has no control of them whatsoever once a judge is appointed.

Mr. Nowlan: Except that parliament approves them.

Mr. Pickersgill: Parliament approves the act.

Mr. Nowlan: Is the hon. member suggesting that parliament should not pass any vote with respect to the C.B.C.?

Mr. Pickersgill: Oh, no. The hon. minister has no doubt forgotten, but I am suggesting that one of the schemes, or some variant of it, that the Fowler commission recommended for the financing of broadcasting be adopted.

Mr. Nowlan: Which variant do you suggest?

Mr. Pickersgill: I am not prepared, until I have the responsibility, to say precisely which variant I would have, but I am prepared to define precisely what ought to be done. There should be an assured budget for a period of not less than five years which cannot be changed up or down by parliament. As we know, under our constitution the only way money can be spent from the treasury of this country is by recommendation from the crown, which means from the ministry of the day. But if the broadcasting corporation is dependent, as it is now, on the treasury board, I am not saying whether or not this has happened but there is the opportunity for it to happen; as the hon. gentleman well knows, and certainly as the Prime Minister that great authority on parliamentary government and on human liberty knows, the moment you make an appropriation which is dependent upon ministers and is settled secretly behind closed doors in treasury board, you are inviting that agency to curry

favour with the government in order to get its appropriation increased, or even to maintain it.

Mr. Nowlan: Was that the hon. gentleman's opinion prior to 1957?

Mr. Pickersgill: That was the hon. gentleman's opinion prior to 1957, and that is why I, as a member of the government, joined in the recommendation that Mr. St. Laurent made for the establishment of the Fowler commission. It is true that for one year the previous government, in order to meet an emergency, did act the other way, and we said it was wrong when we did it. We explained that it was an emergency and proceeded to set up the Fowler commission.

Mr. Nowlan: Then would the hon. member explain to me—and I am not dealing with one year but with every year—why the minister responsible had to approve expenditures of $25,000 or over, whether it was for programming or anything else?

Mr. Pickersgill: The hon. gentleman is referring to capital expenditure—

Mr. Nowlan: No.

Mr. Pickersgill: He is not referring to capital expenditures at all?

Mr. Nowlan: I was referring to operating expenditures.

Mr. Pickersgill: Well, it is very unlikely that there was any individual item under operating expenditures of over $25,000.

Mr. Nowlan: The hon. member does not know what he is talking about.

Mr. Pickersgill: The minister can make his own speech in his own time. I say, of course, that capital expenditure which involves extending the operations of the corporation should, as the Fowler commission very correctly pointed out, be brought before parliament and approved by parliament. On the other hand the control of operating expenditures should be kept as free as possible in order to avoid any possibility or suspicion that any government can say that heads will roll if certain things are not done.

We believe, and we have always believed, that the state-operated broadcasting system should be subject to parliament and not to the government. This was spelled out carefully in the Massey commission report. It was spelled out in the Fowler report and in all previous documents, and never until the present occupants of the treasury benches had to do with this matter has anyone sought to prostitute broadcasting by legislation, over our strong objections, in the way that is now being done.

I know the minister will beat his breast and say that he and his colleagues respect freedom so much that they lean over backward not to interfere, but it should not be necessary to lean over backward or forward or in any other way. The possibility should not exist, and would not exist—

Mr. Nowlan: What about Corner Brook?

Mr. Pickersgill: Well, what about Corner Brook? I do not even know what the hon. gentleman is talking about. If he wants to explain later, he can go ahead and explain. I have no idea what he is referring to in this context.

There is something I do know something about, and it is this. Under this legislation a certain obligation was placed upon the president and the vice president of the C.B.C. and last year, as the hon. gentleman will recall, certain questions were asked in this house about certain regrettable things that happened at a time when the president of the corporation was absent. Then later the vice president, on account of the stress and strain of certain circumstances, also had to be absent.

I asked the hon. member for Greenwood (Mr. Macdonnell), who was then in the government and was the acting minister, to tell us who was presiding over the board of the C.B.C. The hon. member took my question as notice, and subsequently the present minister gave an answer to the question as will be found on page 5777 of *Hansard* of July 10, 1959. Perhaps it would be convenient to put both the question and the answer on record:

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I wonder if I could put a question to the Minister of National Revenue. Could the minister tell us who at the present time is performing the statutory functions of the president of the C.B.C. as chairman of the board of directors?

Hon. George C. Nowlan (Minister of National Revenue): Colonel Landry is, as I said, chairman of the management committee, and Mr. Dunsmore is chairman of the executive committee of the board of directors and the absence of the vice president is acting as chairman of the board.

It cannot be said that the question took the minister by surprise, because he had been given notice of it. One would have thought that in circumstances such as these, when a question of this importance was being asked, the minister would have fortified himself with all the available information. Yet after parliament had adjourned, in fact after the session had been prorogued, an announcement was made that Mr. Dunsmore had been appointed chairman of the board. I have here a news item from the *Gazette* of August 18, 1959 which reads "Dunsmore is named C.B.C. board head." The text is as follows:

Robert L. Dunsmore, retired oil company head and former president of the Montreal board of

trade has been named chairman of the C.B.C. board of directors, it was announced yesterday.

On subsequent inquiries being made it turned out—I have all the documents here, but I do not wish to weary the house by going into the details—it turned out that Mr. Dunsmore was elected to be chairman of the board at a meeting on June 23 or 24. This transaction apparently had been kept secret from the minister, or at least the minister said nobody ever told him about it. Then, after parliament had adjourned, this information was ferreted out by the press, who were apparently more successful than I had been by asking a direct question here in parliament. It seems to me that even had there been no question about the legality of this whole performance it was a very shabby way to treat parliament or any member of parliament asking questions about public business in such an important sphere as this. But I have the very greatest doubt about the legality of this whole transaction.

Mr. Deputy Speaker: I must say now that it seems to me the hon. member is widening the debate more than he should, because the motion is concerned with the appointment of a select committee. It seems to me the hon. member is discussing matters which have no relation to this question.

Mr. Chevrier: May I say, on the point of order, that when there is a motion to establish a committee it has been the practice in the past, I believe, to deal not only with matters which are likely to come before the committee but with matters which have already come before the committee. I do not think the hon. member has gone beyond that point in his remarks.

Mr. Deputy Speaker: I agree, but I think the hon. member was not discussing anything which was discussed before the committee last year or that is likely to be discussed this year.

Mr. Pickersgill: I assure Your Honour that you are under a grave misapprehension, because if the government persists and does establish a committee of the kind proposed, this matter will certainly be discussed in that committee. I say this notwithstanding the fact that it might be an argument for not discussing it here and now.

What I should like to point out to Your Honour is that I am seeking to persuade the minister not to proceed with this motion at the present time. I am seeking to persuade the minister that when he makes the motion at the next session of parliament he should make the kind of motion which will enable us to come to grips with these things that really matter; that is to say, with the fundamentals of the broadcasting legislation. I am suggesting that the C.B.C. board of governors, under the law as it now stands, had no power to substitute anyone, except in an emergency and for an emergency period, for a temporary period, for the president in his capacity as chairman of the board.

If one examines the debates—and I do not intend to go into details on this; I shall do that on the estimates—if one examines the exchanges that took place on this precise point during the debate on the bill he will find it is perfectly clear that parliament never contemplated—and if the government contemplated it they were misleading parliament—at the time that legislation went through that in this clandestine manner someone would be substituted for the president of the C.B.C. as chairman of the board. Certainly I have nothing to say in a personal way about Mr. Dunsmore one way or another. He may be an altogether more suitable person to be the chairman of the board than the president. That is not the point at issue. What I am saying is that parliament enacted a certain law and something else is being done, and it is certainly something that should not be permitted to continue.

I also wish to say it seems to me that one of the other fundamental matters that ought to be considered by a committee is the whole new question of the criteria for the granting of licences to private television stations in places where the C.B.C. also is, and the duplication as well by the C.B.C. of stations in places now served by private television. Hon. members know, because I have asked questions and expressed views about it, that I regard it as an unnecessary waste of the taxpayers' money to have a public television station established in the city of Edmonton, which is very well served at the present time by a private station, when there are all kinds of outlying points like places in Newfoundland and northern Manitoba,—

Mr. Fisher: And in northern Ontario.

Mr. Pickersgill: —and in northern Ontario which are not served, though I have no doubt the hon. member for Port Arthur will have something to say about that. I feel that this kind of extension, this use of public funds to extend television coverage in areas already adequately covered, when there are a great many parts of Canada that have no coverage, indicates a very mistaken idea of priority.

I also feel that we need some explanation of the care with which the board of broadcast governors appeared to follow what I believe everyone thought was the established

principle that, while no place should be denied television coverage because no one except the local newspaper or a corporation largely owned by that newspaper would provide it, in places where there were other applicants equally worthy and equally competent it was undesirable as a matter of public policy, frequently expressed on both sides of this house, that newspapers or organizations closely allied with newspapers should be preferred to other applicants. It is very hard now to understand this extraordinary decision which was made in Toronto in favour of a newspaper whose proprietor, according to all reports, months before the application was heard by the board went about saying that there was no need for them to hold any hearing because he already had it. It does seem to me that is something which needs very careful investigation, as well as the whole policy underlying that situation.

I might say in that context, sir, that the same newspaper apparently has a great deal of worry, because it has spent a lot of time trying to misrepresent what has been said in criticism of the decision in this matter.

I do hope that before the minister approves this Edmonton television station, unless the governor in council has approved it already, the estimates will be brought forward and we shall be given an opportunity to discuss the wisdom of that move.

It does seem to me, sir, that I should go back to my original and fundamental point and not take more of the time of the house on other matters. As I say, we feel that a committee is desirable; we feel that there should be a committee every year; we feel that the most advisable way of dealing with this matter from the point of view of saving the time of the house would be to have a standing committee so that it would be just set up in the same way as the other standing committees and the time of the house saved in those circumstances. But we do not feel that a committee set up on the 107th day of the session can possibly be expected, in view of all the demands upon our time both in the house and in other committees where it is essential for members to be present if they are to do their duty properly, to do the work that requires to be done. We do not think it is the appropriate thing to do at all.

I appeal to the minister to give us an undertaking that the committee will be set up early in the next session, and to withdraw this motion. However, if the minister is not willing to accede to this appeal—and I hope he will indicate what his intentions are one way or the other before he speaks in closing the debate—I think we are entitled to be told so by someone from the government side at an early stage; because if that does happen we intend, in order to test the house, to move that this motion be read this day six months hence. But I do not wish to do that unless the minister cares to say one way or the other right now what his intentions are. I would prefer to leave it to the minister to withdraw the motion.

Mr. D. M. Fisher (Port Arthur): Mr. Speaker, it is very difficult for me and my colleagues to be belligerent, but it is very hard for us to do other than react rather badly to this particular motion at this particular time. We feel that it is a bad time in the session to be bringing it in. It would be different, we feel, if we could contemplate the session moving rather slowly toward an end some time in September, but we are already under a certain amount of forced draft and we are likely to be forced even further in so far as the extension of hours is concerned.

There are a great number of committees meeting. The previous speaker referred to that fact. I was bothered by the interjection from one of the Conservative members challenging the hon. member for Bonavista-Twillingate that there are 48 other Liberals. We have had this challenge thrown, not only to the Liberals but to our very small group, a number of times by the Prime Minister and by other people that we need to learn to spread the work around and we should not expect any special privileges because we are in the opposition. It is not a case of expecting special privileges, but I think the government members, and especially the senior government members, should realize—I know that the veterans know it—that there is a difference in the roles that opposition members and government members play in much of the work here.

Quite frankly, we cannot give the attention that this committee deserves if it is set up and gets under way. That being the case, we can only feel that it is bad to set up the committee. If the Conservative members feel that with their great strength they can man the committee and do the job, they are entitled to believe that; but I think they have to recognize that the opposition should be playing some role.

I want to make some specific references to the committee of last year. I should like to point out to the minister that the members of that committee from the government side who made the greatest contribution in terms of cross-examination and good attendance, and who were the key people in preparing the report, are all involved in activities that

will make it very difficult for them to take part in the work of the committee this year. The chairman is already involved as chairman of another committee this session. The hon. member for Carleton (Mr. Bell), who played a large role in the committee, is now parliamentary secretary to the Minister of Finance and is also taking part in other committees. The hon. member who is parliamentary secretary to the Minister of National Defence was very active in the committee last year, and we gather that he has his work cut out for him now in his departmental role. I could go right down the list of members who played an active part in that committee, which might be an invidious thing to do, and point out that all of them, both opposition and government members, are actively involved either in other committees or in extended commitments they did not have last summer.

It seems to me that this supports the logic that the government should withdraw this motion and give us an undertaking that the committee will be set up early in the next session. To argue this way is not to argue that there is not a great deal of work for a committee to do. The aftermaths of last summer still linger. I think the most unfortunate one, and I cannot articulate it in this debate, is that there has been a terrible effect upon the Canadian Broadcasting Corporation. I think the programming situation has gone to the dogs. In my opinion there is a gutlessness in the organization which is amazing and most regrettable.

I think we could very well spend a great deal of time in this committee, if we had the time, trying to encourage and develop a completely new approach on the part of parliament and the government. I do not know how the hon. member for Bonavista-Twillingate manages to separate them so neatly. It seems to me we need a new approach as to what the role of the Canadian Broadcasting Corporation is going to be. As commercialism has been extended this year in an effort to make more money, partly as a result of the committee's recommendation, it seems to me we are getting more and more vacuity and a poorer and poorer job in public affairs.

For example, I think that the coverage the C.B.C. has given recent Canadian political affairs involving provincial elections is ridiculous. If you turn on the radio at any time you can hear about Khrushchev or Castro or Nasser, but apparently the C.B.C. feels that where people like Stanfield, Hicks, Douglas and Thatcher are concerned it will get into hot water if it gives them any kind of decent coverage. I sometimes wonder how we are going to get a Canadian nationality through the Canadian Broadcasting Corporation when it seems to concentrate most of its public affairs programs upon foreign affairs, and I say that without any regret at all. Surely there is enough of interest in our own country to give this organization something to do. But its objectives in that field are falling farther and farther away from the mark. I think they are scared stiff to do some decent programming relating to Canadian issues in the public affairs field. They are scared stiff partly because of the incidents of last summer in which the broadcasting committee was involved.

I think the board of broadcast governors has everyone up in the air. I have here the lovely correspondence which the *Globe and Mail* published as a result of the decision to give the *Telegram* the television licence in Toronto. I have heard that it was solicited, but whether or not it was solicited it is a magnificent collection of letters, especially starting with the one by Joseph Sedgwick, Q.C., whom we all know was an interested party, entitled by the paper "The Curtain Falls". I think we all appreciated the touch of poetry in the last part of the letter, where these words were used:

> 'Ere they hewed the Sphinx's visage
> Favoritism governed kissage,
> Even as it does in this age
> And it will do evermore.

The general reaction to the award of that particular licence to the *Telegram* and Mr. Aldred and the others associated with him was, I think, the most vivid indication of disappointment in the board of broadcast governors that one could imagine. At one stroke it seemed to undo everything toward which the board of broadcast governors was moving, and it is still unfathomable to me and to many others. Before the award was made there was a great deal of speculation around the House of Commons. A number of us had our No. 1, No. 2 and No. 3 predictions, and invariably for a whole host of reasons the bottom one in the order was the *Telegram* entry. Yet the *Telegram* got the licence.

When the board of broadcast governors turned their backs upon the Siftons in Winnipeg we seemed to have an indication that newspapers were not going to be given these licences, but then we got the *Telegram*. I think it is generally agreed by people who follow newspapers that you have to go a long way and search extensively to find a metropolitan daily as bad in almost every way as the Toronto *Telegram*. If the standards of the Toronto *Telegram* are going to be transferred to the television station all I can say is, God help the Toronto listeners and watchers. I have no brief, and I do not think anyone in this

party has, for the Toronto *Globe and Mail*, but better the *Globe and Mail* a thousand times than the *Telegram*.

An hon. Member: What about the *Star*?

Mr. Fisher: Someone says "what about the *Star?*" The *Star* did not make a serious application, as I think everyone knows.

Mr. Nowlan: Mr. Speaker, is this a discussion of newspapers in Toronto or a discussion of a motion to set up a committee? I think we should get back to the subject under discussion. I would be very glad to discuss these matters with the hon. member on another occasion.

Mr. Fisher: If this is a point of order I should like to point out that I do not know of any bigger controversy in the broadcasting field than that involving the issuance of this licence and everything related to it.

Mr. Nowlan: Get on with the appointment of the committee, then, and do not seek to have it put off.

Mr. Fisher: The point is that I think the committee cannot investigate the board of broadcast governors at this time in any sound way. I do not think the committee can really move unless it has the time to approach the matter carefully, and we all saw what rush did last summer. Maybe it would be just as well if the opposition withdrew from the committee and let a little conclave of Conservative members get together to work out government policy on broadcasting and where the board of broadcast governors stands. I think we might perhaps get a policy from the backbenchers that we could at least take a swing at, instead of the pious suggestion that of course the government would not use any influence in the granting of a licence.

I suppose direct influence was not necessary when you look at the composition of the board of broadcast governors. The only serpent in that particular Eden is Dr. Eugene Forsey. I have not heard a question around Ottawa that is more pertinent and relevant or that has everyone more puzzled than what in the name of the Lord happened to Forsey?

Mr. Pickersgill: I have been asking that question for years.

Mr. Fisher: After this decision I have reached the stage where I can agree with the hon. member. What did happen to Forsey? In any case, if we look at the others we see that we have a brother in law of the Minister of Transport (Mr. Hees), undoubtedly a fine man. We have Mr. Sabourin who is known as a Conservative organizer in Montreal. We have Mr. Brown, who I understand is a prominent Vancouver Conservative. We have Dr. Connell, a neighbour and close friend of the Prime Minister (Mr. Diefenbaker) for many years. We have Mr. Duhamel, who again is a well known Conservative. We have Mr. Duchemin, who is the publisher of a newspaper. I took the trouble to go and read it a little while ago, and I did discover that it seemed to take the Conservative line.

Mr. Nowlan: How could it help it?

Mr. Fisher: The minister interjects, how could it help it. Another member of the board is a former leader of the Conservative association in Newfoundland, and another was secretary of the Conservative association of Prince Edward Island.

An hon. Member: All smart men.

Mr. Fisher: I would not doubt that they are smart men, but they are also party men.

Mr. Nowlan: No.

Mr. Fisher: If the committee, by its decisions—

Mr. Deputy Speaker: Order. May I ask the hon. member to recall that we are discussing a motion to set up a select committee. It is in order, of course, to discuss generally the problems which may be submitted to the committee, but I think the hon. member is going further than that and I would ask him to desist.

Mr. Fisher: I shall try to narrow it down, Mr. Speaker. I should like to point out to the minister that I hope he is—

Mr. Nowlan: You cannot get much narrower than you have been in the past few minutes.

Mr. Fisher: Then perhaps I should broaden out. I should like to point out that last year a gentleman by the name of Professor Donald Creighton came with another professor to the board of broadcast governors and presented a brief which in essence advocated keeping newspapers out of television. If that particular Conservative voice had been heard or had been on the board I think some of our worries in that direction would not have arisen.

I wanted to reinforce, with one example, the need for some kind of check upon the C.B.C. in connection with these lovely vice presidents it now has. We were told the C.B.C. needed reorganization. Well, it certainly has been reorganized, and it has sprouted vice presidents all over the place.

Mr. Pickersgill: And they got rid of the vice president.

Mr. Fisher: Yes. I should like to know whether the new board of directors of the C.B.C. were really consulted in connection

with these creations, because I find it difficult to believe that you streamline an organization by creating a whole bunch of vice presidents.

One of the matters that has bothered me about the C.B.C. is the tendency to weasel ever since the broadcasting committee sat last year. I want to give an example of this, and it relates to an answer that was given to me through the minister reporting for the C.B.C. Last February I had a question on the order paper, and it was this:

> At the meeting of the Canadian Broadcasting Corporation board of directors in January at Winnipeg did one of the directors make a statement or a report, verbal or written, on audience reaction to Canadian Broadcasting Corporation programming?

What I had in mind was the well known Mrs. Aitken and her campaign to develop several thousand program critics across the country. The second question was:

> If so, which director and in what form was the report?
>
> Was this report prepared by the director in person or was it prepared in co-operation with officials of the Canadian Broadcasting Corporation?
>
> If the latter, what officials in which branch of the Canadian Broadcasting Corporation?

I should like to ask you to pay attention to this doozer of an answer I got, Mr. Speaker. The answer was as follows:

> —I am advised by the Canadian Broadcasting Corporation that minutes and proceedings of the board of directors of the corporation have always been regarded as confidential,—

This is a laugh, because that report was spread all over the Winnipeg *Free Press* and all over the Winnipeg *Tribune*.

> —and this has been recognized since the inception of the corporation. Names of individuals involved in the business of the corporation have also been regarded as confidential, a practice reaffirmed by the 1959 parliamentary committee on broadcasting.

Yet the minister and others know that in the report that was splattered all over the newspapers Mrs. Aitken said something to the effect that the people of Canada were tired of Foster Hewitt. I have no brief for Foster Hewitt, but what business has she, as the result of her report and her investigation and the subsidized use of C.B.C. personnel, to come out with a report like that? Then we are told by the minister answering for the C.B.C. that this had nothing to do with it at all. Surely when Mrs. Aitken goes to Winnipeg to a meeting of the C.B.C. she is going in a public capacity, and the statements she makes there in regard to her investigations are something relating to the C.B.C. board of directors. The answer the minister gave ended in this way:

> Consequently it is not considered in the best interests of the corporation to depart from that practice at this time.

[Mr. Fisher.]

This is nothing but weaseling in not giving an honest or direct answer. I say we are aware that the corporation, through one of its branches, has spent a great deal of time and a great deal of money trying to co-operate with Mrs. Aitken on her audience research survey, this plan of hers to tap the ladies and other people who follow radio and television closely across the country. The result, as revealed in that answer, would tend to be a complete denial that this great big splurge that Mrs. Aitken made in Winnipeg has any substance at all.

This is not the way I understand it, and in my opinion it is another example of the fact that there was a hot potato issue here. I do not believe that this is important. I was just curious as to who gave Mrs. Aitken the right to stand up and sound off about the results of her survey. This is the kind of weasel answer you get instead of a pungent, direct and clear statement. Certainly there is no question about it; we need a much clearer policy on broadcasting and television than we have at the present time.

Issues have been popping up all the time. The hon. member for Bonavista-Twillingate mentioned one, the question of the Edmonton station. I do not know how the members in the cities are affected, but if the hon. member for Churchill (Mr. Simpson), the hon. member for Kenora-Rainy River (Mr. Benidickson), and hon. members representing constituencies in northern Saskatchewan do not have people roosting on their tails all the time about the C.B.C. extending its facilities, then I am very much mistaken. This is one of the biggest issues in this part of the country.

What do they find? They find the Canadian Broadcasting Corporation putting up $300,000 to telecast football games. This is fine, and nobody will disagree with it. However, what about the prime responsibility of the corporation to give everyone in Canada service? We check up on the C.B.C. as to its future plans and find one of the most hesitant, backward, mystifying policies one could find in relation to extending their television service in this country. There is no policy at all that I can see. When you do investigate you are given a lot of figures about so many dollars per head, so many dollars per household.

The people in Churchill, in Flin Flon, in the northern part of Port Arthur, in Kenora-Rainy River, in northern New Brunswick and in these places do not want to hear about the cost per head when the C.B.C. is spending $300,000 on football or opening a station in Edmonton for additional coverage. They want to know when they are going to get some television service. If it is not up to those who are on the treasury board, the

Minister of Finance or the minister responsible for this organization to do something, then I do not know where we are going to get the answer.

I had some hope when the board of broadcast governors was appointed that they would give a lead. It seems to me they have been stalling. There are no indications that they are taking this whole question of hinterland development into consideration at all.

Another matter that has come to the fore, it seems to me, is connected with the purchase of this North Bay station by the Thomson interests. It has not been ratified as yet by the board, but I suppose it is going to be considered. Surely they are in a position to decide, yes or no, whether we are going to have a continued build-up of these large corporate aggregations in the communications field.

Now, it seems to me that the Winnipeg decision which gave the Siftons a kick in the teeth—I do not believe the Siftons expected to get anything but a kick in the teeth—led us to believe that we were on our way. We were going to have no control by newspapers in the radio and television field; there was going to be a check on what had been a long-standing trend, but the *Telegram* case just reversed that.

Now we have Thomson spreading his empire in many parts of the empire, if I can put it that way. He is coming back into television in the manner on which we need a ruling and a decision fairly soon. No matter what the individual enterprise of a person who has a television licence or a station, there is no question that if someone offers a big enough price he will sell it. We can see that trend with the truckers who come down here bucking the C.N.R. They go into trucking and then they turn around the next day and sell out to the C.N.R. If Mr. Thomson gathers all the capital that has been offered to him over in Britain and comes back here I am sure he can wind up by buying almost every television station in Canada. It seems to me that we are at the stage where we need some kind of indication from the B.B.G., the government or some kind of public discussion as to how far this aggregating in television and radio should be allowed to go and the whole relationship of the press with the field.

I think we all noticed the sounding off done by Senator Rupert Davies over in England the other day when he came out with remarks that indicated that he had a low opinion of the board of broadcast governors and the harmful effect these decisions are going to have on broadcasting in Canada. I should like to point out to the hon. member for Bonavista-Twillingate that the senator is a Liberal, and a prominent one. As a matter of fact, he has a couple of newspapers and is interested in a television station. I wonder whether the hon. member for Bonavista-Twillingate does not need to do some work in so far as the Liberal party is concerned.

Mr. Pickersgill: Perhaps the hon. gentleman would permit me to say that I understand that in the case of both these stations, those interests were the only applicants and that those places would not have obtained television otherwise.

Mr. Fisher: That may be so, Mr. Speaker. But it certainly would seem to me that if Senator Davies is following the Liberal principles we have had enunciated here by the hon. member for Bonavista-Twillingate he would be considering disposing of his interest in one field or the other.

Mr. Pickersgill: I know the hon. gentleman does not want to misrepresent me and I should really like to make this point clear. The view we took when we were in the government was that no place should be deprived of television because there was no other applicant, or no other applicant able to erect a television station, except a local newspaper. Where there was another applicant able to do so or approximately equally able to do so we took the view that the newspaper should not be preferred.

Mr. Fisher: I was interested in the Liberal convention in Ontario last November, Mr. Speaker, when a gentleman from Port Arthur who has been well known as a broadcaster and newspaperman was there and had this to say:

> Kenneth MacGray of Port Arthur said that for any one person to control mass media of communication "is not compatible with the Liberal party thought that broadcast licences must not be held by people already controlling one form of communication."

I just happen to fill that in because this Liberal happened to be working for Mr. Thomson when he said this. He is no longer working for Mr. Thomson.

Mr. Pickersgill: He is still a Liberal, though.

Mr. Fisher: It is a Liberal principle and I offer it not only to the hon. member for Bonavista-Twillingate but to Senator Davies.

The fundamental question underlying the difficulties of television and broadcasting today in terms of policy stem from the reorientation the government gave to the long standing tradition that went back to the 1930's when it decided to encourage the C.B.C. to commercialize and to grant television licences. I am not the kind of socialist who is going to stand howling about the government making this decision. When you are

faced with a government decision and a policy that sets us off on another line, while you may be critical of it, you must go along to the extent of trying to see that it works in the best way possible.

However, I now wonder whether we have not reached the stage where we have confusion compounded as a result of the two authorities, namely the B.B.G. and the C.B.C. and as a result of the private interests who are now in the television field. For the life of me I cannot see what we are going to get out of it in terms of what we used to expect from our broadcasting policies, namely some kind of dike or protection from United States cultural influences and some means of bringing national coverage—and I emphasize "national coverage"—to every part of the country. It seems to me that there are holes and pitfalls all over in so far as that policy is concerned as a result of recent developments.

In summing up, may I say that we think there is a great deal for a broadcasting committee to do, but we do not think this is the time or the occasion for it unless we can have the assurance that the government does not plan to extend the hours of the sittings but that it plans to take its time and probably to go on to mid-August or the first of September. In that case, with that length of time available it seems to me that by working slowly, with perhaps one meeting a week, the committee might do some kind of job. In any other circumstances it would be impracticable. I should still like to hear from the minister how he is going to man this committee from the government benches in terms of those people who were so active in the committee last year and who have so many other commitments this year.

(Translation):

Mr. Louis Fortin (Montmagny-L'Islet): Mr. Speaker, I shall be extremely brief. I wish to express a view altogether different from the argument advanced by the hon. member for Bonavista-Twillingate (Mr. Pickersgill), who said it is questionable whether the committee on broadcasting should sit at every session. This year that committee has yet to sit. That committee was formed not because of a whim of the Minister of National Revenue (Mr. Nowlan), or of the government, or even of parliament. It is merely the result of a justifiable wish of the general public.

Last year, the committee performed a task that was difficult, I admit, but a useful one, since there has been a noticeable improvement in the C.B.C. Unfortunately, the improvement noted is not proportionate to the amount of work done by the committee.

I realize that we are now pretty late in this session. The pleasant summer months are starting, but the vital importance and urgent necessity of this committee certainly does not justify the objections being made today against its establishment.

In the first place, the hon. member for Bonavista-Twillingate stated earlier that the C.B.C. should be as independent as the judiciary. If I am mistaken, I know he will correct me, but I believe that is what he said.

The C.B.C. is called upon to spend each year from $50 million to $100 million of taxpayers' money. Parliament is therefore justified in calling the C.B.C. to account for its administration. The public asks for it, the public demands it.

Moreover, even if last year, during committee proceedings we were often accused of partisanship, the number of letters received by committee members and other members of the house, together with the many comments reported in the press, not to mention what we were told by people of all political allegiances and of all schools of thought, all show that everybody readily approved of the work performed by the committee and asked, in fact, that it be carried on this year.

I am one of those who believe that the C.B.C. must enjoy a certain degree of independence. On the other hand, I also believe that this independence is no justification for extravagance or unwarranted expenditures that are even frowned upon by taxpayers.

I believe that in the matter of programming and expenditures, the C.B.C. should be given the free hand it needs for the proper management of its business. I believe, however, that a parliament of representatives elected by those who are paying to insure the efficient operation of the C.B.C. should nevertheless retain some control and ask the corporation for some account of its activity and management. As a matter of fact, it has been said over and again: "For an administration, the fear of parliament is the beginning of wisdom." The hon. member for Port Arthur (Mr. Fisher) said earlier—in what seemed to me the strongest of his arguments—that since the hon. member for Carleton (Mr. Bell) is now parliamentary secretary to the Minister of Finance, the committee could not

possibly be efficient. He mentioned the parliamentary secretary to the Minister of National Defence (Mr. Chambers) and a few others. Now, I believe that, if the committee were to sit next September or January, those gentlemen would not be able to attend it either because I have a feeling that next year, they will be holding the same, if not higher, responsibilities.

That is why I must say that Conservative members of parliament are inclined to take up their work again this year, and are ready to co-operate to every possible extent in order to continue an inquiry started last year which had already begun to bear fruit and to give the committee a little more latitude than last year. People expect us to go on with this inquiry to obtain any information they are entitled to get.

Mr. Speaker, previous speakers listed a series of radio and television stations that have been granted licences. By a strange coincidence, it seemed that all those licences had been delivered to people whose political affiliation was not their own, which they seem to think extraordinary.

May I recall your attention to that point, Mr. Speaker, and tell you that, before the present administration came into power, licences were delivered, for instance, to station CFCM-TV and to station CKMI-TV owned by Messrs. Picard and Bray, people of known Liberal affiliations.

There is also station CJBR-TV in Rimouski, owned by Mr. Brillant, a Liberal member of the legislative council, Station CKBL, in Matane, is also operated by the same owner. In fact every television station in Quebec is operated under a licence granted by the former government, and is owned by Liberals. Talking of coincidences, the cases I have just mentioned are a rather striking example.

In any event, Mr. Speaker, let me say that if the investigation of the C.B.C. is to be continued, I feel sure that every hon. member will want to take part in the discussions of the committee that is to be set up, and do so in a very objective way. Quite obviously, we are not trying to make political hay. We, in Quebec are just winding up an election campaign, and I think if the committee had been sitting, it would have provided an opportunity for a certain amount of election talk; however, we are pleased that the committee will not be sitting until after the election. Thus, no one will be able to accuse us of trying to make political hay.

We are taking a completely objective attitude. We want to throw some light on the C.B.C. because I must say—and this will be my last word—that in the province of Quebec people are justly alarmed and concerned over the way a group of individuals are spending the taxpayers' money at the rate of over $50 million a year, without having to account for it to any authority.

(Text):

Hon. Lionel Chevrier (Laurier): May I ask the minister if he is going to reply to the question asked by the hon. member for Bonavista-Twillingate (Mr. Pickersgill)?

Mr. Nowlan: No, Mr. Speaker.

Mr. Chevrier: Mr. Speaker, in that case I do not desire to delay the passing of this motion, but I do want to move a motion myself. However, before doing so there are one or two things I should like to say. They have already been said in general but perhaps not in as great a detail as I intend to put them on the record.

One of the things I wish to say is this. I think it is a mockery of parliament for the minister and the government to which he belongs to seek to establish a committee of this importance in the dying days of the session. I think it is also a mockery of parliament for the minister and those associated with him to expect that when other committees are sitting, in some cases eleven of them per day, it is going to be possible to discuss intelligently the matters which normally come before a committee such as this.

Mr. Speaker, I happen to have before me *Votes and Proceedings* for the last week. I hold in my hand the one dated Monday, June 13, and on it there are notices for the meeting of no less than eleven committees. I cannot begin to pick out those which are more important than others, but there are certainly four, if not five, of these which are of extreme importance where all of us sitting on both sides of the house who want to do our duty feel it is necessary to be present.

The next day, Tuesday, June 14, appears in *Votes and Proceedings* notices for the sittings of seven committees, several of which are important.

Then on Thursday, June 16, only three committees were required to sit; and on Friday, June 17, five committees were notified of sittings, two of them of extreme importance.

The *Votes and Proceedings* for Monday of this week, that is yesterday, indicates that notices were sent out of meetings, which ostensibly took place, for nine committees, the vast majority being of importance.

Now the minister seeks to set up a select committee on broadcasting to deal with a matter which when it was last submitted took many weeks, in fact months, to dispose of the matters which came before it.

I do not know what is in the mind of the house leader but I have some idea that if it is the intention of the government to complete the sittings of this session on one of these days in the not too far off future he will move to take away from us the lunch hour. How then, I ask, is it going to be possible to deal with the matters which should be discussed in a committee such as this? It is at that time that committees should be completing their work. It is at that time that committees should be giving consideration to handing in their reports to the house, not giving consideration to organizing committees.

Mr. Fulton: May I ask the hon. member a question?

Mr. Chevrier: Yes.

Mr. Fulton: The hon. member has just referred to *Votes and Proceedings* for Monday last, which he said gave notice of the sittings of nine committees. Is it not a fact that those committee sittings were spread over three days and that the largest number sitting on any one day will be five on Thursday next, June 23? So it is not correct to leave the impression that nine committees were called for one day.

Mr. Chevrier: Yes, the hon. member is correct and I thank him for correcting the impression which I may have left with the house. But none the less, while the Minister of Justice (Mr. Fulton) has made a correction so far as *Votes and Proceedings* for yesterday are concerned, I am sure he will agree that so far as the other *Votes and Proceedings* I referred to are concerned I was correct. Therefore, that would indicate that on Monday, a week prior to June 20, there were eleven committees that were sitting, or at least for which notices were given.

I refer now to *Votes and Proceedings* for Monday, June 13, when on Tuesday, Wednesday and Thursday of that week there were eleven committees sitting, seven of them on Tuesday, one on Wednesday and three on Thursday.

But the point I was making, notwithstanding the interjection of the Minister of Justice, is none the less valid, that it is not logical and proper to be discussing matters of this kind at the end of the session.

When I was interrupted, I was saying it would take some time before it would be possible to organize this committee. Whoever will be responsible for the organization will have to give some thought to those who are to appear before the committee; whether the board of broadcast governors are to appear first, whether the independent broadcasting associations are to be called next, and things of that nature, and if, as I said earlier, it is the intention of the government to take away the lunch hour then our position will be an impossible one. Certainly it will be an impossible one in so far as the principles upon which broadcasting is based are concerned, because if we are to give those principles the consideration they deserve then it is in February at the beginning of the session that a committee of this importance should be established.

The hon. member for Montmagny-L'Islet (Mr. Fortin) who is not in his seat at the moment said a word or two this afternoon about matters concerning the province of Quebec. In so far as the province of Quebec is concerned, we remember that there was a very serious strike some years ago between the C.B.C. and the radio and television producers in reference to which the minister claimed the strike was illegal whereas his colleague the Secretary of State (Mr. Balcer) said it was legal. The Minister of Labour (Mr. Starr) was unable to make up his mind one way or the other. The point I am making here is that it seems to be a Tory idea that when there is a Tory government in office the C.B.C. should support the Tory government or be put out of business.

Mr. Nowlan: Oh.

An hon. Member: Bunkum.

Mr. Nowlan: Would you develop that point, because my friends do not believe it?

Mr. Chevrier: The minister says "Oh". I am interrupted, and I am told it is bunk. But I sent the minister yesterday a statement which appeared in *Le Devoir* and which was also, though not in exactly the same terms, in the *Gazette* a statement which clearly indicated that the Tory premier of one of the provinces of this country had intimated that if a private individual Mr. Rene Levesque was not removed from the post he held with the C.B.C. he, the premier of the province would set up a radio and broadcasting station. If that is not an indication of interference or indicative of an intention to interfere, I do not know what it is.

I think I could go a step further and say to the minister responsible for the C.B.C. that I have looked carefully at a number of the political broadcasts which have taken place in connection with the provincial election in Quebec and can say without hesitation that there has been in some cases a great

unfairness on the part of those who are responsible for allocating the time between the parties involved in an election. I have seen cases, details of which I can give to the minister, where on three different occasions in one broadcast on the eleven o'clock news the premier and two of his ministers appeared. Reference was made to what had been said by the leader of the opposition, Mr. Lesage, but there was no appearance as far as he was concerned. That was repeated on many occasions. Where the fault lies I do not know, but I think this is one of the things that should be corrected. Of course, it is too late to correct it now, but it is not too late to discuss it when this committee is established save that the time which will be available to those who wish to consider some of the principles which will be open to discussion will be far too short unless, of course, as is stated by one hon. member here, it is the intention that we sit right through until the fall.

Then there was some question about the television licence which was granted to the city of Toronto. I know the Minister of National Revenue (Mr. Nowlan) fairly well, and I know he takes his responsibilities seriously. I know, too, that it would be far from his mind to be giving instructions in so far as that licence is concerned. On the other hand, I think he will agree with those of us on this side who state that this is one licence which should not have been granted, because there is no doubt in the world about where that newspaper stands. If the board of broadcast governors are going to be dominated by political considerations, all right, let us be told about it. It certainly appears quite clear from the position which was taken with reference to that application that the intention of the board of broadcast governors was, right from the outset, that the newspaper should be granted a licence. It is not a good thing, in my opinion, that that should have been done and I join with my hon. friend from Bonavista-Twillingate in complaining about it and condemning the decision.

Mr. McGrath: Would the hon. member permit a question? Is he suggesting that they should be disqualified on this ground alone, because of their apparent partisanship?

Mr. Chevrier: I am suggesting that they should not have boasted in advance that they were going to get a licence and indicated, not only in that field but in another field which I shall have I hope an opportunity to discuss later, that they were going to get the licence, because that was placing the board of broadcast governors in a very unenviable position, certainly in a position which permitted the public to come to no other conclusion but that they were unduly influenced by the application. Certainly that is the conclusion to which I come, and it is the conclusion which many of us on this side of the house have reached.

There are a number of things I should like to say about the French language network in the province of Quebec, but there will be another opportunity of doing so and at this stage and in order to remain faithful to the statement I made at the beginning that I did not intend to take up the time of the house for very long, I now move, seconded by the hon. member for Burin-Burgeo (Mr. Carter) the following amendment:

That the words "this day eight months hence" be inserted after the word "appointed" in the second line of the resolution.

Mr. Deputy Speaker: Does some hon. member wish to comment on the proposal?

(Translation):

Mr. Louis Fortin (Montmagny-L'Islet): Mr. Speaker, if the hon. member for Laurier (Mr. Chevrier) will allow me, I should like to ask him a question before we take up his amendment.

The hon. member for Laurier referred a moment ago to a Quebec provincial broadcasting organization, in the light of a statement allegedly made by the premier of the province. Is the hon. member for Laurier for or against a Quebec broadcasting organization?

Mr. Chevrier: I referred to that matter in connection with a question I asked the minister (Mr. Nowlan). My views on the subject will be placed on the record in due course.

(Text):

Mr. Deputy Speaker: If the hon. member will permit me, I will put the amendment. Is it the pleasure of the house to adopt the amendment?

Mr. Harold E. Winch (Vancouver East): If I may, Mr. Speaker, I presume if one speaks to the amendment he is also speaking to the main motion.

Mr. Deputy Speaker: I will put the amendment and I assume the hon. member will speak to the amendment.

Mr. Winch: On the amendment—

Mr. Bell (Carleton): Speak on the main motion after the amendment is disposed of.

Mr. Winch: I want to be clear on this because I find myself in a bit of a predicament which on occasion an elected member can find himself in. I have a very good reason for the position I am taking. Normally I would be in support of the amendment for all the reasons that have been given by a number of the previous speakers. However, what is causing a doubt in my mind

is the fact that I have not received any information from the minister on whether at this session there is to be any amendments brought in to the Canadian Broadcasting Corporation Act. Only recently I sent a note over to the minister asking whether there were to be any amendments to the act brought in at this session. If I could be told there are to be amendments brought in I would not need to carry on. If no amendments are to be brought in at this session, then this will be my only opportunity to ask that the committee be set up in order to raise a matter which I think is of the utmost importance to this house. Therefore, may I through you ask whether or not any amendments are to be brought in?

Mr. Deputy Speaker: Order. May I interrupt the hon. member to say a few words about the amendment. It has been brought to my attention that citation 202, paragraph 11, of Beauchesne's Parliamentary Rules and Forms, fourth edition, reads as follows:

> An amendment proposing that a resolution which does not require second reading be considered this day six months is out of order.

It seems that under this citation this kind of amendment is considered a direct negative and, therefore, should be declared out of order. Before I make a final decision, if there is any comment to be made I should be glad to hear it.

Mr. Chevrier: I was quite aware of the citation to which you refer; in fact, I had it in my hand when the motion was drawn, and I wish to direct to your attention the fact that there are two points which I think differentiate it from the paragraph in question. Subparagraph 11 of citation 202 of Beauchesne's Parliamentary Rules and Forms, fourth edition, at page 170, says that:

> An amendment proposing that a resolution which does not require second reading be considered this day six months is out of order.

You will note, first of all, that this amendment is for a period of eight months, which would bring it to the month of February of next year, when the next session would normally be sitting and which perhaps would be a more appropriate time than now.

The other point is that our amendment asks that the committee be appointed eight months hence and not this day six months, which is the practice in ordinary motions, which I believe is covered by subparagraph 11, so that it seems to me that these two differentials indicate that the motion is in order.

Mr. Fulton: Mr. Speaker, with respect I think that the arguments of the hon. member for Laurier are not applicable. There is, surely, only one type of amendment known as a dilatory amendment. The standard form is, of course, six months. I believe that sometimes they have been drawn in the form of three months. It seems to me I have seen reference to the form "three months or six months hence". Whether or not one varies the figure any number of months between three, six, eight, nine and twelve, that form of the amendment and the effect of the amendment are the same and it falls, therefore, within the same category as that described in paragraph 11 of citation 202 to which you have referred.

The effect of the amendment would be to give the motion an eight months hoist and it is therefore, I submit, exactly in the same category as those described in the citation.

There is another point that I would like to raise, however, because of the argument made by the hon. member for Laurier (Mr. Chevrier). He said the effect of the amendment would be to require the appointment of the committee in February next when, as he said, with what prescience I do not know, the house would be again in session. I point out to you, sir, that that would surely be another session and it is a well established rule, as I recall it, that orders of the house applicable or made in one session are not applicable to another session unless they be readopted at the other session. Therefore, the effect of the prorogation of this session would be to destroy or cancel the order. Therefore accepting the argument of the hon. member that the desire of his amendment is to postpone the appointment of the committee to February next, that purpose is not achieved because of the fact that he himself has drawn to our attention, and indeed, in whichever category he wants to put his amendment, the effect is simply that of a straight negative thereby defeating the motion. Therefore, I submit to you, sir, that the citation has application and the amendment is out of order.

Mr. Pickersgill: May I say a word, sir. I agree with the Minister of Justice that whether the motion said six months or eight months is not relevant; what is relevant is that this is not such a motion at all. My hon. friend's amendment is not a motion at all to defer the consideration or the decision of the house; it is a motion to amend a resolution before the house by inserting into that resolution the words "that a select committee be appointed this day eight months". It is not a motion to defer a decision. If this amendment were passed it would be a declaration of the house that the resolution was accepted; whereas the six months hoist is a motion that

something be not read now, or be not adopted now, but be adopted six months later which is an entirely different thing.

As for the subsidiary matter raised by the Minister of Justice, the factor of the secrets of the future, of course, his judgment is a little better than ours because he has perhaps a little more to say about when the session will end or, at least, when it will begin, but we do not know that. But we do not know whether this same session may not be going on next February. In the memory of some members, including the Prime Minister, who were in the house at the time, it did happen that a session started on November 7, 1940 and, if my recollection is accurate, it was not prorogued until some time in January of 1942. Therefore it could very well happen. It certainly is not for the Chair but rather for the house to decide whether or not a motion which says that something should be done eight months hence would in fact be capable of being carried out. If members of the house do not think it is a sensible thing to adopt, they can of course defeat it, but it would appear to be a very arbitrary thing for the Chair to decide that.

I submit that what my hon. friend has asked the house to decide in this amendment, which provides that a select committee on broadcasting be appointed this day eight months hence and so on and so forth, is an amendment of the proposition itself and not in any sense an attempt to defer a decision on the motion. It is certainly not a negative.

Mr. Deputy Speaker: I must say I agree that the amendment does not fall exactly within the type mentioned in paragraph 11 of citation 202 because, as the hon. member for Bonavista-Twillingate has intimated, it is not consideration of the resolution which is postponed for six months or eight months. I might say that the difference between six and eight months, which the hon. member for Laurier mentioned, has not impressed me too much. However, whatever the difference between this amendment and the six months hoist may be, it seems to me that because we do not know whether it will be possible to appoint this committee eight months from now the same result would be produced if the original motion were simply negatived. Therefore I think that for this reason I must declare the amendment out of order.

Mr. Herridge: Mr. Speaker—

Mr. Winch: On a question of privilege, I believe I was speaking at the time of the interruption and if I do not proceed now I may be told I have made my remarks and have no right to speak again. It is only on that ground that I dare interfere with the hon. member for Kootenay West (Mr. Herridge). I was mentioning that I find myself in a somewhat difficult position in this matter, as a member of parliament very often does. I was impressed with the remarks of previous speakers that, having regard to the importance of the terms of reference, it might be that a very poor job would be done by this committee that would not be in the best interests of the C.B.C. or the people of Canada if the committee were to sit at this stage of the session when so many other committees are meeting. I would be quite prepared to support these contentions if it were not for one thing. I have not been able to get an answer from the minister with respect to whether there is any intention to bring in any changes to the act governing the C.B.C. at this session. If it is the intention of the minister or the government to bring in changes this session, particularly with respect to one matter, I would be quite satisfied to sit down but so far I have not been able to get any assurance either by word of mouth or in writing. Therefore I have to raise a matter which I do not like to raise. However, I feel that I must do so, although it does not concern me personally at all.

It is a matter which in my opinion is of such importance that if the minister is not going to deal with it voluntarily then it should be considered by the committee to be appointed under this motion so that a recommendation can be made to the minister and the government for action to be taken at this session. I am not trying to keep members in suspense. The matter I have in mind concerns all members of the House of Commons generally and a number in particular. I believe it has to be dealt with and should be dealt with by a committee now.

As a result of my study of the situation and according to the best information I can get from top calibre legal counsel outside of the house and also from the Department of Justice it would appear to me that prior to the present parliament some members sat in their places illegally and there may be some who, unconsciously and unintentionally, are sitting in the house illegally at the present time under the wording of two acts affecting the House of Commons.

I drew this matter to the attention of the Department of Justice on January 20 this year so there has been plenty of notice. I did not know about this matter before and I am certain that nobody else knew about it. I refer to the fact that if a member of the House of Commons or the Senate accepts an invitation to take part in a C.B.C. radio or television broadcast for which an honorarium is paid they do not have the right to sit in the House of Commons. The opinion I have

received goes even further in that even if the member turns down the honorarium but accepts expenses in connection with attending the radio or television broadcast it is against the law of parliament and he can be challenged on the ground that he is illegally sitting in the house.

To my knowledge hon. members of various parties in previous parliaments have accepted invitations to take part in radio and television broadcasts and have accepted honoraria and expenses. To the best of my information, which comes from a very responsible source, unfortunately there are some members now sitting in the House of Commons who if they have not accepted an honorarium have accepted payment for expenses or have instructed the C.B.C. not to give them the money but to pay it to charity. I do not think the law is evaded in that way. However, that is not the point about which I am so concerned. I almost got into the same situation myself because I accepted an invitation to appear on "Fighting Words" last January. I had to go from Ottawa to Toronto and if I had accepted the honorarium I would have received $100 and also approximately $80 for expenses because I had to fly to Toronto.

For some reason or other something bothered me about the whole matter so I investigated. I inquired not only from high calibre counsel throughout Canada but also in the Department of Justice. I know that the Department of Justice cannot give advice but I received certain information that I think I should give to the house. Anyone who wants it can look it up. This is the information I received:

> The statutory provision that has to be considered is section 15 of the Senate and House of Commons Act, R.S.C. 1952, chapter 249, which reads as follows:
>
> No person, directly or indirectly, alone or with any other, by himself or by the interposition of any trustee or third party, holding or enjoying, undertaking or executing any contract or agreement, expressed or implied, with or for the government of Canada on behalf of the crown, or with or for any of the officers of the government of Canada, for which any public money of Canada is to be paid, is eligible as a member of the House of Commons, or shall sit or vote in the said house.

That is the pertinent section from the Senate and House of Commons Act. Then we have subsection 1 of section 4 of the Canadian Broadcasting Act, Revised Statutes of Canada, 1952, chapter 32, which expressly states:

> The corporation is a body corporate having capacity to contract and to sue and be sued in the name of the corporation.
>
> (2) The corporation is for all purposes of this act an agent of Her Majesty and its powers under this act may be exercised only as an agent of Her Majesty.

[Mr. Winch.]

I am told, therefore, "that it is clear that any arrangement with the Canadian Broadcasting Corporation under which the corporation is to pay money falls within the terms of section 15 of the Senate and House of Commons Act. In view of the wording of that section I have difficulty in perceiving any distinction between the payment of a fee or honorarium and the payment of expenses." That is the opinion of the officers of the Department of Justice, and that is the opinion of others on this subject with whom I have consulted outside of the House of Commons. It seems that any member of the House of Commons who accepts any honorarium or payment for expenses from the Canadian Broadcasting Corporation for appearance on a radio or television program is breaking the law and cannot sit or vote as a member.

As I have said, I drew this to the attention of the Canadian Broadcasting Corporation which had never warned a member of parliament previously and, in fact, the corporation had not even recognized this fact. I drew it to the attention of the Department of Justice on January 20 because of my concern. It was my understanding, not in writing but verbally, that notice of this would be taken by the government and that in the view of the Department of Justice itself the thing to do was to have an amendment introduced to the Canadian Broadcasting Act. I believe this is of the utmost importance because no member of this house should be placed in a position in which I know hon. members have been placed quite unintentionally by accepting the payment of expenses for travelling to appear on a panel show or something of that nature under the auspices of the Canadian Broadcasting Corporation. I feel it is absolutely essential that if the minister is not concerned at the moment, then the committee must be. This matter must be considered for the protection of the members of the House of Commons, and an amendment must be made for their protection in the future.

I do not believe in a matter of this nature elected members should be paid an honorarium. However, I do believe it should be possible for a member of parliament to attend a radio or television show and not to have to pay his own expenses. There should be a provision whereby a member could accept expenses for attending something of that nature of public interest or national interest. My understanding is, as I have pointed out several times already and confirmed completely by information I have from the Department of Justice, that that is not the present situation.

So, Mr. Speaker, I point out I have only raised this point publicly because I have been waiting now since January 20 and have received no information that any action was going to be taken. I have received no information that the minister now concerned with the department or the Department of Justice had changed their minds on the information they gave me last January. This kind of amendment, therefore, or some other provision is required in the interests of, and for the protection of the members of the House of Commons.

I say, therefore, that if something is going to be done, then I go along with what has been said previously about it being rather late in the session for an important matter like the Canadian Broadcasting Corporation to be referred to a special committee. If nothing is going to be done then I feel that in the interests of the House of Commons this committee should be cognizant of this rather dangerous situation because you can never tell when some crank—you know there are always some cranks—might decide to lay charges against a member of the House of Commons as a result of this situation. I say it is unfair that some member of parliament might be caught because he did something unintentionally. In any event, members of parliament now know what the situation is in the opinion of the Department of Justice and others, and they will be very careful in the future.

Mr. H. W. Herridge (Kootenay West): In view of the wish of the house to have this resolution go the committee as soon as possible, I shall be very brief. I see there is a rather strained look on the minister's face at the present time. I am rising to bring to the attention of the house and urge upon the committee the study of a particular problem.

First of all, like other members, I am sorry that this resolution was not brought before the house earlier this session so that this very important committee would have had more time to deal with the subjects it has to consider. However, I am rising particularly to say a word or two for the people in the hinterlands because I am a hinterlander and I can speak from experience. Do you know that even today there are thousands of people in Canada who have never had the opportunity of enjoying Canadian Broadcasting Corporation programs? These Canadian programs, except in some areas for certain periods during the day and occasionally under certain atmospheric conditions at night, are not available. These people have never had the opportunity of enjoying the programs of the Canadian Broadcasting Corporation on a reliable basis. The areas of which I speak are naturally in the Kootenay district from which I come, the northern part of Kootenay West, some areas in northern British Columbia. I know there are areas in northern Manitoba and northern Ontario, and there may be others.

I do urge that every consideration be given to supplying these people with the necessary low power relay stations that are required to give them at least adequate radio coverage. I know that considerable has been done in recent years, but there is still more to be done. I feel it is most unfair to the people who are living in isolated places, in some cases in mountainous terrain, that they are not able to receive programs from the Canadian Broadcasting Corporation. I do hope that these circumstances, in view of the very large expenditure by the Canadian Broadcasting Corporation on television, will be rectified so that the people in the hinterland will be able to enjoy this opportunity.

I should like also to make a few references to the same situation which applies with respect to television. There are areas which are affected in exactly the same way because of their location in the mountains. These people today are being denied television of any kind, that is either Canadian or United States television. There is a provision, I understand, providing the regulations of the telecommunications branch of the Department of Transport are met, for persons to instal, after application and acceptance under proper circumstances, a satellite television station.

I have seen one or two in operation. They were most useful. I think in some cases they were called community satellite stations. They are most useful in providing television to those persons beyond the main stream of communication, whether it is radio or television, in certain areas or in areas similar to the ones affected by being unable to receive Canadian radio programs. I urge that every consideration be given to this problem and that those who can provide these services be given an opportunity to do so, in some cases by the formation of crown companies, in other cases co-operatives and in some cases as a result of free enterprise.

Before concluding I want to bring one other matter to the attention of the house and it is this. I am of the opinion that at times the C.B.C. takes a somewhat Olympian attitude—and I say that from experience—in not understanding how the people in a certain area or in a certain district are interested in what the C.B.C. intends to do in their district, whether it concerns radio facilities or television facilities. I just want to give an illustration. Over a year ago provision was made for the establishment of a television station to serve the Rossland-Trail area in my

constituency. Then some unexpected difficulties were encountered in acquiring a site from the provincial government. The provincial government was not able to sell the C.B.C. the site and after a long period the C.B.C. was able to make arrangements for leasing a site to its satisfaction.

My point is this. The people concerned heard the announcement or read the announcement of the minister in the house that this station was going to be established a year ago last October, I think it was; I refer to the announcement. Then they expected something to happen. Nothing happened. Then the area became full of rumours. The defeated Conservative candidate announced that he had had a special message from the Minister of National Revenue (Mr. Nowlan) and that so and so were the facts. Then the elected member for the riding said a week or two later that he had another message from some other department of government. Then the defeated candidate said he had a later message and this was what was going to happen, and so on.

All that unnecessary concern and activity could be avoided if the C.B.C., under such circumstances, would simply issue a press release—so that people would know—that the station was going to be established, that certain difficulties had been encountered, and so on. By this means the people themselves who are going to be the patrons of this service, would understand what was happening and all these rumours and so on would be avoided.

The same thing has happened with respect to the establishment of a satellite television station in Nelson. Arrangements were being made for that station and rumours are going around that it will serve the people on this side of the mountain and not the people on the other side of the mountain, that it will serve the people on this side of the valley and not the people on the other side of the valley. Under the circumstances I think the C.B.C., as a result of study of the question by its engineers, could very well make an announcement and say they intend to locate the station at such and such a place, that it will service all the people within such and such an area, and so on.

I say that, Mr. Speaker, because I think that the senior officials of the C.B.C. on occasion take a somewhat Olympian attitude and ignore the interests of local people in the developments in television and in radio. I suggest that some system be adopted of giving accurate information—and the C.B.C. is not under security in that respect—as to the C.B.C.'s intention and so on in any particular district or area.

[Mr. Herridge.]

I had intended to have a bit to say on policy and so on but as I realize the wish of the minister to rise and reply to the many questions that have been raised, I am content at this time merely to deal with matters that are of concern to my own constituency and to others who live in the hinterlands of Canada.

Mr. Speaker: Is the house ready for the question?

Some hon. Members: Question.

Mr. Speaker: I must inform the house that if the minister speaks now, he will close the debate.

Hon. George C. Nowlan (Minister of National Revenue): It is not my intention, Mr. Speaker, to delay the house for very long. I am very sorry if any look on my face disturbed the hon. member for Kootenay West (Mr. Herridge). I should much prefer to have him go on. He said he had some questions to raise with respect to the Canadian Broadcasting Corporation. It would be interesting to hear one question raised in this house this afternoon with which one could deal instead of the grapeshot and the variety of camouflage and innuendo with which we have had to deal during the afternoon, with nothing specific whatsoever.

This is a motion to set up a committee to consider broadcasting. The motion is made pursuant to an undertaking which was given last year when the committee rose and it also was set forth in the speech from the throne.

When the hon. member for Montmagny-L'Islet (Mr. Fortin) spoke a short time ago I think he dealt with this matter more effectively than did anyone else when he said it was not up to one or two members of the House of Commons to decide whether the committee should be set up or whether it should not be set up but that it should be through the house itself and that, as far as he was concerned, as well as many others, this undertaking had been given and of course the committee should be set up.

I have been rather intrigued by this discussion about the great delay which has taken place in the setting up of this committee and the enormity of the offence which has been committed by this government. I have here in my hand a list of the dates of the opening and closing of parliament in years gone by in the days when a similar committee was set up; and in those days only three or four committees were set up rather than the seven, eight or nine which we have today. For instance, in the session of 1952-53 I find that the house opened on November 20, 1952. This committee or a similar committee was

set up on March 21, 1953, which is about four months after the house opened. Parliament prorogued on May 14. Hence there was there a matter of sitting time that this house would equal somewhere about the end of July. There is at least a comparable period there as at this time.

In the session of 1950 parliament opened in February. The motion was passed on April 19, two months after the house opened and parliament prorogued on June 30. One could go on and on in setting forth the facts that there never was, when hon. gentlemen opposite were sitting on the treasury benches, despite the urging of the opposition, any great disposition on their part to accelerate the business of the house despite the fact that, as I said, there were only three or four committees at the most that ever sat in those days. We never had any action such as has been deplored this afternoon because we waited from January to June to set up this committee. Who have been crying, lamenting, weeping and howling about the load that has been placed upon them by the setting up of so many committees, deploring the fact that committees are set up, asking that this cross may pass them by, that they should not have such a burden placed upon them? That is why, Mr. Speaker, I say frankly that we have deliberately delayed the setting up of this committee, important as it is.

Some hon. Members: Oh, oh.

Mr. Nowlan: I hear "oh, oh" from the other side. But this is the situation as of today. I have this information from the clerk of the committees. The committee on estimates is concluding its work. The committee on external affairs may have one more meeting. The committee on privileges and elections is concluding its work. The committee on railways, airlines and shipping is concluding its work or has concluded it. The committee on veterans affairs may have one more sitting. I personally feel that the committee on broadcasting is more important than is any one of those committees. However, I am only one member of this House of Commons. I am only one minister who indirectly has some responsibility for this broadcasting corporation and the board of broadcast governors whereas other ministers have a direct responsibility for their departments.

Who am I to say that broadcasting shall come first and veterans affairs shall come last? I do not propose to arrogate to myself that authority. What I propose to do is to co-operate with the House of Commons and particularly with hon. members of the opposition in order to try to arrange the business of this house so that they will not be suffering nervous breakdowns, strokes of apoplexy, and all that sort of thing, which they said would be their fate when the house opened, yet now when we are accommodating we are told we are doing something which violates the rules of the house.

I wish Lewis Carroll were here today to write Alice in Wonderland again. I think he would say something like this:

> You are old, Jack the Sailor,
> the young man said,
> And your hair has become very white;
> Yet you incessantly stand on your head,
> And you think at your age it is right.

I must say that I am highly flattered at being a minister, although I have no responsibility for these organizations whatsoever except in reporting to parliament. I am also highly flattered by the debate this afternoon, which has been relatively brief, a couple of hours, in that there has been no criticism of the Canadian Broadcasting Corporation whatsoever. The whole time has been spent on the fact that we are bringing this motion in too late; and there have been some innuendoes about the board of broadcast governors. If the government had been inclined to accept the suggestion—which it was not because, as I said, an undertaking was given—that we should wait until another session before we set up such a committee, does anyone think that any government which adopted that course and which had any respect for the organizations and boards which it had created, in view of the innuendoes and the snide and sneering attacks which have been made on the board of broadcast governors this afternoon because of the decision in Toronto and the decision in Edmonton, would sit down and accept such snide references and agree to defer this matter?

If there is anything to be criticized with regard to decisions of the board of broadcast governors that is all the more reason why a committee should be set up this year and not next year. The fact that hon. members say in one breath that something is wrong, but in another breath say that this is not the time to bring it forward is in my opinion the best argument to suggest that there is no criticism which can be levelled at the board whatsoever.

This board was set up by this government, that is true; but I doubt if anyone in Canada can point a finger at the board of broadcast governors in any respect at all. They may disapprove of its decisions and question its decisions, but so far as suggesting that any member of the board is under the influence of the government, if that is the case we want the board in question brought before a committee of parliament and we want that board to make its defence, if such

defence is necessary. In particular we want the people who are prepared to make these charges to stand up and make them and not hide behind the excuses such as we have heard this afternoon, and would we please defer this matter to next year despite the fact that the board has done a terrible thing. We do not accept that position; that is why I could not accept this afternoon the suggestion that the committee should be deferred until next year.

Mr. Speaker, as I have said there is not much to reply to in connection with this debate other than that one matter. The whole argument for the most part has been that the committee should be deferred until next year, and I think I have explained why we cannot do that. I think it is highly desirable that this committee be set up. The committee of course, not the government, will determine its own procedure, but I hope that the first party to be brought before it will be the board of broadcast governors. The board of broadcast governors are today sitting in Halifax and are returning to sit in Ottawa during the latter part of the week. I am hopeful that if a committee is set up immediately or during this week they will have finished their sittings by the end of this week or the very first of next week, and personally I hope that the board of broadcast governors will come before this committee and give an accounting of their operations, the principles and procedures under which they function. If they are subject to criticism, then let us have that criticism aired where it can be aired effectively, definitively and properly rather than by insinuation and innuendo, as was the case this afternoon.

Second, I would hope that the C.A.B., the private broadcasters, will appear before that committee and have their opinions expressed and their judgments laid before the committee with respect to the board of broadcast governors. Mr. Speaker, you will remember that the hon. member for Bonavista-Twillingate (Mr. Pickersgill) referred to something I said a year ago in deferring the setting up of a committee.

Mr. Pickersgill: It was two years ago.

Mr. Nowlan: That was when we were passing the legislation and hon. members opposite, as was their right, suggested that there should be a committee to determine the matter.

Mr. Pickersgill: Would the hon. member permit a question?

Mr. Nowlan: Surely.

Mr. Pickersgill: I am sure he would not want the record to be wrong. Is it not true that the government in the speech from the throne indicated that a committee should be set up?

Mr. Nowlan: Are you speaking of a year ago?

Mr. Pickersgill: Two years ago, in 1958.

Mr. Nowlan: I will accept the hon. member's word for that. I had forgotten the details and I have not got the speech from the throne in front of me. However, what I want to say is that when this matter was raised, and I could not accept this because we had the legislation before the house, we all remember the dire prophecies, the gloom and the doom, with which the C.B.C. was confronted; the suggestion that the system could not work, and all the rest of it.

We listened to all that two years ago and I say without any fear of contradiction that as far as the system is concerned this government developed and evolved, the division between judge and jury, relieving the C.B.C. of the responsibility of having to pass on applications, setting up an independent board and giving the C.B.C. jurisdiction in its own realm, nothing which this government has done or which any other government has done has worked more effectively than that division between the two. Canada can be proud of the fact that we have a board of broadcast governors and a Canadian Broadcasting Corporation who are operating in the public interest the way those ladies and gentlemen are doing, despite the gloom and the doom with which we were confronted two years ago.

As I said, there is no great point in going over these matters. I was very much intrigued by the hon. member for Laurier (Mr. Chevrier). I wish he had kept on because it sort of relieved the burden put on my shoulders, of which I am accused of carrying. I understand that apparently the C.B.C. in certain areas of Canada is regarded as a very nefarious political organization and one certainly not unfavourable to this government. I was glad indeed to hear the hon. member enumerate, as he attempted to enumerate, one example where he said he saw a division of time between a provincial government candidate and an opposition candidate. I am not entering into the realm of provincial politics and I know nothing about how time is divided in the province of Quebec. Elsewhere in Canada I understand it is divided by discussions between the relative political parties, and I have no doubt the same principle has been followed in the province of Quebec. I can remember one time not very long ago—

Mr. Chevrier: May I just interrupt the minister here. I think we are at cross purposes. I was talking about the news broadcast at eleven o'clock and I think the minister is talking about the division of time between the political parties, which is a different thing.

Mr. Nowlan: Very well. I would draw to the hon. member's attention a news broadcast a short time ago when the Minister of Finance (Mr. Fleming) was piloting through this house a bill with respect to university grants. A long, laborious and interesting debate preceded the passing of that bill.

What happened as far as the C.B.C. or Radio Canada was concerned was this. Although I did not see the program I was besieged the next day by hon. members in the same tone of complaint as that of the hon. member for Laurier this afternoon. The Minister of Finance was not mentioned, or he got only passing mention. But two hon. gentlemen sitting behind the hon. member for Laurier had their pictures on the television screen because of the position they took with respect to that.

Anybody can criticize individual programs. The most intriguing thing I know about the C.B.C. is that those who have it, if you listen to some of them, do not want it, while those who have not got it, want it. It is a very interesting problem to try to maintain this balance between those who criticize continually and those who complain because they have not got a service at all.

These are matters which can be determined by the committee when it sits rather than by my discussing them here. I do wish, however, to mention one specific matter to which the hon. member for Bonavista-Twillingate referred when he said the budget of the C.B.C. was controlled too tightly by this government. As usual, there was some innuendo, some snide remarks, about the control which the Minister of Finance (Mr. Fleming) exercised. No minister of finance who is worth his salt —and our Minister of Finance is certainly one of the outstanding ministers of finance of Canada—can fail in his task of exercising some control over the expenditures of all the crown corporations. I want to point this out— I have said it before, and I say it again—that when we came to power this government, which was going to wreck the C.B.C., this government about which so many fears were expressed and so many lamentations uttered compared to which those of Job were a paean of thanksgiving, found, when we considered the former act under which hon. gentlemen opposite had operated—and I am not criticizing them for it—these are the facts—that every expenditure over $25,000 laid out by the C.B.C. had to receive government approval. The hon. member for Bonavista-Twillingate corrected me this afternoon—and he was probably right—saying this concerned only capital expenditure. In any event, it had to be approved by the governor in council; in other words, it had to be approved by my predecessor recommending it to the government. We raised that figure from $25,000 to $100,000 so that now the C.B.C. is free to spend any money it sees fit up to $100,000 without referring the matter to the government in any shape or form.

Mr. Pickersgill: Is it not true that under the legislation the minister put through the house the C.B.C. had to submit a capital budget and, therefore, would such expenditures not be included in that budget?

Mr. Nowlan: We are not here discussing the details of treasury board. It is perfectly true that the C.B.C. has to submit a capital budget, but the capital budget certainly does not go into details of that kind. The capital budget asks for X millions of dollars for capital development, and that is all there is in it.

This is an important step, as I have tried to indicate, and I think it is a point in which the people of Canada are particularly interested. They are concerned about any government or political party exercising influence over the programming of a great national organization. Not only did we change the act so as to raise the floor from $25,000 to $100,000, but we said at the same time that there should be no control of expenditures whatsoever so far as programming is concerned. I know of programs upon which the C.B.C. is embarked—whether they are good or not is not for me to say, but I am thinking of programs such as the R.C.M. Police series—whose costs are running today into hundreds of thousands of dollars over the whole period. These costs have been approved by the C.B.C. without any reference to the government whatsoever. So when the hon. gentleman attacks us about cost, as he says prostituting broadcasting or too tight budgeting control, I do think, with all due respect to a man whom I respect and like personally, that he was talking sheer nonsense, and no one knows this better than the hon. member for Bonavista-Twillingate.

Mr. Pickersgill: I dissent.

Mr. Nowlan: I shall not say very much more this afternoon. The hon. member for Port Arthur (Mr. Fisher) spent some time dealing with the board of broadcast governors. He enumerated the members of the board and suggested that they were appointed by this government. Of course they were. They are intelligent men and women and in

Canada, in the delightful condition in which the country finds itself today it is rather hard to find intelligent men and women to appoint to a board who do not, like the majority of intelligent men and women in this country, support the present administration. Surely, with all due respect to the members of the C.C.F., we are at liberty to choose those whom we think best fitted to occupy such positions as these rather than from the somewhat dilapidated remains of the once great party represented opposite.

We have chosen men and women who are, very largely, independent, and it is surely strange for anyone in the C.C.F. party to be questioning the judgment of a board of which Dr. Eugene Forsey is one of the leading members. I never expected to see that day, with respect to the C.C.F. One could go on and list Dr. Emlyn Davies, and many others; people who, because of their intelligence, I hope support the government, though in fact no one has any knowledge of whether they do or not. Indeed, we could not care less because they are men and women of integrity whose judgment the country respects and we are prepared to accept their decisions. That is the situation with respect to this board.

The hon. member for Laurier also made some passing reference to a statement made by the premier of Quebec about proposed interference with the C.B.C. I fail to see where that statement has shown any interference, but I am not going to get involved in the internal politics of Quebec. The premier said: if such and such a thing happens, we are going to establish our own network. If that is interference with the C.B.C. it is certainly not interference which is going to have any effect.

These are words uttered, perhaps in the irritation of the moment, by a leading public figure in this country who is entitled to express his opinions.

Mr. Chevrier: But who is not entitled to threaten anyone.

Mr. Nowlan: There is no threat whatsoever. As I said in the answer I gave to the hon. member's question this morning, if a crown agency in the province of Quebec sees fit to make an application it will be dealt with on its merits the same as an application from Nova Scotia or British Columbia would be dealt with.

Mr. Speaker: It being five o'clock, the house will now proceed to consideration of private and public bills—

Mr. Chevrier: I think that the minister has almost completed his statement and, if the house wishes, with the approval of those who sit on your left, we could dispose of this before five o'clock.

Mr. Speaker: I think perhaps the minister should speak for himself.

Mr. Chevrier: Provided he ceases attacking me.

Mr. Nowlan: I have no desire to go on further. If I had been watching the clock I would have ended earlier.

Mr. Speaker: Does the house give unanimous consent to my putting the motion at this time?

Some hon. Members: Agreed.

Mr. Winch: Could I ask the minister if, when he used the word "innuendo" as a charge against those who have spoken, he included my statement about the need for some action to be taken to protect members who appear on programs and accept expense costs?

Mr. Nowlan: As and when the government decides to introduce legislation, legislation will be brought down. I cannot go farther than that at the moment.

Motion agreed to.

Mr. Speaker: It being five o'clock the house will now proceed to the consideration of private and public bills, the former having precedence, pursuant to subsection 3 of standing order 15.

PRIVATE BILLS

GEORGE WILLIAM DOUGLAS EDMONDS

The house in committee on Bill No. SD-54, for the relief of George William Douglas Edmonds—Mr. McCleave—Mr. Rea in the chair.

On clause 1—*Marriage dissolved.*

Mr. Howard: In this particular case the circumstances are much different from what we normally find in these cases. I shall proceed to examine the allegations and references made in the petition because they have some point in the particulars of the bill before us. The petition says that on the 4th day of June, 1947, the petitioner was lawfully married to the respondent and that the marriage took place in the town of Metis, district of Rimouski, in the province of Quebec.

Paragraph 4 refers to the domicile of the petitioner at the moment; that is, at the moment of the petition which was the 13th day of July, 1959. Also, with reference to the residence and domicile of the respondent, it says in paragraph 7 that the respondent has been living with the corespondent as

man and wife at that particular address, which is given, and that on or about the 10th day of July, 1959 the alleged adultery was committed between the wife and the gentleman whose name is given here, the respondent.

Mr. R. A. Cohen, a Montreal lawyer, is counsel for the petitioner. There are no what are classified as professional investigators or private detectives in this case. There are, however, what are considered to be inconsistencies in the evidence presented to prove the particular point, and I should like to make reference to those inconsistencies.

Before I do that may I say the petitioner appeared, was sworn and gave evidence as to his name, his age, occupation, address, and so on. Then, in order to prove his marriage he is asked this question by the clerk of the committee:

Q. Are you married?
A. Yes.

In answer to subsequent questions he gives the name of his wife which coincides with the name given in the petition, the date of marriage, which also coincides with that given in the petition, and also the place of marriage, their religion, the faith that they belong to and so forth. He is shown a document which he identifies as his marriage record, and says that the statements contained in that marriage record are true. It is then filed as exhibit No. 1.

Mr. Cohen, counsel for the petitioner, then appears and asks several questions. I do not wish to take too long on these questions, but the petitioner gives the place of his birth and where he is living at the moment, his occupation, the date of his marriage. He says he is living in the province of Quebec now, that he was born in the province of Quebec, was married in the province of Quebec and that it is his intention to stay on in the province of Quebec.

He said that a separation took place in 1952. This apparently was not what is known as a legal separation. But there is some conflict here as to who left whom in 1952. I think that is not too material. However, there is a conflict in it. In any event, starting at the top of page 12 he was asked these questions by Mr. Cohen:

Q. Could you tell the committee something about your marriage and when you separated?
A. We separated because my wife committed adultery.

It was in 1952 that the separation took place. Then, Mr. Cohen asks:

Q. Would you say you were different personalities?
A. Yes.

Of course, Senator Croll objected and said:

Let him tell us.

There were subsequent questions by Mr. Cohen about how they got along. It is evident from the evidence that, as he indicated, they never got along. He said:

She wanted her good times and to run around, and I could not afford it.

He reported that they quarrelled and so on, and that there are no children. Then Mr. Cohen asked specifically:

Q. Can you tell us something about the date of July 10, 1959, at—, apartment 7, Montreal?

He gives here the address which coincides with the address given in the petition as being that of the wife, the respondent at the time of the petition, and also that of the corespondent, both being the same. The witness answered as follows:

A. Well, I went up there to see my wife.
Q. On whose recommendation?
A. On my own. I asked her if she would come down here; I told her I wanted to get a divorce and asked her to come down here.

I assume this means come down to Ottawa in as much as that is the place where the evidence was given. I shall come back to this answer in a moment. However, the question has some relevancy because Mr. Cohen asks:

Q. Did you know your wife was living with anybody at that time?
A. Yes.
Q. Do you know—?
A. Yes, I met him.
Q. For how many years have you known him?
A. I would say since 1950, July, 1950.
Q. Could you tell the committee whether since July 10, 1959, you have had marital relations with your wife?
A. No.
Q. Have you ever discussed divorce with your wife?
A. No.

I would point out one point of conflict here. In a previous answer he said that he did go to see her and that he asked her if she would come down here. This is what he said:

I asked her if she would come down here; I told her I wanted to get a divorce and asked her to come down here.

It is obvious from this answer that he did discuss it with her. Whether he discussed it or not, he did mention that he wanted to get a divorce and asked her to come down here. In a subsequent answer he said he had never discussed divorce with his wife. This point of conflict, whether he did or did not discuss divorce with his wife, has some relevancy with respect to the possibility of collusion.

Mr. McCleave: Nonsense.

Mr. Howard: As to that extent, the discussion took place. Then the chairman, Senator Croll, asked this question:

Q. You told us you went to see your wife at the apartment because you wanted a divorce?
A. Yes, that is true.
Q. Was that in July some time?
A. Around there.

I do not know whether the witness went on more than one occasion to see his wife and to tell her he wanted a divorce but in previous evidence he had been quite specific as to the date. He said that on July 10, 1959 he went to see his wife in order to tell her that he wanted to get a divorce. In response to the question by Senator Croll as to whether that was in July he said "around there". Perhaps that refers to the same date, July 10, 1959, but it may refer to other dates when he went to see her. Mr. Cohen proceeded to ask these questions:

Q. When did you visit my office?
A. I visited your office I think in the spring, June.
Q. Did I tell you to go over and see whom your wife was living with and to give me a report?
A. Yes.

He said that Mr. Cohen did tell him to go there and yet in previous examination with respect to his going to see his wife this question was asked by Mr. Cohen:

Q. On whose recommendation?
A. On my own.

Here is yet another point of conflict between the evidence given at one time and the evidence given at another. He said that he was told by Mr. Cohen to go there and he also said that it was on his own recommendation. Then Mr. Cohen continues:

Q. You went over there?
A. Yes; that is when I asked her
Q. You went to give me a report on it?
A. Yes, to give you a report on it and to find out if she would come to Ottawa.
Q. And whether they were living together?
A. Yes.
Q. Before I sent you over there had you ever discussed divorce with your wife?
A. No.
Q. Had you ever visited your wife there previously?
A. No.

As you can see, Mr. Chairman, there is a conflict here with respect to whose recommendation he acted on when he went to see his wife. In one place he says that he went on his own and in another place he said that he went on instructions from Mr. Cohen. There is a conflict, as I said, with respect to whether he ever discussed divorce with his wife because in one instance he said no and in another instance he said yes. He told her he wanted to get a divorce. These are points of conflict that I think should be examined and cleared up.

[Mr. McCleave.]

Mr. Mandziuk: Would the hon. member permit a question? By referring to these conflicts in the evidence is he imputing collusion between the two parties or would he agree that it is sensible and probably good law that if evidence exists as in this case that the respondent is living with another man there is absolutely nothing wrong in the husband going to see his wife and discussing the matter? Is it material for the purpose of the hon. member's objection to the bill to question who approached whom or at whose instigation the petitioner interviewed his wife or took divorce proceedings? I think it would shorten proceedings—

The Deputy Chairman: Order. The hon. member for Skeena gave permission to the hon. member to ask a question. I hope he will ask it because if he wishes to speak he will have to wait until later.

Mr. Howard: I will be glad to attempt to answer the question. First of all, let me say that unfortunately we are restricted by the rules of the house as they apply to these matters in coming to some conclusion on the point of what is and what is not collusion. There has been general reference to it and in general terms I understand it to be an arrangement between a man and wife to obtain a divorce, that they agree jointly that evidence of certain circumstances will be presented to the committee. Because we have been prevented by the rules, and probably quite properly so, from discussing what constitutes collusion, I do not think I can be accused of imputing collusion here. I did make use of the word because, as I have said, it is my general understanding that it means that two people work together and attempt to present evidence to the body which will be granting the divorce. I do not know whether it is permissible in law for a husband and wife to agree that each will appear and give evidence about one of them having committed adultery. I do not know whether it puts a different light on the matter if they both agree that one of them will be caught in compromising circumstances by investigators in order to provide evidence to support a charge of adultery.

As I say, we have been prevented from going into the question of what is and what is not collusion. I hope that answers my friend's question with respect to whether I am imputing collusion to these two parties. The evidence shows that in this case the petitioner in one instance said yes and in another instance said no, although he may be talking about two different things. He may have been advised by his lawyer to a finer degree as to what is and what is not collusion than we

have been able to determine here. The evidence does show that in one instance he said he went to see his wife and told her he wanted to divorce her and asked her to come here, I assume to give evidence whether or not adultery had been committed.

Mr. Mandziuk: If the hon. member will permit a question, I will restrict myself to asking a question. What are the grounds upon which the hon. member is challenging the decision of the divorce committee of the other place? The divorce committee of the other place has granted this petition and that is what we are interested in. Is the hon. member simply going to read the evidence from beginning to end until it is six o'clock? That is my question.

The Deputy Chairman: Order. I have allowed the hon. member to ask a question and that is as far as he can go.

Mr. Howard: He asked two questions. He asked whether I am challenging the decision of the committee of the other place and the answer to that is no. The answer to the second question is yes.

Mr. McCleave: Are you going to keep on reading until six o'clock?

Mr. Howard: I would suggest, Mr. Chairman—

The Deputy Chairman: Order. Let us get back to Bill No. SD-54.

Mr. Peters: Why not call it six o'clock?

Mr. Howard: I was going to suggest that if there are any questions I would be glad to yield the floor to the hon. member who wishes to ask a question. If the hon. member for Halifax wants to ask questions in that manner I will be pleased to answer them.

Mr. Mandziuk: On a point of order, does the reading of the evidence from A to Z, with no personal comments and no conclusions drawn, constitute debating the bill?

The Deputy Chairman: Order. We have had this point many times before. No doubt the hon. member was away. The Chair has ruled on it several times and I am sure the hon. member knows what the answer is. If not, I will be very happy to tell him. I will allow consideration of the evidence given that is relevant to the bill. I think all members can readily understand that if we did not do so evidence taken in committee on all private bills would be affected. That is why the Chair is allowing reference to evidence that is relevant to the bill.

Mr. McCleave: May I ask the hon. member a question?

Mr. Howard: Yes. I should have liked to make some comment on the point of order, Mr. Chairman, but unfortunately I did not catch your eye before you rose. I wonder whether you would allow me to do so now.

The Deputy Chairman: No. The point of order has been settled not only this time but several times.

Mr. McCleave: The question I had to ask of the hon. member, Mr. Chairman, is, is it his intention to defeat this petition in parliament?

Mr. Howard: I do not know what my friend means by "defeat it".

Mr. McCleave: See that the persons concerned do not obtain justice.

Mr. Howard: I am concerned with justice, fairness and equality. I have said that on a number of occasions. There is one way we have of bringing this justice, fairness and equality to the people of these two provinces.

Mr. McCleave: You have said it but—

The Deputy Chairman: Order; I must ask the hon. members to come back once more to Bill No. SD-54. We are not going into procedure.

Mr. Howard: I have been trying to do that for the past five minutes, Mr. Chairman, but hon. members opposite would like to ask questions and I would be the last one to deny them that opportunity.

Mr. Mandziuk: I should like to ask a question in connection with this bill. Has adultery been proven?

Mr. Howard: Is the hon. member asking a question?

Mr. Mandziuk: Yes.

Mr. Howard: If the hon. gentleman will contain himself we will get to that part of the evidence which deals with that question and which, in my opinion, is answered in the negative. As I have indicated on other occasions, whether or not under circumstances such as these adultery has been proved to have occurred on the date which is alleged, is another matter. Whether or not we should give weight to that in considering the passage of the bill or whether we should give weight to other factors, is an argument to which I shall direct myself. I submit that adultery has not been proved, as hon. members will see later on, on this particular date.

I was dealing with some points of conflict in the evidence given by the petitioner, not for the purpose of imputing any motives but for the purpose of pointing out that there are these conflicts, at least in my mind, about

these particular matters. There is a reference here, following questions by the chairman of the subcommittee, Senator Croll, to the time when the petitioner went to visit his wife and what he discovered there. The petitioner explained the circumstances which existed at that time. Senator Croll asked a question and he says, giving the surname of the petitioner:

—how do you know she was living with Mr.—

And he gives here the name of the corespondent.

—as man and wife?
A. They were living together because she admitted to me they were.
Q. What did she admit to you?
A. That she was living with him.
Q. What do you mean by living with him? Was she living with him as man and wife?
A. As man and wife, yes.
Q. Did she tell you that?
A. Yes.

Apparently it was some time ago that he had been told this and subsequent examination reveals that he forgets the exact date but it was probably the time he went there, about the tenth day of July, upon instructions from Mr. Cohen. The questioning along this line is followed by Senator Croll, who says:

Q. Before that, how do you know she had been living as man and wife with Mr.—

It gives here the name of the corespondent.

A. Because she told me at one time.
Q. But you had never seen her before that day, since she left?
A. No.

Mr. Cohen interjects a question about telephone communications, and Senator Croll said:

Mr. Cohen, when senators are asking questions, please refrain.

Then the witness continues:

You see, sir, a long time ago I knew there was something between this Mr.—

Then he gives the name of the corespondent.

—and my wife. I met Mr.—

He gives the name of the corespondent.

—on the street one day and I asked him would he come down to the house with me.

Then Senator Croll asks:

Q. To your house?
A. When we were living together, my wife and I. He came down, and I asked my wife then, "Who is it going to be, him or me?" She said it was me, that she was going to live with me and everything was going to be all right; but still things were going on between them.

Then subsequent examination indicates that he still suspected things were not the same. He had reason to believe they went to moving pictures together and went to other places together before he and his wife actually separated. Then Mr. Cohen had been consulted and in his questioning he says:

Q. Why do you tell the committee that you believe when you called Mr.—

Giving the name of the corespondent.

—into the house and said to your wife, either I am your husband or he is, why did you have any suspicion? You must have had some reason?
A. It was because my wife had told me that they had relations together.
Q. Your wife had admitted having relations with him?
A. Yes.

Then later it is established that this was some time ago. I believe, Mr. Chairman, that is the evidence of the petitioner himself, but apart from the fact that he tesified quite frankly his wife openly admitted to him that she had had extramarital relations with the corespondent, the other evidence is sort of vague.

Mr. McCleave: Will the hon. member permit another question? He has been very patient. If a woman admits that she is guilty of an adulterous relationship, would that not be a humane reason for dissolving the marriage instead of trying to keep it together?

Mr. Howard: Perhaps the hon. members of the other place did not think so because they insisted upon additional witnesses appearing to prove this particular point. This is the evidence of the petitioner himself, that his wife had admitted to him this had occurred, and subsequently we come to the point where the wife appeared—

Mr. McCleave: And said the same thing.

Mr. Howard: —and made a reference to this. I submit she does not say the same thing; it has a relationship to one particular date. It is not the wife who admits that adultery took place on that particular date, it is the corespondent. The petitioner indicates that he went to see the corespondent—this is on page 14 of the evidence—and then this question is asked:

Q. What did you see? How was she dressed, and where were they living?
A. They were dressed, but I know for a fact they do live together because they both have admitted they were living together.
By Senator Farquhar:
Q. Was it during the day or night you went there?
A. I went in the evening.
By the Chairman (Senator Croll):
Q. They were dressed normally?
A. I think my wife at the time was in a dressing gown.

Then the respondent is called and sworn, gives her name and address and she is advised by the chairman, Senator Croll—perhaps I should read this:

Before you proceed, it is my duty to inform you that you are not liable to be asked or bound

to answer any question tending to show that you are guilty of adultery, unless you have already given evidence in this proceeding in disproof of your alleged adultery. While you are not liable to be asked or bound to answer any question tending to the proof of your own adultery, you have the right to do so if you see fit—that is your right and privilege—in which event everything you say will be told voluntarily and not under any compulsion. Do you understand your position in this regard?

A. Yes.

Then Mr. Cohen says:

Q. —are you living as man and wife with one,—

He gives the name of the corespondent.

A. Yes.

Q. And more particularly on the evening of July 10, 1959, at 1631 St. Luke street, apartment 7, Montreal, were you living as man and wife?

A. Yes.

Q. And you had been how long?

A. I do not know—a couple of years, I guess.

Then Senator Croll follows up that particular point. I submit here that so far as the evidence of the respondent is concerned —which evidence she gave of her own volition without any hesitation at all—no question is asked about adultery. The only question asked is whether they were living together as man and wife. I draw a distinction as I have done in other instances. I draw a distinction between adultery having been committed on a particular day and people living together as man and wife on a particular day. I contend there is a distinction between the two.

Further evidence is given by the corespondent on this particular point and this is the thing with which I should like to deal. I submit again that there is no evidence so far that adultery took place as alleged in the petition on this particular day. It may have occurred on other occasions. It may have occurred subsequently to this time.

The Deputy Chairman: Order. I must advise the hon. member that his time has expired.

Mr. McCleave: This is one of some 450 cases that are before us for determination at this particular session of parliament. As in most cases, this petition is from a person who lives in the province of Quebec and who comes from a somewhat humble rung of society in that particular province. In short, this man comes before us, as have a good many others, because his means are limited and parliament is the only way that he can obtain relief from a marriage which, to all practical intents and purposes, has long since been dissolved.

The petitioner in this particular case is 40 years old. He lives in the city of Montreal and he is a private chauffeur. He was married on June 4, 1947 and 13 years later he is before parliament asking that his marriage be dissolved because his wife is no longer living with him and indeed, as is clearly established by the evidence to the satisfaction of any reasonable person, his wife has been committing adultery, if you want to put it in that way, or living as man and wife, if you want to put it in that way, for four or five years with another man.

There have been suggestions made, and they are the type of suggestions we hear so often—these little legal phrases that make my blood boil when they come from the depths and wells of ignorance—I refer to phrases about collusion and so on, putting a tarnish on a very proper case and then just left there so that we in parliament who have this duty are somehow tarnished ourselves because we are trying to help decide the merits of a petition.

As far as any inference of collusion is concerned in this case, I say that there is not one jot or tittle of evidence to suggest that anything like that took place. Here we have the woman leaving her home for four or five years. She has lived with somebody else as man and wife. Any conversation that her husband has had with her to help him procure evidence to present to the committee of the other place and by the reports being presented before us is clearly not collusion. I repeat again that for reasonable minds and reasonable men this person, 40 years old, a humble person, from the province of Quebec, is coming before us asking for justice and the proper dissolution of the marriage that, to all intents and purposes disappeared four or five years ago. The challenge I put to the two hon. members opposite who have been carrying out this scandalous—

The Deputy Chairman: Order.

Mr. McCleave: The challenge I put to the hon. members opposite is that they must decide within a few minutes whether they are going to grant this man his just rights or whether they are going to deny him those rights.

Mr. Howard: The hon. member need not challenge me to anything. From what I have indicated so far, it is quite evident what our position is.

Mr. McCleave: What is your position on the bill before us?

Mr. Howard: If the hon. member had followed the trend of the discussion perhaps he would have discovered that position already. Let me say once more, Mr. Chairman, that my argument here is with respect to the point in the petition, and this is what I think perhaps is being glossed over. The petition

states "and more particularly that on or about July 10, 1959" in the city of Montreal and so on adultery was committed. It makes reference to this particular date. There is evidence here as I indicated. The corespondent appeared. He is asked questions by Mr. Cohen. He is asked whether he had been living together with the respondent as man and wife:

—"and more particularly, were you on the 10th day of July" and he says "yes". Then he is asked "Have you committed adultery with—?" and he gives the name of the respondent there, and the answer is yes. However, he does not answer that they committed adultery one with the other or that he committed adultery with her or however it took place on that particular date. That is the point I should like to make. We have mentioned this point on a number of occasions in connection with cases where there is evidence of a common law arrangement between a couple.

Mr. McCleave: It is not common law.

Mr. Howard: My hon. friend can squirm around in his seat and say that there is an argument, if he so wishes, as to whether it is or is not common law.

Mr. McCleave: It is not common law.

Mr. Howard: That is the general term that laymen understand or that I understand. It may not be the term that my hon. and learned friend understands and wants to apply to these things, under a strict application. I assume that the proper term or phraseology would just be that they were living together as man and wife. I do not know whether that is the proper term to apply to situations such as this one. However, that is the term used in evidence given before the committee of the other place. I have seen both of them, namely reference to a common law arrangement and reference to a couple living together as man and wife. If it would suit the sensitivities of my friend the hon. member for Halifax I shall be glad to comply and make reference to his living together as man and wife.

I say that, in my opinion, evidence to that effect is sufficient grounds to grant a divorce. But to attempt to ask this committee—and this is what they are doing—to put in a petition that adultery took place on a particular day and then give no evidence at all that it took place on that particular day is stretching the point quite a bit, in my opinion.

I am not prepared to vote in favour of the passing of this particular bill on the ground that adultery was committed on the tenth day of July, 1959, because nowhere in evidence is it stated that adultery was committed on that particular date. I am prepared to vote in favour of this bill on the ground that the respondent and the corespondent have been living together as I put it, common law, or, as my sensitive friend the hon. member for Halifax wants it put, have been living together as man and wife. That is the ground upon which I am prepared to vote in support of this particular bill. The discussion I was leading up to was to point out that, regardless of the conflict in the evidence of the petitioner and further on between the respondent and the corespondent, which may be inconsequential things, on the basis of this couple—

Mr. Mandziuk: I am sorry to interrupt the hon. member but apparently he insists on this particular date. Did he overlook the third line in paragraph 7 of the petition where it is alleged "that on or about July 10, 1959", not necessarily on that particular date.

Mr. Howard: Quite right.

Mr. Mandziuk: Did the hon. member notice that?

Mr. Howard: Yes. I read that phraseology previously, namely "on or about".

Mr. McCleave: What do you say?

Mr. Howard: I do not know what the word "about" means to start with. There is no evidence that adultery took place on July 10 or about July 10. Does this mean within six months, two months, a week, or what? There is no attempt to specify it. The only reference here is an admission by the petitioner that his wife told him she had committed adultery at some time in the past, and an admission by the respondent that she was living as man and wife with another individual named. The word "adultery" is not even used in the questions submitted to her or the answers she gave. There is only the reference to her living with someone else as man and wife, particularly on the evening of July 10, 1959.

Mr. McCleave: I wonder if the hon. member would permit a question, or it is a point of information. Under normal court procedure you could not ask a leading question using the word adultery, such as the question "Did you commit adultery?", giving a particular night, because that is the point in issue. A court would not allow that form of questioning on that ground.

Mr. Howard: I did not know that. If that is the case, apparently the committee in the other place does not follow that practice because Mr. Cohen is allowed to ask such a leading question of the corespondent. It is not only a leading question in the sense of

"Have you committed adultery?", but he puts it quite emphatically almost forcing the witness to say yes. He asks: "And you have committed adultery with the corespondent?", and the answer is yes.

Mr. McCleave: That would not be allowed either.

Mr. Howard: While this form of questioning may not be acceptable in a court of law, apparently it is acceptable in the committee of the other place because even though Mr. Cohen does not pose that question to the respondent, he is allowed to pose it in a very direct way to the corespondent. Therefore, I think perhaps the rules in a court of law are probably not followed in the committee of the other house, and members of the other place consider themselves, as perhaps we do, not as a court of law but as legislators passing a law and in reality the grounds can be as broad or as narrow as we so choose.

Mr. Drysdale: Would the hon. member permit a further question. Is he prepared to vote now in favour of this petition?

Mr. Howard: I am not going to vote for the petition at all, because I do not think the petition is before us. What is before us is a bill, and as you have pointed out on a number of occasions, Mr. Chairman, we are at the moment on clause 1 which says that the marriage is hereby dissolved, et cetera. This is the point I indicated I would vote for and I wish to indicate on what grounds I will vote for it. It is not that adultery has been proven to be committed on July 10 or about, but that adultery at some time has been committed on the evidence of the corespondent. But not on any particular day or at any particular time does he indicate that adultery has been committed.

The basic reason I intend to vote for the passage of this bill, if it comes to a vote, is that which I indicated earlier. Here is a couple living together as man and wife. Apparently they are not too sure for how long because the respondent says that she does not know, she guesses a couple of years, and the corespondent indicates it is about four or five years. Perhaps with an arrangement as loose as this it is easy to lose a year or two. I know when my wife asks me how long I have been married I have to think about it sometimes, and I dare say other husbands and wives do too. It is on that basis I intend to give my vote in favour of the bill, not on the basis of adultery having been proven.

That is why I think perhaps parliament should insist that if these particular cases are to continue to come before us some alteration in the form of the petition and in the rules of the committee of the other place should be made so that in circumstances such as this the petition may properly state that the respondent and corespondent have been living together as man and wife at a particular address for a particular length of time. I submit that is the form in which a petition should be presented, and then this attempt to find evidence of adultery being committed on a particular date would not have to be made.

The Deputy Chairman: Shall clause 1 carry?

Mr. McCleave: Mr. Chairman, before you call the clauses I think it should be pointed out while on this matter of direct questions put to the respondent and corespondent that that would not normally be the practice in the courts, none the less when you have a clear cut case such as this some latitude is allowed.

The other comment of the hon. member was as to how these cases are conducted. It has been the practice in the committee of the other place and in our own committee, as he would discover if he would attend it, that these cases are conducted on a quite proper judicial basis.

Mr. Peters: Mr. Chairman, I would like to raise an objection to the method by which adultery is charged in an attempt to prove these particular cases. We have here, as we have had recently in a number of other cases, an alliance between two people which technically may not be a common law alliance because one party is already married and no reference is made to bigamy. It is an alliance where a man says he is living with a woman as man and wife or where a woman is living with a man as man and wife, but their alliance is not legal because one is already married. That, in my opinion, is what we would consider to be what adultery normally covers and the possibility of adultery taking place is pretty well a foregone conclusion.

The committee of the other house and of this house is being asked in these cases, not to establish a divorce on the ground of the relationships of the parties. The relationship in this case is admitted by three people. Two people have firsthand knowledge and a third secondhand. But the adultery charged is not proved and no attempt is made to prove it.

I suggest that the phrase "on or about" even in a court of law where it is used to a great extent refers here to either the tenth or the eleventh of the month or the eleventh or the twelfth, and when one says "on the tenth or thereabouts one means a little before that date—

The Deputy Chairman: Order. We are back on procedure and on what certain terms mean, which has absolutely nothing to do with the bill. Therefore I will have to ask the hon. member to come back to Bill No. SD-54.

Mr. McCleave: Has the hon. member read paragraph 7 of the petition which alleges that these two people "have been living as man and wife"? What more does he want?

Mr. Howard: It should stop there.

Mr. Peters: I agree with what the hon. member for Skeena says, that it should stop there. This is what we should have before us and then we could grant a divorce on that ground. But when it goes on to say "on or about" a certain day adultery took place, a common law alliance would not mean they were necessarily committing adultery on every day of that alliance. In fact, I should be very surprised if any learned hon. member present would suggest that this was the case, and yet we have picked out one particular day and said that adultery occurred on or about that day, simply because we have had to establish an adultery charge, and adultery is a specific incident of sexual relations between the two people in question. They deal specifically with this relationship and then rely on the evidence of a common law alliance. No adultery charge can be proved on this basis. We would be prepared to argue, and argue successfully, that many people could live together as man and wife without adultery taking place even though one of the parties was married to another person.

Mr. McCleave: Only two people in the world could believe that argument and they are sitting in the House of Commons.

Mr. Peters: It may surprise the hon. member to know that on a number of occasions we will be dealing with the cases of people who have been living together over a period of years yet no adultery has taken place; cases where parliament is being asked to grant an annulment and cases where we are being asked to grant a divorce on the grounds that it is physically—

Some hon. Members: Order.

The Deputy Chairman: I cannot allow the hon. member to discuss matters which are not strictly relevant, as he has done in the past. We must come back to Bill No. SD-54.

Mr. Peters: I think the remarks we are making are relevant.

Mr. McCleave: They are self-relevant. They reveal depths of ignorance.

[Mr. Peters.]

Mr. Peters: There are a lot of backroom lawyers here, or at least some are lawyers, and they are not in another place for the simple reason that they do not know the answers to some of these questions. It may be that they do not know what adultery means and I think it is important for them to learn.

We are granting divorces on the ground of adultery having been committed on a particularly day and I am suggesting there is no proof here that adultery took place at the time suggested except the admission by these two people that they were living together. Learned counsel have stated that the greatest attention must be paid to evidence given in this way if there is reason to believe that the two people concerned are desiring a divorce. People are warned that they do not have to make such statements, yet they voluntarily make them and indicate that they have committed adultery on a specific date. The warning was read in this particular case by the chairman, as follow:

Q. Mrs. Edmonds, listen to me carefully. Before you proceed, it is my duty to inform you that you are not liable to be asked or bound to answer any question tending to show that you are guilty of adultery, unless you have already given evidence in this proceedings in disproof of your alleged adultery. While you are not liable to be asked or bound to answer any question tending to the proof of your own adultery, you have the right to do so if you see fit—that is your right and privilege—in which event everything you say will be told voluntarily and not under any compulsion. Do you understand your position in this regard?
A. Yes.

The questioning goes on:

Q. Mrs. Edmonds, are you living as man and wife with one Mike Maloney?
A. Yes.

Mr. McCleave: Would the hon. member permit a question? Does he think that he and his associate have given us $1,800 worth of debate during the last 60 minutes?

Mr. Peters: If we have accomplished anything in removing this divorce procedure from parliament we have accomplished our $1,800 worth.

The Deputy Chairman: Order.

Mr. Howard: Mr. Chairman, you permitted the hon. member for Halifax to ask a question which was obviously completely irrelevant. Perhaps this was where the stop should have been made.

The Deputy Chairman: I said "order" half way through the hon. member's question.

Mr. Howard: The hon. member disobeyed you, obviously.

The Deputy Chairman: Shall this clause carry?

An hon. Member: Carry it. Give the guy a break.

Mr. Peters: I think further consideration should be given to this bill in relation to what we think may be a great miscarriage of justice by those who are sitting in this House of Commons and who sit in the Senate—

The Deputy Chairman: I shall have to ask the hon. member to take his seat.

Clause agreed to.

Preamble agreed to.

Title agreed to.

Bill reported.

Mr. Speaker: When shall this bill be read the third time? Now?

Some hon. Members: Now.

Mr. Peters: On the grounds of common law.

Bill read the third time and passed.

JUDGES ACT

PROVISION FOR ADDITIONAL JUDGES IN QUEBEC, FOR GRANTING ANNUITIES, ETC.

Hon. W. M. Hamilton (for Minister of Justice) moved that the house go into committee to consider the following resolution:

That it is expedient to introduce a measure to amend the Judges Act to provide salaries for four additional puisne judges of the Superior Court of Quebec; for the grant of annuities to judges upon attaining the age of 75 years; to remove anomalies in the present law relating to the grant of annuities under the act; and to alter the method of payment of travelling allowances to judges.

Motion agreed to and the house went into committee thereon, Mr. Rea in the chair.

The Deputy Chairman: It being six o'clock I do now leave the chair.

At six o'clock the committee took recess.

AFTER RECESS

The committee resumed at 8 p.m.

The Deputy Chairman: House in committee of the whole on a certain proposed resolution to amend the Judges Act. Shall the resolution carry?

Hon. E. D. Fulton (Minister of Justice): Mr. Chairman, I think I should, for the benefit of the committee, make a brief explanation of the main purposes and provisions of the legislation to be based on the resolution now before the committee. This resolution and the bill which will be introduced when it carries are in large measure complementary to the resolution which was recently before the house to provide for an address to Her Majesty asking that she will cause to be laid before the United Kingdom parliament a measure to amend the British North America Act to provide for a retirement age of 75 for all judges of superior courts in Canada. In the view of the government the two measures should be considered as interdependent and the passage of this one is in a very real sense, or should be in a very real sense, dependent upon the passage of the other resolution through this parliament.

The reason why we hold this view is that the occasion of the introduction of this resolution and the main purpose of the legislation are to adjust the pensions of judges who will be now, all of them in Canada, retiring at the age of 75 years. We consider, therefore, that at a time when we are completing the program which will bring about the retirement of all judges at the age of 75 it is especially desirable to put the pensions of judges appointed by parliament on a proper footing. It is my own submission, Mr. Chairman, that for a number of years our judges have not had proper provision with respect to the annuities which they receive on their retirement or which their wives and widows receive on their decease.

Although, as I have said, we regard the main occasion or reason for this measure as being the simultaneous presentation to parliament of the measure regarding retirement age, there are other reasons for its introduction which I suggest may be best understood by a reference to the main provisions of the measure which will follow this resolution.

I should say a word about the desirability of providing adequately for the judiciary of our country. There are, of course, a number of fields in which this problem confronts us, but the main field in which I propose to deal with it tonight is in that of their retirement allowances. Of course this field is closely related to the field of salaries; but the measure, I should like to make clear, does not touch the salaries of judges. It deals with their retirement allowances, the provisions for their retirement, and also with the provision for travelling allowances while they are on circuit or travelling on judicial duty.

I think it is a fact—a principle, if you like—which will not be disputed by hon. members of this house, that not only is it essential that we should make provision for the adequate compensation of our judiciary while they hold office but, as an essential part of the position of the judiciary generally, adequate provision should be made for their situation after they will have retired from

office, because it is a fact that in the vast majority of cases those who accepted appointments to the bench have in the past, and I am sure they will in the future, accepted those appointments at a very real sacrifice in terms of the immediate monetary compensation which they receive.

This, of course, is in itself not an improper feature because there is attached to the position of the judiciary the attributes which surround one of the highest, if not the highest, positions in the land. There is an element of public service. There is, of course, also the position and the esteem in which our judges are properly held. All of these things are attributes of judicial office, and they are essential attributes of judicial office; but I think that one must always also take a realistic and practical approach to this matter and not allow one's regard for the attraction which individuals so appointed might properly feel to this high position to outweigh the fact that it is not right that we should ask them to make too great a sacrifice, a completely disproportionate sacrifice, when we call upon them to assume that office.

One of the features with regard to this office and to the position of judges is this question of the retirement allowances which they will receive when they retire. As I said a moment ago, the reasons for the introduction of this particular measure may be understood by reference to its main provisions, the principle one of those being the revision of the rules and regulations regarding retirement allowances for judges.

The main change we are making in this connection is to adjust what I believe to have been an unfortunate provision introduced in the amendment to the Judges Act of 1955. As a result of that amendment judges retirement allowances have been based upon the salaries that they were receiving prior to 1955. By the amendment of 1955 an increase with respect to superior court judges of $2,500 in their salaries was provided for; but it was a part of that amendment that their pensions, their retirement allowances, should have relation not to the new salary but to the salary that had been in effect before that change of 1955. The result has been that up to the present time our judges have been retiring on a pension based on the salaries which were set in 1951.

For the information of hon. members it should be recalled that judges retire on two thirds of the salary which is set as the basis of their pension. So that the situation now is that all judges in Canada retire on two thirds of their 1951 salary and it has been felt by the government that it was and is a mistake to relate the retiring allowances of judges to their former salaries. Most, if not all, of the persons for whom parliament makes provision with respect to pension or superannuation have that pension provision related to the salary of which they were in receipt at the time of their retirement. This, of course, was always the situation with respect to the Judges Act until the amendment of 1955, but the result of that amendment has been to relate the retirement allowances of our judiciary not to the actual salary received at the time of their retirement but to the salary they received some years prior to the last amendment.

One of the other effects of this situation has been not only general in its nature with respect to the question of whether or not it is a sound principle but it has also had the result that again of those for whom parliament provides retirement allowances under federal legislation judges alone have had no revision of their retirement allowances since the year 1951. As I have explained, in the revision of 1955 it was provided that judges would retire on a pension based on their previous salary, which has had the effect that their pension rates have not been changed since the year 1951. So far as I have been able to ascertain they are the only group for whom we are responsible who have waited this long for an adjustment in the level of their retirement allowances.

I think I should also emphasize to the committee that the changes to be proposed in the legislation itself will also affect the wives and widows of those judges who are covered by the provisions we make for their annuities. It is the intention that all those who have retired since 1955 will also have their situations and those of their wives and widows covered by the provisions that will be introduced in the bill to follow the resolution.

Mr. Martin (Essex East): Since 1955 or 1951?

Mr. Fulton: Since 1955. Another main group of provisions in the legislation will be those affecting the circumstances under which judges may receive retirement allowances on their retirement. It will be provided that in the future for any judge to be entitled to a full retirement allowance when he reaches the retirement age of 75 he must have served 10 years on the bench. When I say "in the future" I mean with respect to any future appointments. The implications of this will be obvious. It is our feeling that when we are asking parliament to provide for a retirement age of 75 we should at the same time suggest and lay before parliament this proposal that a judge will not have earned his full retirement allowance for his judicial

functions unless he has served 10 years in that capacity. This, of course, must be read subject to the provisions for retirement on account of sickness or on account of other considerations in the national interest, but in general a judge appointed in the future who is in good health and reaches the retirement age of 75 must have served 10 years before he will be qualified for a full retirement allowance.

We are also proposing to change the provision with regard to the receipt of annuities on voluntary retirement. At the present time a judge may only receive the full annuity to which he is entitled if he retires on account of sickness and it is found that that retirement is in the public interest. We propose to make three changes in this situation. We propose to provide that any judge who has served 15 years in judicial office may retire on full annuity at the age of 70. This retirement will be entirely voluntary but it is our feeling that there are cases, and an appreciable number of them, in which the interests of the judiciary as well as the position of the individual judge may well warrant retirement of that judge at the age of 70. It is our feeling, therefore, that if after having served for 15 years in a judicial capacity any individual judge feels that he should retire he may do so at the age of 70 and receive the full retirement allowance. It will be realized, of course, that the provision of 15 years service is closely related to the present 15-year provision with regard to certain of the existing retirement arrangements.

The second change to be made in this field is that if at any time after having served 15 years a judge wishes to retire and if, in the opinion of the governor in council, his retirement will contribute to the better administration of justice or is in the national interest, that judge may also be permitted to retire voluntarily and receive the full retirement allowance. The third provision to be made in the new legislation with respect to voluntary retirement is that if by reason of sickness or other disability a judge is rendered unable to discharge the full functions of his office then again he may be permitted to retire with a full retirement allowance.

I am quite sure the committee will realize without my going into detail that there have been a number of occasions in the past when the present provision with regard to retirement, related strictly as it is to the question of sickness and the public interest, have created very great difficulties not only for the present government but also, I know, for the former government with respect to whether in fact retirement should be accepted and the pension or retirement allowance should be paid. What we are seeking to do, therefore, is to clarify and bring more into accord with the actual position the provisions with regard to the circumstances under which judges may be allowed to retire on full pension before they reach the age of 75.

Mr. Martin (Essex East): Does the 15 years apply to the third case?

Mr. Fulton: No, the 15 years does not apply to the case of sickness or other incapacity disabling a judge from the due fulfillment of his judicial office.

The third main provision that is being made in the legislation is with respect to living allowances. At the present time there is in my view a rather artificial distinction between the amounts that judges may receive for living allowances or expenses when they proceed on circuit or go on journeys in connection with their judicial functions. There is an artificial distinction between communities with a population of 5,000 or less and those with a population of 5,000 or over. Generally it is provided that if a judge attends as a judge at a centre of 5,000 population or less he is entitled to living expenses of $8 a day. If the centre is over 5,000 the amount is $12 a day. There is provision that in special circumstances these rates may be increased from $8 to $12 and from $12 to $15 a day respectively. It does not, I am sure, take much argument to convince the committee that there are very few, if any, communities in Canada today where a judge can live for $15, let alone $12 or $8, a day. Yet, these are the full amounts that he may be allowed for living expenses while in that community away from his home.

There have been cases where I know judges have economized in ways that I am sure this committee would readily agree no member of the judiciary should be expected to adopt. They have to economize because, contrary to popular belief, judges are not all rich people before they are appointed and they are certainly not all rich people on the basis of the salaries we pay them. Judges do find a very real drain upon their income when they travel, as they do sometimes, on lengthy journeys on circuit. I should like anyone to reflect for a moment and ask himself the question whether a judge coming from Toronto to Ottawa to take the assizes can possibly live and pay his hotel expenses on $15 a day, although that is the maximum that judges are authorized to receive. Some of them, therefore, do economize, to use a polite term, with regard to the places where they stay. This is not a proper position, nor I believe is it a fair position, in which to put members of the judiciary.

We propose to make, not an extravagant change but what I regard as a very practical change in that situation by simply providing that a judge who is absent from his home on judicial duties will be entitled to living allowance in accord with the expenses that he has actually incurred. All a judge will have to do will be to file a statement of his actual living expenses while away from home on judicial duties and he will be entitled to recover that amount. This, it seems to me, is not what can be described as a really generous gesture with respect to our judges. It only means they will be entitled to recover what they have actually paid out while absent from their homes in the service of their country.

There will be one or two other minor changes with respect to travel and living allowances, principally a change that will place the province of Quebec once more on the same footing as all other provinces. This change will have the result that judges in Quebec will no longer have to have their travel and living expenses certified by the chief judge of their court. In no other province is that required, and it seems to us it is anomalous in the extreme that judges in Quebec should be subject to that requirement when no others are.

These, Mr. Chairman, are the main provisions of the legislation which will be based on this resolution. They are, I believe, a first very practical step in the direction of revising the situation of the judiciary. They are a concurrent step with the one which parliament was asked to ratify regarding retirement ages. We will, in the future, when this legislation carries, be in a position where all judges appointed by this parliament retire at 75 years of age and where the conditions and circumstances under which they receive their retirement allowances and the amount of those retirement allowances will have been placed on a rational basis, in my view. The other circumstances with regard to the performance of their functions, that is those relating to their allowances while travelling, also will have been rationalized and placed on the same acceptable basis.

There are I recognize, and I am sure the committee will agree, a number of other features of the Judges Act which call for study and review. Those are still under study and review. I am not able to say when I shall be introducing legislation to deal with them, but I believe that with the measure which I am placing before parliament tonight we are making a useful first step forward in connection with the physical and financial position of our judiciary.

[Mr. Fulton.]

Mr. Chevrier: May I ask the minister a question? In his opening remarks he stated that this resolution was complementary to one previously before the house amending the British North America Act, and that this measure and the former measure were interdependent. Then as he was about to sit down he made some further reference to that, but the whole of his remarks dealt with other matters in the resolution. I wonder if he would not explain in greater detail how these two are interdependent?

Mr. Fulton: I thought I did that, Mr. Chairman, but I would be glad to explain again. As I said, the occasion of the introduction of this resolution and the bill to follow it, and the main reason for its introduction, is the fact that we are asking parliament to place a limit on the retirement age of judges of superior courts. This will affect, as I explained to the house previously, some 12 judges immediately who will be 75 years of age when that measure comes into effect. Those judges who are now on the bench will be required to retire at 75 years of age and it has seemed to the government, therefore, appropriate now, if not essential, that we should make these adjustments in the pension provisions. It is in that sense that we regard them, as I say, as complementary measures and we said that, in our view, the passage of this one should be dependent upon the passage of the other.

Mr. Martin (Essex East): Mr. Chairman, I wish to make a few comments on this resolution. We will have an opportunity when the bill comes before the house of examining it in greater detail than I now propose to do. The minister has given us a general outline, and I should like to make a few comments.

The resolution before us seeks to do, as the minister indicated, four different things. It would, first of all, provide salaries for four additional puisne judges of the Superior Court of Quebec; grant annuities to judges upon attainment of the age of 75 years and remove anomalies in the present law relating to the grant of annuities under the act as well as alter the method of payment of travel allowances to judges. The minister did not say anything, in so far as I now recall, about the circumstances requiring four additional puisne judges of the Superior Court of Quebec.

Mr. Fulton: I am sorry about that; that slipped my mind.

Mr. Martin (Essex East): I presume that there is justification for that, but as I say the minister has not explained the circumstances. We may now have to wait until

he concludes this debate. If he wishes to intervene now, I would have no objection to his doing so. I would be prepared to put a question to him. I would ask him why it is necessary, at this time, to appoint four additional puisne judges to the superior court in Quebec?

Mr. Fulton: Mr. Chairman, I thought I had covered all these matters in my notes. However I find I have overlooked this question and I appreciate the hon. member for Essex East raising it now.

The answer is twofold. First, the province of Quebec, in legislation passed at its session this year, provided for six, I think it was, additional superior court judges in the Montreal division and one in the Three Rivers district. We are asking parliament to authorize the provision of four out of these seven. The intention is to appoint one for Three Rivers and three for Montreal.

In so far as the necessity for these appointments is concerned, of course, in large measure I think we should be guided by the views of the province which has the constitutional responsibility for the organization of the courts. The province is of the opinion that this extra number of judges is required. In addition I have asked the province, and I have asked others who are concerned, to let me know the basis upon which this decision was arrived at, and I have been satisfied that the need for extra judges in both of these districts, that is the Three Rivers division and the Montreal division, is well established by virtue of the backlog of work that confronts the courts there. We are therefore asking parliament for the authority to provide the salaries for four additional appointments at this time.

Mr. Martin (Essex East): This explanation by the Minister of Justice naturally raises some curiosity as to why the government of Canada has not acceded to the request of the government of the province of Quebec for the appointment of seven judges which that province has requested. The minister has indicated that in the view of the government of Canada only four judges are required, certainly at the present time.

I think the minister will agree that it is somewhat unusual for this kind of situation to arise. Usually when a province asks for the appointment of judges, having in mind provincial competence in the constitution of the courts, I believe there has generally been recognition on the part of the federal government that the request of the province should be met. In this instance, in the absence of any evidence to the contrary, it is to be presumed that the request, in the view of the Minister of Justice, is one that should not be granted in its entirety and that seven judges are not needed. One might inquire why the province of Quebec has taken the view that it requires seven judges. In any event, the Minister of Justice has taken the position, judging by what he has just said, that only four judges are required.

Mr. Fulton: Four to be appointed at the moment.

Mr. Martin (Essex East): At the moment. The minister has not said whether there have been any conferences between the two jurisdictions in the matter. However, if the Attorney General of the province of Quebec had reasons for impressing his colleagues with the desirability of appointing seven judges, it would seem that this evidence would have had at least a persuasive effect on the Minister of Justice. However, it has not had that effect. One of the two jurisdictions not being in agreement, that fact presents us with the obligation of asking on what grounds the Minister of Justice of Canada did not accede to the request of the province of Quebec. If that request was unreasonable, the minister should indicate the incidents of the unreasonableness. Also, when he is doing that, and when he closes the debate he might indicate what the constitutional position, in fact, is in a case where a request is made by the province in this particular context and is not acceded to by the federal government.

The minister said that the resolution and the bill which will follow and the other measure dealt with by this house several days ago when we agreed to present an address to the parliament of the United Kingdom in the matter of the retirement of judges—including what we thought at that time was an unnecessary violation of the present constitutional practice with regard to the county and district courts—were interdependent and that both should be read together. They are interdependent only, of course, I would suggest, in one particular and that is with regard to the compulsory retirement at the age of 75 of judges who now—and properly, I believe—are to be given more satisfactory pension or annuity arrangements attendant upon their retirement. However, I would submit that only in that sense are these two measures really interdependent.

To the extent that there is interdependence I should have thought that this measure, in so far as it provides for other terms of annuity arrangements, should have preceded the introduction of the other measure of which this is a companion, to use the analogy of the minister. In that event it would have been possible in discussing the former measure to give full consideration to the extent to which

there was any violation of the independence of the judiciary in the minds of those who expressed concern on that point and also whether there was, with regard to judges now on the bench, any breach of contract or any breach of implied contract.

With regard to the judges who are now on the bench and who, after the parliament of the United Kingdom will have dealt with the matter, will be forced to retire, one wonders whether or not the minister has met the argument—admittedly it was not accepted on the other side but it is one that was made with sincerity and conviction in this house a few days ago—that to cause a judge to retire under circumstances of which he could not be expected to be aware at the time of appointment, was a matter that involved a breach of what I would call at least an implied contract. I am aware of the fact that the other night we used the phrase "breach of contract". Possibly that was too loose a use of the expression "breach of contract". There was not a contract in the sense perhaps of an enforceable contract at law but there were certainly present all of the elements of what one might regard as an arrangement between the state and the judicial appointee having all the qualities of a contractual arrangement which the state would feel at least morally bound to recognize as imposing on it an obligation not less than the kind of obligation that would have been imposed if an arrangement of some sort based on the same principle had prevailed between individuals, one of whom was not a judge and the other who did not represent the crown.

I suggest to the Minister of Justice that the argument of "breach of contract" in the sense in which I have mentioned it tonight is a sound one and is one that is not met by this resolution. Those judges who are now on the bench and who in the future will be forced to retire will retire under circumstances that were not present, were not made known to them or could not have been presumed at the time of appointments. I have no hesitation in saying that the government is justified—and the house is with the government—in suggesting that judges should retire at the age of 75. That is not a matter in issue. What is in issue in so far as I am concerned is that this failure to provide for an economic treatment of judges now on the bench, in a manner that would not in any way put them in a less advantageous position than they would be in if there was no compulsory period of retirement, is an act which in principle—and if you will, only theoretically at this stage—involves a breach of contract and, I submit, moreover is a violation in principle again of the independence which all of us in this house want to see the judiciary have in Canada. That principle was argued in this house in 1927, in 1930, in 1933 and in 1954 was thoroughly discussed in the parliament of the United Kingdom. There the position was taken, as I reminded the house the other night, by Mr. Churchill among others, that any economic treatment of the judges that would be less than what they would be entitled to pursuant to the terms of their appointment would be regarded and must be regarded as a violation of the kind of independence which in that island they regard the judges as being deserving of, which indeed they regard as one of the essential conditions of guaranteeing the integrity and independence of the bench.

However, in the resolution and the bill based on it which the minister will introduce the government does not accept this argument because the judges who are now on the bench will retire on the same annuity terms as judges who have yet to be appointed. I contend that that is wrong on the two grounds I have mentioned. It is wrong on the ground that it is a violation of the terms of the arrangement, and for me more particularly it is a violation of the kind of independence which I believe our judiciary should possess.

That is not an empty statement. Whether the argument which has provoked it is accepted or not, we will all agree, I think, on the necessity of recognizing how important in a free society the judicial arm is. We pride ourselves on the preservation of freedom in this country, and rightly so. We know that one of the reasons for the preservation or existence of that freedom is because, unlike in totalitarian countries, our judiciary is not, and is not under any circumstances encouraged to be influenced in any way by the executive or by political or any other considerations than those which should attend an absolute regard for judicial objectivity.

So I feel that we are making a mistake in principle in treating judges on the bench now who will have to retire at the age of 75 in the way that they will be treated under this particular measure. No great economic loss or inconvenience would result if we had made, or were even now to make, a differentiation between judges on the bench and the financial terms of their retirement as distinguished from the situation in that regard which under this measure we are going to apply to judges yet to be appointed and the circumstances of their retirement. However, the government has given this matter its consideration; it has taken this

position and I can do no more than point out what I believe to be the unsound position it takes.

I agree with the minister that our judges should be able to retire in dignity. In saying that I am not oblivious of the fact that in dealing with the judges consideration must be given at some other time to the retirement circumstances of other classes of people in our community. I am not going to say, as one could easily be tempted to say, that the pension requirements of other classes in the community deserve attention. That I assume we will all recognize to be the case. We are now dealing with the judges. The judiciary is an important institution in our country and it must be surrounded by the kind of economic security which will enable it to discharge its functions ably, objectively and honourably; and I say that without in any way being open to the suggestion that I am oblivious of the need to provide satisfactory retirement schemes for the people of Canada as well as for other groups in our country.

The minister said that the annuities for the widows of judges are not adequate at the present time and that he proposes to take steps to deal with this problem. When the bill is presented to the house we shall be able to examine that question. He pointed out that judges now retire on salaries fixed in 1951. That being the situation I think we will have to recognize the equity of the matter and raise the level of annuities in relation not to the salary of nine years ago but to the salary of the present day.

As the minister has said, and I think we would all agree he has said rightly, the annuity paid to a judge should not be related to a former salary but should be based upon the salary which under the law is given at the time of retirement. Certainly this matter is one that should now come before the house, because as the minister has said there has been no revision since 1951.

The minister then spoke of judges retiring on a voluntary basis, and in that connection he said that there were three changes in contemplation. In the first case a full annuity would be provided to a judge at the age of 70 providing that judge had been on the bench for 15 years. The second case had to do with judges retiring after 15 years, if in the national interest he should do so. I will be interested when the bill is presented in knowing precisely what the minister means by "in the national interest". Incidentally, in all three of these cases, the judge will receive, I understand, the full annuity. As I say, I will be interested to know what the term "in the national interest" means in this particular situation. Does voluntary retirement mean that a judge is retiring because of criticism of his administration, because of criticism of his capacity or because of a possible intervention that might be made to have him removed? Would that warrant a consideration of the matter "in the national interest"? In any event, Mr. Chairman, when the bill is presented I would want to know more about what is meant in that regard.

Then the minister instanced the third case where retirement of a judge is voluntary because of sickness or disability. The full annuity is provided in that case, and as the minister pointed out in answer to a question of mine, voluntary retirement can take place even though a judge may have been on the bench for less than 15 years.

The minister then dealt with the matter of travelling allowances, and I think this general statement by him will appeal to all of us, knowing the cost of living particularly in the larger communities of our country. As I understood the scale, it will be from $8 to $12 and then to $15 a day, beginning at $12 where the judge was presiding in a community of over 5,000 people. I did not catch what the circumstances were with regard to the amount of $15, but I suspect that would depend upon the cost of living in a community likewise over 5,000 people.

Mr. Fulton: Perhaps I did not make it clear, but the hon. member realizes that that is the present provision. What he has just enunciated are the present provisions and I propose to put it on the basis of actual living expenses incurred by the judge when he is away from home.

Mr. Martin (Essex East): I thank the minister; I did not catch that. It is based on actual living expenses, and I thank him for correcting me on that point. While I am dealing with this, I will simply observe in passing that this principle might possibly be applied to other public servants, notably those serving Canada at the United Nations. I am not referring to members of parliament or members of the government but to the public servants who work in New York and whose per diem allowance is not, as I recollect it, altogether adequate.

The minister pointed out that hereafter judges in the province of Quebec will have their travelling allowances approved on the same basis as judges in the other nine provinces. I do not know why in the past a different arrangement was made, and it may be that when the bill is before us in committee we shall have an opportunity of going into this matter further.

Finally, the minister said there would be other matters which would ultimately be dealt

with by way of legislation. He indicated there were other questions he had under review. He did not, however, say what those matters were, and it might be possible for the hon. gentleman when he concludes this debate, to give us some information in that regard.

Briefly, to summarize what I have said, I repeat that in principle this resolution is one that is acceptable to those of us in the official opposition. We shall want some explanation along the lines I have mentioned with regard to the federal government's acceptance of only four federal judges in the province of Quebec when seven were asked for. That can only mean that the government will have to indicate why the seven asked for by the province of Quebec were not warranted in the circumstances. No doubt the minister will give us his point of view in that regard.

Then there is the argument that I made, and which I believe to be a sound one, that we are here concerned with the independence of the judiciary and the decision to treat judges now on the bench on terms similar to those to be appointed from this date onward. This is a matter which we regard as a vital one, affecting not any individual judge but the whole of the judiciary which in a free society is no less important in the preserving of good order in the state than are the other arms of government.

Our system of government could not possibly function if alongside the executive and parliament we did not have an objective, neutral, capable and industrious judiciary not open to interference or influence from any quarter. I am not suggesting that our judiciary is open to such influence, but because we want to take the greatest possible care to ensure that it is not, I again tell the minister and the house that we shall examine with interest the bill on which this resolution is based.

Finally, I say again that no one can say from anything we have said on this side of the house in support of this measure that there is a failure to appreciate that the problem of the retirement of other classes in our community is still a problem that has to be dealt with. We are not seeking to deal with those matters tonight, but we ought to be able to deal with all these matters on terms that do not necessarily affect objective consideration of the case of each group.

Mr. Herridge: I do not for a moment suggest that I have the same knowledge and understanding of this subject as has the distinguished member for Essex East who has just resumed his seat, an hon. gentleman who is a distinguished member of the bar and who has demonstrated on occasion after occasion his great capacity to plead lost causes in this house.

However, speaking for this group, I must say that judging from the minister's explanation the proposed amendments to the Judges Act to be based on this resolution appear to us to be reasonable and founded on humane considerations of the need of judges' status, their responsibilities to the nation, their duties and their requirements. I listened carefully while the Minister of Justice was making his explanation and while, as I said before, I have not the detailed knowledge of this subject which the hon. member for Essex East possesses I think the explanation the minister gave was very reasonable and very fair. On that account this group will be pleased to support this resolution.

However—don't clap—I must say we do hope that the government will soon give some humane consideration to the needs of disability pensioners many of whom are on war veterans allowance; to the needs of those on old age security relief and a considerable number of persons in Canada who are unemployed and not able to receive unemployment insurance benefits. Like the hon. member for Essex East, I hope the government gives early consideration—similar consideration—to the needs of these people in our society. With those few remarks I will conclude, though I may possibly have more to say on second reading.

Mr. Chevrier: The hon. member for Essex East has dealt with our position on this side of the house and I have no intention of repeating the points he put forward. I think all of us would agree with most of the points which were made by the Minister of Justice in bringing in this resolution, subject, of course, to what will be contained in the bill.

It is impossible on the resolution stage of any bill to give complete consent to what may be contained in the measure itself but I do not think we on this side can quarrel with the greater part of the statements made by the Minister of Justice. There are, however, one or two things which I should like to bring to his attention.

One of them has already been dealt with by my hon. friend from Essex East, and that is the number of judges in the province of Quebec. The minister said at the outset that this matter had slipped his mind and that he had therefore made no reference to it. I will not repeat the arguments of my hon. friend other than to put it this way; that I know there is a great shortage of superior court judges in the city of Montreal. The Minister of Justice is perhaps far more aware

than I am of the tremendous number of cases which have to be handled from day to day in the various courts of that city. With the increasing population, and for other reasons, it becomes every day more necessary and more important to have additional judges. I shall say no more as far as the request from the province of Quebec is concerned.

I presume that when the request was made and approved of by the legislative assembly it was done after careful consideration with the chief justices of the various districts in the province of Quebec. However, I notice the minister said that it was the intention to appoint four judges at this time. It may well be that the minister, after consultation with the provincial authorities and with those who are in touch with the various districts of the province of Quebec, may come to the conclusion either before the bill is brought in or at a later date that the needs of justice and of the national interest as he put it, would be met by an additional number of judges.

Then there is the point dealing with the question I raised at the end of his remarks, namely that the minister takes it that this resolution is complementary to the one which was discussed in the house recently and that the two are interdependent. I simply want to support the view of my colleague, the hon. member for Essex East, and our position taken at the time of the discussion of the earlier resolution which sought to amend the British North America Act, and the attitude taken by us at that time. We felt then and we feel now that there should be included in this bill consideration of those judges who had certainly an implied contract when they were appointed. Surely, they could not be presumed to know that at a later date an amendment such as that which was made earlier and that which is now contained in the bill which will follow this resolution would be enacted.

In so far as the other matters are concerned, I think that we on this side of the house find ourselves in agreement with the minister.

Mr. Fulton: There are one or two points which I should like to reply to before the resolution carries. I appreciate the position taken and the comments made by hon. members opposite with respect to the question of the provision which is to be made for those who are compulsorily retired, but I am sorry we will apparently not be able to reconcile our views in that regard. However, I point out that while I do not in any way retreat from my view that there is an absolute right in this parliament, in conjunction with provincial governments, to make amendments to the British North America Act in this field, I do agree, and said at the time of the earlier debate that I did agree that one must take account of the financial position of those who will be affected thereby. In fairness and in decency one must do that.

I therefore point out that under this resolution the positions of those judges who will be affected by the introduction of the retirement age, will be very appreciably improved, not perhaps to the full extent that would have been done by the measure suggested by my hon. friends, namely that they retire on full salary, but their financial position will be appreciably improved and brought closer to that point. Certainly, I would suggest that in a large number of cases, particularly those appointed a number of years ago, their positions will be brought up to the level of at least the salary prevailing at the time they were appointed. I think that at least meets the argument of my hon. friends in effect even though we are not entirely agreed in principle.

The other point that I should like to reply to is the question of the extra judges for the province of Quebec. I regret very much to have to apologize to the committee for having made an error. I think I said the Quebec legislature provided six for Montreal and one for Three Rivers. I should have said five for Montreal and one for Three Rivers. The total provided by their legislation is six. We are asking parliament to authorize salaries for four.

My hon. friend will, I know, understand that I am not for a moment disagreeing with the fact of the need for additional judges in the Montreal area where five are provided for provincially. I think my hon. friends will also agree that five is a substantial number of judges to ask parliament to provide salaries for and to appoint at one fell swoop. The fact that we are asking for salaries for only three now should not be taken as an indication that we think three will meet the problem. It is only an indication—and I hope it will only be taken as an indication—that we are asking for three and intend to appoint three at the present time and that we shall have another look at the situation as soon as possible at, say, the next session.

This has been discussed with the provincial authorities and while they do not moderate their position, as one would not expect them to with respect to the need, they have agreed that the provision of three extra judges at this time, as soon as we can do it, will be a real contribution toward meeting that need. Therefore, there is no difficulty between us on this point.

With respect to the other question that was raised in this connection, that is the propriety

of the federal authority in not filling immediately the number of positions provided for by the provinces, there are two cases that I can cite which might serve as a precedent for this. There is the case of Prince Edward Island. There has been on the statute books of that province for many years provision for an extra judge which position has not yet been filled, and there is the case of Saskatchewan where originally there were provided positions for 20 district court judges. By agreement with the province the actual number to be appointed for years was set at 18. It is only recently that Saskatchewan legislation has actually been changed to provide positions for only 16; so that for all those years, until last year, although their legislation provided for 20, Saskatchewan asked Ottawa to appoint only 18, and that was the number that we in fact appointed, notwithstanding the provision made by their legislature. Therefore, there is no new or startling precedent in the fact that for a short period although five have been authorized for Montreal by the provincial legislature we are appointing only three. I emphasize that this is merely the situation for the present. It does go, and it is agreed by the provincial authorities to go a long way toward meeting the need they felt when they asked their legislature to provide for five further positions.

These, I think, Mr. Chairman, are the two main points raised by my hon. friends opposite. As they said, when they see the bill there may be other specific questions that will come up and I shall endeavour at that time to give such further explanations as the house may wish.

Resolution reported and concurred in.

Mr. Fulton thereupon moved for leave to introduce Bill No. C-78, to amend the Judges Act.

Motion agreed to and bill read the first time.

EMERGENCY GOLD MINING ASSISTANCE ACT

AMENDMENTS TO EXTEND APPLICATION, ETC.

The house resumed, from Monday, June 13, consideration of the motion of Mr. Comtois for the second reading of Bill No. C-64, to amend the Emergency Gold Mining Assistance Act.

Mr. Speaker: When this debate was last adjourned the Minister of Trade and Commerce (Mr. Churchill) had raised a point of order which I shall be glad to deal with very briefly now. The point of order was raised as a result of lengthy quotations by the hon. member for Port Arthur (Mr. Fisher) from the Winnipeg *Free Press*. I am sorry the hon. member is not here at the moment. The point made was that our practice does not permit the reading of such extracts in a debate, which is correct. I refer the house to Beauchesne, fourth edition, citation 157, paragraphs 5 and 7. Paragraph 5 reads as follows:

> It is not in order to read articles in newspapers, letters or communications emanating from persons outside the house and referring to, or commenting on, or denying anything said by a member or expressing any opinion reflecting on proceedings within the house.

That is the general rule and practice. Although I had some thought there might be some difference between a case where the article quoted was against the interests of the member speaking and a case where it was in favour of the point of view he was expressing I think that perhaps the better view is that such articles should not be read at all. If it is against the interests of the member speaking and amounts to a question of privilege then paragraph 7 of the same citation applies. It is in the following terms:

> When a complaint is made of a newspaper, it is the practice in the House of Commons of Canada for the member to rise on a question of privilege and point out that he has been libelled or misrepresented. He may read as much of the article as is necessary to prove his case but he cannot go farther. He is bound to confine himself strictly to the question of privilege.

In effect what the hon. member was doing was dealing with a question of privilege in the course of the debate, and in my view the point taken by the minister was well taken.

Mr. Churchill: Mr. Speaker, I should like to put this suggestion before the house this evening. The Minister of Mines and Technical Surveys (Mr. Comtois) is absent at the present moment but this bill has been before us for some time and is not opposed. I have read the long debate at the resolution stage on May 25 in which eight members of the house participated and expressed their intention to support the bill.

Debate on second reading commenced on June 13. Two members of the opposition indicated support for the bill in very brief remarks and the hon. member for Port Arthur (Mr. Fisher) was making comments with respect to the newspaper article you have just mentioned, Mr. Speaker. In view of the fact that the house would like to proceed with the business fairly rapidly, I was wondering whether we could go on with this bill tonight and put it through second reading and the committee stage. I make this suggestion for the reason that the estimates of the Department of Mines and Technical Surveys

are before the house and will be called again on Thursday or Friday. The minister will be available and I give the undertaking now that any questions which might arise during a study of the bill on second reading or in the committee stage can be asked on the estimates of the Minister of Mines and Technical Surveys. If this course of action is not agreeable to the house, I will not press the point.

Mr. Chevrier: Mr. Speaker, I think the suggestion made by the house leader is a very reasonable one. I think he is quite correct in assuming that those of us on this side of the house have supported the measure. Our main speaker was the hon. member for Villeneuve (Mr. Dumas) and, as the house leader has said, there was one other speaker, if not more, who gave their support to the measure. Therefore I can see no reason why we should hold up the bill, particularly in the light of the very reasonable suggestion which has been made that if second reading is given the matter can be discussed more fully in committee or on the estimates when the minister will be here. There is only one reservation I should like to make and I make it with my tongue in my cheek. It is that, like the Minister of Mines and Technical Surveys, I too should like to be away from the house at this time.

Mr. Herridge: Mr. Speaker, in view of the late date in the session, the fact that coming legislation will no doubt require lengthy debate and that this subject can be dealt with on the estimates of the Minister of Mines and Technical Surveys, and as we are in a very generous and amiable mood tonight, we agree with the minister's suggestion.

Motion agreed to, bill read the second time, considered in committee and reported.

Mr. Speaker: When shall the said bill be read the third time? By leave, now?

Mr. Chevrier: Next sitting of the house.

Mr. Speaker: Next sitting of the house.

BRIDGES

LA SALLE, QUE.—AUTHORIZATION FOR CONSTRUCTION ACROSS ST. LAWRENCE RIVER

Hon. D. J. Walker (Minister of Public Works) moved the second reading of Bill No. S-32, to authorize the construction and maintenance of a bridge across the St. Lawrence river at or near the town of La Salle, in the province of Quebec.

He said: Mr. Speaker, I hope the temper of the house will be the same when I am finished. May I say that this is a simple bill which is merely a formality. Its purpose is to authorize the province of Quebec to go ahead with the building of a building—excuse me, I am talking about buildings all the time because I am so overwrought on account of the housing problems—the building of a bridge adjacent to the Mercier bridge. It will be a one-way bridge to take the traffic load from the town of La Salle to the south side of the river off the Mercier bridge. The building of the bridge involves parliament in no responsibility other than the fact that because of the Navigable Waters Protection Act it becomes necessary to get the authorization of parliament for the building of any structure across navigable waters. This involves us in no cost and no responsibility. The cost will be borne entirely by the province of Quebec, as well as the maintenance. I suggest that the house might give consent to the authorization of the construction of this bridge.

Hon. Lionel Chevrier (Laurier): Mr. Speaker, I do not think there will be, and in fact I am sure there will not be any objection to this legislation. None the less, there are some things I think should be said at this time on the subject of the construction of this bridge. I hope the minister will not take issue with what I am about to say. I am in agreement with him that by virtue of section 11 of the Navigable Waters Protection Act, no approval shall be given under this part for the site or plan of any bridge over the St. Lawrence. In other words, because of the Navigable Waters Protection Act, no bridge can be built over the St. Lawrence except by authorization of special legislation. It cannot be done by virtue of the act, but it may be done by a separate bill such as is being done in this case. This was done in the case of the construction of the present Mercier bridge which links Caughnawaga with Ville La Salle, and was done in the case of the Victoria bridge as well as in the case of the Jacques Cartier bridge.

My main purpose in rising was to make some reference to the traffic conditions in the city of Montreal, that is the conditions separating the island from the south shore. I am sure that the Minister of Transport (Mr. Hees) and also the Minister of Public Works (Mr. Walker), who has been in his post for perhaps a lesser period of time than the Minister of Transport, are well aware of the very difficult transportation problem that exists in Montreal. They are brought about by a number of reasons. They are brought about by an increase in the population of greater Montreal. They are brought about by economic conditions. They are brought about by a tremendous development on the south

shore that includes the whole Laprairie basin as well as along the St. Lawrence river from Montreal down to Sorel. It therefore becomes extremely important for the metropolitan area of Montreal to have adequate transportation facilities.

With that in mind I am sure the house and the minister will not begrudge my saying that when the St. Lawrence seaway was built provision was made for the construction of approaches to the Mercier bridge, the one now under construction. Provision was made for the construction of approaches to meet not one bridge, as was then in existence, but to meet a parallel bridge. While the province did, for a period of years, give the indication that they intended to build a parallel bridge to that of Mercier, nothing was done in that regard. I believe that because of the decision, about which I should like to say a word later on, to build the approaches as they were then built, that is approaches of such a nature as to permit the construction of the parallel bridge. We would not have this bridge now. Because of the approaches which were built on the south side it will not be necessary for the province of Quebec to do these now but only to link the bridge with the approaches which were constructed by the St. Lawrence seaway authority.

Here I should like to bring to the attention of the house the fact that this is a vehicular bridge which is located at the head of the Lachine rapids and was built by a private corporation. It was built by La Corporation du Pont du Lac Saint-Louis, which corporation was authorized by a special Quebec act known as 18 George V, 1928, chapter 110. The provision was made for the construction from Ville La Salle to Caughnawaga. At the time the Mercier bridge was constructed it was thought that the seaway channel would be on the north side of the river and provision was made in the legislation for the appropriate works to be constructed by La Corporation du Pont du Lac Saint-Louis, and the federal government gave approval to the construction of this bridge upon certain conditions. I should like to put on the record one or two of those conditions:

1. The corporation undertakes to instal a movable span in the bridge, if and when, in the opinion of the governor in council, such action is required in the interest of navigation, the cost of installation of such movable span to accommodate deep water navigation on the proposed canal section, as well as the cost of operation and maintenance of this movable span to be borne by the owners of the bridge.

2. The corporation further undertakes to remove, after the completion of the proposed work, all temporary constructions such as cofferdams, false works, rip raps, pile work, etc., from the bed of the river or the site of the work as the governor in council may direct, in order that there shall be no obstruction in the way of navigation or of the flow of water or of future works.

I am sure the Minister of Public Works will realize immediately the importance of introducing conditions such as these, having regard to the Navigable Waters Protection Act itself. Then there was clause 3 which said:

3. Should the works mentioned in clauses 1 and 2 not be carried out within the time specified in the notice of the governor in council, the latter shall have the right to perform the same and recover the cost thereof from the corporation.

4. The corporation further undertakes to maintain at night on the work during construction the necessary lights at its own expense.

5. The corporation further undertakes, in constructing, maintaining or operating the said bridge, not to interfere with navigation in any way avoidable in the opinion of the governor in council.

6. It is further understood that the approval of this application shall not relieve the corporation from any liability for damage which may be caused either directly or indirectly by the said work.

The house may wonder why I put these conditions which were in the legislation on the record. I put them on the record for this purpose, and I think the house should know this. At the time the St. Lawrence seaway was under construction a decision was taken in the early years to move the channel from the north side to the south side. A legal point arose as to whether the liability of the province of Quebec to conform to the clauses which I have just mentioned was related to the south shore in the same manner as it was to the north shore.

I must say that we in the seaway authority took the position that they were liable and the government of the province of Quebec took the position that they were not liable. There were several discussions between the minister of transport at the time, members of the seaway authority and the government of the province of Quebec, through several of its departments, including the premier himself, but it was not possible to reach agreement. If the matter had been referred to the courts or had been delayed further it would not have been possible to complete the St. Lawrence seaway in the time required.

I mention that matter at this time simply so that those who are in office now, including both the Minister of Public Works and the Minister of Transport, may keep this matter in mind when there is a reckoning of accounts with the province of Quebec. As the house knows, water lots were expropriated—and properly so—under this bridge now under construction and all along the Laprairie basin to the entrance of the Jacques Cartier bridge and certainly there will be moneys owing by the federal government

to the province of Quebec. It may well be that the government will want to take these matters under consideration.

The Mercier bridge in any event was constructed in due course—I refer to the one which is now in existence—under the supervision of the Quebec commission already referred to and was initially operated as a toll bridge but the tolls were discontinued in 1942. The abolition of tolls referred to a number of bridges in the province of Quebec on which tolls were abolished under the provisions of the Quebec act which was known as 6 George VI, 1944, chapter 44, section 13.

The principal features which were mentioned in the discussions between the various departments of the province of Quebec and the seaway authority namely the department of public works which is responsible for the maintenance and operation of the bridge, the department of roads which is responsible for the highway connections, had to do with the provision by the province of Quebec of a four-lane highway on the south shore and connections from that four-lane highway to the bridge that is now under discussion.

I should like to place on record the principal features involved in the reconstruction of the southern approaches to the Mercier bridge. They were, first, the construction of a temporary diversion from pier 14 of the existing bridge to the south shore; second, the demolition of the southerly approach to the bridge from pier 14; and, finally, the reconstruction of the southerly approach to the bridge by means of a steel and concrete viaduct to provide for four-lane traffic ascending on a grade of approximately 4.5 per cent from pier 14 over the seaway channel with a clearance of 120 feet; and descending partly on a steel and concrete viaduct and partly on a fill to easterly and westerly connections with highway No. 9C in its revised location.

I do not know whether the final cost of this work has been estimated but it was substantial. I want to come back to the question of transportation facilities across the St. Lawrence river. Unquestionably the construction of this bridge is going to be of tremendous assistance. However, I am afraid that this will not be sufficient and that a great deal more will be required by way of bridges between the island of Montreal and the shores of the St. Lawrence.

There was prepared in 1957 a study of conditions of traffic over the bridges which separate Montreal from the south shore. I should like to put some of these figures on the record before I conclude. The traffic counts which were made at that time—that was in 1957—indicated that the annual daily average for the Jacques Cartier bridge was about 40,000 cars per day. Peak hour flows of 3,500 cars per hour had been registered almost daily while several peaks of more than 4,000 cars per hour had been counted, particularly during the summer season. As to the practical capacity of one bridge, namely the Jacques Cartier bridge, it will accommodate up to 7,500 cars per hour, especially if in the two lanes that have been added to this bridge—one by the former administration and the other by this administration—the traffic is reversible and they are used to balance the directional pattern of the traffic demand.

The Victoria bridge has had a bracket constructed on the downstream side and there is now provision for two lanes of 17 feet wide, one in each direction. These lanes will accommodate 1,800 cars per hour with no trouble. Several counts have shown a density of more than 2,000 cars per hour in one direction. The annual daily average is a little less than 20,000 cars per day.

The Mercier bridge figures which were taken at that time indicated that that facility was going through a complete change-over, following the completion of the approaches which were constructed by the St. Lawrence authority and to which I have referred. The new approaches on the south side, the traffic study reported, will guarantee capacity equivalent to that of the existing roadway. However, since the construction of a twin structure has been strongly suggested for the near future, the study was taking for granted the availability of the increased capacity of the Mercier bridge. When the two bridges, one operating in one direction and the other operating in the other direction, are in operation as twin structures, the Mercier bridge should be easily able to accommodate 4,500 cars per hour. At present the bridge has an annual daily average of about 15,000 cars and peak hour flows of 1,500 to 1,700 cars per hour. But as the study indicated at the time, that was not nearly sufficient to look after the traffic conditions in Montreal. It is true, of course, that a new bridge is under construction, namely the Champlain bridge, which also will link the island of Montreal with the south shore over Nuns' island. That bridge also will assist tremendously.

Here let me bring to the attention of the Minister of Transport, if I may, the fact that that bridge is not proceeding according to schedule. I do not want to be critical in any way but I want to raise the matter at this stage because I find that when these matters are brought up in the House of Commons the Minister of Transport generally takes cognizance of them and brings these suggestions

to the attention of his officers. There is no doubt but that the progress of the work on the Champlain bridge is certainly not going according to schedule. It may well be that the majority of the contracts have been let, but I do think—

Mr. Speaker: Order. I would suggest to the hon. member that he is straying a little from the principle of the bill when he deals with the progress of construction of the Champlain bridge.

Mr. Walker: Mr. Speaker, I would like to hear the hon. member, I think he is making a very good contribution to the debate.

Mr. Chevrier: I thank the Minister of Public Works for his intervention and I would be the last one to quarrel with Your Honour's suggestion that I am not in order. But may I draw your attention to the fact that the Navigable Waters Protection Act provides clearly that no bridge across the St. Lawrence shall be built except by special legislation such as this, and I believe this authorizes a member of parliament to deal with all of the bridges that were constructed by virtue of legislation of this character.

Mr. Speaker: I would not argue with that but I did think the hon. member was straying a little in dealing with the rate of progress of construction. However, the house apparently is quite content to have him proceed.

Mr. Chevrier: I am not going to take undue advantage of this kindness on the part of the other side of the house, but none the less I was just concluding my remarks on that matter. I would ask the Minister of Transport to bring this matter to the attention of his officers. I think if he does there should and will be greater progress.

Now I come back to the position of vehicular traffic across the St. Lawrence river. I make another plea here for the construction of a bridge east of the Jacques Cartier bridge. I am not going to labour it unduly because this matter was discussed during the estimates of the minister, but I would say that according to the study which was made in 1957 the construction of this bridge, which is the most westerly of the four, will certainly not look after transportation conditions adequately in so far as conditions east of the Jacques Cartier bridge are concerned.

There is, as I have said, tremendous industrial development here, much of it in steel. There are the equivalent of three large steel industries which have been developed in that area. I think the government should give careful consideration to the representations which have been made by its own members and which have been made by the Associate Minister of National Defence (Mr. Sevigny) following a statement which I made in the house some time ago when I referred to a report on the St. Lawrence ship channel and the Montreal harbour committee in 1950, which report recommended construction of a bridge east of the Jacques Cartier bridge.

All I want to say on that is this. I think the time has come to give consideration to it now, because I know that in order to prepare plans and specifications and to get the various approvals from the province, the municipality, and so forth, time is necessary and unless it is done now and consideration is given to it at this time I doubt very much whether any progress will be made. Where it should go I am not in a position to say. I think that should be determined by a committee, as many committees are established from time to time by the government concerning railways. In fact there is one royal commission at the present time determining what location the Pine Point railway should follow. It might be advisable for the government to estabush a committee which would determine where the location of this bridge should be.

In the eyes of some people it should be at the foot of Boulevard Pie IX, adjoining it with the south shore. In the eyes of others it should be further east of that. As I say, I am not in a position to state where it should be other than to say that owing to the increasing population in Montreal, and because of this traffic study which indicates that within the next ten years there will be an increase of close to one million in population of the city, consideration must of necessity be given at once to the plans for an additional bridge in that area.

I think we on this side of the house are quite happy about the construction of this bridge. We think it is timely. We support it and we trust and hope that it will be built with the least possible delay.

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, after listening to the quite brief but lucid explanation of the purposes of this measure given us by the minister, and the longer and very interesting speech of the hon. member for Laurier (Mr. Chevrier), who has a first-class knowledge of the situation along the St. Lawrence and the traffic requirements as a result of the very high position he held in connection with the St. Lawrence seaway, we in this group have no hesitation whatever in supporting this non-contentious measure which provides for the province of Quebec to build a bridge as a transportation facility across the St. Lawrence river to meet the increasing traffic

requirements occasioned by the developments in that province about which we are pleased to hear.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Flynn in the chair.

On clause 1—*Short Title.*

Mr. Macdonnell: Mr. Chairman, I ask this question purely for information and I think perhaps the hon. member for Laurier can answer it. Who paid for the original Jacques Cartier bridge?

Mr. Chevrier: The Minister of Transport perhaps knows the answer better than I, but it was paid for by the Montreal harbour commissioners, and eventually by the government of Canada.

Mr. Walker: Yes, the hon. member for Laurier is correct.

Clause agreed to.

Clauses 2 to 4 inclusive agreed to.

Title agreed to.

Bill reported, read the third time and passed.

CANADIAN NATIONAL RAILWAYS

PROVISION FOR CONSTRUCTION OF TERMINAL FACILITIES AT TORONTO

Hon. George H. Hees (Minister of Transport) moved that the house go into committee on Bill No. C-72, respecting the construction by the Canadian National Railway Company of certain railway terminal facilities at and in the vicinity of the city of Toronto.

Motion agreed to and the house went into committee, Mr. Flynn in the chair.

On clause 1—*Short Title.*

Mr. Hellyer: Just before this carries there are a few brief questions I should like to ask. Unfortunately, I was not able to be present in the committee which dealt with this matter. I wonder if the minister received any report of the discussions in that committee. As I said at the resolution stage, I think this is a very useful project as far as the life and growth of metropolitan Toronto community is concerned. There have been some problems with respect to location. I do not know whether these were discussed in the committee. Perhaps the minister could indicate whether they were.

In addition, I wonder if the minister would give us some indication of how soon this project can get under way so that we may have some idea whether it will assist in providing a limited amount of employment in Toronto in the near future.

Mr. Hees: As hon. members know, following second reading this bill was referred to the committee on railways, canals and telegraph lines where it was thoroughly discussed over a period of about four and a half hours with officials of the C.N.R. who were present to answer all questions.

The officials outlined the route, gave reasons for choosing it and dealt exhaustively with this whole project. I can say in answer to the hon. member for Trinity that I will be very glad to see that he gets a copy of the report of the committee. As I say, it covered about a four and a half hour period—

Mr. Chevrier: How long?

Mr. Hees: It just shows how thoroughly we go into these matters of importance, and it is right that we should. Regarding the time when this project may be started, I may say that as soon as this bill passes, as I hope it will, the C.N.R. officials will begin the preliminary work. I do not believe it will be possible to do very much extensive work requiring a large labour force this winter, though everything that can be done will be done to get work done during the winter period.

Mr. McGee: It is more in sorrow than in anger that I rise at this point to make a final contribution regarding this matter of the by-pass line which runs for most of its length through the constituency of York-Scarborough. For the information of the hon. member for Trinity, the subject of employment did come up at the committee. The question was asked, I believe by myself, and the answer was a rough estimate of 5,000 man-years as a gauge of the direct labour content of the project, to say nothing of the endless thousands of jobs created in secondary industries as a result of the large amount of material required for construction.

The committee during its hearings was left, I will not say unimpressed, but certainly unconvinced about the alternative routes which were suggested by various ratepayers whose districts are to be greatly affected by the proposed route. None of the three alternative routes commended themselves to the committee.

There was one unusual aspect. The timing of the committee was such that an opportunity was not given to me at the time to reply to the allegation of an hon. member who made certain comments. I was hoping he would be in the house tonight to hear my reply. Certainly I would like to put it on record. The suggestion made by the hon. member for York North to the effect that the objections to the proposed route in the Thornhill area were largely centred on a

few large estates in a certain area is completely and utterly without foundation. The proof of that pudding is in the eating, or in the reading of the many hundreds of letters which I and other hon. members connected with the area have received from persons of modest means.

As I said, it is more in sorrow than in anger that reluctantly I accept that this route will have to pass through the sleepy village of Thornhill bringing an accompanying disturbance to that area.

Clause agreed to.

Clause 2 agreed to

On clause 3—*Competitive bids or tenders.*

Mr. Hellyer: I wonder if the minister could tell us if this is the usual clause including the provision that the lowest tender must not necessarily be accepted and that the management is not precluded from negotiating better prices or terms?

An hon. Member: Oh, oh.

Mr. Hellyer: None of your interjections. If you have anything to say, stand on your feet and say it. I was asking the minister if he could tell us whether this is the usual provision and, second, if this would in any circumstances permit the renegotiation of a bid or tender after tenders have been opened.

Mr. Hees: This question was asked of the vice president of Canadian National Railways and he assured the committee that this was the usual clause introduced in bills of this kind. I do not believe that renegotiation could take place under it.

Clause agreed to.

Clauses 4 to 10 agreed to.

Title agreed to.

On the schedule.

Mr. Hellyer: With respect to the schedule, which includes a number of works to be constructed, I have just two or three brief questions to ask. The first concerns grade separations. I wonder if the minister could give us any indication of how many grade separations would be required in respect to this proposed yard. That was under item 6. Second, under item 7, I should like to know, where it refers to terminal and local stations, if this is just for freight or whether any other facilities are planned such as limited passenger facilities.

Mr. Hees: Regarding the number of grade separations, that whole matter was thoroughly discussed. I am afraid I have not got the information here as to the exact number, but it is in the evidence which was given. It is on record. Further, it is my understanding that these stations are only for handling freight.

Mr. Peters: Will this have any effect on the union station itself and the line running from the north into the union station?

Mr. Hees: No; I am advised this will not affect operations into the union station, which are primarily for passenger traffic, and that will still be handled by the union station.

Schedule agreed to.

Title agreed to.

Bill reported, read the third time and passed.

BUSINESS OF THE HOUSE

Mr. Chevrier: Mr. Speaker, I think it is a case of saying that we really have reached the bottom of the barrel. May I ask the house leader what he intends to do tomorrow? I see there are only two pieces of legislation left. I do not know whether he intends to take legislation or to deal with estimates alone.

Mr. Churchill: The house has made very good progress and I should like to thank hon. members for their co-operation.

Perhaps tomorrow we will go on with estimates. I have to make a change from the tentative program I announced last week. We will call health and welfare, followed by northern affairs, and then continuing on through Thursday and Friday with those departments if not completed. Justice and mines and technical surveys will be resumed. These four departments are available for the next three days.

It being five minutes after ten o'clock the house adjourned, without question put, pursuant to standing order.

HOUSE OF COMMONS

Wednesday, June 22, 1960

The house met at 11 a.m.

HOUSE OF COMMONS

CONGRATULATIONS TO HON. MEMBER FOR HURON ON FIFTIETH WEDDING ANNIVERSARY

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, unusual occasions demand that unusual actions be taken. I am sure the house will permit me on this unusual occasion, the celebration by one of our members of his fiftieth wedding anniversary, to mention this event. I am sure I speak on behalf of all hon. members in the house when I express to him, and through him to his wife, the warmest congratulations and felicitations, coupled with the hope for many more years of health and happiness.

Hon. Paul Martin (Essex East): Mr. Speaker, as the Prime Minister has said this is an unusual procedure to which we are resorting, but since we are the masters of our own rules in this house it ought to be possible for us to recognize a unique occasion. The Leader of the Opposition has suggested that since I come from the same section of the province of Ontario as does the hon. member whom we are recognizing at this moment I might, on behalf of the Leader of the Opposition and the members of this party, extend our very sincere congratulations to the hon. member and to his wife. We can only hope that when he celebrates his centenary, he will then be celebrating it under different political auspices.

Mr. Hazen Argue (Assiniboia): I wish to make it unanimous, Mr. Speaker, and with real sincerity I wish on behalf of the C.C.F. group to extend our congratulations to the hon. member for Huron. We have been in the house together for many years. I have always considered him a very good friend and have enjoyed working with him, particularly when he had the post of chief government whip. This is a very important occasion, and it is a great pleasure for me to extend to him and to his wife our congratulations and best wishes on their fiftieth wedding anniversary, in the hope that they will have many more years of health and happiness together.

Mr. L. E. Cardiff (Huron): Mr. Speaker, I find myself in a very embarrassing position this morning as a result of the fact that I had the misfortunate to lose a tooth and I had to send my denture out to be fixed. I assure you that it was not because my wife hit me. I wish to thank those who have been kind enough to remember my fiftieth wedding anniversary. I can only say "thank you".

STARRED QUESTIONS

LAKEHEAD HARBOUR IMPROVEMENTS—TENDERS

Question No. 185—**Mr. Badanai:**

1. What are the names and addresses of those who submitted tenders for the recently awarded contract in connection with the third stage of the lakehead harbour improvements, and what was the amount of each tender?
2. To whom was the contract awarded?

Hon. D. J. Walker (Minister of Public Works): The answer to starred question No. 185 is lengthy and in detail, and as it will appear in *Hansard* tomorrow in any case may I have the permission of the hon. member to dispense with reading all the figures and the details?

Some hon. Members: Agreed.

[*Editor's note: The answer referred to is as follows:*]

1.

Name and Address	Foreign "H" Piles Foreign steel sheet piling	Foreign "H" piles Canadian steel sheet piling	Alternative piles
Raymond International Company Ltd., Toronto	$2,498,543.00	$2,552,453.00	$2,405,080.00
Russell Construction Ltd., Toronto	2,499,346.25	2,548,763.75	
The Foundation Company of Canada Ltd., Toronto	2,597,624.00		
Ontario Marine and Dredging Ltd., Toronto	2,616,416.00		

Starred Questions

Name and Address	Foreign "H" piles Foreign steel sheet piling	Foreign "H" piles Canadian steel sheet piling	Concluded Alternative piles
Canadian Dredge and Dock Company Ltd., Toronto	$2,647,692.00		
Pentagon Construction (1959) Co. Ltd., Montreal	2,785,293.12		
McNamara Construction Ltd., Toronto	2,720,152.00		
C. A. Pitts, General Contractors Ltd., Toronto	2,748,502.00		
J. S. Quinn Construction Co. Ltd., Winnipeg	2,836,166.40		(a) $2,531,786.40 (b) 2,557,842.90
The Carter Construction Co. Ltd., Toronto	2,867,963.00		
The Drake Construction Co. Ltd., Winnipeg	2,894,800.00		(a) 2,699,800.00 (b) 2,754,800.00
Brown and Root Ltd., and Christiani and Neilsen of Canada Ltd., Edmonton	3,093,803.00		(a) 2,920,738.00 (b) 2,870,738.00
Emil Anderson Construction Company Ltd. and Hacquiol Construction Ltd., Fort William	3,248,601.00		

2. Raymond International Company Ltd., Toronto.

HARBOUR DREDGING, PORT ARTHUR—TENDERS

Question No. 186—**Mr. Badanai:**

1. What are the names and addresses of those who submitted tenders for the recently awarded contract in connection with the harbour dredging at Port Arthur, Ontario, and what was the amount of each tender?

2. To whom was the contract awarded?

Hon. D. J. Walker (Minister of Public Works): Mr. Speaker, I have the answer here and I would respectfully request of the hon. member the same privilege as that accorded on the preceding question, because it too will be printed in *Hansard*.

Some hon. Members: Agreed.

[*Editor's note: The answer referred to is as follows:*]

1.

Name and Address	Tendered Prices Class "A" Material cu. yd.	Class "B" Material cu. yd.	Estimated total cost
Consolidated Dredging Ltd., Montreal	$19.50	$ 0.834	$359,184.00
McNamara Marine Ltd., Toronto	no bid	1.22	519,720.00
Canadian Dredge and Dock Ltd., Toronto.	20.00	1.27	545,020.00
Russell Construction Ltd., Toronto.	28.00	1.46	627,560.00

2. Awarded to Consolidated Dredging Ltd., Montreal.

UNEMPLOYMENT INSURANCE FUND

Question No. 187—**Mr. Robichaud:**

What was the amount to the credit of the unemployment insurance fund as of May 31, 1957, 1958, 1959 and 1960?

Hon. Michael Starr (Minister of Labour): The answer is May 31, 1957, $846,819,435.32; 1958, $662,056,156.77; 1959, $432,847,911.14; 1960, $299,293,511.04.

IVANHOE LAKE, ONT., DAM

Question No. 188—**Mr. Godin:**

1. Did the federal government assist financially in the construction of the dam on Ivanhoe lake near Foleyet, Ontario in 1931? If so, to what extent?

2. Was permission required under the Navigable Waters Protection Act for the construction of the

dam? If so, did the Department of Public Works satisfy itself that the structure was safe?

3. Has the federal government received any request for assistance in replacing the dam? If so, what reply has been made to such request?

Hon. D. J. Walker (Minister of Public Works): Since this question will involve a great deal of research going back over 30 years, I wonder whether the hon. member would be good enough to allow this matter to stand?

Mr. Badanai: Yes.

Mr. Speaker: Stand.

Question stands.

NATIONAL DEFENCE

NUCLEAR WEAPONS—REPORTED AGREEMENT ON U.S. STORAGE IN CANADA

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): I should like to ask the Prime Minister whether he cares to comment on a report in the press this morning to the effect that nuclear weapons for United States jet interceptors are to be stored in Canada.

Right Hon. J. G. Diefenbaker (Prime Minister): There have been discussions with the United States government regarding the possible conditions under which nuclear weapons for jet interceptors might be stored in United States leased bases in Canada. No agreement has been arrived at.

Mr. Pearson: I should like to ask a supplementary question. Are these discussions concerned with the storage of nuclear weapons in leased bases in Canada, and in leased bases only?

Mr. Diefenbaker: Yes.

EXTERNAL AFFAIRS

DISARMAMENT—REPORTED NEW U.S. COMPROMISE PROPOSALS

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I should like to direct a question to the Secretary of State for External Affairs. Does the minister care to comment on the report in this morning's press—the encouraging report, I might say—that the United States will make new compromise proposals in the east-west disarmament talks? Has the minister any information to give to the house on that matter, and any information on the role that Canada may have played in the formulation of these new proposals?

Hon. Howard C. Green (Secretary of State for External Affairs): Yes, Mr. Speaker. The house will not be surprised to learn that in the course of the past several days the Canadian government has made its view known to its colleagues in the western five members of the 10-nation disarmament committee, to the effect that the western response to the new Soviet disarmament proposals of June 2 should be both flexible and forthcoming. This attitude is, of course, entirely consistent with the position which Canada has taken from the beginning of the preparation of the western position.

I think I may safely reveal that in the earliest stages of the negotiations we suggested that progress might be based upon comparison of the western and Soviet proposals with a view to finding common ground. As hon. members know, I myself have emphasized this theme several times in recent weeks in the house in referring to the possibility of bringing the 10-nation committee to grips with specific issues through negotiations on the basis of balanced concessions.

We welcome all indications that other members of the western five, on whom we have pressed these views with insistance both at Geneva, within NATO and in bilateral exchanges of view, now seem to be approaching the negotiations with the same attitude.

Mr. Argue: A supplementary question. Can the minister say whether there will be new proposals made by the western five and, if so, at what time they will be made?

Mr. Green: Mr. Speaker, of course this is a team operation, and I do not know at what time the proposals will be made; but I am confident that proposals will be advanced dealing with the suggestions recently made by the eastern five.

Hon. Paul Martin (Essex East): A supplementary question arising out of the minister's statement that this is a matter of team work among the western powers. Has the Canadian government been informed of the proposals discussed by Mr. Eaton, the delegate of the United States, and has Canada indicated its views, if consulted about the United States proposals?

Mr. Green: I do not know to what proposals made by Mr. Eaton the hon. member for Essex East refers. Mr. Eaton was recalled to Washington a few days ago to discuss the situation with his government, and those discussions are still going on in Washington. Mind you, we have made it known that we think there should be proposals submitted in response to the Russian proposals of a few days ago.

Mr. Martin (Essex East): Is the minister not aware that Mr. Eaton, the United States delegate, is reported in today's press as

having discussed with his government proposals which are shortly to be discussed by the 10-power committee, and that he is now returning to Geneva for the purpose of laying those proposals before the committee?

Mr. Green: I believe Mr. Eaton is getting instructions in Washington as to what stand he should take at Geneva. As I said, these discussions in Washington have not yet been completed.

POWER

COLUMBIA RIVER—REPORTED POSTPONEMENT OF MEETING

On the orders of the day:

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, I wish to address a question to the Minister of Justice based on a most interesting press dispatch by Mr. Harold Morrison of the Canadian Press, Washington, yesterday. I will just read the dispatch because it is most interesting to us, and then I can pose my question. It says:

New snags in Canada-United States negotiations have eliminated the possibility of beginning Columbia river power construction this year. United States authorities said they had planned to meet with their Canadian counterparts at Ottawa yesterday and today—

That would be Monday and Tuesday of this week, June 20 and 21.

—in what might have been the closing stage of a draft construction treaty, but the Americans were asked by the Canadians to postpone the talks until mid-July.

The said they could only speculate that the reason for the postponement was that the Canadian government could not iron out differences with the provincial government of British Columbia.

Mr. Speaker, in view of the great importance of this issue and its interest, would the minister care to comment on this statement or has he any information he wishes to give to the house?

Hon. E. D. Fulton (Minister of Justice): Mr. Speaker, I appreciate the fact that the hon. member gave me notice of his intention to ask this question. In reply I would like to point out that the information contained in the article is not completely accurate, and that the article itself indicates that it is based on speculation. I think the inaccuracies in it verify the fact that there is speculation here. The dates tentatively set for the meetings here in Ottawa were June 24 and 25, not Monday and Tuesday of this week.

In connection with this whole matter there are some problems, it is true, which are difficult of solution, as is natural in a project of this magnitude, and time and care are necessary to ensure that the best and most acceptable solution is found. In negotiations of this kind, dates set for meetings must always, to some extent, be tentative, and no special significance should be read into the postponement of the next meeting which we now hope it will be possible to hold by or before the middle of July.

Hon. L. B. Pearson (Leader of the Opposition): May I ask the Prime Minister a supplementary question arising out of the reply given by the Minister of Justice. Does the right hon. gentleman still expect, as he stated some weeks ago, that there will be agreement between the two governments on this matter before the end of the parliamentary session?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, hope springs eternal; but the hon. gentleman will realize from his wide experience in the Department of External Affairs that sometimes there are unexpected delays.

LABOUR CONDITIONS

BRITISH COLUMBIA—REPORTED REQUEST FOR CONFERENCE ON UNEMPLOYMENT

On the orders of the day:

Mr. Harold E. Winch (Vancouver East): I should like to address a question to the Prime Minister. Can the Prime Minister make any comment on the report that the Vancouver city council has requested him to convene immediately a conference of federal, provincial, municipal, employer and union leaders to consider the present serious unemployment situation in British Columbia?

Right Hon. J. G. Diefenbaker (Prime Minister): I will examine the record to see whether or not representations have been made, and then give the hon. gentleman a reply.

INQUIRY AS TO WINTER WORKS PROGRAM

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, I should like to ask a question of the Minister of Labour. In view of the current unemployment situation, and notwithstanding the inadequacy of the program in the past, could the minister inform the house whether he will be in a position to announce shortly a winter works program for the coming winter?

Hon. Michael Starr (Minister of Labour): Mr. Speaker, if and when the government takes the decision that it will sponsor a municipal winter works program the announcement will be made in the usual way.

Mr. Frank Howard (Skeena): A supplementary question, Mr. Speaker. Has the minister any intention of announcing a summer works program as well?

Mr. Fleming (Eglinton): For the House of Commons?

CHILLIWACK, B.C.—REQUEST FOR STRAWBERRY PICKERS

On the orders of the day:

Mr. William Anderson (Waterloo South): Mr. Speaker, I rise to be of assistance to one of my colleagues, the hon. member for Fraser Valley, who I believe should change the colour of his suit. During the orders of the day yesterday he was on his feet nine times and was not recognized, and he has been on his feet four times this morning.

Mr. Harold Hicks (Fraser Valley): Mr. Speaker, I do not know whether it is because of the colours of the curtain and of my suit or what the reason is.

Mr. Speaker: Perhaps it is lack of voice. If the hon. member will rise and give voice I will certainly hear him.

Mr. Hicks: I have a supplementary question for the Minister of Labour. It has to do with an article in the Chilliwack *Progress* together with a photograph of some beautiful Fraser valley strawberries. The crop is now ready to pick. Five hundred pickers are needed at Chilliwack and there are only 200 people registered at the national employment service office. Further down in the article it says that 4,000 pickers are wanted in the whole valley. My question to the Minister of Labour is of a somewhat different nature from what he usually gets. Can he give me any idea where we can get pickers?

Mr. Benidickson: What wages are offered?

Hon. Michael Starr (Minister of Labour): Mr. Speaker, I certainly will bring this requirement to the attention of the national employment service, and I am sure we can help to fill it.

UNEMPLOYMENT—REQUEST FOR REPORT OF COMMITTEE ON REVISED SYSTEM OF MEASUREMENT

On the orders of the day:

Hon. Paul Martin (Essex East): May I ask a question of the Minister of Labour. In view of his reported announcement the other day, when he spoke of statistical unemployment, that a committee selected by the government for the purpose of considering a revised measurement for unemployment had reached a conclusion, will the minister advise the house what the decision of that committee is so that we might assess its validity?

Hon. Michael Starr (Minister of Labour): I have received no report of any conclusion from this committee as yet. As soon as we do, very careful consideration will be given to the recommendations contained therein.

Mr. Martin (Essex East): In view of the seriousness of unemployment at the present time, does the minister not think that committee, having now sat for almost three months, should make up its mind in a matter so important?

Mr. Starr: I do not know what the hon. member means by that question. We are anxiously awaiting that report.

DOMINION-PROVINCIAL CONFERENCE

MANITOBA—REPORTED STATEMENT BY PREMIER ON STABILIZATION AND EQUALIZATION

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I wonder if I may put a question to the Minister of Finance. In the light of a statement attributed to the premier of Manitoba, who is also the provincial treasurer of that province, reported in the *Globe and Mail* this morning as having been made yesterday in Winnipeg, to the effect that whatever happened Manitoba would fight at the federal-provincial conference to retain the twin principles of stabilization and equalization, can the minister say whether it is going to be necessary for any provincial government to fight to retain the principles of stabilization and equalization?

Hon. Donald M. Fleming (Minister of Finance): I have not seen the report in question nor any statement by the premier of Manitoba. Every government attending this conference is perfectly free to take whatever position it wishes with respect to financial relations between the provincial and federal levels of government after March 31, 1962, and there will be no attempt to dictate to members of any government with regard to the position to be taken by them at this conference. It is a free conference.

Mr. Pickersgill: The minister has obviously misunderstood the point of my question. Can the hon. gentleman assure the house the government has no thought whatsoever of abandoning the principles of stabilization and equalization?

Mr. Fleming (Eglinton): The government has no intention whatever of abandoning the principle of recognizing all the rights accorded to the provinces under the constitution.

Inquiries of the Ministry

TRANSPORT

CHIGNECTO CANAL—PROGRESS OF NEGOTIATIONS WITH NEW BRUNSWICK

On the orders of the day:

Mr. R. D. C. Stewart (Charlotte): I wish to address a question to the Minister of Public Works. Is the minister in a position to inform the house what progress has been made in negotiations with the province of New Brunswick in connection with the Chignecto canal?

Hon. D. J. Walker (Minister of Public Works): In reply to the hon. member for Charlotte, may I say that after consulting many times with Premier Hugh John Flemming, and the government of the province of New Brunswick, having undertaken to pay one half of the cost thereof the federal government has agreed to a survey being proceeded with to determine the feasibility of building the Chignecto canal.

Hon. J. W. Pickersgill (Bonavista-Twillingate): A supplementary question, Mr. Speaker. Can the minister say whether he expects to make the same progress with this project that is being made with the Prince Edward Island causeway?

Mr. McIlraith: There is no election proceeding in Prince Edward Island at the moment.

Mr. Walker: Mr. Speaker, at least we expect to do it much faster than the former government did.

FLOODS

LAKE NIPISSING—REQUEST FOR STATEMENT ON PRESENT POSITION

On the orders of the day:

Mr. G. H. Aiken (Parry Sound-Muskoka): Mr. Speaker, I have a question for the Minister of Public Works. In order that the French shorthand reporters should not be completely unemployed today I will ask my question in French.

(Translation):

Mr. Speaker, has the Minister of Public Works (Mr. Walker) prepared a report to the house on the present situation at Lake Nipissing?

Hon. D. J. Walker (Minister of Public Works): Mr. Speaker, it is a pleasure to have a question directed to me in French. My reply is no.

(Text):

HEALTH AND WELFARE

POLIOMYELITIS—NUMBER OF CASES HAVING RECEIVED SALK VACCINE

On the orders of the day:

Hon. J. W. Monteith (Minister of National Health and Welfare): Mr. Speaker, yesterday the hon. member for Trinity asked me for any figures available to my department relating to the number of cases of paralytic polio this year that had received Salk vaccine.

I find this information is not available at the moment, as detailed figures on individual cases have been supplied by the provinces at the end of each year. However, this year, following discussion with the provinces, a new method of reporting polio designed to provide current information is under trial. With respect to the cases of paralytic polio reported last year, 65 per cent had received no Salk vaccine and 10 per cent had received three or more doses of Salk vaccine.

PUBLIC SERVICE

OTTAWA—OPPORTUNITY TO VOTE IN QUEBEC PROVINCIAL ELECTION

On the orders of the day:

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, I wish to direct a question through the house leader. I apologize for not sending him notice, but my staff is overworked. My question is based on the long-established desire of the C.C.F. to ensure that every citizen may exercise his democratic rights to the full regardless of whether in any particular instance such an exercise of rights is to the advantage of the C.C.F.—

Some hon. Members: Question.

Mr. Herridge: I am most objective in this case. In view of the fact that the polls are open in Quebec today from 9 a.m. to 6.30 p.m., and since there are many employees of the House of Commons resident in Quebec whose hours of work are from 9 a.m. to 6 p.m., has the government made any arrangements to give these public servants time off today so they may exercise their democratic right to vote? And if these arrangements have been made, have all the employees concerned been notified?

Hon. Gordon Churchill (Minister of Trade and Commerce): Mr. Speaker, it appears to me that this question comes within Your Honour's jurisdiction.

Mr. Speaker: I shall be glad to provide information privately to any hon. member who is concerned with the House of Commons staff.

Mr. G. J. McIlraith (Ottawa West): A supplementary question, Mr. Speaker. Could the house leader or the Prime Minister, as the case may be, advise the house whether arrangements have been made for federal civil servants who are entitled to vote in the Quebec election to have time off in order to exercise their franchise?

An hon. Member: It is the same question.

Mr. McIlraith: No, it is not restricted to the House of Commons. The difference is several thousand employees.

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, the same arrangements have been made as were made on previous occasions. I think civil servants would naturally exercise their right.

Mr. McIlraith: Does that mean they can take the required time off without penalty?

Mr. Diefenbaker: Mr. Speaker, it is not for me to give an answer to that question. I think today, as in the past, civil servants will exercise their own rights and will not require assistance from either the hon. gentleman or myself.

Mr. McIlraith: No arrangements have been made, then.

POSTAL EMPLOYEES—INQUIRY AS TO RECEIPT OF REPRESENTATIONS

On the orders of the day:

Mr. W. M. Benidickson (Kenora-Rainy River): I think hon. members will recognize that they have not yet received the printed *Hansard* of yesterday's proceedings. I am informed that when it does appear it will not include a question I raised yesterday. I referred to the debate of June 20, when I addressed a question to the Prime Minister or the Minister of Finance with respect to representations that may have been received by the government from the Canadian postal employees association. Yesterday I addressed this question to the Acting Secretary of State. Naturally, he is not in his seat today, for reasons that we can comprehend, but he said he would look into it. I believe this question will not appear in *Hansard*. Unfortunately I will be away tomorrow, and I draw this to Your Honour's attention.

NORTHERN AFFAIRS

WHOOPING CRANES—REPRESENTATIONS BY U.S. RESPECTING PRESERVATION

On the orders of the day:

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): Mr. Speaker, yesterday the hon. member for Kootenay West asked me a question concerning whooping cranes. He inquired whether any representations had been made by the United States government to the Canadian wild life service. I am now informed that no such representations have been made in relation to the preservation of whooping cranes in Canada.

SPORTS

REPORTED REQUEST FOR SUPPORT FOR NATIONAL COUNCIL

On the orders of the day:

Mr. D. M. Fisher (Port Arthur): I should like to direct a question to the Minister of Labour. Like that of the hon. member for Fraser Valley, it is unusual. It relates to a Toronto *Star* account of yesterday about the crude efforts of government members of parliament to get government support for a Canada sports council. The effect of the article was that the cabinet was cool toward the scheme because of the unemployment problem, but these members of parliament have argued that unemployment will always be a serious problem and that it should not be a deterrent. Has the minister any information to give that will create more optimism about employment on the government benches?

Mr. Speaker: It seems to me the question is one that is rather broad for an immediate answer on the orders of the day. As I recall it, the house has discussed this very matter on five or six occasions. I do not want to prevent the minister from replying, but it seems to me that sort of question is not one that can be answered briefly.

Hon. Michael Starr (Minister of Labour): Mr. Speaker, the knowledge possessed by the hon. member is such that I will have to look at his question carefully before I decide whether it needs a reply.

BUSINESS OF THE HOUSE

LABOUR DEPARTMENT—REQUEST FOR CALLING OF ESTIMATES THIS WEEK

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I should like to ask the leader of the house whether he would not arrange to have the estimates of the Department of Labour called this week so that we can have a debate, in the light of headlines like this in the *Globe and Mail* today—

Some hon. Members: Order.

Mr. Pickersgill: —"6.2 Per cent Jobless—"

Some hon. Members: Order.

Mr. Speaker: Order.

Mr. Pickersgill: "—in Total Labour Force Post-war peak for May".

Mr. Speaker: Order.

Mr. Fleming (Eglinton): You should be ashamed to turn your back on the Speaker and go on talking.

Mr. Pickersgill: What about the Chilliwack paper? There was no objection to reading from it.

Hon. Paul Martin (Essex East): On a point of order, Mr. Speaker, the ministry seems to regard this question of the hon. member for Bonavista-Twillingate as an improper one, particularly the Minister of Finance. I suggest that the question is in order, and in view of the seriousness of the situation I suggest that the government should answer the question at once.

Hon. Donald M. Fleming (Minister of Finance): Mr. Speaker, the impropriety to which the Minister of Finance took objection was the action of the hon. member for Bonavista-Twillingate in going on talking for the record when you were on your feet and when he well knew you were on your feet.

Mr. Speaker: In its first phrases the question was one about the business of the house and was in order. The reason I rose, of course, was that the hon. member sought to reinforce his inquiry about the business of the house with other material.

Mr. Pickersgill: Which I suggest, sir, with deference is not unusual in the house.

Mr. Fleming (Eglinton): On the part of the Liberals.

Mr. Pickersgill: We had the precedent of the hon. member for Fraser Valley. Has the house leader no intention of replying?

Hon. Gordon Churchill (Minister of Trade and Commerce): Mr. Speaker, there has been a fine spirit of co-operation in the house with regard to the order of business as it has been arranged from week to week. We have tried very hard not to upset the order as announced on Thursday nights for the balance of the week. I wonder whether the hon. member for Bonavista-Twillingate really wants to change the order now; because other departments which are of great importance are ready for consideration today, tomorrow and Friday. There will be ample opportunity to discuss the problems that arise in connection with labour on the labour estimates, and I will consult with hon. members opposite as to the appropriate time to introduce the estimates of that department.

BILL OF RIGHTS—INQUIRY AS TO DATE OF INTRODUCTION

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, in view of the fact that the proposed bill of rights is to be submitted to a committee, and in view of the fact that it may be more difficult in July and August to secure witnesses who may wish to appear before that committee, will the Prime Minister inform the house, if he can, as to his intentions with regard to the introduction of this bill?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, subject to consideration being given to the matter by opposition members and the house leader, I would think it would be available next week on whatever day is satisfactory. I hope that it would be available Wednesday or Thursday so that consideration can be given to the bill in committee, as suggested by the Leader of the Opposition.

AIR TRANSPORT

DORVAL—STATEMENT ON REGULATION OF JET PLANE TAKE-OFFS

On the orders of the day:

Mr. O. F. Villeneuve (Glengarry-Prescott): Mr. Speaker, I should like to direct a question to the Minister of Transport. Can the minister comment on the meeting he had with representatives of the city of St. Laurent yesterday regarding the question of jet aircraft noise around Dorval airport?

Hon. George H. Hees (Minister of Transport): Yes, Mr. Speaker. The meeting afforded a useful opportunity for us to discuss the problems occasioned by the introduction of jet aircraft into commercial service and the steps we are taking to alleviate the problem of noise.

The department is working in close co-operation with the air lines to solve this matter. There are no scheduled take-offs of civil jets between midnight and early morning, but due to flight delays of one sort or another there have been a number of delayed take-offs during these hours in the course of the last few weeks. Discussions are being held with the air lines aimed at preventing this situation from continuing. A substantial number of other steps have been taken or are being discussed with the air lines as well, including noise suppressors on engines, the use of preferential runway take-off patterns to avoid built-up areas whenever weather conditions permit, and similar items.

Scientific tests have in fact indicated that the noise caused by a pure jet is in fact somewhat less than that caused by some of the current piston engine types, such as the Super Constellation, but the jet noise has a different frequency value and therefore comes as a new and troublesome sound to the listener who has not had a chance to become accustomed to it. I can assure the hon. member that every possible step is being taken to deal with this problem, and particular attention is

being given to means which will avoid jet take-off noise during the core of the night hours.

COMBINES INVESTIGATION ACT

INQUIRY AS TO INVESTIGATION INTO NEWSPAPER COMPETITION

On the orders of the day:

Mr. Frank Howard (Skeena): I should like to direct a question to the Minister of Justice. I regret not having been able to send him notice of it. My question is based on a newspaper report in yesterday's *Globe and Mail* of a speech made by the Minister of Citizenship and Immigration in Niagara Falls, in which she is reported to have said that competition in the newspaper field in a great many Canadian cities has diminished or completely vanished. Has this opinion been transmitted to the Minister of Justice, and are there any investigations under way to determine whether the diminishing or vanishing of competition is contrary to the provisions of the Combines Investigation Act?

Hon. E. D. Fulton (Minister of Justice): Mr. Speaker, I think the hon. member knows that an inquiry is taking place in one city of Canada and that this has been mentioned before. As he knows, it is not the custom to refer to specific inquiries. I am not aware of any general inquiry that is in progress, but I will be glad to find out and let the hon. member know.

Mr. Howard: I wonder whether the minister could indicate—and I will mention the company and the city—because it has been well publicized, when we may expect the report of the restrictive trade practices commission on the operations of Pacific Press Limited of Vancouver.

Mr. Fulton: I cannot give an answer to that question now, but I will find out.

HOUSE OF COMMONS

MOTION FOR CONCURRENCE IN CIVIL SERVICE REPORT

Hon. Donald M. Fleming (Minister of Finance): May I ask leave of the house to revert to motions for the purpose of moving concurrence in a report of the civil service commission which was tabled in the house on Monday and is printed in *Votes and Proceedings* of June 20, at page 671.

Mr. Speaker: Has the minister leave to revert to motions?

Some hon. Members: Agreed.

Income Tax Act

Mr. Fleming (Eglinton): I move on behalf of the commissioners of internal economy:

That the report of the civil service commission concerning certain employees of the House of Commons laid upon the table by Mr. Speaker on June 20, 1960, be now approved.

Motion agreed to.

TRADE

EUROPEAN COMMON MARKET—REPORTED STATEMENT BY PRESIDENT OF U.K. BOARD OF TRADE

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): I should like to ask the Minister of Trade and Commerce whether he has any comment to make on the statement reported to have been made by the president of the board of trade of the United Kingdom at a press conference on his return to Great Britain yesterday, to the effect that in Ottawa he had found great concern that Britain might join the European common market.

Hon. Gordon Churchill (Minister of Trade and Commerce): I do not understand why there would be any observations on my part about comments made by the president of the board of trade with regard to anything he might have discussed or considered on his trip to the North American continent.

Mr. Pearson: I asked the question because this was the president of the United Kingdom board of trade commenting on what he found in government circles in Ottawa with respect to this matter.

Mr. Churchill: I have not seen the report to which the Leader of the Opposition refers. I am not certain of the words used. Does he mention government circles?

Mr. Pearson: No, Mr. Speaker, he said that in Ottawa—

Some hon. Members: Oh, oh.

Mr. Pearson: —he had found certain things. Of course he was speaking about the people with whom he had consulted in Ottawa, who were members of the government. He reported that he found great concern that Britain might join the European common market.

INCOME TAX ACT

Hon. Donald M. Fleming (Minister of Finance) moved the third reading of Bill No. C-68, to amend the Income Tax Act.

Motion agreed and bill read the third time and passed.

Supply—Health and Welfare

EMERGENCY GOLD MINING ASSISTANCE ACT

AMENDMENTS TO EXTEND APPLICATION, ETC.

Hon. Gordon Churchill (for the Minister of Mines and Technical Surveys) moved the third reading of Bill No. C-64, to amend the Emergency Gold Mining Assistance Act.

Motion agreed to and bill read the third time and passed.

SUPPLY

The house in committee of supply, Mr. Rea in the chair.

DEPARTMENT OF NATIONAL HEALTH AND WELFARE

242. Departmental administration, $1,641,729.

Hon. J. W. Monteith (Minister of National Health and Welfare): Mr. Chairman, as the committee is aware, the department's spending program for 1960-61 has been given very careful and extensive study by the standing committee on estimates. If hon. members will refer to the proceedings they will note that a total of 17 sessions were held from March 8 to May 12, involving more than 25 hours of deliberation. In addition to myself some 15 departmental officials were called as witnesses, including the two deputy ministers and the heads of many of our directorates and divisions. On the matter of emergency planning we were joined by my colleague the Minister of National Defence, the clerk of the privy council, and the director of the emergency measures organization.

In view of the comprehensive nature of the investigations and the fact that the minutes, which of course are available to the house, include my own lengthy opening statement as well as various working papers presented to the committee, I feel it unnecessary to make any general presentation regarding our estimates at this time. Instead, I should like to make a few comments on the very interesting and constructive report which emerged from the hearings and which has also been tabled in the house.

Before doing so, I want to take this opportunity to voice a word of thanks to all those who served on the committee and particularly to its chairman, the hon. member for Calgary South. Their helpfulness and co-operation were greatly appreciated. For myself, I consider that the discussions were extremely valuable to the department, and I can only hope that they were useful also to the committee. In any event, I believe the record shows that all the many pertinent questions put forward by the committee members did receive answers.

[Mr. Fleming (Eglinton).]

With regard to the report, I am pleased to note that the general tenor of its comments would seem to be in the direction of reinforcing various efforts and programs already under way in the department. As examples, I would cite the recommendations on mental health, Canada's native population, physical fitness and narcotic control. The main points of issue, particularly in the first two of these areas, are simply the availability of added funds and the question of whether or not increased expenditures would lead to effective results under present circumstances.

The report raises a number of other points which clearly involve government policy and on which I feel I cannot at the moment go beyond what I said during the committee proceedings. In this connection I have in mind the recommendations concerning grants to health, welfare and related organizations; family allowances, blind persons allowances, and disabled persons allowances. As I indicated to the committee, the questions raised on these several matters have received study and will continue to be reviewed in the light of changing conditions.

There are certain additional areas of the report with which I feel I should deal in more detail. The first of these has to do with hospital construction grants. Here I welcome the committee's concurrence in my view that as long as new construction remains in large measure the responsibility of communities, Canadian hospitals will retain their traditional autonomy and independence. The committee goes on, however, to express concern over reported crowding of hospital facilities. I can assure the committee that the department is also concerned with this matter. At the same time we have serious doubts as to whether the suggested immediate review on a nation-wide basis of the availability of beds in relation to demand would be the most effective approach.

The point is simply this. The provinces are administering their own insurance plans, which are dependent both now and in the future on adequate hospital accommodation for active treatment and chronic care. Since they have this responsibility, it would seem appropriate in those instances where there may be shortages of hospital beds for the provinces to initiate studies and surveys in the light of the particular provincial situation.

Having in mind that Canada is a federal state, the role of my department, as I see it, should be to bolster such efforts through the provision of financial as well as technical assistance. This is the approach which we have followed and which we consider to be the only sound one under the circumstances.

The committee also mentioned the problem of chronic bed care, and this is certainly a

most urgent need. It is, however, a very complicated business. The provision of additional beds would by no means provide the complete answer. It would not, for instance, remove an obstacle such as staff shortages, nor would it give attention to needs with respect to home care and other types of alternatives to hospitalization.

To explore the whole question of chronic illness, my department has set up a special committee under the chairmanship of the director of health services. We are hopeful that the studies being conducted by this committee, along with work being done in the provinces, will form a fruitful basis for joint consideration and action in developing a number of realistic avenues of approach to the question of chronic illness. The latter will, of course, continue to be a long term and stubborn problem in Canada and in other countries.

On the matter of outpatient services, the Hospital Insurance and Diagnostic Services Act has left this to the discretion of the provinces. It does, however, encourage development along these lines by including the cost of diagnostic services for outpatients within possible shareable costs. Some provinces have taken almost full advantage of this provision, while others are still in the process of extending the outpatient sector of their plans. On the basis of recent developments I would say that the outlook for further progress in this field is most encouraging.

Another area of the committee report I should like to touch on deals with hospital administration. Here, I am afraid, I am in basic disagreement with the implications of the committee's comments relating to closed hospitals. The report indicates, for example, that:

> While it is appreciated that the administrative responsibility for these hospitals does not come under jurisdiction of the federal authority, it should be pointed out that these hospitals are recipients of financial aid from the government of Canada under the health grants program and the Hospital Insurance and Diagnostic Services Act.

In other words, as I interpret this statement the fact that the dominion government provides hospital grants to provincial governments should imply the right to say how individual hospitals should deal with matters of this kind.

This I believe is a dangerous principle to put forward. Having in mind the constitutional and traditional development of responsibilities in the health field in Canada, the tying of this kind of federal control to financial aid would jeopardize the whole system of co-operation built up over the years between federal and provincial health authorities. I feel very strongly that a matter such as closed hospitals must be left with the provinces.

Admittedly it has long been a contentious issue as far as the medical profession and hospitals are concerned, but I do not see that this fact warrants federal interference. This issue and others like it must be resolved in each province among health authorities, hospitals, medical schools and the medical profession itself.

The committee's recommendation that "every effort should be made to prevail on local authorities to ascertain whether a policy involving any form of restriction or discrimination places hardship on either patients or non-staff doctors" would involve direct federal intervention in an area in which the provinces have full and exclusive authority.

While I cannot therefore agree with such an action, I would emphasize that the department does have a definite interest in this matter, and we have expressed this interest through what we consider to be the proper channels, namely the dominion council of health made up of federal and provincial deputy ministers of health as well as representatives of the public at large, and more recently through the advisory committee on hospital insurance and diagnostic services. What I believe we must avoid is any semblance of dictation or any effort which would tend to introduce rigidities into the management of hospitals across the country. Hospital administrations in the provinces and in local communities are well aware of such problems and can, I am sure, more appropriately develop solutions in keeping with regional and local circumstances.

With respect to the matter of deterrent charges, the committee suggested that certain provinces were unable to qualify for full benefits under the Hospitals Insurance and Diagnostic Services Act presumably because authorized charges are excluded from the provincial per capita cost of inpatient services under the sharing formula. I would point out that such charges are paid by patients at the time of hospitalization and do not come out of provincial revenues, whether these are raised through premium payments, special taxes or general provincial revenues. Since the prime purpose of the federal legislation is to relieve persons of the cost of hospital care at the time of service when they can least afford it, and since authorized charges are not a burden on the provincial treasury, it has not been considered reasonable to include them as a shareable item.

As to whether or not this type of co-insurance charge under a hospital insurance

program has any deterrent effect, the department will be pleased to review this subject with the provinces concerned. It is questionable, however, whether a comparative study of provincial programs with and without co-insurance charges would produce evidence to show that either admissions or the length of stay in hospital have been favourably affected by the use of such charges.

Regarding the committee's comments on staphylococcal infection in hospitals, I agree that any light which anyone can shed on this very difficult problem should be made available to hospitals at once. Here I might point out that in addition to investigations being carried out by a committee of the national research council, a great deal of work is being done in this field by the department particularly in our laboratory of hygiene and in our epidemiology and research and statistics divisions.

The report also mentioned questions relating to civil defence and the emergency measures organization. Most of the recommendations apply largely to matters outside my department's present responsibilities and have therefore been drawn to the attention of the authorities concerned. There are, however, certain aspects on which I might comment briefly.

For example, we are making every effort to accelerate the health side of the national survival program. An interdepartmental committee has been organized and has met for the purpose of co-ordinating the survival health responsibilities of the federal Departments of National Defence, Veterans Affairs and National Health and Welfare. The committee will continue this work and it is hoped that similar types of organizations will be formed at the provincial level.

As for stimulating provincial efforts in the field of emergency health services, several important steps have been taken in recent months. At the October, 1959 and April, 1960 meetings of the dominion council of health, the matter was discussed with provincial deputy ministers of health. A national conference on emergency health services has been held at which provincial representatives and delegates from national health organizations were briefed and the matter of establishing emergency health services across Canada was discussed. These various steps are being followed up by my department's emergency health services division, which is also carrying out its responsibility of assisting the provinces in developing their emergency health service assignments.

On the matter of uncontaminated food supplies, the special weapons section of our emergency health services division is collaborating actively with the Department of Agriculture in developing means for protecting and decontaminating food supplies.

Active efforts are also being made to further the development of emergency welfare services. Here the main emphasis is on encouraging provincial and municipal governments to include such services within their regular departments of public welfare. In the case of five provinces this has already been achieved at the provincial level, and it is hoped that current discussions will have a similar result in the remaining provinces. I might add that my department's emergency welfare services division is collaborating in this work for which federal funds are available under the financial assistance program.

With regard to informational material, the department has produced over two million copies of an emergency welfare instructional pamphlet entitled "Your Emergency Pack". A further pamphlet, "Welfare Tips for Survival", is now in production and is intended for people living in target as well as reception areas. Finally, nine exhibits have been developed with a view to giving emergency instructions to as many individuals as possible. These depict essential steps to be taken for survival.

In reply to the committee's reference to the department's general educational and informational material, I can only emphasize again, as I did during the proceedings, that this is a matter in which opinion reigns supreme. I would like to stress three points, however.

In the first place, our publications for the most part originate with requests from the provinces and are used to reinforce provincial educational programs. The views and demands of the provinces are, therefore, given considerable weight in our assessment as to the type and volume of material published. Second, on becoming minister I made a close personal survey of every piece of material which we put out. While I was not fully convinced of the usefulness of every single item, I did feel that the vast majority of the material was filling a very definite and legitimate need. Finally, the department has repeatedly discussed with the Queen's printer the question of charges for our publications. As a result we have gone a considerable distance in pricing certain items and in limiting the amount we distribute free to the provinces. The Queen's printer has been of the opinion that we have done about as much as we can in this direction.

But again I would stress that this whole area really boils down to a matter of opinion; and, as the house well knows, opinions differ widely on subjects of this kind. I would

not maintain for a moment that we are right in every instance, but I do think our over-all program is justified having in mind all the various circumstances which must be considered. I can assure hon. members that I will continue to keep a close watch on this important aspect of departmental operations.

I now come to the final area of the committee report which I believe merits comment at this stage. This is departmental efficiency evaluation. Here I was gratified to note that, in the words of the report, "the committee acknowledges that it was unable to establish any concrete evidence of a breakdown of operational efficiency". It went on to recommend, however, that the department request the organization and methods division of the civil service commission to undertake a somewhat more comprehensive study of the department's operations. While recognizing that we have already made considerable use of such surveys, it felt that more should be done in this regard pending the forthcoming general review of government efficiency announced not long ago by the Prime Minister.

I personally sympathize with this recommendation and would emphasize that the department has welcomed such studies as a means of obtaining an outside assessment of our operations. In my testimony before the committee I indicated that our policy of utilizing such analyses would be continued, and I now repeat this assurance to the committee. I believe quite definitely that such analyses could provide a very useful basis for any more general survey to be carried out with respect to government operations as a whole of which my department would be a part.

In its report the committee has expressed concern about a number of positions of similar classification in our establishment. It seems to me that this concern may arise from a misconception on the part of the committee, for which the department is no doubt responsible in that we failed to explain the situation adequately. I would like to clear up this matter with respect to the principal group mentioned, the 21 economists in our research and statistics division.

In years past it has been the policy of the civil service commission to use the general classification of "economist" for a variety of positions in this division rather than to create a number of special research categories. It should be emphasized, however, that this general classification merely provides an indication of the level of responsibility for salary purposes. It does not imply that all those classified in this way are assigned the same responsibilities. I realize now that in providing the committee with characteristic duties and responsibilities of economists used throughout the civil service we may have caused some confusion on this subject. But in point of fact the various professional positions within the research division represent an extremely wide range of responsibilities.

I should perhaps elaborate a bit on this matter. The research division services over 20 directorates and divisions in our health branch and four divisions in our welfare branch, as well as the offices of the two deputy ministers and the minister. Experience has shown that research personnel employed in a centralized unit of this kind can be used to carry out research projects for the various divisions of the department more economically than if they were placed in the divisions themselves. Staff time can be shifted more efficiently from one project to another to serve needs as they arise.

To my mind the research division has made a very considerable and comprehensive contribution to the department's operations. For example, a number of research officers have been employed in projects connected with the development of the hospital insurance program and in the continuing studies of hospital care involving expenditure analyses, cost estimates, assessment of hospital utilization and hospital services. In a program with so large a financial commitment these activities have been and will continue to be of the utmost importance to the provinces and to the dominion government.

As a part of technical assistance to the provinces, the research division has assisted in health surveys, and at the present time the director is acting as a consultant to the government of Manitoba in connection with its survey of hospital facilities and personnel. Two members of the staff are also acting as research assistants in the conduct of this study. This survey, which among other things relates to hospital bed shortages and to the need for chronic hospital accommodation, is the type of activity which the committee has endorsed in its recommendation relating to hospital construction.

I trust that these comments have helped to clarify this matter of economists in our research division. Since there has been confusion, however, I feel that the department should approach the civil service commission with a view to developing some more appropriate designation than "economist" for our health and welfare research officers. This we intend to do so that such misunderstanding may not arise in the future.

Mr. Chairman, I have now come to the end of the remarks I want to make at this time regarding the estimates committee report on our operations. Once again I want to

thank the committee for its co-operation and for the various suggestions it has put forward. I would like to thank the members of my staff for their loyal and dedicated attention to the department's business during the past year. I would also like to thank them for the assistance they so ably provided during the deliberations of the estimates committee. And, Mr. Chairman, may I conclude by thanking the committee for bearing with me during this rather lengthy presentation.

Mr. Martin (Essex East): Mr. Chairman, the minister need not apologize to the committee for the comprehensive character of the statement he has just made. He is the minister in charge of one of the important departments of government, a department that can satisfy as perhaps no other department in the government can one of the basic purposes for which government is established in a free society. So the minister may be assured that in so far as the Liberal opposition are concerned our well known dedication to health and welfare matters signals our approval of the time he has taken today in giving a review of the department which he administers.

I do not propose to follow the minister in detail along the particular lines he has chosen to pursue. When the individual items are presented there will be an opportunity for consideration of a number of matters which the hon. gentleman raised, and for comment thereon. I want simply to say that there were many things which I would have expected the minister to deal with in his opening statement. I should have expected him to say something about the criticisms which have been levelled against the administration, particularly in the field of social welfare, by the minister of welfare in the province of Ontario and his deputy minister. I should have expected the minister to make some comment on the position of the federal government concerning the question of medical care as particularly emphasized at the present time by the situation in the province of Saskatchewan. In that connection I should want to know whether the federal government proposes to give any financial assistance to the plan which the government of Saskatchewan has proposed. What is the view of the government of Canada generally with regard to this important step toward providing for the health of the people of Canada?

My views in this regard are well known. The views of my party were stated clearly at our last national convention, and they are in these terms:

> We urge:
>
> As a further step to implement health insurance provision against major medical, dental and surgical expenditures which combined with hospital insurance would ensure that no Canadian would be financially crippled by illness.

It simply cannot be argued that no one in this country now can be denied the advantage of the best hospital and medical care on the mere ground of financial incapacity. We shall want to approach this problem, which I believe must inevitably now be faced, particularly in the light of the success which has attended the hospital insurance program in Canada, in a manner which takes into account our regional attitudes and needs and our financial capacity. The overriding consideration must be to provide our people with the most effective instrument against illness and ill health. To the extent that we measure up in that particular we shall give effect to the merits of our society as presently constituted.

The minister at the present time is without a deputy minister on the welfare side. Dr. Davidson, who has gone to another department, will no longer be available to the minister as his chief official in the matter of welfare policy and administration. I do want to say this now; that Canada owes to Dr. Davidson a debt which perhaps I am in a special way able to acknowledge and recognize. He was my deputy minister on the welfare side for 11 years, during which time Canada developed a social welfare and security system which I believe is comparable to that of any other country in the world. The contribution made to that development by Dr. Davidson is one which I am sure most Canadians will recognize, as indeed social workers throughout the world recognize, because of his outstanding talents and his devotion to the interests of responsible social welfare measures.

In this connection I should hope that the minister will see to it that the government does not delay in the appointment of a new deputy minister on the welfare side. That is, of course, a responsibility of the government, but I wish simply to say that the minister has within his department the talent necessary for the discharge of this important responsibility. I hope there will be no delay in the appointment of a deputy minister on the welfare side, because whatever may be the good intentions of the minister I am sure he will recognize that the appointment of a deputy minister will in itself be an indication of the government's concern with the problems of social welfare.

I am one of those who believe we have not reached the end of necessary social welfare programs which must progressively be devised in this country. I know it is said by many people, now that we are spending more on health and welfare than on any

other department, that the time has come when we should consider whether or not we have overreached ourselves. I recognize of course, that there are limits to what can be done, that there are financial limits. This does not mean that consideration cannot be given to future programs, or that we have not the duty to consider whether certain existing gaps may yet be dealt with. I believe that while there must be a balance between need and the capacity to meet that need, we as a parliament must recognize that we have by no means exhausted the things that have to be done.

I would remind the minister that when we assembled at our national Liberal convention in 1958, which elected our present leader, we not only dealt with the matter already mentioned, namely provision against medical, dental and surgical expenses, but we also urged that consideration be given to the extension of unemployment insurance in case of illness. There is now in my name on the order paper a resolution dealing with this matter, and I hope we shall have occasion to discuss that resolution.

In 1958 we also urged, and we still urge, the extension of pensions for disabled persons to include groups not now included in the disability program. We also urged the extension of old age assistance to unmarried women and widows of 60 years of age. We further proposed an improvement in the family allowance program with special reference to payment of the allowance with respect to children remaining students until they attained the age of 18 years. In addition, we proposed the introduction in new pension plans of provision for the early vesting of benefits, so that if an employee changes his employment he will reap the advantage of pension contributions previously made by himself and by his employer, so that in effect the pension would follow the man.

We also proposed that immediate consideration be given to a national contributory pension scheme co-ordinated with existing provisions for retirement, an old age security pension beginning at age 65 to be based upon federal government contributions as well as on the contributions of employees, employers and self employed. That is an objective to which we must direct our attention. I mention it at this time because I believe we should not feel that all the problems of social need have been met simply because we have devised a social security program that is balanced and expanded. In this connection I would remind the minister that we have not heard from him in this chamber about the submissions made to the government by the Canadian welfare council in 1959 and in 1960. This voluntary organization of public-spirited citizens on two occasions in the past two years has met with the cabinet and pointed out the need that still exists in certain areas of social welfare, some of which I have mentioned.

They have proposed a number of specific improvements in the field of old age security and public assistance, blind and disabled persons allowances and unemployment insurance. They have also recommended the establishment of a royal commission on social security. I am not saying that I believe this is the best way to assess our existing program and determine what further modifications and advances should take place, but I am asking the minister to tell us what is the policy of the government with regard to the submissions made by the national welfare council. In spite of several questions that have been put earlier this session we have not yet been told by the government what is its view of the suggestions made by the national welfare council, nor have we had from the minister any satisfactory reply to the questions which were put to him and declared out of order the other day, when we were discussing certain modifications of the regulations having to do with residence under the Old Age Security Act.

I refer, of course, to the strong suggestion made by the Prime Minister in 1958 that Canada should embark upon a program similar to the old age survivors' scheme in the United States. I now wish to address myself to this problem. It will be recalled, if I may briefly retrace the situation in this regard, that in January of 1958 the Prime Minister announced that he had asked Professor Huson of the University of Western Ontario to make a study of the old age survivors' plan in the United States, a plan that provides for annuities or old age security on the basis of a fully integrated contributory system of old age security. The Prime Minister said that the study which he was then proposing would take not more than four months. At the end of that four months we were told without doubt, by process of implication, that the government proposed to embark upon a program based on such a study.

Of course the four months coincided with the termination of the election. The election took place, and we have not yet had any indication from the administration as to whether it proposes to bring forward a program that was so precious to the convictions and to the heart of the Prime Minister in January of 1958.

It will then be recalled that Professor Huson, on learning that he was to complete his report within four months, resigned saying he could not complete it in that allotted

time. Whereupon Professor Clark of the University of British Columbia was designated for that purpose. We were not told that Professor Clark could not complete his report in a period of four months. However, when the election was over the government returned to serenity and we now know that instead of taking four months the report of Dr. Clark took well over a year. The report was finally tabled by the minister, notwithstanding the fact that we had some difficulty in getting him to table it once we had learned that the report had been prepared. It is a voluminous report and contains very valuable information, which I contend was always available to the minister and the government through the instrumentality of the officials in the Department of National Health and Welfare.

In any event, we have now had the report for over a year. The minister has had an opportunity of reading that report many times. Many hon. members, too, have had an opportunity of carefully considering its terms. We now ask the minister again what is to be the policy of the government with regard to this report on the program in the United States, a policy which the Prime Minister said would be forthcoming once the study, lasting four months, was made. He had said there could not be more than four months' study spent on this subject so that we could embark on this program. In the light of that background it is not improper or unfair to ask the minister, now that he has had a period of protracted study, what is the policy of the government. Is it going to embark on such a program?

I have before me in this regard the view of the minister of health in the government of Premier Leslie Frost. The province of Ontario has an interest in this matter, as has every province; because if we were to adopt the system in the United States that might conceivably affect the rate of contribution paid by the provinces to the existing universal scheme which we have now and which was established in 1951. I draw attention to what Mr. Cecile had to say in this regard. His view, as expressed on March 26, 1960 in an article in the *Globe and Mail* of that date, is the same view expressed by the Prime Minister in January of 1958. The article reads in part as follows:

> The federal government yesterday was criticized in the legislature by health minister Cecile for failing to introduce a contributory insurance scheme similar to that in the United States.

The *Globe and Mail* of April 5, 1960 reported the statement made by Mr. James S. Band, deputy welfare minister of the province of Ontario. Mr. Band who comes from the city of Windsor is an old friend of mine and of the hon. member for Essex West. The article reads in part as follows:

> Mr. Band praised the old age, survivors and disability insurance program in the United States. He called it a well-rounded contributory plan that covers 93 per cent of the population.

He went on to call upon the federal government to do something about this program. What is the policy of the government? Is the government through the minister going to reply during the course of our discussion and say that the minister is continuing to study this matter? If he gives that reply—and that is the reply the minister gave us in the estimates committee and that he gave to me the other day in the house—then one can only conclude that when the minister says he is studying this matter he means that the government has no intention whatever of doing anything about this program. Or if that is an unfair interpretation we might conclude that if the government intends to do something, it proposes to do it at a moment it will regard as more advantageous in political terms.

I am the last person to criticize the government for having any such political motives in mind. I know the present Prime Minister would be the last person in the world to bring in legislation because of political considerations or because he hoped to gain some advantage in an election. As I say, I would not accuse the Prime Minister of that, but I have a grave suspicion that an exception to his political technique might arise this time and that he might be tempted in 1961 or 1962, or even in 1963, to use the possibilities of this program as a means of enticing an unwilling public to support him again for a second time.

An hon. Member: Unwilling?

Mr. Martin (Essex East): If that is not the situation, then the minister should tell us forthrightly now whether after his study of the Clark report he believes that the United States survivor program is one that is adaptable to our needs and to our purse. If he tells us that it is adaptable, then does he agree with the position we took at our convention in 1958 that such a scheme ought to be based on federal contributions as well as contributions of employees, employers and self employed? We are entitled to know where the government stands in this matter, and I hope that discussion of the minister's estimates will not conclude without his telling us, as I believe under our parliamentary system the government should, what the intentions of the government are. If the government feels that this scheme is not adaptable to our needs, let the minister say so. If he proposes to wait until an election, let

him frankly say so. That kind of frankness would raise the minister in the estimation of all his fellows in the house, and it would give us an opportunity of appraising the program itself.

The minister also spoke of civil defence matters. I propose to say little on that subject at this time but rather to wait until we reach the particular estimates. I would say now that while the minister continues to discharge his functions in a limited field we are convinced, with regard to certain outside operations of civil defence and particularly those having to do with the absence of any definite authority in the matter of emergency regulations and action, that the time has come when we should clearly know where the final authority resides in such a situation. Does it reside with the Prime Minister? Does it reside with the Minister of National Defence? Does it reside with the Minister of National Health and Welfare? Or is it clear that this point has not yet been decided?

If that is the situation it is, of course, a serious reflection on the administration of the government. I look forward to an opportunity on the estimates to discuss further other aspects of this program. I hope the minister will take advantage of these estimates to tell us frankly what the policy of the government is on a number of matters, particularly in the field of social welfare to which I have referred. I hope he will tell us what the government's position is with regard to medical care insurance. I hope he will tell us what the government's position is with regard to the United States old age survivor security system.

Mr. Martin (Timmins): Mr. Chairman, as recently as last week the Canadian people saw a very important step being taken on the road to proper health care in this country. If we cast our minds back to 1947 we can all remember that it was the same provincial government of Saskatchewan that brought into being the first hospital insurance plan in this country. That hospital insurance plan was fought very bitterly at that time. Any of us who were closely interested and who watched the struggle at that time can recognize the similarity in the viciousness of the fight against the medical insurance plan which the Saskatchewan government is going to bring in next year.

But we also recall that following that historic step in the field of health care, within three years the provinces of Alberta and British Columbia had both followed suit, and that after 10 years the federal government, through the process of an election and the acceleration of action because of a change of government, finally took the lead as far as the rest of the country was concerned, accepted its responsibility and took its part in the field of hospital insurance. We find that only three short years after the federal government accepted its proper responsibility six more of our provinces followed suit, and there are negotiations under way to provide hospital insurance for the Canadian people in the last province in the country that does not have such a plan.

Now we see a second step being taken by the prairie province of Saskatchewan. It seems very strange to me that one of the poorest provinces in Canada should be the one to take the lead in this field. Those of us who have followed the newspapers in the last couple of months realize the bitter fight they had on their hands. The program was fought most bitterly by the doctors' association in the province and, incidentally, the doctors overplayed their hand. They apparently hired advisers who did not advise too well, and as a result they made their position completely untenable from the point of view of any political party in that province accepting it.

Because of the stand they took they became more or less orphans in the field and in a way the fourth group opposed to the plans of the provincial government. The Liberals in the province did not say they were against the implementation of health insurance but rather said that they would hold a plebiscite.

Mr. Argue: They were against the government's plan.

Mr. Martin (Timmins): They were against the government's plan. In listening to the hon. member for Essex East I was quite amused to hear him reminiscing about the stand taken by the Liberal party at their last national convention. I might remind him of the much more recent stand taken by the Liberal leader in the province of Saskatchewan, who expressed his opposition to the implementation of health insurance.

Mr. Martin (Essex East): Let us speak as members of the federal parliament.

Mr. Argue: You are wise on that one, Paul.

Mr. Martin (Essex East): I am always wise.

Mr. Martin (Timmins): The Conservatives in the province of Saskatchewan were not opposed to health insurance, but they thought the province might be better served by setting up a royal commission to investigate the matter. The Social Crediters were not opposed either, but they thought the public could be better served by having private insurance companies or private enterprise look after health needs.

I would say that the Canadian people are deeply indebted to the government of Saskatchewan for taking the lead in this matter, a lead that should have been taken by the federal government. I predict that in the period of the next few years, depending on how long it takes for the federal government to accept its responsibility, we will find, as in the case of hospital insurance, that health insurance, having taken firm root in the province of Saskatchewan, will spread across the country from coast to coast.

It is very unfortunate that the Canadian people are not always given a proper opportunity of studying both sides of the question of health insurance. I recall that one day earlier this session the matter of health insurance was debated in this house, and both sides of the question were very thoroughly covered by various people. Unfortunately at that time the Canadian public, as the result of some oversight or for some other reason, only received information on one side of the question through the medium of the newspapers. They received information concerning the fear expressed by certain hon. members that the implementation of health insurance would drive doctors out of the country and would increase medical costs beyond the ability of individuals to meet them. They received information concerning the fear that state medicine, as it was described, would inevitably lead to a situation where we would not have sufficient doctors to look after the Canadian people. In addition, it was stated that the standard of health care would deteriorate upon implementation of a health plan.

At that time, Mr. Chairman, I was rather surprised. Had the opinions expressed in opposition to this plan been those of laymen I could have understood very easily why the newspapers would not necessarily accept their views as against those of professional people in their own field. However, the views expressed in opposition were not those of laymen but opinions contained in the report of a commission set up for the very purpose of studying that problem. The findings of this commission were in complete opposition to the fears expressed in the house that day. Unfortunately it was only the fears which were conveyed to the Canadian public, and the report of the commission set up to investigate this subject was not carried in the newspapers.

Now, Mr. Chairman, health insurance is probably one of the most important of all the problems facing this country today in the social security field. We find that health insurance weaves in and out through the whole social security field and affects many other aspects of social security, as well as being affected by the other aspects of social security. We find that over the last couple of decades a whole host of various forms of health insurance and hospital plans have grown up across the country, some through the trade union movement, some implemented by industry, some through non-profit organizations and co-operatives, some by the doctors themselves and many more by private insurance companies. The greatest difficulty that we find with these plans is that usually they are too limited in scope, cover too few people or do not give adequate coverage or, because of duplication, the cost has been increased. We find that people are paying far too much for what they receive from this conglomeration of plans in operation across this country today.

Another very important reason for the unsatisfactory method we have at the present time for meeting our health needs results from the fact that the private insurance companies run these plans as a business, and as a business they must show a profit; that is only natural. If these plans are to be run as an efficient business they can only afford to insure healthy people in particular groups. The result is that the people who are in the greatest need of insurance are not insured, and the people who are insured have to pay too much for that insurance. I have always felt, Mr. Chairman, that there is something akin to ghoulishness in people or organizations making a profit out of the health needs of our citizens.

We have heard so much, Mr. Chairman, about how nice it would be to have a comprehensive health care program in this country, but where would we find the money to take care of the cost? I maintain that the costs would be no more than they are now. The only thing is that they would be honest costs. It seems to me that in this country we have a revulsion to facing up to a situation or a realization of what we are actually paying. I do not know whether it is because of the promotional devices to which we are subjected from the time we are old enough to listen to a radio or watch television, but we absolutely refuse to face up to facts. As long as we can keep the costs hidden, we think we are not paying them; we like to fool ourselves in that way.

I had an opportunity of reading an excellent article by Mr. Leonard S. Rosenfeld, M.D., associate executive director of the community health association, Detroit. He points out that in the period from 1940 to 1958 the amount of money paid through workmen's prepayment plans for health insurance in the United States increased from $100 million to $4.5 billion, and that industry's contribution had reached the point where it amounted to 14.7

per cent of the payroll or 32 cents per man hour worked. At the same time we find that only 27 per cent of the money paid for health care in the United States was covered by this insurance, $4.5 billion out of a total in 1957 of $15.1 billion. So you see, supposing complete coverage were given and supposing the cost were increased from the $4.5 billion which was paid in health insurance to the $15.1 billion, there would be no actual increase in cost. The only difference would be that the cost would be out in the open and people would recognize that cost for what it actually was.

I believe on a previous occasion in this house I pointed out—I think it bears repetition—a provision which we have in the Ontario hospital insurance with regard to what is termed temporary indigents, in other words people whose unemployment insurance benefits have run out and who have to fall back on the municipality for assistance. The municipality pays the premium for these people under the Ontario hospital insurance plan, and at the end of the year the municipality is reimbursed. However, the strange part of it is that the municipality is not reimbursed for the amount actually paid out but is reimbursed on a per capita basis. There may be two towns each with a population of 10,000, and one may have massive unemployment while the other may not. However, they both get the same rebate under the Ontario hospital plan, regardless of what they paid out. There are no strings attached to this rebate. The result is that the one municipality can pave the sidewalks and charge the amount to the hospital insurance plan. What kind of perspective can we get of the costs of health insurance when we have this sort of situation?

We also find in the remarks of Dr. Rosenfeld some further information concerning just how much coverage they really have at the present time in the United States. I might say that the coverage in the United States is much better than it is in Canada. I should like to read from his remarks. He said this:

> The vast majority, covered by Blue Shield and commercial plans, are not eligible for general medical care in the office or in the home. This gap in coverage may deter the seeking of care early in illness, and reduces the availability of preventive services. Well baby care, medical inventories, medical advisory services and diagnostic services would, in general, not be covered by insurance. The fact that they can be covered has been amply demonstrated in those programs which provide such service.
>
> The common practice among commercial plans and among many Blue Shield plans of paying the patient on an indemnity basis rather than paying the provider of service in full has led to serious inflation of medical care costs. This is largely due to the fact that there is no incentive for the physician not to charge the patient more than the amount provided for in the fee schedule. One measurable effect of this practice is the fact that between 1951 and 1956, costs of surgical care rose twice as much as the general cost of living. The result is a diminishing amount of service per dollar of expenditure. This is a source of concern to the community in general and to labour and industry in particular. It may have the effect of veto in the clinic of gains made at the bargaining table. Money expended for physicians' services is not available to meet other needs. Recent information indicates that about one half of the 15,000 union-management health and welfare plans in the United States are experiencing a deficit, largely as a result of rapidly rising medical care costs.

I quote that statement, Mr. Chairman, to point out in a small way the vastness of the scope of this field that I am discussing today. This is something that the federal government owe a duty to the Canadian people to grasp and to get their teeth into. They must remember that there are many interested parties and many interested groups in our country, many of whom have pioneered in the health insurance field and have brought it up to at least what we have today.

The medical profession and their legitimate interests must be well guarded and must be well thought out in any plan that we devise in this country for medical care. The hospitals must be taken into consideration. The insurance companies have filled the need in the past but, as I pointed out, I do not think they have a proper jurisdiction in the health field. If we are going to look at the over-all picture and take the proper government responsibility for looking after the interests of the Canadian people as a whole, I think the day must come when we have health insurance at cost in this country and not at cost plus a profit to some organization.

Non-profit prepayment agencies have pioneered this field, and I feel that use should be made of the vast amount of knowledge and experience they have gained through dedicated service by many people across this country. Industry has taken a lead in some respects, particularly the railway industry and the mining and timber industry. But again, as I pointed out previously, this action has not only tended to hide the proper costs involved in this field but unfortunately has also tended to build up across the country little pockets of vested interests which may in the long run hinder rather than help an over-all solution.

Organized labour have been among the first to become interested in this field. But again, as with industry, their responsibilities and their objectives have been too narrow and have been confined to too small groups. There has always been a tendency to look after their own membership and to say that they are the only ones for whom they are responsible. That is not good enough in this

country. They may have two members living side by side, but there must be some responsibility to the neighbours living on each side of them.

Then there is a final group which is an interested party, namely the general public; and that is where the federal government responsibility comes in. Judging from past history in this country it seems that the role of the federal government has never been to take the lead in this field, in this war on sickness, but rather has been to fight a rear-guard action against all the progressive elements in the country who have been trying to find some solution in order to meet this great need in our society.

May I call it one o'clock, Mr. Chairman?

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

Mr. Martin (Timmins): Mr. Chairman, when the committee rose at one o'clock for lunch I was criticizing the present government because similar to past ones we find that instead of taking the lead and showing some initiative in fighting the war on sickness and disease they seem to be dragging their feet down the road to health insurance and proper health care and we have to wring this out of them step by step, election by election.

I think it is time this government made some effort to put a stop to the sham and hypocrisy of the health costs we are now paying in this country. Here is what we are paying for at the present time; at least, these are some of the ways we are paying for health care. We are paying private doctors' and hospital bills. We are paying hospital insurance premiums. We are paying sales tax for health care. We are paying insurance plans and non-profit organization plans. We are paying municipal taxes for charity cases, provincial taxes and federal taxes. We are paying into crippled children's funds, retarded children's funds, cancer funds, mental care funds, polio funds, tuberculosis funds, multiple sclerosis funds, muscular dystrophy funds. We pay charity through our churches, through service clubs and individual charity. We have funds from industry, hospital funds and, last and far from least, doctors' charity through the doctors themselves. As the hon. member for Portage-Neepawa, who himself is a doctor, mentioned this year in a similar debate, estimated, up to one third of doctors' bills are written off as charity to their patients.

I have listed this number and there may be more. Imagine what we could save in just administration costs alone by eliminating the duplication of services and administration costs which we have in this conglomeration of so-called health plans across the country. Probably the worst feature of all is that it is not doing the job. In spite of this multitude of various schemes and organizations we are still not doing the job.

I would like to know when this government is going to recognize that the nation's health is the nation's wealth. When are we going to make health care available to our people as a matter of right and not as a matter of charity? When are we going to start including the people who are completely left out now in spite of all this multitude of plans which we have? So far, unfortunately this Tory government seems no better than the Liberal government which it succeeded in accepting these responsibilities. I hope that before this debate is over the minister will give the committee some indication of just when this government is going to accept its responsibilities in this regard.

Mr. Brunsden: Will the hon. member permit a question?

Mr. Martin (Timmins): By all means.

Mr. Brunsden: The hon. member has had a great deal to say about the health wonderland of tomorrow in Saskatchewan. I wonder if he realizes that there has been a tremendous flight of doctors and surgeons from Great Britain as a result of the introduction of a similar scheme there? We have hundreds and hundreds of them in Canada. They have gone to all parts of the world and—

The Deputy Chairman: Order. The hon. member said he had a question. Would he ask it immediately.

Mr. Brunsden: Mr. Chairman, my question is this. How does the hon. member relate this flight of doctors from this sort of scheme to the Saskatchewan future?

Mr. Martin (Timmins): I would be only too delighted to answer that question. According to the Willink committee which was set up in Great Britain to look into this very matter, we find that contrary to this concept which has been built up across this country about this tremendous exodus of doctors from Britain there are less than 200 doctors a year leaving Britain out of 60,000, which amounts to something like .03 per cent. I would say that the exodus of doctors from Canada is a lot greater than that, and if the doctors who are leaving Britain are going to the province of Saskatchewan where we have the most

advanced health care scheme operating in Canada I would say it is a very good recommendation for the province of Saskatchewan.

Mr. Horner (Jasper-Edson): Mr. Chairman, I would like to make a few comments at this time on the estimates of the department. First of all I should like to commend the minister and his officials for the very good way in which they have operated their department and the way in which they presented their case to the estimates committee earlier this session. I have listened with interest to the speeches of both the hon. member for Essex East and the hon. member for Timmins, and I will comment on them a little later.

Taking first the hospitalization scheme as it is now in effect in Canada, I believe that a good portion of the reason it has operated so effectively and well is the very adequate administration which the minister and his officials have given this scheme. I believe there are some wrinkles which still have to be ironed out; certainly in any scheme as large as this there are bound to be some. I believe that the hospitals at municipal and private level should have more say on the advisory committees. Certainly these are the people who are in a position to put forward solutions to the problem of overcrowding and to the difficulties regarding the provision of increased care for chronic and convalescent cases. They are the people who are going to supply outpatient and diagnostic services. In my opinion this is an area which the provinces should be encouraged to enter to a greater degree than they have done so far. Certainly I can see no reason why the province of Alberta cannot put outpatient and diagnostic care into its hospital scheme. This would relieve the acute shortage of beds which exists particularly in the larger urban centres.

There is another thing I should like to say with regard to the hospitalization scheme, and this has to do with deterrent charges, and with what the committee had to report concerning that subject. This is a particular problem in the western provinces, and when I use that phrase I include Alberta and British Columbia and, though to a lesser extent, Saskatchewan. Possibly the provincial government is not being penalized because of these charges, but certainly the people of the province involved are being penalized because they are not recovering their full share from the federal government with respect to hospitalization costs. I support the recommendation that a study should be made with respect to these charges, because such a study might give us a lead in deciding whether they serve any useful purpose.

I also wish to comment on the Indian health services and the health services provided by the department for the native population as a whole. We in Alberta are pleased that the department has announced plans to go ahead with the construction of a new Charles Camsell hospital for the treatment of our native population in Alberta and as a centre for those requiring treatment in northern Canada. I have only one suggestion to make to the department in this regard, and I am sure they will take it into consideration. I refer to the fact that for a great many years Indians all over the country have been going to private doctors for care. Sometimes these accounts are submitted to the appropriate branch which deals with Indian health services for payment, but I believe the doctors are not too well taken care of.

We have heard a lot today with regard to health insurance. The hon. member for Essex East spent some time outlining what he would do, but I was a little disappointed that he did not supply any details concerning how he would bring the principles he mentioned into effect. That is, in essence, the problem. I do not believe anybody in Canada disagrees with the premise that all Canadians should have adequate medical care available to them. It is all a problem of how one is going to bring these ideas into practice.

I should like to put on record the principles that the profession to which I happen to belong has recently enunciated at its annual convention. I think these principles are reasonable, and I commend them to every hon. member of this committee for study. They read as follows:

That every resident of Canada is free to select his doctor and that each doctor is free to choose his patients.

That the competence and ability of any doctor is determined only by professional self-government.

That, within his competence, each physician has the privilege to treat his patients in and out of hospital.

That each individual physician is free to select the type and location of his practice.

That each patient has the right to have all information pertaining to his medical condition kept confidential except where the public interest is paramount.

That the duty of the physician to his individual patient takes precedence over his obligations to any medical services insurance programs.

That every resident of Canada, whether a recipient or provider of services, has the right of recourse to the courts in all disputes.

That medical services insurance programs do not in any way preclude the private practice of medicine.

That medical research, undergraduate and postgraduate teaching are not inhibited by any medical services insurance program.

That the administration and finances of medical services insurance programs are completely separate from other programs, and that any board, commission or agency set up to administer any medical services insurance program has fiscal authority and autonomy.

These are all worthy of note. The hon. member for Timmins had a great deal to say with regard to health insurance and I should like to point out to him that human dignity is the essence of humanity in my opinion and the more we lose our individuality the more we lose our status as individuals and as a nation. Socialists invariably fail to realize this and the harm it does, despite their sincere humanitarian interests.

A colleague of the hon. member for Timmins spent a good deal of time dealing with the health scheme in the United Kingdom. I suggest we cannot compare medical practice in Great Britain with medical practice in Canada, because we are two entirely different kinds of country. In Britain one finds a very small area in which a dense population is situated, while here we have a very large country where the population is spread from coast to coast. Thus, in Canada we depend primarily for the adequacy and the high standard of care which our people receive upon the general practitioner, while in Great Britain they do not. This is an essential difference which makes proper comparison between Great Britain and this country impossible.

Nor can we correctly compare the medical costs which we have in Canada with those in the United States, as the hon. member for Timmins did by referring to a publication from Detroit. There can be no comparison of medical care costs between Canada and the United States because those in the United States are three to four times as high as the fees charged in Canada. I would point out that the medical profession has been among the leaders in supporting health insurance. These plans are all on a non-profit basis. As I say, the profession has been one of the leaders in experimenting with health insurance for Canadians.

Another point with which the hon. member dealt at length was an assertion that the federal government should take the lead in encouraging health insurance and such matters. I do not pretend to have a legal mind as great as that of the hon. member for Essex East but it was pounded into my head when I came here that constitutionally it is the provinces which have the prime responsibility for initiating action with regard to such matters as health insurance, and that it is only after they have come to a decision that the federal government can consider entering into collaboration with the provinces with regard to any such schemes.

The other important difference I should like to bring to the attention of the committee is the difference between the question of hospitalization, which is a service supplied by an organization or institution, and that of medical care which is a very personal relationship between two people, the doctor and his patient. While you may be able to socialize hospitalization, provided you allow the hospital some local autonomy, when you delve into the very personal relationship between doctor and patient then I suggest that the idea of forcing it into one mold will not and cannot work if humanity is to progress.

One final word with regard to health insurance. We have seen the action of the profession in the recent election in Saskatchewan. I do not hold any cause for the way in which they conducted their part of the campaign. I believe it was wrong. I believe that doctors as individuals must take a greater part in the political life of their communities in all levels of government from the municipal to the federal and in this way contribute to the various political parties in Canada their views and those of their colleagues in the medical association. I do not believe that any organization including labour unions should have a party of their own and do as the profession did in Saskatchewan, that is, launch their own campaign.

I wish also to deal briefly with the question of drug prices, a subject which I know is of great interest to all hon. members and of particular interest to the hon. member for Skeena. I agree that this area needs investigation but we must look at the problem in a reasonable light so that patients receiving medicine will not be hurt. In other words, we must make sure that the Canadian pharmaceutical industry develops on a par with other countries, that our medical research program is not hampered and that there is no restriction in getting drugs to the patients who require them. Certainly there are areas in the developing of drugs and the availability of certain kinds of drugs which in my opinion require investigation. I would be very happy to support the idea of such an investigation as I am sure would every ethical pharmaceutical house in Canada.

With respect to the social welfare legislation, I listened with a great deal of interest to what the hon. member for Essex East had to say in this regard. I commend to the attention of the committee, the minister and the government the recommendation with regard to blind persons' allowances. It seems to me that the means test should be completely abolished in respect of this affliction. I have a particular interest in the question of disability pensions, having a number of patients who are now in receipt of this pension. I strongly recommend to the government that the income limitations placed on those in receipt of the disability pension should be at least doubled and this should be done as soon as possible.

I have encountered completely disabled people in wheel chairs who prior to the advent of the disabled persons' allowance got through by handicrafts or work of that nature. After the inauguration of the pension they continued working at their handicrafts or other work and immediately had their pension cut off by the provincial authorities. It seems to me this takes away the very meaning of the pension. These people benefit therapeutically from working in handicrafts or other work and enjoying the feeling that they are making a useful contribution to society. To rob them of this feeling has an adverse psychological effect.

With respect to disability legislation we have heard a great deal of discussion inside and outside this chamber with regard to the very strict nature of the definition of disability. I wish to draw to the attention of hon. members and particularly to the attention of the hon. member for Essex East a paragraph to be found at page 522 of the minutes of proceedings of the standing committee on estimates dated May 24, 1960 with respect to disabled persons' allowances:

> It was drawn to the attention of the committee that certain provinces have introduced programs of their own which provide relief to disabled persons who are unable to qualify under existing federal regulations. Where an applicant is disabled and only employable at intervals, or incapable of working except under special circumstances, the provincial authorities grant relief through the Unemployment Assistance Act. Members of the committee were of the opinion that as the federal government pays substantial amounts to certain provinces through this act, a possible solution to the problem referred to above might be found if a similar action were taken in other areas of Canada.

I commend that to the attention of the hon. gentleman and suggest to him that it was the action of the present government in late 1957 when it removed the threshold provisions of the Unemployment Assistance Act that enabled those provinces to set up their own disability allowance based on employability rather than disability alone.

I think it is worth while reminding the committee of a statement to be found at page 116 of the annual report of the Department of National Health and Welfare for the fiscal year ended March 31, 1958 relating to conditions under which unemployment assistance might be given:

> The conditions under which assistance is granted, including the rate of assistance, are determined by the province or municipality.
>
> Expenditures for both employable and unemployable persons may be included and the costs of maintaining individuals in homes for special care, such as nursing homes or homes for the aged, are sharable under the agreement.

I suggest that the hon. member for Essex East and all members of the Liberal party are a little late. This government did in 1957 what hon. gentlemen opposite were advocating in 1958.

Mr. Martin (Essex East): The previous administration initiated the whole thing.

Mr. Horner (Jasper-Edson): But it put a threshhold on it so the provinces could not enjoy the benefits they would have liked to enjoy.

I agree with the hon. member on one point. When we look at social welfare legislation we should seriously examine a proposition which would provide survivor benefits for the elderly and disabled.

Returning to what is for me a vexing problem, that with regard to income limitations, the abolition of the means test at age 55 or 60 for aged persons in receipt of disability pensions should be considered. I highly recommend to the government that the income allowable with respect to recipients of old age assistance should be elevated a great deal. Invariably you run into situations in which you find elderly people prevented from getting out and enjoying exercise by taking a light job and doing the things they would like to do because of the strict interpretation that is given the means test and the rigid application of it.

I cannot speak for the rest of Canada but a serious situation exists in the province of Alberta. I have a great number of elderly patients who have given up doing anything. This is not good for them medically or otherwise. They are afraid that any income they earn in this manner will be deducted from their pension. I know elderly women who have ceased baby sitting because the welfare inspector was prepared to deduct the amount so earned from their pensions. I know elderly men who surrendered the jobs they had as janitors for Legion and other community halls and buildings in small towns in western Canada. They gave up the jobs because the small amount of money they earned was to be deducted from their pensions. Part of the reason for this, of course, is the way the regulations are interpreted by the provinces with regard to the amount of income that is calculated for the home they own and other capital assets.

It seems to me that we could do a great deal for our older people with respect to this very serious problem and it would not cost the government a great deal of money if we raised the allowable income under the Old Age Assistance Act and Disabled Persons Act and waived it altogether with respect to assistance to the blind. We could do something really worth while to encourage self-help which is the kind of thing I believe we need in this country. I know a great number of

these elderly people, some even in their eighties, who would love to be able to do a little light work. They are physically and mentally able to do it but they do not, and I do not blame them, because they do not want to give up the security of their pension benefits.

Again, sir, I want to commend the minister and the department for having done a great deal for the health and welfare of the people of this country. The institution of the hospitalization scheme has certainly meant a great deal to the people of Canada.

Mr. McMillan: Mr. Chairman, I listened to the statement made by the Minister of National Health and Welfare and I should like to touch on one or two matters to which he made no reference. The first is the fluoridation of water. I know that last year I tried to get him to commit himself officially that he was in favour of the fluoridation of water and he said he was in favour of it in his own area, Stratford. But I think that if the Department of National Health and Welfare would go on record as being in favour of fluoridation it would help the cause of fluoridation a great deal in the province of Ontario and in Canada generally. In the Toronto *Star* of December 31 last there was an article to the effect that the federal government was giving new backing to the fluoridation of water as a safe and efficient means of drastically reducing tooth decay among Canadian children. Dr. H. K. Brown, dental consultant of the Department of National Health and Welfare, was the author of a report which said in part:

> There is no doubt as to the efficacy of a mechanically fluoridated water supply containing one part per million in very markedly reducing the caries experienced in children born subsequent to fluoridation.

He went on to say that no ill effects had been observed by the medical and dental authorities in Brantford and Stratford where fluorine is present in or added to the water. Previous to that time there had been some investigation in three cities of about equal size, Brantford, Sarnia and Stratford. Stratford has natural fluorine in its water. I do not know how many parts there are per million. In Brantford one part of fluorine per million was added to the water while Sarnia gets its water from the great lakes and it has very little fluorine in it.

In Brantford and Stratford the results in children were about the same. From 1948 up to last year the number of children in Brantford and Stratford showing no decay or caries in the teeth had increased from 6 per cent to 44 per cent. In Sarnia the increase was from 6.6 per cent to 8.6 per cent. I think that definitely shows that fluorine has a very marked effect in preventing caries in teeth. I might say that in my home town fluoridation of water was started in 1952 and since that time caries in teeth among children in the schools has gone down by 65 per cent.

Mr. Martin (Essex East): In Thorold.

Mr. McMillan: Yes. There is a consolidated school in my area and about half the children attending the school come from country districts where they drink well water with a natural fluorine content while the other half of the children come from the city where the water supply is from the great lakes. As I said before, the water from the great lakes contains very little fluorine. One would not need to be a dentist or doctor to be able to go into that school, look at the teeth of the children and know where they come from. I certainly think this is a very important matter because we know that caries of the teeth can lead to certain infections which have systemic effects. I know that an investigation is going on in Toronto as to the value of fluorine and I observe in today's paper that evidence is being heard in camera. I do not know why evidence should be heard in camera. However, that is a matter outside our jurisdiction.

But when so many associations have gone on record in favour of the fluoridation of water supplies I think the minister should state publicly that the Department of National Health and Welfare is in favour of the fluoridation of water. He may not think that this means anything. In the municipalities of Ontario people can apply to have a vote as to the fluoridation of water and in my town the anti-fluoridationists did force a vote. They put up all kinds of signs outside the town to the effect that the water supply was contaminated, that it contained rat poison and was not fit to drink. This certainly hurt the tourist trade.

One reason advanced by these people was that the Department of National Health and Welfare at Ottawa had not said that fluoridation of water supplies was a good thing. I think the department should definitely take a stand one way or the other.

I was sorry that I was unable to attend the meetings of the committee on estimates, but I have read the reports of the committee. The minister referred today to some of the recommendations made by the committee and I was particularly interested in their recommendation with respect to hospitalization, particularly the overcrowding in our hospitals. I think the minister said that the department would not conduct a survey as was suggested. In my opinion a survey should be undertaken

because many municipalities and some provinces have no idea what may be needed in the future. I think some advice could be given by the department.

I believe a full investigation should also be made into the chronic bed situation and the provision of beds for convalescents. Most of these patients do not require the facilities of an active treatment hospital and in my view they can be better provided for in chronic bed hospitals or by the addition of wings to hospitals for this purpose or in convalescent centres. This can be done much more cheaply.

In recent years many insurance companies, and I think probably this applies as well to the regulations of the hospital commissions, stipulate that outpatients cannot get diagnostic procedures unless they are admitted to hospital. I feed that this helps to make the bed situation more acute. For instance, if a person needs a gastro-intestinal series he will need to be admitted to hospital in order to obtain these particular X-rays at no cost to himself. He will have to be in hospital from five to seven days. He could just as easily go to the hospital for radiology, have this diagnostic procedure and yet stay at home. I do not see why some movement has not been made by the health branch to take up this question with the different provincial commissions.

Reference has been made also to the fact that we should have more research in connection with mental health. I am in favour of more research here. I think much can be done. In St. Catharines, just to give an example, we have a number of beds available for those who are mentally ill. They are set up in connection with a mental health clinic, and people who are mentally ill are admitted to the hospital there. From observations I have made I can say that many of these people improve and are able to return to work who would otherwise stay outside the hospital until their condition deteriorated to the point where they would have to be committed to a mental institution. I believe that more work along these lines would cut down the number of patients in our mental institutions. These clinics are doing all sorts of work with shock treatments and with the newer drugs, and I believe that with proper direction many of these patients could be kept out of our mental hospitals. They could be taken into these other hospitals that are connected with our general hospitals, kept for a short time and after being discharged they could report to the outpatient clinics. A good many of these patients do well. I think a lot more work along that line should be done in other centres.

In addition to this I find that patients will readily go to a mental health clinic connected with a general hospital and occupy one of these beds for a short time, whereas they are very backward about going, or will refuse to go to a mental hospital unless they are committed. There is still a stigma connected with being committed to a mental hospital. I think a lot of work can be done for our mentally ill patients, particularly in the early stages.

There is one thing upon which I feel the minister should comment, and that is the content of strontium-90 in our food and milk supplies. I noticed an article in the Toronto *Telegram* of June 1, 1959 which said that the department was neither exercised nor panicked over the condition, which is probably right. I do not believe any of our scientists, and some of them admit it, know how much strontium-90 it takes to have a deleterious effect on our bodies, both genetically and directly in causing bone cancer and leukemia. I was glad to see the Canadian delegation proposing that we set up a committee of all nations to calculate the amount of strontium-90, resulting from fallout from atomic explosions, which enters our food supply. More work can probably be done along that line.

Since I am a doctor, and since the health insurance question has been very much to the fore in Saskatchewan, I think I should say something about it. I think I can best describe what I think about health insurance by quoting what I said when I first came to the house in January, 1951. It was my honour at that time to move the address in reply to the speech from the throne, and I had this to say about health insurance as reported on page 10 of *Hansard* for January 31, 1951:

> I am quite aware of the fact that most health measures come directly under provincial jurisdiction; but after practising medicine for over 30 years I realize that one of the main elements in connection with the insecurity of our people is the high cost of hospitalization and the expensive diagnostic, medical and surgical procedures so often necessary without warning. I have often seen life savings wiped out in a few weeks or months of unexpected sickness or accident. I cannot help but express the hope that we shall soon see the day when there will be available to all our people a contributory health plan to meet the cost of major sicknesses and accidents. We have many group plans that are fine so far as they go, but they are either not available or are not easily available to the large majority of our people.

I said that when I first came here in 1951. I can clearly understand the objections that the members of my own profession may raise in connection with this matter. I would be less than honest if I did not admit that I would prefer to practise medicine as it is

now practised in Ontario. The doctors themselves naturally have a fear of the disturbance of the doctor-patient relationship. I must say from observations of the scheme in operation in Great Britain that I found this interference did occur. I hope the same thing will not happen in Saskatchewan.

Many doctors whom I observed in Great Britain had large panels of patients and they could not give them close attention, certainly not sufficiently close to make any proper diagnosis. The doctors' offices became largely clearing houses for sending patients to hospital. I saw that in two or three areas. Some doctors admitted to me that since they could not follow their patients to the hospital they did not keep up as well in the practice of medicine as they should. I could quite understand that. They were working hard and seeing too many patients. In the areas which I visited, there were too many patients and too few doctors. I hope nothing like that will happen.

Mr. Argue: There are more doctors now than there used to be.

Mr. McMillan: I am referring to the time when I was over there, seven years ago. I know that there is a tendency to criticize the doctors, at least by the press and by others. What I say of myself certainly applies to a good many other doctors. I will say that during the depth of the depression and since then I have worked from 12 hours to 18 hours a day.

Mr. Martin (Essex East): You still do in this House of Commons.

Mr. McMillan: During that time fully three quarters of my time was devoted to medical and surgical work for which I received and expected no remuneration. That was in the worst of the depression. It was difficult at times to get enough on which to live. I do not mind admitting that. The fees were not high back in the 1920's. The fee at that time for looking after a woman during pregnancy for nine months and attending her during delivery varied from $10 to $20, and it was mostly $20 when you got it. Of course, attending a delivery generally involved the loss of a night's sleep. I do not believe that over the years I have been overpaid, no matter what some people may say about doctors. During the depression there were times when upwards of 75 per cent of the people in some of the hospitals in Ontario did not pay their way. They were paid for by municipalities and the province. Certainly in those cases no medical man or surgeon sent them a bill. Many a surgeon spent many nights at the hospital—and I include myself—trying to figure out surgical problems in order to try to go ahead with some surgical procedure. I do not think I am prejudiced, Mr. Chairman, when I say that there was not a time during the thirties and certainly during the early forties when the doctors did not discharge more than their full obligation to the people of this country. I will say this, however. If we had had hospital insurance at that time the doctors would have been a great deal better off but the country would not have been as well off. There were no doctors at that time who complained of that fact. I have stated my position in connection with this matter and the hon. member for Essex East has stated the position of our party. I should like to hear the minister state his position on this matter also.

Mr. Martin (Essex East): That was a very courageous speech.

Mr. Campbell (Lambton-Kent): I have listened with great interest to the contributions which have been made by the various speakers on these matters of health today, and I must say that I greatly appreciate the privilege of taking part in these discussions concerning the need for the appropriation of moneys for the purpose of improving the health of the people of our country.

May I say that it is my intention to speak about and to attempt to place special emphasis upon the need and the part that a physical fitness program encouraged from the federal level could play in working toward such a goal of improved health. I feel that there are practically unlimited possibilities in this field. I feel that I should at this time also acknowledge that it is generally recognized that the responsibility for this matter of physical fitness falls under the jurisdiction of the provincial authority, but I have long felt that more encouragement should be given from the federal level to encourage and assist the provincial governments, and in turn, the local municipal governments and the people themselves, in a program which would broaden and intensify their efforts in this regard.

At this time I wish to pay my tribute to the great contribution made by the medical profession in maintaining the health and thereby increasing the life expectancy of our people in these late years. I want to express my appreciation to the medical men for their latest effort to get our people to become more fitness minded. May I say also that I appreciated greatly the remarks of the hon. member for Jasper-Edson when he was commenting on the need for activity, particularly for older people. I have in my hand a clipping from the London *Free Press* of a few days ago which outlines a meeting

which was held in Banff, Alberta. I should like to read from this clipping which states in part as follows:

You will be healthier if you have some physical activity—no matter what your age...

These were the findings of committees which reported Wednesday to the Canadian Medical Association's annual convention.

The committee on public health said that even though proof is lacking, "we are all agreed on the benefits to health for all ages which are derived from physical activity and participation in games."

That was the meeting of the Canadian Medical Association. I also have here another clipping to which I should like to refer. It is headed "Fitness Program for All: Children get Priority, House Told". This is in Toronto. The article reads in part as follows:

Health minister Dymond said yesterday the government's new physical fitness program will be slanted towards giving every child in Ontario a chance to develop mental and physical soundness, rather than place emphasis on the development of a small number of outstanding athletes.

In asking the legislature to approve departmental estimates of $92,195,000 for 1960-61, Dr. Dymond said this year's budget of $35,000 for physical fitness would go towards a small study committee to formulate a suitable program.

I have here another clipping which I took from an Ottawa paper a short time ago. It mentions a series of articles entitled "Keeping in Shape". The author of this series is Bonnie Prudden who is, I believe, an expert in advising women on keeping fit. I should just like to read one extract from this article. It states:

Keeping in Shape is dedicated to the proposition that no reader is too young, too old, too full of aches, too fat, too thin, too flabby, too lazy or too far gone to keep fit.

The feature is written by Bonnie Prudden, one of America's foremost champions of physical fitness. For years she has carried on a long crusade against limp muscles, drooping postures and joy-killing fatigue.

I also have here a copy of a resolution from the central fitness council of British Columbia. It is a long resolution and I am not going to take the time of the committee to read it all. However the meat of it is as follows:

It is requested that the federal government authorize action to recognize and support, in co-operation with the provinces, such a national fitness council, based upon the policy, administration and operational plan submitted with this proposal.

Mr. Chairman, I feel I can speak with some authority on this matter myself as on May 24 last I had participated in organized sports for a period of 40 years. It was exactly 40 years ago last May 24 when a ball team was organized in my part of the country to play other teams, and that was the start. The sports I have participated in include hockey, football, boxing, wrestling, baseball, a little softball, and in recent months the sport of curling and a bit of bowling. I know there are many hon. members in this committee today who can vouch for the last two at least.

I have had some experience as an instructor in physical culture in my early days and I have often said since that time that what you eat, the way you think and what you do will determine what you will be. I am more convinced than ever of that as the years pass by.

I do not say this boastfully, but I offer this as proof of my statement. I have here a photograph of myself which was taken on December 22, 1924, at the time when I first started to be an instructor in physical culture. I have another photograph, a newspaper clipping, taken just shortly before I came here as a member, when I was acting as an instructor for the police departments in the city of Chatham and the town of Wallaceburg, instructing in physical culture, judo and wrestling. This photograph is taken some 30 odd years after the first one, and if I do say so myself, I had little difficulty in handling men who were 30 years younger and 60 pounds heavier than I. I say that as proof of the value of this work.

May I say that I have not had the opportunity to participate in these activities as regularly as I would like since coming here as a representative of the people of my area, but this experience here has given me an opportunity to make an accurate comparison of one's physical well-being when engaged in work such as this, compared to the kind of life to which I had been accustomed in days gone by. The opportunity to participate in organized sports at that time was of the kind which I found gave me considerable benefit, more than I get here. I have to make special effort to keep in condition as compared with those times when I was participating more freely in sports.

May I also say that I am one who possesses the firm conviction that there is great value in the kind of training—and I would lay special emphasis on the word training—that sports coaches and athletic trainers generally recognize as being essential to the development of physical and mental strength which is a part of the successful athlete. It develops self-reliance, self-confidence and self-control. It teaches one to think while on his feet under fire.

I am one of those who believe that health and strength is just as valuable and important to the average business man and other people as it is to the athlete, and that the same things which the athlete does in a somewhat modified form would also promote strength and health for the one who may not wish to participate in organized sports. The

difference is that the sport often provides the stimulus and the incentive to the effort that is necessary to inspire individuals to do the things that are essential for their well-being which they would not do otherwise. To put it in a short sentence, one must work and earn and deserve his well-being.

There is another thought I should like to leave with the committee in connection with this matter, and it is that one can continue to participate safely and sanely in quite strenuous activities long after most people think it is safe for them to do so if they would continue to train their bodies for those activities. However, by the same token I would seriously stress the folly of attempting to participate in strenuous activities without training, particularly after an extended period of inactivity, no matter how expert a person may have been in his former years.

I should like also to draw your attention Mr. Chairman, to the part that physical activities play as a deterrent to crime. It is a recognized fact that there is not only a higher physical and mental standard among those who are sports minded, but generally the true sportsman will possess the higher ideal and more objective goal in life. This to my mind is a factor that is well worth considering, because when you stop to think of the many thousands of dollars that are spent on the administration of justice, the building and maintenance of prisons, and so on, it is not perhaps an exaggeration to say that if some of the cases of crime could have been prevented through the medium of wholesome physical activities the money required would be well spent.

I should like also to point out that the need for a physical fitness program on a national scale is becoming increasingly more important in this day and age when men are devising mechanical ways of doing the work which they did by hand in days gone by. As a result of the increasing nervous strain caused by the pace at which we are moving today I predict that there will be an ever increasing need in the years to come for something to take the place of the work that our bodies were intended by nature to perform.

As I have sat here in my seat my memory has taken me back many times to the time when that fine old gentleman—quite a number of hon. members here today will bear me out on this—the Reverend Dan McIvor would march in here in what he would call his parliamentary stride and sit, I believe, in this self-same seat I occupy today. There was never an occasion that he would miss to rise in his seat and extol the virtues of physical fitness. He was a fine athlete, I understand, in his youth, a good sportsman in later life and still young at heart when I knew him, when well on in his eighties in years. The last I heard of him he was still active in the ministry, which is further proof of the value of physical fitness in the building of good citizens, and I feel that his words and his works will live long after he has passed on.

In conclusion, Mr. Chairman, I should like to take a moment to point out the tremendous benefit that could come to the people of Canada from a dollar and cents standpoint if a concerted effort were made to sponsor a health program which would be dominion wide and in which physical fitness would play a prominent part. I feel this to be especially important at this time since the government has become responsible for the health insurance of the people. An ounce of prevention to my mind is worth any number of pounds of cure. I therefore suggest that the government give most serious consideration to the advisability of encouraging some such program. However, I feel that in fairness to the people and so as not to give them the impression that you can just pick this physical fitness condition off trees, the people should be told that they are entitled to that greatest of all assets, namely a high standard of physical fitness. However, to be fit will also require a bit of self-discipline, a measure of self-denial, a bit of the will to do and a bit of hard work. But for their efforts they will acquire a greater enjoyment of their work when they realize that work is a necessary part of their well-being.

It has been a great privilege to have been given the opportunity to take part in this discussion today and I trust I have contributed something which will be of benefit to the people of this country.

Mr. Argue: We in the C.C.F. believe that now is the auspicious time for Canada to move forward in the field of social welfare measures. There is a school of thought which believes that the welfare state has already gone too far and that the measures we have today are hurting initiative, but we in this group feel that these measures which we have today provide only a basic minimum of protection and are the foundation of a better life for the majority of Canadians.

Because there is widespread unemployment, because the government has balanced its budget on unemployment and a depressed economy, is no reason for the rest of us to acquiesce in the government's belief that it should mark time, forget about its election promises and do nothing of substantial importance in the welfare field. I think the people of Canada expected this government to go forward much more rapidly in this

regard than it has done. One of the pressing needs of our country today as we see it is for a vast increase in the pension benefits which accrue to Canadians upon retirement. We feel it is not nearly good enough to have a basic minimum pension given to everyone at the age of 70 of a mere $55 a month. Surely the minister would be the first to agree that anyone who is forced to live on an income of $55 without a supplementary income has not sufficient money to provide the very basic necessities of life, food, clothing and shelter, to say nothing of the costs of medical care should they arise. I think it is a disgrace to our country that thousands upon thousands of our elderly citizens are living in hovels, living in fire traps, and suffering malnutrition in this year 1960 because of an inadequate pension.

I had hoped that this government really meant business when it said it intended to embark on a greatly improved old age security system. As has been pointed out today by the hon. member for Essex East, the Prime Minister, when he was in the position of having only a minority in this house, seemed in great haste to do something for his fellow Canadians who were in receipt of old age pensions. At that time he was not only in great haste but he was convinced that Canada should benefit from the type of old age security they have in the United States which to a large degree is related to recent income and is not merely a minimum pension paid to everyone on reaching a certain age. After that appearance of haste we had a long delay in the final preparation of the Clark report. We are confronted with an even longer delay in the government's consideration of that report. The fact is that this government has a hard, calloused and inhuman attitude toward the people on old age pensions who have no other means of support, since the government has failed to take any steps to improve their position.

Before the election this government was very expansive in its protestations of generosity for the aged. The Prime Minister has indicated great sympathy for the people living on a minimum old age pension. Since then he has had the Clark report. The minister says it is being studied, but that means, to all of us who have had experience in this house, that the government is delaying, that it is procrastinating, that it is postponing the issue. The government is failing to do now that it is in office what the public expected it to do after they had given it this tremendous majority at the time of the last federal election.

We in this country need an old age security system which has embodied in it a type of pension system so that people neither feel bound nor tied because of potential pension benefits to a given industry, nor can they be cast aside and dismissed without benefit of pension when after many years of service a company finds their employment is no longer needed. It breaks one's heart to ride on the railways of this country at this time and to hear the sad tales of railroaders who are being unceremoniously dismissed without pension benefits after 25 or 30 or more years of service. These are people who have spent their whole lives working for the railroads of Canada, and they now find that in their declining years they are placed on the labour market without the benefit of an adequate pension program to which they can look forward within a few years. This is certainly one of the best examples of the need for an over-all security system in this country containing a portable pension plan which will provide for the best protection of Canadian citizens.

I think now is the time for action by this department in co-operation with other departments, and I refer particularly to the Department of Transport, to ensure that Canadians in our nation will not be placed on the labour market in their declining years without the benefit of a pension scheme to which they have contributed for 25 years or more.

During many years in this house I have taken an active interest in making suggestions for the increase and expansion of family allowances. Many Canadians raising families find it difficult to meet the expenses of a home and the family budget particularly during that period of earning power. Family allowances have been a great benefit to Canadian families. I think it was wrong under the former administration and it is just as wrong today for a government to allow an increase in the cost of living to whittle away and undermine the benefits of family allowances.

I feel there is a substantial argument in favour of increasing family allowances so as to restore the purchasing power of the family allowance cheque to the purchasing power it had at the time when family allowances first became effective in 1945. That would mean an increase of more than 50 per cent.

I believe, too, that the time has come when there should be an extension of the age for which a family allowance cheque can be received. I think the age should be extended particularly in view of the fact that many young people whose parents no longer receive the family allowance on their behalf remain in school. If family allowances were paid to the age of 18, or even better to the age of 21, while a child was still in school this

would be of great assistance in meeting the large costs of the education of a child at late high school age or of university age. I recommend this to the government as I did to the former government on other occasions as an expansion of our social security system which would be of great benefit to Canadians.

Much has already been said in this debate on the subject of a prepaid medical care program. I am pleased to come from the province of Saskatchewan that has shown great leadership in the field of health services in recent years. Saskatchewan and its people have the distinction of having formulated and implemented the first provincial hospitalization plan in Canada. Although it is some 13 years since the plan was first placed on the statute books of Saskatchewan some Canadians are still not covered by the hospital plan. Despite this fact there is now an assurance that this situation will soon be corrected.

The people of Saskatchewan gave the Saskatchewan government a mandate to implement a prepaid medical care program in that province. I express the hope that it will not be another 13 years until all Canadians in all provinces have the benefit of a prepaid medical care plan like that soon to be provided for the people of Saskatchewan.

The hon. member for Essex East referred to the Saskatchewan situation when he used the words, "with regard to this important step toward providing for the health of the people of Canada." This is an important step forward, a step being taken after a great deal of consideration, study and planning.

The reason we in the C.C.F. believe a prepaid medical care program is necessary for all Canada is that a substantial part of the population is not covered by any plan whatever and will have to bear the whole of their medical expenses in time of illness. About one third of the people of Saskatchewan are not covered by any plan whatever. There is another reason why we feel a program is necessary at this time. It is because of the increasing cost of medical services. With modern medical techniques being improved and introduced and with an increasing number of specialists' services being required, the cost of medical care mounts. This makes it difficult for Canadians to afford the kind of medical care they need.

There is a third reason why we feel now is the time for action in this field. That is the tendency on the part of many private plans to reduce the amount of coverage under the plan, or to increase the premiums, or both, and very often to exclude persons they feel are a high risk and therefore persons who are likely to be in need of medical care. Private plans, good and valuable as they have been, have not provided the amount of prepaid medical care to which we think Canadians should be entitled.

The Saskatchewan program has been twisted and misrepresented in many ways. It has been called by our political opponents, state medicine, socialism, regimentation, dictatorship and other things. We feel the program has been and will be based on sound democratic principles. It will provide universal coverage. Everyone will be covered under the plan, not just those who can afford to pay the premiums under private plans, or those whose health record is such that they are accepted in private plans or those who happen to live in a certain geographic area or belong to an occupational group where they are covered.

The second principle of such a program is that there will be a small prepaid payment into such a plan. It is estimated it will cost approximately $35 to $40 for an adult couple with no cost for children. This would mean that in the province of Saskatchewan by an annual payment of some $70 or $75 a whole family would have their hospitalization and medical care covered. This would not be the total cost of the plan, of course, but it is believed that additional costs can be raised from general revenues within the province.

A third principle that has been enunciated is that the patient will have free choice of doctors. There will be no interference whatever in what is called normal doctor-patient relationship. The main principle of the plan will be that a doctor instead of sending his bill to the patient will send it to the central prepaid medical agency established by the government and from that agency will be issued to the doctor payment for the services rendered. A schedule of fees and costs will have to be worked out but I think there is every indication that doctors will fare very well financially under the proposed plan.

I am sorry to say that whenever the C.C.F. has proposed a prepaid medical care program each of the other political parties has opposed it. It was opposed and very bitterly opposed by the Liberal party. It was opposed by the Conservative party whose candidates said that if they were elected their government would establish a royal commission. In other words, they were going to duck the issue and shelve it as quickly as possible.

Mr. Jones: Nonsense.

Mr. Argue: The Social Credit party said that they would have nothing to do with it at all. They were completely opposed to any

universal plan which would cover everyone and all they would do would be to use public money to bolster private plans already in existence. Three political parties were opposed to a prepaid medical care program and the C.C.F. took on the field.

But these were not the only people who opposed a prepaid medical care program. They had the help of the Saskatchewan college of physicians and surgeons and they had the help of the Toronto *Telegram*. They also had the help of some people who found untold sums of money to use to publish scurrilous attacks on the government of that province and to issue a lot of nonsense and tommyrot to which the authors failed to attach their names.

They have become rather worn but I have in my hand what appear to be four pages taken from the Toronto *Telegram* of Saturday, April 23, 1960. These pages contain a number of articles by a man by the name of George Brimmell, *Telegram* staff reporter, about Saskatchewan's plans for a prepaid medical care program. I might say that this literature was issued freely and placed in the box of every boxholder in the province of Saskatchewan. There is no indication who published it or who authorized it to be mailed but it is indicated that the series is reprinted by permission of the publisher of the Toronto *Telegram*.

After the speeches yesterday I do not know whether this was a Tory medical axis in operation or a Liberal medical axis that had been arranged for the election or whether there was some insurance company money behind its distribution. But there are some interesting things said in these articles. One article is entitled, "Blood Boils Over Saskatchewan Medical Plan". Another is entitled, "Scalpels Out, Saskatchewan M.D.'s Fight Socialism". The scalpels were not out on this occasion for an appendix that needed removing but for the democratic franchise of the people of that province. On the next page there is an article headed, "Many Saskatchewan U.K. Doctors to Move if Douglas Wins".

I have been following the newspapers since the election and I have not heard of any doctors moving out of Saskatchewan. I do not know of any satchels being packed and doctors leaving. This afternoon the hon. member for Welland said that a number of doctors had left the United Kingdom. As has already been said in reply to him, this, of course, is correct.

Mr. McMillan: I did not say that.

Mr. Argue: The good doctor tells me that he did not say it. My ears must have been fooling me. A number of United Kingdom doctors have left that country but there are more doctors in the United Kingdom today than there have ever been. I hope the day will never come in the United Kingdom, as in Canada, when doctors along with other citizens will not be free to remain in the country or to leave as they see fit.

In Saskatchewan we have the services of a very fine group of doctors who have come to Saskatchewan from the United Kingdom. If they left Great Britain to escape socialism and state medicine, it is a strange thing that many of them came to the Swift Current health region in Saskatchewan, the only area where there is a prepaid medical care plan, and that they have been practising under that plan. Their neighbours say that economically they have been doing very well and that they are exceedingly good doctors. In spite of this kind of scaremongering I am certain that the United Kingdom doctors now in Saskatchewan by and large will remain in our province, as I hope they do.

But this article goes on to say that if the United Kingdom doctors move from Saskatchewan "they will have to fill up the profession with the garbage of Europe". I think that is an uncalled for slur on doctors in Canada who have come from European medical schools which I feel in many instances are among the best in the world. I notice that the hon. member for Jasper-Edson, who is a medical doctor, is nodding his head in the affirmative. In this modern day and age I do not think we need to attempt to divide the medical profession—

Mr. Horner (Jasper-Edson): I agree with you.

Mr. Argue: —or any other profession or group on the basis of the country in which people happen to be born. There should be medical standards set, as I know there are, for all newcomers, and there should not be any slur cast on the basis of the part of the world from which these people happen to come. I think the medical profession themselves, and I still do not blame the majority of medical doctors in the province of Saskatchewan—

Mr. Bigg: You killed that straw man.

Mr. Argue: What straw man?

Mr. Bigg: The one you just built up.

Mr. Argue: The hon. member should know all about straw men. Apparently some of his people believed this fiction but I do not believe it.

Mr. Bigg: Wheat straw.

Mr. Argue: I think wheat straw is a very good type of straw. A lot of things can be done with it that might compare favourably with some things I could say about the hon. member. In any case, I do not think it is necessary to attempt to divide the medical profession by this kind of slurring attack. I think the medical profession in the province of Saskatchewan has been badly led and badly misled by some of the people who have been giving them this kind of advice. Of course, they should know better than to go along with some of the propaganda that they issued. I have in my hand an advertisement in which a number of names of doctors are listed. It appeared in the Assiniboia *Times* of Wednesday, June 1, 1960, a weekly newspaper, but similar advertisements also appeared all over the province. The advertisement reads as follows:

> In recent weeks, we have been increasingly disturbed by the numerous comments made by a number of politicians regarding a compulsory government controlled medical care plan.

The advertisement goes on to say:

> We, the undersigned doctors, will continue to serve our patients to the best of our ability and will strive to give them the same high quality of medical care they have known in the past regardless of what may take place at government level. However, we will not participate in any compulsory government controlled medical care plan. We shall continue to conduct our practices on a private and personal basis.

This is another method of trying to influence the electorate. I do not believe this statement for a moment.

Mr. Brunsden: Mr. Chairman, on a point of order, are we discussing the Saskatchewan election or the estimates of the Department of National Health and Welfare?

The Acting Chairman (Mr. Jung): I would ask the hon. member to confine his remarks to the estimates.

Mr. Argue: I was endeavouring to point out how the prepaid medical care program had been misrepresented and attacked in Saskatchewan. Nevertheless, the people of that province showed themselves in favour of the plan.

An hon. Member: Forty per cent.

Mr. Argue: That interjection is significant; it makes it clear that the people who voted C.C.F. were for the plan and those who voted for the other political parties were opposed to it. If you want to take the attitude that a political party has to have an over-all majority in order to implement its program, then democracy would come to a standstill in this country because very few governments ever obtain a clear majority from the electorate.

All Canada will watch this program with a great deal of interest. The C.C.F. in Saskatchewan is once again showing the way. But I plead with the Minister of National Health and Welfare to speed up the government's consideration of a prepaid medical care program. Let us hope the federal government will not take another 10 years to act on this type of program as the federal government took to implement a national hospitalization program. The people of Saskatchewan, because of the results of the recent election, will have the opportunity to enjoy the benefits of a prepaid medical care program.

I am asking this government to also show some leadership so that the Canadians in other provinces may have a chance to benefit from a prepaid medical care program. The federal government has a responsibility in this field, just as the federal government has accepted responsibility in the field of hospitalization. The Canadian government should come forward now with a federal prepaid medical care act by which the federal government would co-operate with any provincial government prepared to embark on such a prepaid medical care program.

Mr. Speakman: He wants us to bail out the C.C.F. in Saskatchewan.

Mr. Argue: Nobody will need to bail out the C.C.F. This is a strange remark coming from the member of a party, the Conservative party, that failed to elect a single member in the recent election. It is not the C.C.F. that needs bailing out but the Tory party which has ceased to exist in Saskatchewan on a provincial basis since 1938.

Even with a prepaid medical care program we will not have a complete health program. The day must come, and it will come, when we have a dental program and a program which will take care of the costs of drugs. Only when we have a comprehensive national health insurance program which will include hospitalization, medical care, dental care and drugs will the people of Canada be able to enjoy a modern, scientific, health program to which every citizen has a right.

Mr. Taylor: It is a pleasure to rise in my place today and find the chairman of the committee is a colleague of mine who represents a riding adjacent to mine. I have listened with a great deal of interest to the speakers from both sides of the house who have spoken on the estimates of the Minister of National Health and Welfare. I particularly enjoyed the remarks of the hon. member for Lambton-Kent who spoke about national health and fitness. I enjoyed also

listening to the hon. member for Jasper-Edson who spoke on these estimates, as did the hon. member for Assiniboia who just sat down.

Hon. members will recall that about a year ago I had the pleasure of placing on the order paper a resolution which read as follows:

That in the opinion of this house the government should give early consideration to the advisability of establishing a Canada sports council with the object of fostering and encouraging amateur sport in Canada, such council to have representatives from each of the provinces of Canada.

Hon. members will recall that on that occasion sincere and wholehearted support was given to the principle of the resolution. It was encouraging to me to find that the Leader of the Opposition and the representative of the C.C.F. group, the hon. member for Vancouver East, gave wholehearted support to that resolution. Again this year I placed the same resolution on the order paper, but for one reason and another I, along with other members, was not able to debate this resolution. Today, therefore, I want to speak for a few moments on that resolution as it pertains to the minister's estimates.

When I spoke last in the house on this resolution I referred to the fact that it was only a few years ago that the prime minister of the day rose in his place and gave, in a most refreshing manner, the reasons for the necessity of establishing the Canada Council in order to assist the arts, humanities and social sciences. The reasons advanced by the then prime minister for the establishment of the Canada Council could be applied equally to the case for the establishment of a sports council. If there was a need for the Canada Council, then I submit that there is an equally pressing need for the establishment of a Canada sports council because we are dealing with the health and fitness of the people of Canada.

We must remember that a nation's health is a nation's wealth. In glancing at the report of the Canada Council one would seem to find confirmation of the views and opinions of those who advocated the council. I noticed on reading page 20 of the report for 1957-58 that the council supported seven symphony orchestras and while the number of regular concerts given was the same as in the previous year, the number of performances for children and others was almost double, increasing from 93 to 175, while the total attendance increased from 320,000 to 477,000. I am sure that if hon. members were to give support to the establishment of a Canada sports council the first annual report of the proposed new organization would be equally glowing.

I suggested when I spoke before in the house on the subject that if a sports council were formed one paramount rule should be that the organization be as free from state control as it is prudent for any body to be that is entrusted with public funds. I would further suggest that the general rules which now apply to the Canada Council also apply to the proposed Canada sports council, with of course minor changes.

I also suggested, that a representative from each of the provinces of Canada be appointed so that the organization would be a truly representative one. The resolution speaks for itself in that regard. The persons chosen, as I mentioned before, should be familiar with the great problems now facing all athletic clubs and all athletic associations from one end of the country to the other. The persons chosen should be prepared, I submit, to devote much time to the youth of Canada who desire to play games in national and international competitions.

In my earlier address I referred to a few outstanding Canadians who would, I was sure, serve on this sports council and would give substantial leadership to the pressing and urgent problems facing amateur athletes in Canada today. If suitable persons are chosen, and if a reasonable fund is created, the indignities and embarrassments that have plagued our amateur athletes can be to a large extent eradicated.

In 1958 at the British empire games we gained one gold medal in rowing. In the final point standing we ranked fourth, well behind South Africa and a mere 100 points in front of Pakistan and the host country, Wales. At the last Olympic games held in Melbourne in 1956 Canada gained only 52 points to place 16th amongst 44 nations. What about the forthcoming games in Rome? We can only hope that at least once the Canadian flag will be atop the masthead in the Rome coliseum to warm the hearts of all Canadians attending. It would appear that there will be a large delegation from this country, and I only hope that we do well in Rome.

There are indications that we will not do so well. I feel that now is the time, before the results are posted, for some remedial action to be taken, so that at some future international show we can make a better showing. In 1958, in Davis cup tennis, Canadians played against a United States team that was virtually untested and the United States team made a clean sweep of the five game series. At the Pan-American games a year ago in Chicago Canada made a fair showing but in a limited field. May I say there was one significant thing about those

games—I refer to the Pan-American games in Chicago—namely the fact that the Canadian Prime Minister was there in person. That was the first time to my knowledge that a prime minister had attended such an international event outside of Canada.

Mr. Martin (Essex East): But not the first time a minister of the crown had done so.

Mr. Taylor: I did not hear what was said by the hon. member for Essex East.

Mr. Martin (Essex East): I said that was not the first time that a minister of the crown had done so.

Mr. Taylor: The hon. member may be right but I think it was the first time a prime minister has attended an international event outside of Canada. It was heart warming, of course, to see him there. He certainly gave great encouragement and lifted the morale of the Canadian contestants. I am confident that under the inspiring leadership of the Prime Minister appropriate help will not be long withheld from our Canadian sports ambassadors.

At the 1956 winter Olympics in Cortina our Canadian hockey team was defeated by Russia. In 1960, as hon. members well know we had the opportunity of regaining the Olympic hockey award but we did not do so to the dismay, discouragement and annoyance of Canadians everywhere. It is for that reason that we should possibly plan now to make a better showing when we play again. That is possibly one of the reasons why I am urging the minister and the hon. members in the chamber today to do something about the situation. It is no sin to lose. I do not think that is what is bothering Canadians. What is bothering them is the fact that the nation does not go to sufficient trouble to assemble and train the best that we have.

We know what took place with respect to our Canadian hockey club. At Squaw Valley we placed eighth out of 16 countries. As a country which should normally excel in winter sports we placed behind such countries as Austria, Norway and Finland. We secured less than half the points of Sweden and Germany and we gained about one fifth the points obtained by Russia.

After almost all of the international events, certainly after the Olympic games of 1948, 1952 and 1956 and after the event at Squaw Valley, considerable publicity was given to Canada's inadequate showing. Generally speaking, there are many who say that we have been left wallowing in the wake of some of the more energetic countries which have become activated by the spirit of competition. I hope in the days to come we can make a better showing. Certainly when you sit in these large stadia outside of Canada you would like to see our contestants do well and go to these international shows properly clothed and equipped.

In the last ten years many countries refusing the role of also-rans have introduced development programs. The idea is to encourage many to take part and from the many more super-stars as a natural by-product will be produced. These countries have also set up a centralized coaching system. Certainly a study could be made through the proposed sports council of Canada's athletic needs and problems. Canadians like any other group like something to cheer about. Certainly it does something for our morale both nationally and individually.

How proud we all were to be Canadians —and I can certainly speak for those of us in western Canada—that day in 1928 when the lean and hungry Percy Williams popped the eyeballs out of the athletic world at Amsterdam. He became a national hero, and in his home town of Vancouver, in particular, he provided the spark and incentive to hundreds of school children to take an interest in track and field. The result has been that Vancouver annually stages the largest track and field meet in Canada. That credit, as I have indicated, is due to one performer who did so well in an international competition.

How proud we were as a nation of Anne Heggtveit of Ottawa for her great triumph at Squaw Valley. The same statement applies to Bob Paul and Barbara Wagner who did such a fine job in skating competitions. They certainly inspired to greater feats the other athletes assembled and, let us say, the small fry on rinks and ponds everywhere.

Canadians at the winter Olympics were provided with an emotional thrill through the victories of the people whom I have just mentioned. Because of their victories and their examples will not hundreds and hundreds more take up skiing and figure skating? Does anyone feel that because of Barbara Ann Scott fewer Canadians became interested in ice skating? Is not the morale of Canadians higher and thus is not Canada a better place in which to live because of the great achievement of these fine amateur athletes? Take away national pride and what have you left?

What we legislators and the various government departments must realize is that our citizens are interested not only in these international sports but in sports in general. What we must also realize is the substantial potential ability of our amateur sport ambassadors in improving public relations around

the world. Surely Barbara Ann Scott, Anne Heggtveit and so many others have left a lasting impression upon the peoples of the world that Canada is a place of nice people and fine things. How else do you become acquainted with a country? If our few sports ambassadors have left a good impression upon the minds of the nations overseas, have they not made it just that much easier for our Department of External Affairs?

Mr. A. D. White, who I believe is not now a coach at the University of Toronto but who was a very popular and successful coach, delivered an address to the Couchiching conference and when referring to the Olympic games he said this:

> It appears that in Canada there is little understanding of the professional calibre of this international sports show in which our athletes seem so poorly equipped to compete.

One interesting observation was this. Some observers have interpreted our results at the games as an indication that the Canadian population is below par physically. I do not go along with the general notion that we are well below par. However, I think there is a real problem to be met. If we are below par physically then something ought to be done about it at an early date. I am sure that all hon. members and for that matter all ministers are tired of the appeals being made to them for federal funds to assist travelling clubs. The creation of a Canada sports council would not satisfy all of them by any means but at least the athletic governing bodies would be able to police themselves better and the essential things could be taken care of. That is what the Canada Council has found to date. That council could not and cannot take care of all appeals but certainly some of the essential appeals are being taken care of.

During a relatively short period I have received as I imagine have all hon. members, letters from various athletic clubs throughout the country. There was an appeal made by the team that represented Canada in Moscow in November, 1958. There was the appeal of the basketball team that represented Canada in Chile. There was the request for funds by the Canadian grass hockey team that played in half a dozen countries in Europe in 1959. All hon. members will recall the general appeal of the rugby team which left from Vancouver and toured Japan and made so many friends there. It made an equal appeal for funds but unfortunately, like the others, received nothing.

We all know about the plight of the Belleville McFarlands and the appeal for funds for the Canadian Pan-American games committee and the Canadian winter olympics committee. In almost all of these cases the Canadian team was seen abroad either in stadia or on television by millions of persons. During the Squaw Valley games the Columbia broadcasting system estimated the total television coverage reached an audience of some 66 million people. The cost to the C.B.S. company was $2 million. This, I submit, is in the realm of big business.

The Minister of Transport when being interviewed over a Canadian Broadcasting Corporation program in Toronto mentioned that some Canadian athletes are better known outside Canada than most prominent politicians.

Mr. Martin (Essex East): The Leader of the Opposition was denied a similar opportunity.

Mr. Taylor: Yes, I recall that. I may say that I have long been a follower of the Leader of the Opposition, and perhaps on some of these sports programs I would find it a pleasure to hear about some of the events he participated in so many years ago. I am very pleased he took the time to support this resolution and I feel sure that he will continue to support it, at least I hope he will.

Mr. Chairman, if you agree with me that our amateurs now perform before millions of persons and have the fortunate ability of assisting us in so many ways, what, might I ask, do we as federal legislators do for them, and in turn for the younger sports minded people of the country? I am not criticizing in any way the present administration or even the previous administration, but from almost time immemorial the senior government of Canada has been obliged to reject about 99.9 per cent of all appeals for financial assistance save and except the appeals of the Canadian Olympic association, which makes an appeal every four years.

For the 1956 Olympic games this house provided $60,000. That was provided by the previous administration. When it came to 1960 the present administration provided the same amount of money. But I want to point out that the $60,000 in 1960 had to be spread over three major international events, the one at Squaw Valley, part went to the Pan-American games in Chicago, and part to the large sports event which is coming up in Rome later this year. I wish to point out that we provide such seemingly small sums for these international events, whereas in the field of entertainment, for example the C.B.C., we provide some $79 million. We also provide upwards of $1 million to the national gallery and many millions to the national film board. I feel that some of these sports ambassadors are doing the same job

as a finished product of the national film board does for Canada when shown outside the country.

I might add that when I looked over the budget of the Canadian Olympic committee I noticed that there was a contribution from an unidentified person from the United States. Certainly all contributions are to be welcomed but it was something rather unique to see that contribution there.

I might also point out that at Squaw Valley the Canadian Olympic committee had about $22,000, out of the fund which totalled $60,000, to spend there. While Anne Heggtveit received from Ottawa a glittering welcome after her great victory at Squaw Valley, there was another Ottawa youngster by the name of Fred Gravelle who left for Squaw Valley without sufficient funds to take care of him while there or to bring him back home, and in this case Ottawa citizens were obliged to pass around the hat as is the usual custom during fund raising campaigns to assist athletes.

The hockey clubs that represent Canada at these international events receive no money from the federal government, and I do not know whether hon. members are aware of that. Hockey teams representing Canada receive no money from the Olympic fund and in turn no money from the federal government. The hockey clubs must therefore fend results. All in all there is no money for the many extras that arise, and this does not improve morale. I submit that you cannot expect excellent performance and deportment from these teams when they leave Canada undermanned, poorly equipped and without for themselves with the most humiliating some modicum of moral support from the government. I suggest that if the player is entitled to wear the maple leaf on his sweater when playing in these international shows he must expect better support from the senior government. May I suggest that in future we should send these people out of this country properly equipped and properly dressed or not send them at all.

In the 1958 annual report of the Canadian Broadcasting Corporation it was stated that the Canadian Broadcasting Corporation coverage of the final game between Penticton and Russia was the highlight of the year. Millions listened to the broadcast; yet when the Penticton players proceeded overseas en route through Montreal, to the surprise of some local business man in Montreal he saw the team leaving without proper blazers. The players were measured for blazers at that time and the blazers followed them overseas. I have also seen other clubs leaving Canada without the usual blazers and proper ties. It looks much more fitting to see representative clubs going overseas dressed in a manner which is a real credit to Canada.

After travelling with Canadian clubs in England, Switzerland, Czechoslovakia and the United States, I can say that because of the shortages we are not doing the job that could be done. With the shortage of funds and confusion as to who actually sponsors our national clubs, no uniformity is followed in club colours. The Canadian hockey team that played in Russia in 1958 wore red, and the Canadian team which represented Canada in the winter Olympics wore green. The spectator might just ask what are our national colours in the world of sport. It is confusing to all overseas to see a maple leaf, or sometimes the lack of it, on the front of a sweater and find some other advertising material on the back. I presume this situation will get worse unless some federal assistance is forthcoming. It may well come to pass that we shall see the words "Ace Beer" on the front of a sweater and "Acme Moving Company" on the back. When the Toronto Lyndhursts represented Canada there was a report in a newspaper article "that the Russians at least managed to beat a team from a used car lot".

Other countries have recognized the problem and action has been taken. I referred in some detail when I spoke last to the legislative program in other countries. Certainly other nations have realized that national prestige is increasingly associated with athletic showing. Since we last debated this resolution in the house a general election was held in England. It is interesting to note that the election manifestos of the Conservative party and the Labour party contain references to the establishment of a sports council. In the Conservative booklet which was issued just prior to the last election in Great Britain appears the following:

> We propose that, on the analogy of the arts council, a small, independent body, to be called the sports council of Great Britain, should be established under Royal Charter as the instrument for distributing government money for all the purposes we have mentioned.
>
> The sports council would receive appropriate grants from the exchequer, paid on a quinquennial basis, with the power to carry forward balances from year to year.

These grants could accrue to something like five million pounds a year. On another page of the same booklet issued by the Conservative party in Great Britan, what the sports council could do in that country is discussed. Then in another pamphlet published in Great Britain by the Labour party appears the following:

> The youth service, which could provide recreation for boys and girls leaving school, has, year after year, been starved of funds. Many youth

club premises are dingy and unattractive, trained leaders are too few, and facilities for sports and games are quite inadequate. Over the next five years we have got to make provision for a million more teenagers leaving school. Our new sports council will go some way to meet their needs.

The labour party went on to say:

We shall make much better provision for the enjoyment of sport, the arts and the countryside. A sports council will be set up with a grant of £5 million.

That is what is taking place in Britain and it is, I submit, a very forward step. Also, in one of the Conservative publications, there was reference to a large national training centre to be constructed at the Crystal Palace outside London at a cost of £2,185,000.

In closing, may I say that in order to assist our amateur athletes and at the same time to improve the health of Canadians and the stature of Canada, I suggest we do the following:

First, I think a Canada sports council should be established and a fund created under the control of the council in the same way as with the Canada Council.

Second, I feel that the government should request the council to survey the needs and basic requirements of our athletes.

Third, I would suggest that the defence department assist the council and the amateurs in a number of ways. The navy and air force do make trips overseas, and in peacetime arrangements could surely be made to carry our sports representatives while the navy and other branches of the armed forces carry out training manoeuvres. As it is, out of $20,000 allotted for the Canadian Pan-American committee, $9,000 went to T.C.A. and other commercial carriers. I suggest that the practice of the United States department of defence and the state department should be followed with respect to carrying these amateur ambassadors overseas.

Fourth, I would suggest that the government proclaim once every four years an Olympic week, when citizens could be urged to support with money the Canadian Olympic team.

Fifth, the government could help the city of Vancouver, or any other Canadian city which offers to hold the Pan-American games. If Chile and other such small countries can be hosts to such a large gathering, surely Canada could do as much. Incidentally, while I was in Chicago, attending the Pan-American games I read a publication there that the United States federal government had assisted Chicago to meet the financial problems of holding the Pan-American games.

Sixth, I suggest that a national school for coaches be established by the senior government through the Canada sports council. I suggest that coaches properly trained could do so much with the young people of Canada. Here would be a national program aimed at the masses. The health of Canadian youth would improve, and from the many we could select more super athletes for international competition.

Seventh, the senior government in its national parks could give every consideration to the construction and erection of those things which would encourage the youth of Canada to participate in outdoor activities.

Eighth, the senior government could work out a plan with the provincial governments, using the council, for a similar work project in provincial parks. Further, capital loans at low rates of interest could be made to resort owners willing to instal equipment to meet the demands of outdoor sportsmen.

The Chairman: I must advise the hon. member that his time has expired.

Mr. Taylor: Thank you, Mr. Chairman, it was a pleasure to speak on this subject again, and I hope the minister will do everything possible to assist.

Mr. Howard: While I was listening to the discussion a moment ago I thought there had been a cabinet shuffle and I was about to offer my congratulations to the new minister of national health and welfare. But I see now the hon. gentleman was only substituting while the real minister absented himself for a moment or two.

I have listened with great interest to the remarks of the hon. member for Jasper-Edson and the hon. member for Welland, both of whom are practising medical men who have an intimate knowledge of the subject matter of this discussion. Many others of us can only attempt to understand in a vicarious way these questions affecting the health of the people of this nation. While, as I have indicated on other occasions, I believe that the health and physical welfare of our Canadian citizens is the most important national effort we have, and while the department, through its various branches deals extensively with the health and welfare of our people, I feel, especially in view of the fact that the hon. member for Timmins and the hon. member for Assiniboia have both dealt with the question of further promoting the health of our citizens, that I might, perhaps, leave further discussion of that subject at this stage and perhaps comment more extensively upon it when the individual items of the esitmates are before the committee.

I was interested in the remarks made this afternoon by the hon. member for Jasper-Edson, especially his reference to the need for an investigation into drug prices. The

hon. member also mentioned the methods of advertising used in the drug industry. He was referring, of course, to the ethical drug industry. I want to say that we support him wholeheartedly in this regard. It is to this end that I should like to direct some of my remarks at this time.

There has been a good deal of discussion in recent months instigated by the remarks of hon. members of this house, by the so-called Kefauver committee hearings in the United States and by the inquiry presently being conducted by the combines investigation branch of our Department of Justice. Out of all this there has been probably more public information given about this industry both by the pharmacists themselves and by the manufacturers than has been available for a long time with regard to what the industry is doing and what it plans to do.

One of the main reasons for what I consider to be the unnecessary high cost of drugs is that the ethical drug manufacturers—and I cannot understand how that word "ethical" got in there in relation to them, but it is there—are obliged to spend a considerable amount of money each year on research and in developing new drugs. The high prices therefore are said to be necessary in order that they may recoup the investment on research before the product is replaced by products of better quality, or of a different type or of greater effectiveness. Now the drug directorate of the department prepared a statement in March of this year for presentation to the estimates committee, and I should like to refer to part of that statement which appeared on page 2 of the report in so far as the question of research is concerned in relation to the drug manufacturing industry in Canada. Under the heading "Research and Investigation" the report deals with the administration and enforcement within the department itself. Then it says:

> It should be noted that there is almost no investigation work on foods carried out by the industry or the universities in Canada and only a few drug manufacturers have research laboratories in this country.

Just the other day a booklet came to my attention entitled "Facts about Pharmaceutical Manufacturing" and no doubt it was sent to every hon. member of this house as well as to myself. It is published by the Canadian pharmaceutical manufacturers association, whose address is the King Edward-Sheraton hotel in Toronto. There are some passages in this booklet to which I should like to refer in relation to research in Canada. As to the Canadian pharmaceutical manufacturers association about which I shall have something to say later, I would simply point out that it is not a Canadian pharmaceutical manufacturing association. They are not Canadian but claim they are and make some reference to it. On page 9 of the booklet it is stated:

> As we have noted, it costs money to bring a new drug or compound into being. Penicillin and the Salk vaccine each cost $20 million before they were available to the medical profession in quantity.

The inference is quite clear, that the drug manufacturing industry spent $20 million on the development of each of the drugs, Salk vaccine and penicillin. That is not true.

Mr. Martin (Essex East): The government of Canada spent a lot of the taxpayers money on the development of Salk vaccine.

Mr. Howard: The hon. member has stated the point I am making. The implication in the booklet is that this money was spent by the industry in the development of penicillin and Salk vaccine which is not in accordance with the facts. The discovery of penicillin had nothing to do with the drug industry in Canada or the United States. It was developed in the United States almost exclusively by the use of government funds. The same with Salk vaccine. The treasury of this nation put up the money to develop Salk vaccine.

Mr. Martin (Essex East): In the United States it was developed out of the moneys collected by people through the march of dimes campaign.

Mr. Howard: I appreciate that the hon. member for Essex East has a thorough understanding of this subject and if he wants to enter the debate in a formal way when I have concluded the committee will benefit from his experience and he could comment without interruption. However, if he attempts to continue at this time his presentation will be interrupted by me because I have the floor.

Mr. Martin (Essex East): I merely want to help, that is all.

Mr. Howard: The drug manufacturing industry in Canada did not spend one red cent on the development of Salk vaccine.

Mr. Martin (Essex East): That is not completely correct.

Mr. Howard: I know the industry spent some money after it was developed. However, now the situation is worse. My hon. friend has left his seat and is half way out the door.

Mr. Argue: Now he is gone.

Mr. Howard: Yes, he has left. The booklet goes on to state:

> It is estimated that in North America this year the pharmaceutical industry will spend approximately $200 million on research and development—

Reference is then made to the distribution of that amount of money. The sum of $200 million is a considerable sum to spend on research and development. I do not have access to the financial statements of the companies concerned but the following statement casts some doubt on the validity of the previous quotation. In the 1958 issue of *Consumer Reports* there appears a statement by Mr. Chet Shaw, director of the health news institute, who addressed the American drug manufacturers' convention in 1956. I appreciate that there is a difference of four or five years in the figures. With reference to the amount of money spent on research Mr. Shaw is reported to have said:

> We've done a lot of talking about an estimated $100 million—

Spent on research. I continue:

> —but we'd be hard put to document it. What if someone questioned it—someone whose voice we couldn't afford to ignore?

Most research work is done in the United States. Generally speaking the amount reported to have been spent on research is not very great compared with the portion of the sales dollar that is spent on advertising to sell the product. I have in my hand the United States federal trade commission's economic report on antibiotics manufacture dated June of 1958. It is their policy not to refer to specific companies by name because this would disclose information about the companies and they are simply enumerated as company No. 1, No. 2, No. 3, etc. The report reveals that in 1956 company No. 1 spent 8.1 of the sales dollar on research and 26.4 per cent on advertising and selling; company No. 2 spent 13.9 per cent of the sales dollar on research and 24 per cent on advertising and selling; company No. 3 spent 7.9 per cent of the sales dollar on research and 28.1 per cent on advertising and selling; and company No. 4 spent 3.5 per cent of the sales dollar on research and 30.7 per cent on advertising and selling. In other words an average of between 8 and 9 times what was spent on research was spent by these companies on advertising and selling. Therefore the reference to the amount spent on research has been over-stated to a large extent.

I return now to the booklet published by the Canadian pharmaceutical manufacturers association. They indicate that they are representative of 60 pharmaceutical manufacturing companies which are listed by name on page 20. By reference to Moody's directory and the industrial index I have discovered that only 3 of the 60 are Canadian. I find that 25 are subsidiaries wholly owned or controlled by United States pharmaceutical houses and others are subsidiaries of German, British, French or Swiss manufacturing concerns. When the booklet refers to money spent it is talking about money spent by the United States drug manufacturing industry, not the Canadian industry. The booklet also distorts the figures as I illustrated by referring to Salk vaccine and penicillin research.

In recent years there has been an intense and continuous search for a drug to retard the progress of cancerous growths and to cure this dread disease. I have examined university publications containing lists of gifts, bequests and grants and have here the one pertaining to the University of British Columbia. While it would appear that some contributions are received from certain drug manufacturing companies in Canada, in looking through reports of this type I have not been able to find one single instance where any drug manufacturing concern in Canada or the United States has contributed a cent toward cancer research in any of the universities of Canada. They may have done so but I cannot find that they have contributed a single cent to organizations such as the cancer research foundation.

I think it would be a tremendous asset to the health of our nation and in finding a drug or other method to curtail cancer if some of the money these companies say they are pouring into research could be directed toward finding some cure for cancer. It may well be that they spend funds along these lines within their own research establishments. I do not know about that and have not heard any reference to them doing so. However, a great deal of research work is done under sufferance through grants from government and individuals by the cancer research foundation and the universities, and I think the drug industry could provide some money for this work. They are not spending their money specifically on an attempt to make a major break through in the pharmaceutical field and do not have too good a record in this regard but are rather spending their money on developing additional uses for or refinements of drugs and pharmaceuticals that have already been developed to a great extent under public control.

I should like to deal with the question of quality control to some extent and refer to page 11 of this booklet issued by the Canadian pharmaceutical manufacturers association. It will be recalled that its publication stems from the fight with regard to the purchase of brand name drugs or generically named drugs, the idea being that if you buy by the generic name you pay less than if you buy by the brand name, although that is not necessarily always the case. The association also says that generically named drugs

are imported from other countries, notably Italy, where the manufacturers do not have the same standard of quality control as exists in the United States or Canada and therefore the drugs are of poor quality. On page 11 of the booklet I find the following:

> The keynote of production and quality control is uniformity. The last batch of a pharmaceutical must be identical in every way with the first batch, even though years might separate them.

This leaves the impression that every time you buy a particular drug in a drugstore you are guaranteed that it is precisely the same in every way as when you bought the same drug four or five years ago or even longer. That is the impression they leave. They say that every batch meets certain standards over the years and that if I buy a certain pharmaceutical today there is a guarantee that in every way it is the same as when I bought it some time ago, even though I may not buy it in the same place. That is the impression that is being left and we know that is not so.

We know that variations are allowed by the food and drug directorate in their testing of drugs. We know that a drug may range from 90 per cent to 110 per cent or 115 per cent of the initial standard. There is a variation of 15 to 20 per cent from the norm set by the food and drug directorate. I am not trying to leave any false impression about the matter. I am merely trying to clear up what I think are incorrect impressions created by this booklet.

I know that some members of the committee are pharmacists and I am sure that the committee would be delighted as I would be if any of them would get up and give us their point of view because, so far as the drug question is concerned, I think they have been much maligned. It would be helpful if they would participate in the debate and explain their point of view as to this matter. As an aside, may I say that unfortunately for the pharmacist he is the person with whom the consumer deals. When a person is given a prescription he takes it to a pharmacist to have it filled and the pharmacist is the person to whom the customer pays $10, $15 or $20. Because the pharmacist is the one who deals with the patient, he is the one to whom the patient looks as being responsible for the high price of the drug. This is not so because the pharmacist is merely doing business. These are things that those members who are pharmacists could explain to us.

I should also like to deal with the question of advertising in the ethical drug industry. We know, of course, that the expression "ethical drug industry" means that they do not make drugs for sale directly to patients but for sale under prescription by a doctor and through a pharmacist. Therefore they do not advertise in the normal sense of the word in that they are not trying to reach the consumer but rather the doctor, pharmacist or wholesaler, those people who are in between the consumer and the manufacturer. There is a difference in the advertising approach that is used.

While the advertising of proprietary medicines is, I understand, controlled pretty well and carefully checked by the food and drug directorate, advertising directed to doctors by the ethical drug industry is not controlled to that extent and there is no check as to the truth of the advertising. In this field perhaps I might call upon some comments by Professor Nickerson, professor of pharmacology and therapeutics at the University of Manitoba and Associate Professor Gemmell, associate professor of medicine at the University of Manitoba. These two gentlemen wrote an article which appeared in the Canadian medical association journal of April 1, 1959. It is entitled, "Doctors, Drugs and Drug Promotion". The article is five pages long and that is far too much for me to read.

However, I should like to make one or two references to the attitude and opinions of these two gentlemen, one a professor of pharmacology and the other an associate professor of medicine, with respect to what they think about the advertising approach of the drug manufacturing companies which, as I indicated earlier, spend from 25 per cent to 30 per cent of their sales dollar on advertising. Actually I have a reprint of the article here. I do not think I should ask the committee to listen to extensive reading but perhaps I might be permitted to make one or two references. I quote from the article:

> A casual local survey during the past year revealed the following:
>
> 1. A majority of physicians utilizing a "new" and effectively advertised analgesic did not know that it is simply the standard A.P.C. (acetylsalicylic acid, phenacetin and caffeine) plus a little barbiturate.

Apparently in the advertising this was represented to be a new and effective drug but was substantially the same as that which had been on the market for some time. Then the article says:

> 2. Several physicians did not know the composition of the mixed electrolyte solutions they ordered by a simple number or letter designation. As a result, we have seen two recent patients with post-traumatic oliguria receiving potassium-containing solutions. Both died of potassium intoxication before renal function was re-established.
>
> 3. A mixture of antimalarials and a steroid was administered for a dermatological condition without any appreciation of the amount of steroid in the mixture, and consequently without any

provision for gradual withdrawal to allow recovery of suppressed endogenenous pituitary-adrenal function.

Mr. Argue: Look out.

Mr. Howard: As long as I can wrap my tongue around them I will be all right.

Mr. Argue: You are doing as well as the minister.

Mr. Howard: I have been practising my reading. These are the results of the type of advertising in which the drug industry engages in trying to sell its products. It is something like an Alice in Wonderland approach; we will have the verdict first and the trial afterwards. As Professor Nickerson points out, it is the advertising department that will discover and establish the superiority of a particular product, not the drug manufacturing industry or the medical man himself. This is unfortunately the result of this intense concentration on the selling approach to advertising; the industry is trying to push particular products.

As I have said, I have only selected one or two excerpts from this particular article, and of course if we went into it in detail then the full article should be read, especially in view of the fact it is a scientific paper. Then my remarks could be related to the text of the article and a full appreciation gained of the points Professor Nickerson is making. I have quoted from the article because it refers time and time again to the advertising. At another point he says:

For example, the full significance of a recent promotional effort, which provided references to both efficacy and lack of toxicity, was not apparent until it was noted that the doses used in studies quoted to demonstrate the lack of toxicity were considerably lower than those used to substantiate efficacy.

References such as this are all through this particular article. I understand, Mr. Chairman, that I have perhaps run out of time. I had two or three other references I wanted to make on the question of advertising.

Some hon. Members: Oh, oh.

Mr. Howard: That is the democratic reaction of the Conservatives, as I have noticed them in many places. As soon as a member who does not belong to their party indicates that his time is up, they are quite pleased. In any event, perhaps they should show the same appreciation when the Minister of Finance is speaking. Perhaps I will have an opportunity later to make some other remarks on this important subject. Perhaps my remarks will promote the entry into the debate of other people who are interested in this particular field and perhaps as a result of our exchange of views and attitudes we might come up with a more successful approach to this drug question than has been the case in the past two years.

Mr. Beech: Mr. Chairman, I want to add my congratulations to those of other hon. members to the Minister of National Health and Welfare upon the splendid strides forward that have been made during the time he has had charge of this department. He has done such a good job that I hestitate to hold up the passage of these estimates. I hope he will excuse me for taking a few moments to speak on this subject because it is the only opportunity I have had during this session to make these remarks.

I am referring to the appeal for assistance for housing for elderly persons. I introduce this matter in the hope it will encourage the building of more accommodation for our elderly citizens by municipalities and service groups such as the Canadian Legion, Lions, Kiwanis and Rotary clubs. This is not to belittle in any way the progress that has been made since the limited dividend section of the National Housing Act was first introduced. In fact the success of these early developments has brought into being many such projects, sponsored by various agencies but all financed under the limited dividend section of the National Housing Act and administered by the sponsors. Since 1950 some 4,825 units have been approved and it is interesting to note that of this number 1,328 units were completed up to the end of 1956 and since that time, 3,497 units to the end of 1959; in addition to which there were 586 hostel beds provided in the province of Saskatchewan during the latter period.

The provinces in which they were approved are: New Brunswick, 16; Quebec, 993; Ontario, 1,837; Manitoba, 216; Saskatchewan, 860; Alberta, 124; British Columbia, 779. The amount of loans approved for these projects totalled $24,711,318, and the sponsors for the projects were as follows: city and municipality, 41; church or church groups, 7; private enterprises, 16; the Canadian Legion, 8; corps of commissionaires, 1; charitable organizations, 16; service clubs, 35. There are approximately 9,000 persons accommodated in these projects, including the hostel beds.

These figures indicate the growing interest in this problem by the people and the various governments. Indeed, the very acceptance by the public has only accentuated the need and desirability of this type of housing. What does this type of housing accomplish?

First, it provides housing for those who are in advanced years and still able to perform the necessary duties to maintain a home without supervision.

Second, it allows these senior citizens to have their own homes and live their own lives instead of living with sons or daughters who may be hard-pressed to provide a place for them or living in back rooms or attics.

Third, it provides accommodation at rents they can afford to pay, thus maintaining that feeling of independence which comes with the knowledge that they are paying their way.

Fourth, it gives them a feeling of security when they know they will not be asked to move at a landlord's whim.

Fifth, it gives them a feeling of content because of the design and comfort of the accommodation and the environment.

Sixth, it reduces the need for costly county homes for the aged.

Seventh, the first grants made are the only assistance needed with the exception of some aid in relation to taxes as the projects are self-sustaining.

Eighth, welfare costs in these projects are practically nil.

Ninth, it encourages the introduction of new sources of money into the housing field.

In this connection, I may say that the Canadian Legion branches in the Toronto area have been trying for some time to induce the trustees of the Ontario canteen fund to make grants for the purpose of erecting housing for elderly veterans or the widows of veterans. This fund still has some $470,000 which belongs to the veterans of world war I, and there is no better way in which to use these funds than to provide decent homes for them in their declining years. So far the appeals have not borne fruit but it is hoped that continued pressure by the veterans concerned will convince the board that the five cents required from them out of every dollar spent on such housing is the best investment that can be made.

I may also say that there are many trade unions that have many thousands of dollars in funds which could be spent for this purpose and not only provide housing for our elderly persons but also provide work for their members. I mention this to point out the type of funds that can be made available for this type of housing and encouragement should be given to the use of these funds for this purpose.

All of these points have been recognized by some provincial governments which made grants under the following legislation. In the province of British Columbia the act is cited as the elderly citizens' housing aid act and came into being on March 15, 1955. The main body of the act reads as follows:

Subject to an appropriation by the legislature for the purpose, and provided the plans have been approved by the provincial secretary, the lieutenant governor in council may grant aid to a municipality or non-profit corporation incorporated for the purpose of providing homes for elderly citizens, to assist in the construction or reconstruction of low rental housing units for elderly citizens of low income who are unable to purchase adequate accommodation according to their needs.

The amount of such grant shall not in any case exceed one third of the total cost of construction or reconstruction; and no grant shall be made unless the municipality or non-profit corporation makes a cash grant towards the cost of construction or reconstruction equal to at least one tenth of the total cost of construction or reconstruction.

In the province of Manitoba the elderly persons housing act came into effect on March 15, 1956. The requirements under this act are somewhat more complicated but for the purpose of these remarks the following apply:

In the case of an elderly persons housing unit for two persons, 10 per centum of the capital cost of the construction thereof, but not exceeding $500.

In the case of an elderly persons housing unit for one person, 10 per centum of the capital cost of the construction thereof, but not exceeding $350.

In the province of Ontario an act to authorize provincial grants to assist in the erection of housing units for elderly persons came into effect on April 10, 1952.

The amount of any such grant shall be calculated at the rate of $500 for each dwelling unit or 50 per cent of the capital cost of the project to the municipality, whichever is the lesser.

The minister of public welfare may grant aid to any municipality to assist it in any project for the construction and equipment of low rental housing units for elderly persons.

This act was amended in 1952 as follows:

The minister of public welfare may grant aid to any limited dividend housing corporation that has been incorporated by or on behalf of a municipality or has been approved by a municipality and that has had a loan made to it under The National Housing Act, 1944 (Canada) to assist it in any project for the construction and equipment of low rental housing units for elderly persons.

The purpose of this amendment was to allow service clubs and other interested organizations to sponsor this type of housing and to assist in the obtaining of equipment such as stoves, refrigerators, venetian blinds, et cetera, necessary for these developments.

I have been unable to find the legislation under which the province of Saskatchewan operates but from information gleaned from the report on social welfare and rehabilitation it would appear that this province has advanced up to 20 per cent of the total cost of housing projects for homes or lodges constructed by non-profit housing companies for the accommodation and care of aged, needy, infirm and blind persons.

I have mentioned these facts in order to point out that grants made for housing for elderly persons are made by the welfare

departments in various provinces. In addition to this assistance, most of the municipalities in which these projects are erected give substantial assistance either in the form of land grants or in a reduction of taxes. In metropolitan Toronto, for instance, the council makes grants to cover the cost of taxes over and above $25 per unit. These grants have been made and this assistance has been given all with the primary purpose of keeping the rents at a level the tenants can economically pay, and up until the last few years this assistance has been sufficient to achieve this purpose. Perhaps I should point out here that the rents on the earlier projects run from $18 a month up, depending on the percentage of grants made by the province. However, with the increased interest rates, cost of construction and cost of land, it is now impossible to develop these projects and rent them to people on old age pensions, war veterans allowances or low fixed incomes.

This brings me to the purpose of this appeal. In these days when it is so necessary to reduce the cost of government I believe that more attention should be given to increasing the value of the dollars paid out under social security measures. For instance, while it might be impractical at this time to increase old age pensions generally, grants to elderly persons housing would increase the value of the pensions of the tenants and assist the more needy section of our aged population. By doing the thing in this manner we would avoid what happened after the last increase was made in the old age pension when some landlords immediately increased their rents and so gobbled up the increase granted to these people.

The federal government has recognized the need for assistance to the provinces and municipalities by paying 50 per cent of old age security pensions, old age assistance, blind and disabled pensions; and it seems to me there could be no more worth-while assistance granted than that which would allow our senior citizens to obtain the type of housing I have been speaking about.

It is my firm belief that the costs of construction and financing of the more recent of these developments will eventually spell disaster for this plan which was designed to assist elderly persons with low incomes and which has worked so well and with such great benefit throughout the country, because when rents for this type of accommodation exceed $50 a month they are exceeding the amount which these people can afford to pay unless they have other income than the pension mentioned.

When I first spoke of this problem in this chamber it was my belief that perhaps a fixed rate of interest was the answer to the problem. This suggestion did not seem to be acceptable and so I am making the appeal to the same department that handles this type of assistance in the provinces, namely the Department of National Health and Welfare. This grant would be as in all cases, for the primary purpose of keeping the rents at an economic level and in no case to reduce the equity of the sponsors of such projects. Sufficient safeguards already exist to prevent the abuse of this type of assistance.

We cannot praise too highly the work being done by members of the limited dividend companies who sponsor and administer these projects, all of whom serve in an honourary capacity and who must be really dedicated to the work to which they are committed. The best way for this government and this committee to acknowledge the splendid work being done by these citizens, and to encourage others to do likewise, is to give them a tangible expression of our appreciation by making grants in the form I have mentioned. To this end I earnestly solicit the government's favourable consideration of this appeal.

Mr. Herridge: I have always been interested in health and welfare, and the older I grow the more my interest intensifies. First of all, before going on with the few remarks I wish to make, I must express my appreciation for the courtesy that has been extended to me by the minister when I have taken any matter up with him or have raised any question in the house. I must also express the appreciation of this group for the excellent work being done by his two deputies and his competent staff. The minister's staff in Ottawa and throughout Canada carries on quietly this excellent work, with all its ramifications and many divisions, and does so without glamour. I do not want to be misunderstood, Mr. Chairman. I am not suggesting that the department has not within it individuals with glamour. What I am suggesting is that its work is carried on officially without glamour. I have heard it whispered that there are members of the staff of the minister's department whose glamour is in such evidence that they have actually influenced the attitude of committees of the House of Commons. I therefore do not want to be misunderstood. When I say "without glamour", I mean as far as the scientific, administrative and technical work of the department is concerned.

By the way, in looking around, I am somewhat inspired and flattered by having a lady in front of me, one to the right of me and one to the left of me, all listening raptly while I volley and thunder. So I have a good start now.

The first movements in the direction of the modern state health, health insurance and other welfare plans and ramifications appeared toward the middle and latter part of the Victorian period in western Europe, and had their beginnings in Great Britain prior to 1900. Why? Because there were many new problems created in the development of industrial society and the increasing densities of population which were not so apparent previously. New conditions of poverty were created as the result of the development of industrial society which did not exist even under feudalism, where, with the exception in the case of crop failures, the people had a roof over their heads and good and sufficient plain food to eat.

It came to fruition with increasing rapidity after the turn of the century. While I appreciate that we must give credit to those persons in Great Britain who had some influence in other countries of the British commonwealth, such as Kier Hardie—

Mr. Martin (Essex East): And Cadbury.

Mr. Herridge: Yes, Cadbury and Lloyd George. They were a small and devoted group of Labour and Liberal members of parliament to whom the British people owe a great deal in the development of their social security system.

The first legislation in Great Britain was in 1911 when there was passed the national insurance act. I read about that with interest at the time and I read some of the debates. That act was inspired by the activities of this small group led by the Right Hon. Lloyd George, assisted by people like George Bernard Shaw, the Cadburys, the Rowntrees, the Fry's and all the Quaker families who took some interest in social welfare in Great Britain at that time.

However, as far as Canada is concerned there has been a somewhat slower development, and understandably so. First of all, we have a more difficult problem in a country like Canada than in a unitary state like Great Britain to establish an over-all security scheme on a national basis. Our industrial development was later. We had a pioneer society much later than in Great Britain; in fact it has not entirely gone today, although I must say the spirit has gone in some quarters.

Anyway, the first official recognition by a political party of this question was at the famous Liberal convention of 1919. I do not think the hon. member for Essex East was in attendance. Possibly there might have been a little better result if he had been in attendance. But that was the first official recognition of the problem in Canada, and we all know about the famous resolution which was passed at that convention.

However, very little was done, except in very limited national, provincial and municipal spheres, to look after the poverty stricken and those people next door who were going to the Salvation Army or rescue organizations, and things of that kind.

Then we had the Rowell-Sirois report of 1940. War brought about an interest in this subject. Then we had the Marsh report of 1943 and the House of Commons special committee on social security in 1944. I am sure the hon. member for Essex East was a member of that committee and took a very active part in it. Then the latest was the Clark report, which was tabled in the house on May 5, 1959, and according to the Prime Minister is still under study.

I had the report sent to my office, like other hon. members, but I simply did not have the time to wade through all that material so I took advantage of the opportunity to purchase a condensed copy of the report issued by the Canadian welfare council. I should like to congratulate them upon providing that condensed report because it is an excellent piece of work and contains the essential features of the other rather massive report. One can digest the facts contained in the condensed version very easily.

There was a great fanfare when the person was appointed who was going to make the investigation. He was told to do it as quickly as possible, but it took longer than expected. There is no doubt that a great deal of information is contained in the report which could have been obtained from the department. I am sure the former minister of national health and welfare will agree with me on that. Other information was gathered together, and I do not want to belittle anyone's efforts in this respect, but after all this fanfare we got a massive report without any recommendations contained in it. There were a few evaluations and hints and timid suggestions in various paragraphs but no definite recommendations, and we are still awaiting the decision of the minister and the government who are studying this report.

In addition to that I am safe in saying that studies of the reports have been conducted over quite a period of years by other professional and public bodies interested in helping Canada. I would also give credit to the work which has been done by prior governments. But it has all been done on a piecemeal basis, and possibly no one is to blame for that in view of the fact that these things have to be sold. They have to obtain common acceptance. Provinces have to be

dealt with and, as I said before, it is not quite as simple as dealing with this matter in a unitary state such as Great Britain or some of the other states in western Europe.

Then we have old age pensions, and hon. members will remember that the late J. S. Woodsworth was a very prominent figure in this sphere. We have had family allowances, unemployment insurance and health grants given us by the former Liberal government; and I have no hesitation in saying that I am quite confident that when the former minister of national health and welfare arrived here as one of the more radical members of the Liberal party, I think in 1935, he was one of the more aggressive members of that party at that time who did everything he could to urge the government in power to take action along the lines which was later taken with respect to family allowance, unemployment insurance, health grants and so on.

That was a step forward and this legislation has been of great benefit to many people. But the big weakness today is that this has all been done on a piecemeal basis and we in the C.C.F. group say that what we want is an over-all social security system in Canada.

This action which was taken by the former government was spurred on by representations from farmers organizations, labour organizations, women's organizations, various groups from universities and various other devoted groups throughout Canada as well as devoted individuals who all took an interest in this problem throughout the years. Today we have on the statute books the legislation which was passed by this parliament, largely under the auspices of the former Liberal government. In that respect at least they were following up the traditions of the Right Hon. Lloyd George.

However, we say that more should be done and that more should have been done prior to this. Up to a few years ago people were opposed to over-all security and national health insurance on financial grounds. They said it was impracticable, impossible. That phase has passed entirely as the result of the experience in Great Britain. We all recognize the accomplishments of the British health service and legislation providing over-all security. No aspect of the peaceful revolution brought about by the British Labour government is more dramatic than their health services legislation and their social security legislation, and I must say that is to the everlasting credit of the pioneers I mentioned previously.

The Labour government which was elected after 1945 gave, I think, the lead to the British commonwealth of nations with respect to national health insurance and social security. In a matter of a few years the old style fee for sickness system has been converted into a new style socialist free health service.

Whether hon. members like it or not, a free health service available to everyone in Britain, including visitors, is accepted beyond doubt and there is no need to search for socialist opinion in support of this view. I want to quote two authorities to indicate how solidly this idea is based in Britain and in the west European countries and how great is the need for action on the part of the present government. I have read some of Sir Winston Churchill's speeches when he was a member of the Tory party early in the century, and the Tory party took a very strong stand against suggestions by various Labour and Liberal members such as I have mentioned. But I want to read a quotation from the converted Right Hon. Winston Churchill. He said in the United Kingdom House of Commons in March of 1943—and the war had a definite impact on the thinking of even Conservatives in Britain and most countries with respect to this question:

> Anyone can see what large savings there will be in administration once the whole process of insurance has become unified, compulsory and national.
>
> Here is a real opportunity for what I once called "bringing the magic of averages to the rescue of millions." Therefore you must rank me and my colleagues as strong partisans of national compulsory insurance for all classes, for all purposes, from the cradle to the grave.

I quote that statement with some relish because you still get a remnant of Victorian sentiment criticizing people who suggest that when we aim to produce security from the cradle to the grave we are going to make a soft, coddled nation. Here is one of the most distinguished figures in our history, and one who cannot be accused of coddling anyone, recognising that in an industrial society this type of overall security is imperative and necessary.

I also want to quote from the London correspondent of the *Wall Street Journal* of November 27, 1951 just after the Labour government had been elected in Great Britain. This is what I read:

> —one pillar of socialism—'socialized medicine'—is certain to remain intact... The "free" health service set up by the late Labour government is so popular that it can no longer be made a political issue here.

Now I want to tell the committee of an interesting conversation I had with Mr. Rab Butler, who was, I think, at that time chancellor of the exchequer. Mr. Butler, in addition to being a very charming individual, is a very progressive type of Conservative which is more than I can say for some members of the Conservative party we see on the opposite side of the house. British Conservatives are really progressive both in national and international affairs and I am sorry I

cannot say the same of all the Progressive Conservative party members who sit in this chamber. I was chaffing him about the attitude of the Tory party when I was a boy, a long time ago, about its antagonism to over-all social security and national health insurance. I said: Mr. Butler what is the attitude of the Conservative party now? This was shortly after the election in 1950 or 1951; I am not sure of the date. I asked him what the attitude of the party was then in view of its record with regard to the national health insurance and over-all security legislation which the Labour government had built up. He said: Mr. Herridge, the national health insurance plan and social security in Great Britain meets a need in a modern industrial society. It has served a great purpose and it is performing a great function in the nation. Its retention is demanded by the great majority of the British people. When you ask me to tell you what is the policy of the Conservative party with respect to national health insurance and social security, I simply put it in these words: It is the aim of the Conservative party in Great Britain to continue to improve it.

I offer that suggestion to the minister and his colleagues when they come to deal with legislation concerning old age pensions, unemployment insurance, family allowances and other pension legislation which is sought and which is considered desirable for the welfare of Canadians.

Having said that, I want to go off on a somewhat different tack from the one which is usually expected of an hon. member speaking on these estimates. I do it because of my work with a certain organization which has not received sufficient recognition from this chamber or from Canada generally. I refer to the Canadian welfare council of which I have been a member for some years. As a matter of fact, I have taken a good deal of interest in health insurance and welfare services for many years. I was a director of a hospital for 18 years and I have been on relief committees during the depression. In addition I have operated a sort of one-man welfare service on occasions.

On one occasion, in order that hon. members may be able to see the type of assistance which I was able to provide, may I say a young lady wrote to me asking for assistance in deciding which of two young men she should marry. It appears she was in love with both. I wrote to her saying that I did not wish to risk either her future or my own by advising her definitely in favour of one or the other of the candidates for her affection. But I did eventually advise her to observe a cooling off period of six months, at the end of which time I felt confident she would be in a better position to make up her own mind. As a matter of fact this was exactly what she did. I forgot all about this incident until I was on a visit to a town in my constituency, and as I was coming out of one of the public buildings a young lady rushed up to me and said: You are Mr. Herridge aren't you? I said I was, and she said to me: I want to thank you for the wonderful advice you gave me. Then she took me over to her car which was nearby and there in the back were four children.

That is just by way of example of the manner in which I sometimes function as an unofficial welfare officer. Perhaps I might tell the committee of another occasion on which I was able to be of assistance to people in difficulty with the welfare authorities. I can recall an occasion when a small farmer was being questioned by a relief officer. The man was in possession of a few cows—four or five cows, I believe—and a small quantity of hay. The relief officer was pressing the owner of the cows to explain why he did not sell the hay. I said: He uses the hay to feed the cows, and the officer said: Oh, I did not think of that.

But I see my time is slipping away, and I want to put on record the basic principles of the welfare council which I think are worth putting on the record:

> The responsibility of government to provide financial assistance to those lacking the basic necessities of life should be stated in legislation. Such legislation should, among other things, define eligibility for assistance and provide for the establishment of eligibility tests. This would aid in securing impartial administration and lessen the number of people who, even in circumstances of dire need, will not apply for assistance because in their minds there is a stigma attached to it.
>
> The legislation should make provision for the right of the applicant to appeal and, while it safeguards the interests of the person in need, should clarify the authority of the administration to give assistance.
>
> The assistance given should be sufficient to maintain the health and welfare of the recipients. If society does not provide this minimum, the results of its policy will be physical, mental and social breakdown which will in the long run be more costly to the community.

We in this group say amen to that statement of basic principles. Over the years the council has worked unobtrusively. It has had a devoted number of members, officers and governors interested in the problem and representing a cross section of Canada. The list of members for 1959-60 contains about a hundred names and I see the names of prominent industrialists, church people, people engaged in church work and social welfare work as well as well-known socialists, Liberals and Conservatives.

Mr. Martin (Essex East): And well-known businessmen.

Mr. Herridge: Yes. I give credit to these people who have a social conscience and who

recognize that this is a problem that must receive consideration, not only by governments but by organizations such as this and others throughout the country. Indeed, the problem has received consideration by farm organizations, women's organizations, labour organizations, other organizations and devoted individuals.

The Canadian welfare council published a policy statement adopted at the annual meeting held June 2, 1958. I understand the policy statement still stands although more emphasis was contained in the final recommendation.

Mr. Martin (Essex East): I referred to it this morning.

Mr. Herridge: I am glad to know that for once I am following in the steps of the hon. member for Essex East instead of him following in mine.

Mr. Martin (Essex East): We are walking along parallel roads.

Mr. Herridge: I hope I am walking on the road to over-all social security.

Mr. Martin (Essex East): I am walking on the road to Damascus.

Mr. Herridge: The hon. member suggests that he has just seen the light. Not everyone will agree with these recommendations but I think it is worth while to read them. They are:

1. The present universal flat rate pension commencing at age 70 should be retained.
2. Consideration should be given to arrangements which would enable certain classes of people in the 65-69 age group to qualify for the old age security pension.
3. Provision should be made for a continuing review and periodic consideration of adjustment in the amount of the universal flat rate pension on the basis of adequate statistical data relating to such important factors as minimum needs and levels of expenditure of older people.
4. Financial assistance should be made available by the provinces to all persons 65 and over who are in need, with federal sharing of benefit costs.
5. A joint parliamentary committee should be established to study the question of contributory wage-related old age benefits in addition to the universal pension and to make recommendations to parliament.
6. Whether or not a compulsory contributory old age pension program is developed, the dominion government should lay down appropriate standards for private pension plans in connection with which income tax deductions are granted.
7. There should be a federal public assistance act which would be, in effect, an extension of the Unemployment Assistance Act and which would enable the dominion government to share the aggregate costs to a province, and to the municipalities in a province, of providing financial assistance to all persons who are in need. The Old Age Assistance Act, the Blind Persons' Allowances Act, and the Disabled Persons' Allowances Act should be incorporated as specific sections of this general public assistance act. The proposed act should, under these sections, provide the provinces with the option of continuing old age assistance, blind persons' allowances and disabled persons' allowances as separate programs, or of incorporating these categories in a generalized public assistance program with the same provisions respecting the sharing of costs as in the Unemployment Assistance Act.
8. The operation of all public assistance programs should be based upon sound and clearly defined standards, particularly with respect to amount of assistance, etc.
9. The basic assumptions underlying the Unemployment Insurance Act and the regulations pertaining to it should be reviewed in the light of experience and of changed conditions since the system was established and should, where necessary, be revised.
10. Unemployment insurance coverage should be extended to include as many of the uncovered groups as possible.
11. The ratio of benefits to earnings under the Unemployment Insurance Act should be increased.
12. The services provided by the unemployment insurance commission should be improved. Particular attention should be given to the need to strengthen the staff and administration, especially of the special placements section.
13. More attention should be given to the problem of long term unemployed and marginal workers who find difficulty in obtaining satisfactory placements in a competitive labour market, but who may have the capacity and potential to profit from training.
14. Adequate health services should be an integral part of public assistance programs and as such, should be eligible for federal sharing of costs.
15. Consideration should be given to the establishment of a cash sickness benefit program or programs.
16. A program of benefits without a needs test should be instituted for dependent survivors.

Mr. Chairman, may I call it six o'clock.

Progress reported.

BUSINESS OF THE HOUSE

Mr. Chevrier: Mr. Speaker, may I ask what the business will be for tomorrow and Friday?

Mr. Churchill: Tomorrow we shall carry on with estimates, Mr. Speaker. Responding to requests we will postpone taking the estimates of the Department of Northern Affairs and National Resources until later on. We will continue tomorrow with the estimates of the Department of National Health and Welfare. Depending on the length of time we spend on that department we will follow with the estimates of the Department of Mines and Technical Surveys and the Department of Justice. The estimates of the Department of Transport will be available for either Thursday or Friday.

I may have to ask the house for some slight change at the conclusion of the estimates of the Department of National Health and Welfare depending on various circumstances that may arise tomorrow. There will not be any change in the departments I have named but perhaps a change in the order.

At six o'clock the house adjourned, without question put, pursuant to standing order.

Questions

ANSWERS TO QUESTIONS

The following answers, deposited with the Clerk of the House, are printed in the official report of debates pursuant to standing order 39:

EXPORT CREDIT FACILITIES

Question No. 358—**Mr. Martin (Essex East):**

1. Has the government received representations from the Canadian exporters' association or any other body requesting that export credit facilities be provided for shorter periods and lower amounts?
2. If so, what action was the government requested to take?
3. What was the nature of the government's reply?

Answer by: **Hon. Gordon Churchill (Minister of Trade and Commerce):**

1. Yes; the Canadian exporters' association submitted a brief to the Minister of Trade and Commerce in April, 1960. The brief contended that the Export Credits Insurance Corporation was unduly restrictive in not covering transactions under $250,000 on a medium term basis, but did not request that export credit facilities be provided for shorter periods.

2. Answered by 1.

3. At a meeting between officers of the Canadian Exporters' Association and the Department of Trade and Commerce, this item was withdrawn from the agenda at the request of the exporters' association.

On short term business the corporation insures transactions of any amount. With regard to medium term business the corporation has actually insured several transactions of less than $100,000.

WINDOW WASHING OF FEDERAL BUILDINGS, ST. JEAN-IBERVILLE-NAPIERVILLE

Question No. 411—**Mr. Dupuis:**

1. Have any tenders been submitted by Mr. J. G. Deragon during the past year in connection with window washing of federal government buildings in the St. Jean-Iberville-Napierville area?
2. Have any such contracts been awarded to Mr. Deragon during the past three years?
3. If so, where and for what specific work?

Answer by: **Hon. D. J. Walker (Minister of Public Works):**

1. Yes.

2. Yes; on April 25, 1960, but cancelled on June 16, 1960.

3. At St. Jean, P.Q., for window washing at the public building (Cote building), St. Jean.

HOUSE OF COMMONS

Thursday, June 23, 1960

The house met at 11 a.m.

PRIVATE BILLS

REQUEST FOR CHANGE IN SPONSORSHIP OF BILL S-24

Mr. M. D. Morton (Davenport): Mr. Speaker, at the request of the hon. member for Saguenay (Mr. LaRue) who regrets that he will be unavoidably absent from the house, I suggest that I be made the sponsor of Bill No. S-24, an act respecting the Wabush Lake Railway Company Limited and Arnaud Railway Company. Accordingly I would request, with the leave of the house, that my name be substituted for the name of the hon. member in the records of the house as sponsor of the said bill.

Mr. Speaker: Is the house agreeable to giving unanimous consent to the request of the hon. member for Davenport that his name be substituted as sponsor of this bill?

Some hon. Members: Agreed.

GRAIN

REFERENCE OF WHEAT BOARD AND GRAIN COMMISSION REPORTS TO STANDING COMMITTEE

Hon. Gordon Churchill (Minister of Trade and Commerce) moved:

That the annual report of the Canadian wheat board for the crop year ended July 31, 1959, which was tabled on February 10, 1960, and the report of the board of grain commissioners for 1959, which was tabled on May 2, 1960, and the supplementary report of the Canadian wheat board on the 1958-59 pool accounts for wheat, oats and barley, tabled today, be referred to the standing committee on agriculture and colonization.

Motion agreed to.

CITIZENSHIP AND IMMIGRATION

REPORTED COMPLAINTS BY CHINESE RESPECTING R.C.M.P. INVESTIGATION

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, may I ask the Minister of Justice, in view of the fact that he received a delegation from the Chinese community yesterday, whether he has any comment to make on that part of their brief which charged that some members of their community had been picked up by the R.C.M.P. and held incommunicado; that they had then been questioned by special agents from the Hong Kong police, and that they were being asked to submit to the indignity of completing questionnaire forms.

Hon. E. D. Fulton (Minister of Justice): Mr. Speaker, I dealt with that allegation in the brief yesterday when the delegation was before the Minister of Citizenship and Immigration and myself. I pointed out to the members of the delegation that one or two complaints with regard to this sort of alleged treatment had been received, had been carefully investigated and had been proved to be entirely without foundation, particularly with regard to intimidation and being held incommunicado.

May I point out that so far as the R.C.M. Police are concerned the investigation and the questioning are being carried out by a group of most reliable, highly trained and experienced members of the force. It is true, as has been known, that we are making use of the services of some members of the Hong Kong police force who have been sworn in as special members of the R.C.M. Police. They have also been carefully instructed in Canadian police methods and in the law regarding the carrying out of investigations and the questioning of individuals.

I have suggested that if in fact there should be any improper conduct it be brought to my attention for investigation; but I stress again that such allegations of this nature as have been brought to my attention have been proved to be without foundation.

TRADE

EUROPEAN COMMON MARKET—IMPOSITION OF AGRICULTURAL IMPORT CONTROLS

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I would like to direct a question to the Minister of Trade and Commerce arising out of the press report this morning that Canada, along with Australia and New Zealand, will challenge the legality of certain import controls that the European common market have announced will be levied against agricultural products, and that this challenge will be made at the meeting of the general agreement on tariffs and trade in Geneva this fall. Would the minister say whether Canada is preparing such a protest, and would he enlighten the house as to why this is necessary since we have been given the assurance from time to

time that the European common market was not being used to reduce or exclude imports from outside?

Hon. Gordon Churchill (Minister of Trade and Commerce): Mr. Speaker, the problem of what may happen within the common market concerning its agricultural policy has been under study now for several years. I spoke on this subject at the GATT conference in 1957, and ever since then at the ministerial level and through official channels we have expressed our point of view concerning the agricultural policies which might be developed by the Six.

At the present time the representatives of Canada, the United States, Australia, New Zealand and Argentina are participating in a round of informal consultations with the common market countries regarding the agricultural policies of the European economic community. The Canadian delegation is headed by Mr. J. H. Warren, assistant deputy minister of the Department of Trade and Commerce. Representatives of the Department of Agriculture and the Department of Finance are included in the delegation. That delegation will, in the course of consultation with representatives of the common market, once again express the point of view of Canada and urge that restrictions be not placed against our trade in agricultural products.

Hon. L. B. Pearson (Leader of the Opposition): Would the minister not agree that this is now a matter of greater urgency in view of the fact that the tariff arrangements of the common market are to come into effect at the end of this year?

Mr. Churchill: It has been treated as a matter of great urgency all along, but whether those tariff arrangements will come into effect at the end of this year is a matter of question. It was proposed that they should come into effect on July 1 of this year but there was a postponement until January 1, 1961. Consultations will be continued in the interval.

Hon. J. W. Pickersgill (Bonavista-Twillingate): Can the minister give the house an assurance that representations of the strongest kind will be made with regard to any suggestions that there should be a discriminatory tariff on salt fish?

Mr. Churchill: That will be taken into consideration, and every possible step will be taken to protect the marketing of Canadian products overseas.

[Mr. Argue.]

[*Later:*]

Mr. Erhart Regier (Burnaby-Coquitlam): Mr. Speaker, in the light of the answer the Minister of Trade and Commerce gave a little earlier may I ask whether he can report what headway, if any, is being made at meetings of the O.E.E.C. so that the disastrous consequences that might flow to the Canadian economy because of the actions of the inner six or outer seven may be averted? Have any meetings been held lately?

Mr. Churchill: Mr. Speaker, a series of meetings have been held since January. Tentatively a date has been set later in July for a meeting of ministers to discuss the various problems. I deplore the use of the words "disastrous consequences" by the hon. member. I think we do not need to be that fearful. There is proper concern with regard to the development of these trading blocks, but I suggest that a more moderate phraseology would be acceptable.

Mr. Regier: Is the Canadian government making any move to associate Canada with either one or a number of these trading blocs?

Mr. Churchill: Mr. Speaker, when the Minister of Finance and I were at the conference in Paris in January that matter was taken into consideration. The meeting which may be called in July will have that as one of the subjects for discussion.

CANADIAN BROADCASTING CORPORATION

REPORTED WALKOUT OF REPRESENTATIVES OF TELEVISION PERFORMERS

On the orders of the day:

Hon. Lionel Chevrier (Laurier): I wish to address a question to the Minister of National Revenue, and ask him whether he is aware that representatives of 1,200 television performers walked out of contract negotiations after they had termed the offer of the Canadian Broadcasting Corporation a ridiculous one. Has the minister any comment to make on this information which appears in this morning's *Gazette*, which I presume the minister has seen?

Hon. George C. Nowlan (Minister of National Revenue): I have seen the statement and I heard the news dispatch with respect to it this morning. I presume the hon. gentleman may have heard the C.B.C. news, too, in which the corporation denied that this was an unreasonable proposition and said it was prepared to discuss further arrangements at any time.

I have not been able to contact the president himself during the last two or three days because he has been busy at a meeting of directors in Ottawa. Thus I have had no formal or, indeed, any discussions with him, but I propose to get in touch with him tomorrow after the meeting of directors is over.

Mr. Chevrier: Does the minister not think it would be a good idea to have top management sitting in on these discussions, as has been requested and as was done last year, I believe, during the course of similar negotiations?

Mr. Nowlan: I do not dissent from the general principle, which seems to me a fair proposal. However, the C.B.C. has acquired a lot of experience in these matters in the last year or so and I hope the corporation knows how to deal with the situation. But I will discuss that matter with the president tomorrow.

TRANSPORT

LAKE WILLIAMS, N.S.—INQUIRY AS TO DROWNING INCIDENT

On the orders of the day:

Mr. J. R. Tucker (Trinity-Conception): I wish to address a question to the Minister of Transport. Could the minister say what steps are being taken to avert tragedies similar to that which recently occurred on lake Williams, Nova Scotia, when a boy was drowned because a pilot, taking off from the lake, failed to notice the sailboat in which he was a passenger?

Hon. George H. Hees (Minister of Transport): I shall be very glad to look into that matter.

[*Later:*]

Mr. Hees: Mr. Speaker, I am now in a position to give an answer to the question asked me this morning by the hon. member for Trinity-Conception. Under the air regulations certain regulatory procedures aimed at guarding against mishaps of this nature are prescribed. We have not yet received from our district officials the formal report with respect to the tragedy referred to by the hon. member.

DOMINION-PROVINCIAL RELATIONS

NEWFOUNDLAND—INQUIRY AS TO VISIT BY MINISTER OF FINANCE

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I wonder if I could ask the Minister of Finance whether the report is correct that he is contemplating a visit to Newfoundland on public business, and whether he can inform the house the nature of the public business he proposes to deal with there?

Hon. Donald M. Fleming (Minister of Finance): I have accepted a very kind invitation from the board of trade of the city of St. John's to address them at a meeting in that fair city next Wednesday evening. I hope, if the business of the house permits, to lengthen my stay in the province by perhaps another day or two.

Mr. Pickersgill: A supplementary question, Mr. Speaker. I wonder if the minister would consider being very, very careful about the choice and use of his statistics on that occasion?

Mr. Fleming (Eglinton): The minister, Mr. Speaker, tries according to his lights to be very careful about his choice not only of statistics but of other things; and I can give to the hon. member the assurance that I know he so much wants, that in anything I do or say in Newfoundland I will not be placing any reliance on the Martin bureau of statistics.

Hon. Paul Martin (Essex East): Mr. Speaker, may I ask the Minister of Finance a supplementary question. On his way to Newfoundland will the hon. gentleman be stopping in the city of Quebec?

Mr. Fleming (Eglinton): Mr. Speaker, this is intended to be a direct flight, but I can assure the hon. member that under any circumstances it is always a pleasure to visit Quebec.

LABOUR CONDITIONS

QUEBEC—INQUIRY AS TO EMPLOYMENT SITUATION

On the orders of the day:

Mr. M. W. Martin (Timmins): Mr. Speaker, I wish to direct a question to the Minister of Labour. Will the minister bring the house up to date on the employment situation in the province of Quebec?

Hon. Michael Starr (Minister of Labour): Mr. Speaker, I will be watching with interest from now on what is done in that respect in that province.

Hon. Lionel Chevrier (Laurier): Mr. Speaker, as a supplementary question may I ask the minister if the several cabinet ministers from Quebec have applied for unemployment insurance?

Inquiries of the Ministry

ELLIOT LAKE—INQUIRY AS TO REPORT OF COMMITTEE ON FEDERAL ASSISTANCE

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, may I ask the Minister of Trade and Commerce when the committee considering federal assistance to the uranium communities in Canada will be in a position to report?

Hon. Gordon Churchill (Minister of Trade and Commerce): I hope very soon, Mr. Speaker.

FINANCE

REFERENCE TO NEWSPAPER REPORT RESPECTING NATIONAL ECONOMY

On the orders of the day:

Mr. W. H. McMillan (Welland): Mr. Speaker, I should like to direct a question to the Minister of Finance. Has the minister any comment to make on a report which appeared on the financial page of today's *Globe and Mail* to the effect that Canada's economy is falling short of earlier expectations?

Mr. Speaker: That question sounds like an invitation for a half hour dissertation.

Mr. Chevrier: Your Honour certainly knows the habits of the Minister of Finance.

Mr. Speaker: If the minister could answer yes or no I could perhaps permit the question.

Hon. Donald M. Fleming (Minister of Finance): Mr. Speaker, if I answered "yes" I should go on for at least half an hour to complete the answer.

(Translation):

NATIONAL DEFENCE

FARNHAM, QUE.—STATEMENT ON REQUEST FOR BILINGUAL SIGNS AT CAMP

On the orders of the day:

Mr. Egan Chambers (Parliamentary Secretary to the Minister of National Defence): Mr. Speaker, last Tuesday, the hon. member for Outremont-St. Jean (Mr. Bourque) put a question to the Associate Minister of National Defence (Mr. Sevigny) concerning a bill-board erected at the entrance of the cadet camp at Farnham. That question was based on a letter published in *Le Devoir* of June 20, 1960, under the assumed name of "Passant" (passer-by). The correspondent complained that the inscription on the bill-board erected outside the Farnham camp reading:

(Text):

Department of National Defence Canadian Army Camp Farnham.

(Translation):

—was in English only.

[Mr. Chevrier.]

The hon. member asked if the department intended to erect a similar bill board carrying a message in French. Mr. Speaker, the answer is simply no, for the good reason that there is already a similar sign in French on the camp grounds. I am forced to the conclusion that the writer of the letter must have gone by a little too fast since the bill board bearing the French message faces toward Montreal, while the one carrying the English message faces toward Farnham.

(Text):

PUBLIC WORKS

BLIND RIVER, ONT.—INQUIRY AS TO CONSTRUCTION OF DOCK

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): May I ask the Minister of Public Works whether a decision has been taken by the government to construct a dock in the Blind River area in order to facilitate the industrial development of that district.

Hon. D. J. Walker (Minister of Public Works): Mr. Speaker, that and many other suggestions and recommendations are being considered by the Department of Public Works.

DOMINION-PROVINCIAL CONFERENCE

INQUIRY AS TO AGENDA FOR JULY MEETING

On the orders of the day:

Mr. Hazen Argue (Assiniboia): Mr. Speaker, I should like to direct a question to the Prime Minister, arising out of requests by the premier of Ontario and the premier of Manitoba for more generous federal-provincial financial arrangements and the reported request of the Ontario association of municipalities for the federal government to establish a bank loan service. My question is, at the next federal-provincial conference is it the intention of the federal government to submit to that conference a series of proposals, or will the conference be more along the lines of general discussion?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, the determination as to the course to be taken by the conference will of course be made between now and the opening of the conference.

HOUSE OF COMMONS

BIRTHDAY CONGRATULATIONS TO HON. MEMBERS FOR ESSEX EAST AND BONAVISTA-TWILLINGATE

On the orders of the day:

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, may I speak on

another matter. It is unusual that two hon. members should have a birthday on the same day, as have the hon. member for Essex East (Mr. Martin) and the hon. member for Bonavista-Twillingate (Mr. Pickersgill).

Hon. L. B. Pearson (Leader of the Opposition): May I on behalf of the official opposition thank the Prime Minister for his kindly reference to these two bright young members of our party.

Mr. Hazen Argue (Assiniboia): May I associate the good wishes of the C.C.F. with those offered by the Prime Minister and the Leader of the Opposition to these very distinguished members, who sometimes act as the delinquent twins of the Liberal party.

SUPPLY

The house in committee of supply, Mr. Flynn in the chair.

DEPARTMENT OF NATIONAL HEALTH AND WELFARE

242. Departmental administration, $1,641,729.

The Chairman: Department of National Health and Welfare, item No. 242. This item will be found on page 50 of the blue book and the details on page 331.

Mr. Smith (Calgary South): It is my intention, Mr. Chairman, to speak for only a few minutes, having had the pleasure of acting as chairman of the committee to which the minister made some detailed reference. May I therefore, at the outset, join with many hon. members of the house who have congratulated the minister on the manner in which he has conducted the affairs of his department during the past year; and in particular may I thank him on behalf of the committee for the great co-operation which he and his departmental officials extended to us during several weeks of intensified hearings.

First of all I should like to say that I recognize that I have no authority to make these comments as chairman of the committee and that these remarks are not intended in any way to serve as a rebuttal to the statement of the minister. However, having had the responsibility of compiling the report I thought I would make one or two references to the statement, perhaps by way of explanation or clarification of the references contained in the report of the estimates committee. In so doing, while the minister has already indicated the great degree of unanimity in the views of the committee and his departmental officials, I hope I can illustrate that we are even closer together in our views than his statement might have indicated at first glance.

In his opening remarks the minister made reference to our conclusions with respect to the hospital bed shortage in Canada. If I may quote from his statement as found at page 5246 of *Hansard*, he said in part:

> I can assure the committee that the department is also concerned with this matter. At the same time we have serious doubts as to whether the suggested immediate review on a nation-wide basis of the availability of beds in relation to demand would be the most effective approach.

He then went on to point out the responsibility in the first instance of the provinces in dealing with this matter, with which, of course, the committee agrees. The explanation that I would make to him and to his department officials is just this. Throughout the entire report we were very conscious of the thin line separating the responsibility of the federal government and that of the provinces. We realized that in many of our recommendations we were indeed treading on dangerous ground having regard to the impropriety of making recommendations affecting the responsibility of the provinces. But having said that, we should also state that we felt that even though the responsibility in the first instance lies with the provincial authority, this fact does not relieve the federal government from some responsibility as well. If I may, I should just like to make reference to the recommendation itself with regard to the hospital bed shortage in Canada:

> ... the committee recommends that the relationship between the three levels of government be examined—first, to determine the seriousness of the hospital bed shortage in Canada by instituting an immediate review of availability in relation to demand;
>
> Second, by discussing the results of this survey with provincial and municipal authorities so that any future critical bed shortage may be averted;
>
> Third, in co-operation with the provinces, by attacking the problem of chronic bed care, with a view to providing increased accommodations for the more critically ill patients.

In all three references we acknowledge the responsibility of the provinces. We also accept the view of the minister that every effort should be made by the provinces to determine what is their problem with respect to the hospital bed shortage. However, it seems important to us, if only to standardize the review in order to determine what is the seriousness of the problem, that this could best be initiated by the federal authority. This does not, Mr. Chairman, in any way offend the rights of the provinces. It merely assists them, and of course the federal government, in coming to some conclusion on the question of how we can resolve this serious problem.

I would point out that there is not a city in Canada that is not concerned with the problem. That being the case, we concluded that the federal government as such could do

a service to the provincial and municipal authorities by assisting in a review to ascertain how great the problem actually is.

The next point to which the minister took some exception dealt with the question of closed hospitals. In fact he said that his most serious exception to our recommendation was what he described as a basic disagreement with the implication of the committee's comment relating to this problem. I do not intend to argue the point at all, but merely point out that in the final paragraph of his statement dealing with this problem he said this, as reported at page 5247 of *Hansard*:

> While I cannot therefore agree with such an action—

The action of the committee, or the recommendation of the committee.

> —I would emphasize that the department does have a definite interest in this matter, and we have expressed this interest through what we consider to be the proper channels—

From this I think it is right to conclude that the committee had brought to the attention of the minister the problem of which he has been well aware, and that we disagree only on the method by which this problem should be approached, not on the existence of the problem.

There are a number of other items on which the committee and the department, through the minister, have expressed general agreement. The item with respect to civil defence and the emergency measures organization perhaps is one obvious example. The minister rightly points out that some of the recommendations of the committee are outside the jurisdiction or the authority of his department, and that he has referred those recommendations to the departments that are concerned with them.

He then went on to point out the progress that has been made on health studies with respect to his own department. We of the committee, of course, were happy to learn of this progress and I congratulate him on it, but perhaps the one point I would make is this. He discussed the amount of literature or pamphlets which are currently being printed or are under review. I would ask permission to draw to his attention the one reference we made in this respect, and which reads as follows:

> (d) Information in either pamphlet form or through visual aids should be reassessed so that in the event of a national emergency, instructions will be expressed in concise and simple terms, thus avoiding confusion by too many complicated orders.

In other words the committee, or at least this member of the committee, expressed the view that the essential thing is to have the population realize, in the event of an emergency, what action they must take immediately. We must avoid any risk or any danger of overcomplicating the problem by overwhelming our people with too much information or too many pamphlets.

The next reference which the minister made deals with the comment in our report concerning the difficult problem of publications within his department. He pointed out that these publications have provided a very useful service, and in that the committee concurs. He went on to state that provincial authorities have, in the first instance, requested these publications, and of course, this is true. I would point out however that when the cost is so small to the province it is perhaps understandable that these publications would be requested in great volume. We also acknowledge, sir, that in many instances these publications have been extremely useful, and it would undoubtedly cause some distress if they were all eliminated.

What we do ask, though, is whether the department should not review an item which represents something in the vicinity of $400,000 to the government and which involves a staff of 33 people, to ascertain whether, in relation to the cost, the department and the country are receiving fair value for this expenditure. I feel this is a sound argument. The minister agreed, as the report points out, that this comes under the heading of information. Here again I am happy to note that the minister intends to keep this matter constantly under review.

In his reference to the efficiency evaluation of the department the minister rightly took credit for the fact that the committee were not able to find any breakdown in operational efficiency of the department. He then went on to make reference, as the committee did in its report, to the number of surveys and reviews which have been made by the methods division of the civil service commission. Our whole approach in making our recommendations assumed that further reviews would be made by this organization. We have looked at the type of surveys that have been made by the methods division in the past, and in each instance, taking a particular segment of the department, there is no evidence to suggest that this is in any way related from one department or one division of the department to another.

We suggest, therefore, and I think rightly so, a survey of a nature which would make an over-all estimation of such problems as overlapping of responsibility. Such a survey would no doubt be useful. We need not remind the committee, Mr. Chairman, that the department under review is one of the largest in terms of the expenditure of money,

spending something over a billion dollars. This need not be construed as meaning that the department is necessarily not inefficient, but quite the reverse. It means that if it is to maintain its present status these reviews from time to time could maintain its operational efficiency and therefore would be extremely useful to the minister. Here again I am happy, Mr. Chairman, that the minister concurs when he suggests that he has some sympathy for this recommendation as well.

I finally come, sir, to the one reference I would make outside of the minister's report in which he lumped together a number of recommendations and categorized them as part of government policy. Of course the committee recognizes them as such. There is one in particular however, the blind pension, payable to our handicapped in Canada to which I should like to refer.

We argue, sir, that not just from a humanitarian point of view but also from a basis of a practical policy our recommendation to eliminate the means test makes good sense and has validity. If this action were taken, this group of people who suffer such an unusual handicap would be encouraged to rehabilitate themselves to a greater degree and thus conceivably make of themselves even more useful citizens. We hope, therefore, that the government, the minister and his colleagues, will give special consideration to this recommendation.

I do not propose to go on, sir. I wanted to make reference only to those items, as I said, by way of explanation and not by way of disagreement. Perhaps it is significant to note, Mr. Chairman, that this department was under review by the committee during some 18 meetings, and on examination of its activities has produced what we hope will prove to be constructive suggestions rather than anything in the nature of serious criticism of the functions or operations of this department. As a private member of that committee I would be one of the first to congratulate the minister and his officials.

On this note, sir, I shall resume my seat and thank the minister again for his reference to the committee's work. We sincerely trust that in the not too distant future he and his officials will again come before the estimates committee.

Mr. Herridge: Mr. Chairman, rarely do I speak at such length that my remarks have to be continued in the next edition of *Hansard*. However, I am interested in this question, and I do wish to complete bringing to the attention of the committee the recommendations contained in the policy statement of the Canadian welfare council. Last evening when I was required to take my seat because my 30 minutes had expired, coincidental with the arrival of six o'clock, I had dealt with all the recommendations up to No. 16. I now wish to continue the recommendations. I quote:

17. The dominion government should create in the Department of National Health and Welfare consultative and technical services in welfare, analogous to those now available in health. These services should include such technical advice as may be required in, for example, statistical reporting, and the professional consultation that may be useful in such matters as the care of the aged, problems of social welfare administration and staff training.

18. The dominion government should contribute substantially to the cost of professional and in-service training required in the administration of social security programs.

I think that is a very good suggestion indeed.

19. The dominion government should make funds available for demonstration and research projects, in the causes and prevention of dependency, social and economic rehabilitation, and similar problems.

We see the need for that to an increasing extent in the various communities in Canada.

20. Machinery should be devised to ensure regular communication among provinces, and between provinces and the dominion government, on all welfare matters of common interest.

I might say at this stage that I am very pleased to note that they always refer to the federal government as the "dominion" government.

21. The dominion government should establish a broadly representative body of competent persons, the purpose of which would be to keep under constant review all aspects of Canada's social security program and to advise on changes and improvements that may from time to time be desirable.

I think that really does provide for co-operation and an exchange of competent persons across the country in a continuing review of the changing circumstances, the changing needs, and the need for changed programs to meet those needs.

Then the final recommendation, No. 22, reads as follows, and I am very interested in this one:

22. The dominion government should appoint a royal commission to study all aspects of social security for which it has a direct or indirect responsibility and more particularly to make recommendations with respect to:

a. Gaps in existing provisions and priorities in dealing with unmet needs.

b. The appropriate methods of providing social security benefits, whether by social insurance, statutory social welfare payments, public assistance, or by a combination of these methods, in respect of old age, unemployment, sickness, disability, death of the breadwinner and the cost of child rearing.

c. The development of a more integrated system of social security.

d. Federal-provincial co-operation in the field of social security.

e. The negotiation of reciprocal agreements with other countries in order to provide social security coverage on an equitable basis for immigrants to Canada and for Canadians residing in other countries.

f. Other questions having to do with the design, content and administration of Canada's total social security system.

The council suggests that in the selection of members of the royal commission account should be taken of cultural differences, and of the need to include people with practical and theoretical knowledge of social welfare and social security.

I think the final paragraph is well worth reading into the record:

The appointment of a royal commission would ensure that these problems receive the thoughtful consideration they require. It would also provide an opportunity for interested and informed groups to appear and present their views. Only through such careful study and wide consultation can we be certain that the kind of design and structure toward which we move in our social security system will satisfy both the needs and wishes of the Canadian people and take full account of the realities of Canadian life.

Now, Mr. Chairman, I am sure all hon. members of this house receive correspondence almost daily which indicates the need for an over-all social security system. I have received a letter just this morning from a lady in my constituency whose husband has been unemployed for six months, who has done his best to obtain employment and who has exhausted his unemployment insurance benefits. The provincial authorities refuse to place him on social assistance, and he is left stranded without any source of income or any money even to travel around and try to locate employment. That type of situation arises because of the lack of an over-all social security system which dovetails the policies of the federal and provincial governments.

In conclusion, Mr. Chairman, let me say that I think all of us recognize this need and that it is obvious, but the need requires immediate attention. Without doubt we have the financial capacity to meet the cost of an over-all social security system. We have the administrative staff and the medical personnel. We have the technical and other staff both in the federal and provincial governments as well as in other institutions; competent, talented people capable of administering such a program. We do not go into this in darkness, because we have the experience, although the circumstances are somewhat different, of Great Britain and other western European countries to guide us. We also have the information as to the attempts in this direction in the United States; and best of all in Canada we have the experience of that pioneering province in social security, Saskatchewan, which has now received a mandate from the people of Saskatchewan to institute a provincial health insurance scheme. No doubt within a few months we will have valuable experience as a result of the institution of that scheme.

Therefore, Mr. Chairman, I suggest that in the immediate future this government should attend to the urgent needs of the people, particularly with regard to old age security, old age assistance and other forms of relief which require attention, by means of amendments to social security legislation. At the same time the government should accept this recommendation of the Canadian welfare council for the appointment of a royal commission which would have the opportunity to do the things mentioned in their policy statement; which would get the views of provincial governments, municipal organizations and other organizations and interested people across Canada, and which would have not vague terms of reference but terms of reference that would authorize the royal commission to make recommendations for an over-all social security plan to meet the needs of the Canadian people.

(Translation):

Mr. Bissonnette: Mr. Chairman, the standing committee on estimates, of which I have the honour to be a member, convened for a few days to look over all sections of the important Department of National Health and Welfare. First of all, I must say that our task was greatly facilitated by the full co-operation of the Minister of National Health and Welfare (Mr. Monteith) and all the department's officials. As a matter of fact, the minister, after stating that he was very happy to take part in the discussion of his department's affairs by the members of our committee, supplied a detailed report which enabled us to have a good general idea of the work to be accomplished.

According to the minister, the total estimates of his department for the year 1960-1961 would amount to $1,439,240,729, which means an increase of more than $38 million over those of the previous year. One reason for that increase can largely be attributed to payments intended under the unemployment insurance scheme, in which the province of Quebec has decided to participate in the future. At this stage, I am very happy to point out that wise decision on the part of the legislators in my province.

In future, many unemployed who are unable to work because of their age or physical handicaps will therefore receive assistance of which they had been deprived under the Disabled Persons Act. Indeed, under that legislation, assistance was available to only fully disabled people who had no hope of recovering.

Among the many items provided in the significant budget of $1,439,000,000 submitted for the Department of National Health and Welfare, there are three main ones which almost cover the whole amount. I referred to the sum of $599 million required for the Old Age Security Act, the sum of $508 million required to enforce the Family Allowances Act, and finally the sum of $167 million to pay the federal government's contribution under the provincial Hospital Insurance and Diagnostic Services Act.

May I be allowed, as a doctor, to make a few comments on that last item.

As mentioned by the minister in his general report on the operations of his department, the implementation of a federal-provincial contributory hospital insurance program is just beginning. However, the budget had to increase more than twofold yearly, since 1958, to such an extent that the estimated budget for 1958, that is, $55 million, will reach $162 million for 1960-61.

With regard to those estimates, the province of Quebec remains the only province not included in that program. That abstention on the part of my province may have seemed unusual to the other nine. In this connection, I have heard here, several remarks, often commented upon in our newspapers, and which were all of a political character.

I myself, during the last session, referred here in the house to some remarks I personally heard from the late Mr. Duplessis on that matter. "Tell your colleagues in Ottawa", he told me, "that I am not opposed, in principle, to hospital insurance, but we have to be wise and honest. Wisdom compels us to see how the other provinces will fare in this field, and to benefit from their experience, favourable or unfavourable; honesty compels us to avoid establishing a hospital insurance plan before we have a sufficient number of beds to meet the needs. Nobody has the right, he added, to open a drugstore if he has not the necessary drugs to put on his shelves".

Consequently, the policy of building hospitals of all sizes and for special requirements has received a new impetus in the province of Quebec, these last few years. While there were 9,000 beds in 1944, there were 27,000 in 1959.

May I be allowed to point out, incidentally, that several large hospital construction projects are still under way this year. I would refer in particular to Savard Park hospital located in my constituency, so often referred to here and in the press, as an example of injustice towards Indians and Eskimos. That hospital will be the first of its kind to be placed at the disposal of family doctors who, until now, had the greatest difficulty in getting their patients admitted and treating them there in general hospitals.

Our province will therefore have its hospital insurance plan this year. A commission has been appointed by the Barrette government—and I hope it will continue its job under a new government—to consider a particular plan appropriate to the needs of a province that is different from the others—

Mr. Martin (Essex East): Mr. Lesage made a statement on that subject.

Mr. Bissonnette: I beg your pardon?

Mr. Martin (Essex East): The new premier made a statement on that subject.

Mr. Bissonnette: Yes, but we shall have to wait and see whether his statements will be translated into action.

Mr. Martin (Essex East): You can be sure there will be no delay. Mr. Lesage is a man of action, as yesterday's results show.

Mr. Bissonnette: We hope so.

An hon. Member: Time will tell.

Mr. Bissonnette: —a plan, as I was saying, that will answer the needs of a province that is different from the others, especially in the field of hospitalization. In fact, Quebec hospitals are mainly owned by religious orders and this will have to be taken into account.

Besides, as I said earlier, action on this plan having been delayed, the experience of the other provinces will allow to make up for lost time and to avoid many mistakes. So, in due course, we will have our hospital insurance plan, as my hon. friend from Essex East (Mr. Martin) has stated, and as I personally hope. This plan has become necessary because of the prohibitive costs of hospital care especially for people of average income. The quality and improvements of care, the ever increasing cost of construction, development, equipment, drugs, food, wages, etc., are

responsible for this situation and the whole medical profession has recognized the need for such a plan.

But we must make a distinction. If the medical profession is in favour of hospital insurance, I hope they will always oppose state health insurance. The doctor is, by reason of his professional character—and here I express my own view as a doctor—

Mr. Habel: Hear, hear.

Mr. Bissonnette: By reason of his professional character, the doctor can never become a civil servant.

Mr. Martin (Essex East): Hear, hear.

Mr. Bissonnette: Unlike the latter, he must retain his freedom toward his patient, who after all is his employer, while the patient must remain free to choose his own physician. Unlike a civil servant, he has to work devotedly round the clock in his fight against disease and death, which are unpredictable and have no time limit.

I hope none of you will ever suffer a heart attack at two o'clock in the morning, at the very moment when the general practitioner or specialist, having become a civil servant, could refuse to get out of bed and answer your call until nine in the morning. A British doctor whom I met in Geneva told me he had had to wait three weeks for his turn to get a tooth pulled by the civil servant dentist, who inevitably closed his office at 5 p.m. and reopened only at 9 a.m. That just shows the drop in professional standards under state medicine. And what about a doctor's ambition to improve himself, to study and to devote himself, when he knows that his statute as a civil servant will be based less on his efficiency in treating the sick, than on his readiness to fill departmental forms. Doctors have not deserved to be drafted.

There are practically no citizens in the world except doctors who can claim to devote 18 to 20 hours a day of their time to their fellow men, and at a rate of remuneration reduced to 60 per cent in the case of the poor. The charges of greed recently levelled by a provincial premier at the doctors of his province were therefore baseless, and were just intended to justify his state medicine scheme. Under such legislation, doctors will become slaves to the state and the sick.

I therefore solemnly urge my colleagues in the noble medical profession never to lend themselves to the schemes of politicians of any colour or stripe. They will use every device they can think of to get their program through at the expense of the medical profession, and at the expense of something we deeply cherish, the nobility of our mission, with all the freedom of action it involves.

I am pleased to mention here the position taken by the Canadian medical association, particularly by its Quebec section, at its last meeting a month ago. It passed a resolution in support of hospital insurance, but came out squarely against state health insurance. It will therefore support every form of free, non-compulsory health insurance, to which governments may perhaps contribute in favour of the poor and of the small wage earner, but it will never be persuaded to accept compulsory state insurance. It will not prostitute that noble profession, nor betray its ideals for political ends.

Then too, doctors should remain free, and their devotion should never be drafted, mainly to gratify the ambitions of politicians or socialist extremists.

I therefore urge the government never to agree to share in the costs of a policy of drafting the members of the medical profession into a state-run plan whose standards will certainly be lower.

Mr. Chairman, a third item of the estimate, which it is also very important to point out, is the one dealing with preventive medicine and general health grants. The amount included in the estimates in this regard, for 1960-61, is $63,591,941. This shows the vital role of preventive medicine and of measures to preserve our health and to prolong human life.

A learned physician and physiologist stated recently that man is built to live a hundred years or more. Hardly 30 years ago the average life expectancy was 40 years, but today it is between 68 and 70. We are therefore well on the way towards the objective suggested by our learned physiologists.

Before concluding, I want to add a few words about the very noble and honourable mission that our government entrusted to me in May 1959, when I was appointed as an observer at the 12th annual meeting of the World Health Organization in Geneva. Perhaps I should have reported immediately upon my return, but the session was drawing to a close and I have had no other opportunity until now.

I owe this honour especially to the minister of health and to the Prime Minister (Mr. Diefenbaker) and I take this opportunity to thank them publicly and cordially.

Our delegation was headed by Dr. G. D. W. Cameron, deputy minister of national health, a man of prestige and wide experience. Deputy head of the delegation was Mr. Wershop, ambassador and permanent representative at the European bureau of the United Nations.

As acting delegates we had such distinguished men as Dr. C. F. Amyot, deputy minister of health for British Columbia, Dr. D. B. Layton and Dr. Percy Moore, both senior officials of the department of national health, and Mr. R. X. Jay, first permanent secretary at the European bureau of the United Nations. I was therefore happy, Mr. Chairman, to be appointed as an observer with such a team, in so important a delegation.

Mr. Chairman, may I summarize now some of my impressions. This organization, a United Nations agency, is in my opinion, one of its most important ones. Because of its objective, the health and welfare of men all over the world, it is indeed the best peace organization, the most beneficent and humane one, without which peace cannot be achieved.

Of course, Mr. Chairman, during all those meetings there were no bitter discussions, none of those intractable obstinacies which, unfortunately, so often mar meetings at United Nations headquarters.

At the opening sitting, after the roll-call and the examination of delegates' credentials, Sir John Charles, chief medical officer of the department of health in Great Britain was elected chairman for the term 1959-60. Delegates from 87 regular member countries and from three associate member countries were in attendance. It was therefore a large gathering. Some representations were made by representatives of the communist bloc against the barring of continental China from a regular membership in the World Health Organization; but there were no attempts at sabotage. I might add that representatives from communist countries missed no opportunity for propaganda whenever the occasion offered.

Mr. Chairman, with regard to the barring of communist China, I daresay, speaking as a physician of course, that I found that discussion rather saddening. Indeed, when you consider the World Health Organization on a strictly medical and humanitarian basis, something comparable to the international Red Cross, it is distasteful to a doctor to think that 600 million human beings in communist China are being kept out of that essentially humanitarian organization, prevented from sharing in its great advantages, and of making their own scientific and material contributions to it.

On the other hand, if you look upon the World Health Organization as a United Nations agency, there was obviously no point in discussing the problem, at least until such time as communist China is admitted into the United Nations family.

I said a moment ago, that the WHO is doing highly humanitarian work which is needed throughout the world. I would even go further, Mr. Chairman and say that this indispensable work is being carried on particularly in underdeveloped countries. It is all to Canada's credit and honour, Mr. Chairman, to have been one of the first countries to join the WHO in 1946. Dr. Brock Chisholm, then Canadian deputy minister of health, was its first director general. It is therefore obvious that, since the start, our country has joined with the great powers in financing and promoting the establishment and growth of that peaceful organization. Its procedure is similar to that of a parliament. There is, first of all, a general meeting of all delegates to discuss the program of the session and to form committees on the various matters to be discussed; committees on health problems, on financial and legal administration, on research, on resolutions, the committee on estimates, et cetera.

The general assembly meets when necessary and is supplied with the reports of the various committees, to discuss and pass them.

Mr. Chairman, those committees discussed many of these matters, particularly the main causes of the appalling death rate in underdeveloped countries and ways to reduce it. Among the leading causes of heavy mortality are such infectious diseases as malaria. typhoid fever, smallpox, tuberculosis, leprosy and venereal diseases. However the problem of drinking water transcends all others. Water, almost to the same degree as air, is necessary to life.

My deskmate at the meeting, a delegate physician from Pakistan, stated that the average life expectancy in his country is 28 years and that 50 per cent of deaths were due to the lack of drinkable water. The water problem became the general theme because of the great number of countries which were deeply affected and interested by it.

A delegate from France even suggested that WHO should concentrate solely on the study and solution of this single problem, that of polluted water—which incidentally would have helped solve many other health problems, instead of trying to tackle all problems at once, because, he said, quoting an old French proverb: "Grasp all, lose all". In other words, he who tries to solve everything at once solves nothing.

Therefore, before Mr. Khrushchev offers to settle the water problem, there is urgent need for all the favoured nations in the world to take the necessary steps, at least, to supply good drinking water to the hundreds of millions of human beings who are dying of hunger, thirst and infectious diseases in underdeveloped countries. Is it believable that two persons out of three in the world do not have enough to eat, nor enough to drink, except infected water?

Very serious studies have been undertaken about the steps to be taken to control contagious diseases which are so widespread and dangerous among tropical peoples. But money will always remain the sinews of war.

The assembly expressed regret that its budget was inadequate to achieve its dedicated program of controlling malaria. To obtain additional funds it called upon governments, industries and all private organizations that are in a position to contribute towards the control of that plague, malaria, and to press further, if possible, the implementation of a health program throughout the world.

Reference was made also to special funds designed to organize research and to direct it along the efforts being made by the organization to raise health and welfare standards throughout the world. The sum of $500,000 was therefore added to the budget for research purposes.

The assembly also decided to have the necessary plans prepared for the construction of a special headquarters building for the permanent staff, and for carrying on of all the activities of the World Health Organization. The space it has occupied until now at United Nations headquarters has become inadequate. The federal government of Switzerland, and of the canton of Geneva in particular, have offered the land and their assistance in preparing the financial operation, totalling close to $7 million, involved in that construction.

Before closing its session, the World Health Organization approved a budget of $16,918,700 for the implementation of the 1960 program, Canada's contribution being fixed at $483,000.

In conclusion, I may state as an observer that it is altogether impossible to evaluate the work carried out by the World Health Organization. This work is absolutely necessary and essentially humanitarian, as I said earlier, since its purpose is the health and welfare of human beings. It is a work likely to bring peace because its object is to fight thirst, hunger, disease and death. World peace is unattainable in the presence of extreme poverty. So far, peace secured by armaments has always proved a failure. Physical and moral misery has always been the spark that ignites war.

You may be sure that our annual contribution of $500,000 to the World Health Organization fund is an investment much more likely to bring peace than the hundreds of millions of dollars that we spend each year on armaments whose effectiveness in establishing peace is not only often questionable but actually nil.

(Text):

Mr. Regier: Mr. Chairman, before commencing my remarks I wish to express appreciation of the excellent address given by the hon. member for Quebec West. Those who have known him over the last number of years realize that he is one of the men most devoted to the principles of the medical profession of which he is so distinguished a member.

Having paid my respects to the hon. member, I wish now to comment on what he said. Among other things he seemed to be apprehensive about what is happening to prepaid medical care plans. This group has always advocated prepaid medical care for the Canadian people, but I believe I can honestly say that none of us has ever advocated state medicine. If we decide on how we are to pay for medical care, while at the same time leaving to the doctors the pursuance of their profession as they deem wise and advisable, we feel that is far removed from what is commonly understood to be state medicine.

I do not think our group has ever been an advocate of state medicine. All we advocate is that when we are well we pay for the days when we shall be ill, and that we all hold one another's hands so that all of us can receive the finest care that the medical profession has to offer, regardless of the financial ability of the particular individual at that time.

The hon. member may wish to make a distinction between voluntary prepaid medical care plans and prepaid medical plans operated by various levels of government. I believe that is a minor detail. Our main contention is that it is only when it comes to the matter of payment that we ought to co-operate one with another so that no one shall go without necessary medical care. I believe that in the long run it will even be of assistance to those engaged in the medical profession; because I cannot understand how a doctor, having to worry about income, can more ably attend to his work as a doctor, namely the healing of the ill, than if he does not have to worry about who is to pay the bill.

At this time I wish to express my appreciation to the minister for the courtesy and kindness that have been extended to me and, I have noted, also to other members in the opposition within the past year. I believe that all of us in this house, regardless of where we sit, are vitally interested in the work being done by the Department of National Health and Welfare. I believe the health of our people ought to supersede political interests at all times. Never, to my notice at least, has the minister replied to inquiries with a political ax hidden behind his back. He has never done that when we have asked him for information. I think that attitude is commendable.

This house is exceptional in that it contains an unusually large representation from the medical profession. However, the minister has, as had other ministers before him, made it very clear that to be vitally interested in and to have some knowledge of the work of this department and the needs of the department do not necessarily mean that one has to be a medical man. The minister has shown that an accountant can be as greatly interested in this work as can a lawyer coming out of the Windsor area.

I wish to offer a number of recommendations. My initial recommendation has to do with our whole approach to the administration of social security in this country. We have veterans pensions, family allowances, widows' allowances, mothers' allowances, pensions for the disabled, pensions for the aged, pensions for this and pensions for that, pensions for almost every other thing, each with its own administrative arrangements. I feel there is a reason for this. We have obtained what little social security we have in Canada by concessions here and concessions there, always from unwilling governments, and some have been given at election time. However, that may be a political reality or even a need in Canada.

Now that we have this vast array, this vast conglomeration of welfare and pension plans in Canada, I think the time is overripe when we should begin to think in terms of consolidation; because, as every hon. member knows, we continually meet individual Canadians who, despite our terrific array of plans designed to help the unfortunate in Canada, are left out, who do not get into any of the many existing plans and schemes. I think if we agree to broaden the base and accept the fundamental concept that no one in Canada shall have to do without the basic needs in health, education, food, clothing and housing, then we should begin a process of consolidation. I see no real, valid reason why there must be a separate plan to pay pensions to the handicapped as apart from pensions to the blind, for instance. After all, even the blind are in receipt of pensions because they are handicapped, yet we have two different administrations with all the costly overhead. And, as I said before, because of this terrifically complicated machinery, for each little new need we set up a whole new administration with its overhead; yet it fails to meet the needs of ever so many individuals as each hon. member, I am sure, has experienced.

At an early date the government might well begin an investigation in to whether it is not possible to combine most if not all of our social security measures into one social security organization. This is in existence in those countries of the world where the people did not get their social security measures by bits and pieces, where they received it all at one time. In those countries we do find this over-all administration. Here in Canada we have not arrived at our social security measures in that way; therefore we have built up organization after organization after organization without having one over-all machine adequate to meet the needs of each and every individual.

I noted what the minister had to say in regard to hospital care for those who are chronically ill. I know he has given this matter a great deal of consideration over the past year, and that some research is under way. However, I noticed the minister's great hesitation in imposing any care for chronic hospital cases upon any provincial government. I can understand why he takes that attitude, because according to the British North America Act fundamental health care is under the jurisdiction of the provinces. However, when the minister and the federal government are under attack for this lack of action in certain respects, and that attack emanates from a provincial government, then I do believe the minister would be completely within his rights if he replied to such attacks without hesitation.

What I have reference to is that at the last meeting of the British Columbia legislature the minister of health of that province explained that the reason the people of British Columbia could not enjoy chronic hospital care was that the federal government refused to make grants for the building of chronic hospitals or to pay any of the cost of the maintenance of chronic hospitals. The health minister of the province of British Columbia knows that his contention at that time was not in accordance with what the situation really is, because for many long years now Ottawa has always been ready to share on a per bed basis the cost of building hospitals designed to care for the chronically ill. I believe that right now the federal government is prepared to contribute to a program in any part of Canada for building hospitals for the chronically ill an amount of $2,000 per bed. In spite of this the minister of health in British Columbia wants to lead the people of that province to believe that Ottawa is responsible for the fact there is not any real chronic hospital care in that province.

The federal government since the introduction of the national health insurance plan has gone a little farther and, as I understand our national health insurance plan, if a province now institutes a hospital insurance plan for those within the province who need hospital care because of chronic ailments, the federal government is prepared to share, to the same extent that it shares in other hospital care matters, in the cost of such care. The federal government, therefore, by legislation is prepared to contribute toward the construction of hospitals to look after the chronically ill, and also for the maintenance of such hospitals. The British Columbia minister, I rather suspect for political purposes or in order to avoid having to face this issue as a result of the demands of British Columbia residents, unjustly attacks the federal government. I believe the federal government should immediately reply to that attack, and reply in such a manner that the residents of that province become aware of that reply.

We in British Columbia are interested in seeing that the chronically ill are given adequate hospital care at the earliest possible moment. As the minister knows quite well, our hospital insurance plan in British Columbia provides only for hospital care so long as the doctor certifies the patient as acute. Immediately the patient passes the acute stage—this applies especially to our elderly people—and the doctor declares the patient to be chronically ill, then you have to leave the hospital or pay roughly $18 a day to the hospital, or you have to go to a nursing home. If you want to enter a nursing home the rates are $185 a month and up, and the waiting list is as long as your arm. If you have not got that amount of money you have to either impose on some relative, if you have one who is able to look after you, or you have to go to one of the many disreputable nursing homes or so-called rest homes that will accept you in exchange for your old age pension or whatever pension you get from the municipality or provincial government.

The people back home are insisting that our existing hospital insurance plan be expanded to cover those declared chronically ill. I know that the federal government, by legislation, long ago decided that if a move is made anywhere in Canada to look after the chronically ill, there will be national money available to help.

I should like to see our national health insurance plan amended to include the cost of all prescribed drugs. I believe this would, perhaps, do more than anything else to resolve the questionable prices of these commodities. I have every sympathy, Mr. Chairman, for the interests of the men engaged in the practice of medicine. In the light of the income received by a lot of other people in Canada today, I doubt whether the income of our doctors is at a level which will inspire many young men or women to spend all the necessary years in obtaining that particular degree.

However, what really upsets me is the fact that when I receive a bill from the doctor and then when I receive a bill from the druggist I very often notice that the drugs that were prescribed cost much more than the time and work of the doctor who had the responsibility of prescribing the drugs. I believe that is away out of line. The man of medicine certainly ought to receive a higher compensation than the man who mixes chemicals, who is a chemist or a scientist and who only knows how to mix up a prescription in accordance with the orders of the doctor.

I should like to plead that the government, in the light of what has been said by the hon. member for Vancouver-Burrard and others, give serious consideration to the restoration of grants for a physical fitness program in Canada. When these grants were abolished a number of years ago that was done on the ground that few parts of Canada had taken advantage of the physical fitness legislation. I believe at that time only Saskatchewan had done so. Perhaps if the federal government again offered to share the cost of a physical fitness program, now that even such an eminent individual as the Duke of Edinburgh has made reference to the need for such a plan

in Canada, many more parts of Canada would indicate an interest and a willingness to participate.

I should like to say just a few words with regard to the physically handicapped. Mental retardation and physical handicap are often related, possibly more often than not. I note with a great deal of pleasure and satisfaction the hard work that thousands of parents in Canada are undertaking on a voluntary basis to supply education to the mentally retarded. I believe that if the federal government could aid in the cost of vocational education, and I agree that it ought to do so, then the health department ought to give some consideration as to whether in the long run it would not be more economical to help pay for the cost of providing mentally retarded children with an education. I believe that if our educational program for the mentally retarded could be greatly enhanced we might save ourselves a lot of pension money because many of these people, in later years, would not need pensions.

I should like once again to call the attention of the minister to the urgent need for establishing a portable pension plan available to all Canadians, but more specifically immediately designed for the industrial workers of Canada. I have spoken to many audiences and have asked them to indicate by a show of hands how many of them, in their lifetime, have paid into a pension fund and have later, either through some fault of theirs or through no fault of theirs, had to leave their place of employment, thus losing their pension rights. In most cases 90 per cent of those in attendance who had contributed to a plan have, somewhere along the line, lost their pension rights.

I know very well that in most cases when they leave these places of employment they can obtain a refund of their contributions. However, if most people are like me in this regard, a lump sum of money always comes in handy and may be used to buy a new car or a new television set. I do not realize that the money I am spending was really designed for my old age.

I do not think the refunds should be allowed quite so freely. I am glad that the annuities branch of the Department of Labour does not permit a refund. If you pay money into the annuities branch in order to buy yourself an annuity, that money must remain there for that specific purpose. However, because of the vagaries of the Canadian economic picture—partly, I think, because we are a growing nation—we find that less than 10 per cent of the people who today pay into a pension plan will ever receive the benefits of that pension as those benefits were designed to be paid at the time they were making their monthly payments.

I think the government could help the Canadian people to help themselves if they showed some initiative in this regard. I know there is a great deal that organized labour and employers could do. If they all invested their pension funds in the Canadian government annuities branch, our problem would automatically resolve itself. I deplore the lack of initiative on the part of labour unions and on the part of employers, when they sit across the bargaining table, in that they do not explore ways and means whereby the pension arrangements they are making with their workers shall carry the provision that the pension being arranged for will be portable and that the worker will be able to carry his pension rights with him wherever he goes, exactly as today he carries his unemployment insurance book and unemployment rights with him in moving from one employer to another or from one part of Canada to another.

I should also like to plead with the government to reconsider the level of grants it pays in the field of research in health matters. We have the heart foundation collection, the tuberculosis collection, and the diseases of children collection. We have umpteen health organizations all depending on charitable donations for their research work which is most essential. I have every respect for the voluntary efforts of tens of thousands of Canadians, and especially those of Canadian women who undertake this important and often thankless task of going out in the rain from house to house, knocking on doors and asking for donations in these multitudinous appeals. The work is necessary because there is no other way at the present time. The grants from the government are modest indeed. However, when this research turns up some useful knowledge it is added to the general pool of knowledge and everyone in Canada receives the benefit.

There is no one in this chamber who does not know that he may some day receive the benefits of the research going on with regard to heart ailments. I therefore submit that if we all share the benefits of this research work, we all should be made to share the costs as a community. I submit that this research work should not be handicapped by the lack of funds or by the lack of volunteers or by the unwillingness of some people to make voluntary contributions. Even if the government today absorbed all these organizations and the responsibility for them, I know that tomorrow there would be more volunteers for other worthy causes in Canada, and I think that is the way it ought to be.

But once the need has been established and once the volunteer work has reached a certain stage of general public acceptance, then I think the government ought to move in and assume this responsibility on behalf of the people as a whole.

When the minister replies I should like him to tell us what exchange of research information is taking place between countries of the western world and countries behind the iron curtain. I believe the minister is well aware of the fact that in many respects in the field of research the medical profession in the Soviet union has made remarkable headway. I often wonder whether we in the western world receive some of the blessings of that research and, vice versa, whether the people behind the iron curtain receive the blessings of the research work that our medical scientists are doing. I know there is some medium of exchange through the auspices of the United Nations. I hope we can obtain a bit of information on that particular score.

I want to express in only one or two minutes my utter dismay at the issuance of this particular little book having to do with civil defence and entitled "Your Basement Fallout Shelter". I should like the civil defence department of the minister to be called the civil disaster plan. I believe it would be much more acceptable to the Canadian people, because we often face severe disaster in our communities. I think the population as a whole would be much more united if, behind any plans for community survival and for survival of the individual, the whole plan were called a civil disaster plan.

I am a little afraid that there may be interests at work who are attempting slowly to convince the people of North America that there is hope for survival in case of a nuclear war. I hope the Canadian people will maintain what I believe is their present position, namely that should we have a nuclear war there is no defence for the Canadian people. I hope there is not a move afoot gradually to convince them and to condition them into thinking that "maybe I and you will survive". I think we ought to realize that in case of nuclear war there is no defence and that we will not survive. I do not expect that I will survive, and I do not think any other Canadian has any logical reason to expect that he can survive the rigours of an all-out nuclear war. I hope this is not part of a process of conditioning the public mind. It is for that reason as well as for practical reasons, in order to get the public to really rally around this effort, that I believe the whole effort ought to be changed in name from civil defence to civil disaster.

[Mr. Regier.]

Mr. Bissonnette: On a question of privilege, I should like to convey to my colleague the hon. member for Burnaby-Coquitlam my sincere thanks for his compliments, and to tell him how greatly I appreciate his agreement on the health insurance question and his recognition of the work of the doctors in the community.

Mr. Jones: In speaking on the subject which I intend to discuss now for just a moment, may I say that I ordinarily would have raised it later on the estimates, but I am not quite sure that it neatly fits into any one particular category. I refer to the matter of household chemicals. Before asking the minister the question I have in mind, however, and in view of the great amount of attention which has been paid by the members of the C.C.F. group to the Saskatchewan medical care plan, I think I should say just a word about that situation.

Much has been said about it except who is to pay for it. On June 13 I asked the Minister of Finance whether the premier of Saskatchewan had as yet approached him for federal assistance to help pay for the Saskatchewan medical care program. That question was received with cries of anguish from the hon. member for Assiniboia.

Mr. Fisher: Derision, not anguish.

Mr. Jones: "Derision", says the hon. member for Port Arthur; but yesterday the hon. member for Assiniboia did exactly what I have mentioned. As reported on page 5268 of *Hansard* he said:

> The Canadian government should come forward now with a federal prepaid medical care act by which the federal government would co-operate with any provincial government prepared to embark on such a prepaid medical care program.

That of course is a clear call for federal aid for the Saskatchewan medical care plan.

The point I wish to draw to the attention of the minister, and my principal reason for rising at this time, is the serious situation in my view which has arisen because household chemicals are not properly labelled as to whether they are dangerous or poisonous. Many of them do not have described on the label antidotes which would provide for emergency treatment where children or even adults might take these kitchen chemicals by mistake. It is my opinion that something should be done about this problem.

In the Saskatoon *Star-Phoenix* of June 13 appeared the headline "Coroner warns householders against household poisons", and the article under that headline sets forth the sad case of a two and one half year old boy who died of poisoning as the result of getting to a can of household chemical labelled "RX.15",

containing plant food. Apparently there was not an antidote on the can or any suggested course of emergency action. I am not suggesting, of course, that this child would be able to read the label, but certainly the parents might have been in a position to take action which could have saved the boy's life. In certain cases, I am advised by medical people, when children take substances like this that may be poisonous, if a finger is stuck down the throat or if they are given some mustard emulsion the poison may be regurgitated and the child saved. But in this particular instance the child unfortunately lost his life.

Mr. Chairman, I would urge that some action be taken to deal with this particular problem. I think it is necessary action for the protection of children and people in general in the home. It is not always possible to have a doctor immediately available, and often emergency action is required. Even when a doctor is available the doctor cannot be expected to have at his fingertips the antidote for every type of household chemical. The case I have described is by no means an isolated one but one which has occurred time after time in this country, and surely we should call for action to bring about a remedy to this problem.

I do not know whether this responsibility lies solely upon the Minister of National Health and Welfare or whether the Minister of Justice should be called upon to assist in providing a remedy under one of the acts for which he is responsible. But I would suggest that the Minister of National Health and Welfare might very well take this problem unto himself and discuss it with such members of the cabinet as may be necessary in order to bring about action whereby packages of household chemicals are labelled and indicate whether or not they are poisonous. Also they should have on the label the antidote and the required emergency remedial action in case the substance is taken by human beings.

Mr. White: Mr. Chairman, I do not intend to delay the deliberations of this committee for very long, and I think I can finish by a minute or two after one o'clock.

First of all I wish to commend the minister for his able administration of the department, and I want to compliment the hon. member for Quebec West for his very sound contribution to the deliberations of this committee this morning.

The reason I rise at this time is to bring to the attention of the minister and the committee a certain amount of consternation which was aroused among my constituents, as well as, I feel, many other people in the province of Ontario, when it was mooted in the press that the cost of hospital insurance in the province of Ontario would be increased by 10 per cent. Ontario residents are not unaware that prior to the commencement of hospital insurance, hospital rates were increased considerably. I am not prepared to say the percentage, but there was quite a considerable increase percentagewise. The residents of Ontario were sold the hospital insurance plan simply because the cost of hospitalization was getting to the point where many citizens of the province felt that unless they had a hospital insurance plan of some kind they certainly could not afford hospitalization.

So I rise to protect an increase in hospital insurance rates, and I do so also because we were told that this was going to be an economical method for the people to obtain insurance. We hear a good deal today from certain quarters about monopolies; there is a lot of complaint about monopolies on the part of companies. But the worst monoply in my estimation is a state monopoly, something against which you cannot legislate, something against which you cannot argue. It is a bureaucratic monopoly, and that I am certainly against.

If hospital rates could be increased by 10 per cent after one year without any protest from the people paying the rates, what is to hinder them being increased another 10 per cent two or three years hence? This leads to sloppy administration on the part of hospitals, and I do not think we want that.

I want to commend the hon. member for Quebec West for his plea that we evade at all possible cost what is spoken of as state medicine. I believe it is quite possible for the medical profession—and I am certain they are engaged in doing so—to work out a prepaid plan that will be acceptable to all Canadians. Then the medical profession can go on with their very worth-while work and the ill can have the doctor of their choice. Bureaucracy in the treatment of the ill is something which I personally have no wish to see.

Mention was made of annuity plans and the possibility of being able to transfer from one job to another or from one industry to another the pension plan that was commenced at an earlier date. All these pension plans are commendable, but let us look back 20 years and see what has actually happened. We must examine the value of the dollars people contributed to pension plans some years ago, and recognize that it bears no resemblance to the 50-cent pieces they draw out today. That is what inflation does. If we are going to witness a continuation of the galloping inflation that has gone on since 1945 we will witness

a corresponding decline in the incentive for people to save and the ultimate destruction of all incentive so to do.

I thank the committee for its indulgence.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

Mr. Rynard: Mr. Chairman, I intend to make only a few brief comments this afternoon, because the field has been fairly fully covered. One comment I will make is that we are going to have more and more hospitalization costs in the future as an increasing number of our population will be people over the age of 65. In the light of medical statistics it is interesting to glance around this chamber and realize that 30 out of every 100 people in this or any other group in the country owe their lives to the miracle drugs and serums and vaccines that have been developed in the last 50 years. I have only to list a few of the significant discoveries in this field to illustrate my point.

In the early 1900's, I believe in 1906, diphtheria antitoxin was developed. This was followed by the development of typhoid fever vaccine. It is important to remember that during the time of the Boer war more people lost their lives as a result of this dread disease than lost their lives in active service. It is significant to remember, too, that the war of 1914-18 could not have been fought on the scale it was if typhoid vaccine had not been discovered.

Coming to the twenties we find that on this continent, in the city of Toronto, there was discovered one of the most important findings in the history of medicine, insulin. This is an injection of pancreas that has extended the lives of many people and enabled them to live a full life span. Those of us who are old enough to be able to look back to the time before the discovery of this drug well remember those afflicted with diabetes who had poor, frail bodies and enormous appetites, and who could not pass a pail of water or a pump without pausing for a drink, and will be grateful that this is a disease now under control.

In 1928 significant advances were made by Minot and Murphy, working in a laboratory in Chicago, with respect to the discovery of the anti-pernicious anaemia factor, from liver and stomach. This represented another great victory by science in the field of human welfare.

Then came the discovery of the sulfa drugs and their derivatives in 1935. May I remind hon. gentlemen that dagenan and sulfa derivative was worked out after more than 600 attempts. Hundreds of scientists have worked diligently in laboratories in their search for the elusive materials that would cure human ills.

The forties witnessed the discovery of penicillin. I well remember the first case in which I used penicillin. A shot was required every two hours and there was much pain involved. Hon. gentlemen will know that further advances have been made with respect to this drug, and it is no longer even necessary to take penicillin through a needle. It may be taken by tablet, and only one dose is required in a 24-hour period.

I have listed a few of the advances made by science over the years. Not long after the discovery of penicillin came the discovery of the new antibiotic drugs, the myocins; achromycin, terramycin, chlormycin, ilotycin and other derivatives that have saved countless human lives.

My friend the hon. member for Welland in his excellent speech dealt with his experience as a general practitioner. He recalled to my mind that in the early days when we were called out by a patient with pneumonia we went with the knowledge that one out of every five persons suffering from pneumonia was doomed to certain death. Today it is possible to go to a doctor and be cured of pneumonia within a few days. This in itself is of vast economic assistance to Canadians, not only in work hours saved but in eliminating hospital costs and in the prevention of suffering.

The speed with which many illnesses can now be retarded or cured results in decreased costs for many Canadians. The advances made by science have also served to increase longevity in the population. As an illustration, may I point out that during the last 50 years the general population of Canada has increased two and a half times but that portion of the population age 65 years and over has increased four times in that same period. I do not have to point out that this will mean that there will be an increasing number of people in hospitals.

At the turn of the century, life expectancy was under 50 years. Today a child coming into the world can look forward to 70 years of life. This, however, is creating a problem in the field of employment and in other fields. For instance, the cost of hospitalization and welfare will continue to rise at a rapid rate as more people reach advanced age.

I suggest that it is not fair to put people age 65 and over suffering from chronic diseases in general hospitals along with persons who are under active, acute treatment.

I do not think you have to stretch your imagination very much to realize that the person who is acutely ill, whose life is hanging in the balance, will probably get the major share of the treatment, and that the older person with the chronic disease will not get the aggressive treatment that he would receive, perhaps, if there were a wing put on to that hospital where all those cases of people over 65 suffering from chronic diseases could be treated in accordance with what their condition demands.

I have only to recall to the committee that in 1920 I do not think there was a pediatric unit across Canada, if my memory serves me correctly. I well remember that when I was a student a few years later a pediatric wing was organized in the Kingston General hospital under Dr. MacGregor; and to tell you that the establishment of that pediatric unit as part of the general program of establishing chairs and professorships in our universities has cut our infant mortality so that today we can boast of life expectancy of 70 years for a child born in this country today is just to remind you of the results of our work in the field of pediatrics over the years.

I should like to suggest to you, Mr. Chairman, that the same principles and the same practice be followed by our hospitals today in the care of the increasing number of people in the geriatric class; that the same procedure be followed with chairs set up in universities and departments headed up with people concerned with the treatment of those older people. I think we would find that hospital costs would be cut considerably and that the people in the older age brackets would get better and more efficient treatment.

I wish to dwell on this for one more minute. There has been some talk about building separate units. I do not go along with that at all simply for the reason that we have to train medical students. Those medical students will be going out as general practitioners. They need all the knowledge of the treatment of those cases they can possibly get. I would remind you further that in the care of those cases certain drugs and certain types of treatment will be used, and the general practitioner will require to know about them. If they were put in separate units the tendency would be, in my opinion, to make the teaching inadequate.

I should like to dwell for a moment or two on the matter raised by an hon. member who said that only 200 British doctors had migrated to Canada and therefore conditions must be satisfactory in the old country. I have only this to say. When a doctor graduates from a university in another land and then comes to Canada, in most of the provinces he is required to write another council examination. It is pretty difficult for a fellow who has been in practice a number of years to remember all the scientific theory that he was taught. The remark was made that there were 60,000 doctors in the United Kingdom. If my memory serves me correctly there are only 50,000. I know this is just an error in figures, but I do wish to point out that the figure of 200 is no criterion of the satisfaction or dissatisfaction of the doctors in Great Britain. The fact is that it is difficult to pull up your roots, go to another country and write examinations before you can practise.

I just bring this to your attention, Mr. Chairman. In Saskatchewan, where people are inclined to say "Here comes the golden age", according to statistics one third of the doctors practising in that province are from Great Britain. I am wondering why that province has such a high percentage of British doctors when the rest of the country does not have that percentage. Maybe there is an answer to it.

I am also wondering about this. The golden age which they talk about in the province of Saskatchewan is in a little difficulty, or was in a little difficulty, with the hospitalization plan; because Dr. Erb, who I believe is their minister of health, stated that something had to be done to cut down on these spiralling costs. It was suggested to him by the head of the college of physicians and surgeons of that province that perhaps a deterrent would have to be added to control hospitalization.

I am just giving these facts, not to condemn any plan that will give the Canadian people the best of care, because I am sure every hon. member would want to do that. I hope we shall never let politics interfere with the profession or with the training schools in the United States of America and Canada, the countries that have given us the highest standards of medical practice in the world today, that have given us most of the major discoveries in the last 50 years.

When we consider some of the places that are state controlled perhaps we should hark back and take Russia, as leader of the communist world. We can state that there has not been one major discovery in medicine or one major advance in the field of medical science come out of Russia in the last 40 years. I am not saying that we should not have forms that are changed a little from what we have today; that may be necessary in a changing world.

I do wish to refer to New Zealand as an example of socialized medicine. We hear people stating over and over again that 52

per cent of the doctors there practise outside the hospitals and 48 per cent practise in the hospitals, all graduates of the same schools. The 52 per cent who practise outside are the have-nots and the fellows on the inside are the haves. Their social legislation brought them to the point where they were almost bankrupt. I talked to many of the doctors, both the ins and the outs, and I wish to tell you that I did not find any of them perfectly satisfied with those plans. I had the same experience in England where I talked to some gentlemen on the inside and some on the outside whose names I will not mention. The fellows on the inside were getting better pay. You would think they would be satisfied but they said, "No, we do not believe in any system that tends to downgrade the fellow who graduates from the same school we did and from that day onward is an outside fellow, as compared with the fellow on the inside". This is the answer to those people who say that this is the system, this is heaven. It is not. I ask the committee to weigh all the facts and not just be swayed by some written arguments to the end so that any change we inaugurate in this country will be right and proper and best for all the people.

I want to spend a minute on rising medical costs. The hon. member for Middlesex West spoke about this. We have been told some of the reasons why our people are living longer. We in the field of medical science are responsible for that. I think every doctor and scientist in Canada will surely take pride in that, but I also want to recall to the attention of the committee that many of those people have given gratuitously of their services on boards or as nurses receiving small pay and working 12-hour days. When I was in hospital in those days the nurses took their 12-hour shifts. I remember the dear old superintendent we had. She supervised everything. She made up her books at night, and if anybody was short or off she covered up. She had an 18-hour day. I remember the personnel, the nurses in training. I recall back to the days when some of them just got enough to buy their stockings and their shoes. If they got more than that they were lucky. We do not want to go back to those days, and I am not suggesting that we should.

I want to pause now to pay a compliment to that great group of nursing sisters and nurses of all faiths who did such a great job in those training hospitals and are still doing it. They have made a wonderful contribution. They gave us the care that has enabled many of us to be in this house today, and the drugs that were developed through a system of individual enterprise that stimulated freedom of thought and action to its fullest extent.

So in conclusion, I say that the cost of hospitalization has risen simply because two thirds of that cost represents the cost of labour; that is the situation. Does anybody want to cut costs by decreasing the payment to labour? Only one third of the cost is made up in other ways.

Then someone mentioned the high cost of drugs. There is one drug item I might mention which was used in this hospital that I selected at random, the cost of which represents only 4.5 per cent of the total cost of these life-saving drugs. These drugs can save you anywhere from one week to four weeks of hospitalization in cases of pneumonia and other diseases. I remember the cases of appendicitis that we used to see in which the appendix had ruptured, and now as a result of these drugs such patients may be out in a week. These are the contributions these drugs have made to us.

There are one or two other things upon which I should like to dwell for a moment. The first is disabled persons; I noticed that someone referred to them. I want to say that in my opinion the examination policy respecing disabled persons by both provincial and federal governments may be wrong. I am not saying it is, but I am wondering about this policy. I recall a case in which I was interested during the time the hon. member for Essex East was minister. This was a difficult case, and this fellow was positively entitled to a pension. The pension was turned down by Ottawa. I knew the case well, and I knew it was grossly unfair to turn down the application for pension. I am wondering, therefore, whether we should perhaps take a long look at that situation and eliminate the doubling up on these examinations.

The other thing about which I want to speak is the provision of adequate shelters in our hospitals. I am wondering if this is being done. This thought occurred to me when we were talking about shelters the other day. It appears as though we are going to have to make preparations, such as the construction of shelters, for a long time to come. If that is true I am wondering whether we are looking at this problem realistically. Perhaps these shelters should be built in when hospitals are constructed, and perhaps they should even be built into houses constructed under the National Housing Act; because I am sure everyone will admit that it appears the need for them will not be removed in the foreseeable future.

The next thing about which I am wondering is our training of medical personnel. I just

want to leave a few figures with hon. members. As has been mentioned before, we in Canada are not managing only with our own graduates but with the help of graduates from other countries. In the United States today they have in their hospitals over 8,000 interns who are foreign born. I am not giving any statistics for Canada. The Minister of National Health and Welfare might have them, but I have not. I know that we would not be able to run our hospitals the way we are today if it were not for the fact we have in this country a great many graduates from British and other universities. I think we should look at that, too, in order to assure ourselves that this country will provide the proper medical care.

In conclusion may I say that any criticisms I have made have not been in the nature of destructive criticisms. They have been made for the purpose of stimulating interest in this problem in order that the people of Canada may continue to get the best medical care in the world.

Mr. Fisher: Mr. Chairman, perhaps other members have noticed what I thought was a very significant development in the discussion of these estimates. The minister began by giving what amounted, in the main, to a rebuttal of the report by the House of Commons estimates committee which examined the Department of Health and Welfare. When I say "rebuttal" I mean it in the wide sense rather than in the sense of a direct confutation.

Today we had one of the earlier speakers, the hon. member for Calgary South, who is chairman of that committee, get up and make a rebuttal of the minister's rebuttal. I do not draw attention to this to particularly underline anything in connection with the department, but I think it is a significant parliamentary development. There has been a large grey area in so far as the rights and powers of parliamentary committees are concerned. I was not a member of this committee, but I thought it did as good a job as a committee could do in analysing the estimates of the department. I thought its report was vigorous and direct, and it was certainly understandable in so far as the average member was concerned.

I knew, from talking to some of the civil servants in the department, that the department's reaction to the report was to say the least rather strong. One could expect to get from the minister, therefore, a reflection of the bureaucratic feelings toward the committee's report. It seems to me that a house committee, even if the civil servants and the minister concerned react against its recommendation and against the policy considerations it entertains, should stimulate the department. In my opinion there is inertia on the part of the administration at times which must be overcome, and I think much of the stimulation will come from parliamentary committees that will face up to an analysis and perhaps make some overbold suggestions and criticisms. I believe this committee is to be congratulated, and I think the hon. member for Calgary South should be congratulated very strongly for standing up today to rebut the minister's rebuttal.

The comment I wanted to make about the minister of this department would be much the same as the comment made by other members. The few times I have had anything to do with the department he was most agreeable. Unfortunately he has not been able to find a solution to the largest constituency problem I have in connection with health and welfare matters. I refer to the problem of one of my constituents who writes letters on a weekly basis to me, to the minister, to the Prime Minister, to the Leader of the Opposition and to almost everyone in Ottawa in connection with a marvellous invention he has in the field of health. I wish the deputy minister would tell me how we can satisfy this dissident gentleman in my riding who has a magic invention which, when applied to the shoes of all Canadians, would cure so many of the ills to which they are subject.

In trying to assess the stature of a minister, Mr. Chairman, I think all of us have tended to look at his predecessors holding that post. We all know that the urbane gentleman, the hon. member for Essex East, was the minister of national health and welfare. The distinction I draw between him and the present minister is that as minister, the hon. member for Essex East was much more ambitious in a political way, in terms of looking for political promotion and going right to the top. I have a feeling that the present Minister of National Health and Welfare has no ambition to be prime minister or anything like that.

You may wonder, Mr. Chairman, what particular distinction I am trying to arrive at. It is this. I think the hon. member for Essex East, as minister, because of his ambition was constantly trying to expand, if you wish, or blow up his role as minister of national health and welfare and make it appear as one of the major posts in government, an extremely important one. I believe he achieved that to quite an extent. The only comment I would make about the present minister, giving him credit for his lack of

over-all ambition to reach the summit, is that he should not be so quiet or so passive in his relationships with his more ambitious, thrusting colleagues in the cabinet as to allow the department to shrink in stature.

I was interested in the committee's comments on the amount of printing being done by the Department of National Health and Welfare. I have always found it difficult to become enthusiastic about these publications, but I would be willing to accept the minister's argument that he has gone into the matter thoroughly and feels that the amount of publications is justified.

I hope he will continue to be tougher and tougher with the Queen's printer, because if ever there was an agency in the government charging too high prices to the departments for the services provided, I think the Queen's printer is an example. I have raised this matter in the house with the Minister of Citizenship and Immigration, who is responsible for that particular branch, and I think it still holds true that the system under which the Queen's printer tends to give a blanket price under which there is no volume discount—that is, no discount to the department—if it happens to come up with a best seller or something that really moves or for which there is a great demand, is a rather unbusinesslike practice, to say the least. I think it would be a great encouragement to departments in connection with their publications if there were some kind of volume discount, and if we had a more flexible policy in so far as printing is concerned.

I do not know how far one could go in doing printing on a direct basis as between government departments, in certain kinds of publications, and private printers. But from this procedure I think you would get a stimulation in terms of design and some greater level of competition as between the standards of the Queen's printer and those of the private printers. This is a minor aspect of the minister's department, but this is a problem that ranges through all the departments in their relations with the Queen's printer. It is not an organization of the government in which I at least, as a member looking at it, take a great deal of pride.

The hon. member for Vancouver-Burrard, who is well known for his interest in sports and who returned last winter with that lovely tan after his visit down to the Olympics in the Sun Valley area, was off on his kick about a Canadian advisory sports council or a Canadian sports council. I have spoken to this argument of his before, especially when his resolution had a day's debate. I admire the fervour with which he, the hon. member for York Centre, the hon. member for Calgary South and the hon. member for Hamilton South, who is an ex-footballer, are pushing their efforts in this regard. I pointed out to the Minister of Labour yesterday how amusing was the story in the Toronto paper about the expressed feeling of this small volunteer group that the cabinet was not taking too seriously their suggestions about a sports council because of serious unemployment in Canada. The newspaper went on further to say that it is perhaps arguable that Canada will always have serious unemployment, and that this consideration should not be a deterrent to creating this council.

I was interested in this for the humour of it, and also because it indicated a certain amount of bravery. I think it is a fairly brave member of parliament who will rise in his place and express himself to the effect that even although there is serious unemployment, he thinks the government should go ahead with a project such as this. I suggest to the hon. member for Vancouver-Burrard, who is pushing this matter, and also to the minister that we have a genuine cultural lag in Canada in our attitude toward sports. If the minister wants to go into the matter in a sociological way I could give him bibliographies on it, although I do not think it is a topic of extreme importance.

However, we have the attitude that now we have finally reached the stage—and the Canada Council is an example of it—where we are prepared to subsidize through our government agencies musical and artistic endeavours, but we are still some way from the point where we are prepared to subsidize sports or sporting endeavours through the government; and this is the situation despite the fact that the Canadian people in the main are much more interested in sports than they are in the group of seven or in classical music.

When the Canada Council estimates were before the committee the hon. member for York-Scarborough tried to make the argument that there was no reason at all why a barber shop quartet was not as justified in getting support from the Canada Council in order to take part in that particular phase of cultural activity as was the Toronto symphony orchestra or the Ottawa philharmonic orchestra. I would not necessarily agree with the hon. member for York-Scarborough, but I was bothered by the headline reaction to this, indicating what a silly proposal this was. I put it down to the fact that there is, if you want to call it that, an educated elite in Canada who have reached the stage that they feel that fine painting, symphonic music and cultural things of that level are wonderful and fine—and more power to them—and they have an agency now in the Canada Council.

But I should like to point out to them and to the minister and to the hon. member for Vancouver-Burrard that our problem so far as sports are concerned is that the common denominator of the people are strongly for sports. Not only do they want their nation to be represented by good teams, but they want Canadians to have fine hockey teams at the Olympic games and they want us to express our national spirit by having a winner. Unfortunately the elite have not quite come to that point yet. What we really need is a Vincent Massey in the sports field. I do not know whether the hon. member for Vancouver-Burrard or the hon. member for Calgary South are going to be able to rise to that particular challenge, but I hope they will continue the fight.

It is rather disturbing to national pride to know that in so many fields of both team sport and individual sport in track and field we make such a poor showing. I tend to blame our very success in certain professional aspects of sport for our refusal to support on a government basis those elements of our sport that cannot be put on a professional basis. Because we have viable football leagues and hockey leagues, such as the National hockey league and the two professional football leagues, I think we tend to feel that the judging one makes as to whether a sport is worth while is based on whether it can be put on a commercial basis. Every country in the world which has a sporting thrust within its population has discovered that you cannot compete as amateurs on an international basis with any kind of professional organization.

I think the British experience in the sport of football is a fine example of that fact. There is not any question but that England and Scotland have the best professional football leagues in terms of the number of teams, the public response and everything else, but just because of the very selfishness of the professional set-up they are not able to field an international team, and so the disgrace is very great in Britain about their showing there. We have tended to have much the same kind of reaction in the field of hockey. I think the hon. member's argument for a sports council is a good one. However, I think we must have a great deal more educating before we are going to achieve it. As I say, we need a Vincent Massey in the sports field.

The question of a national fitness program as put forward by the hon. member for Lambton-Kent had a great deal of force behind it. The bothersome thing there is the pitiful way in which the last effort in that field collapsed. The National Physical Fitness Act, when it was introduced in 1944, came in with a fanfare of trumpets. This was to be the answer to the disturbing physical situation that had been discovered in the enlistment or recruitment for Canada's armed forces. We were to have an answer. The answer was to be this voluntary council with one permanent director and approximately $225,000 each year to go out to the provincial agencies to support this effort.

It broke down. I think it broke down, first, just because there was not enough money for each team, and second, because of the difficulty of working out something in this regard within our constitutional framework.

I suggest to the minister that if he is going to subscribe to a national physical fitness program that is going to be a real contribution he must look carefully at the failure of the previous effort. As I see the situation and as I read the speeches made when the scheme was introduced, as well as when the whole matter was discarded, the failure was based upon an inability to get all these agencies working for physical fitness. It seems to me that if something is going to be set up it needs to be much more centralized and should have much larger funds at its disposal than the last national physical fitness council had, and I think the provisions of the act should be broader and should give the federal government a larger role than it played before.

In saying this it is in almost diametrical opposition to what the minister said in his rebuttal to the committee report. The main thing which seemed to concern the minister in his rebuttal was that the committee was urging federal encroachment into a field which was primarily a provincial one. So far as the sports aspect is concerned, I suggest that our interests there are not provincial or local but national. I would tend to think that the same situation has been reached with regard to fitness. We have a crisis of a kind in the fitness field, as the hon. member for Lambton-Kent exposed very well. If the federal government is going to play any role at all I cannot see it being a mere liaison organization; it has to have something of real power. Like most people, Canadians respect money as far as power is concerned. There is no use going into such a field unless the government is prepared to spend considerable money in setting up a really strong organization.

The last point I want to make to the minister deals with the situation of the blind people in my constituency, who are quite dissatisfied with the present provisions of the act which the minister's department administers. I am not going into details as to what they want, because I think the minister is very much aware of that, but I can assure him that from

my contact with the blind group in the lakehead area there is a unanimity of view on this matter which one rarely finds, to use a phrase, in pressure groups.

The hon. member for Simcoe East made a speech which I took to be an appeal to us to consider very carefully any moves to be made in the direction of medical schemes, and he generally extolled the worth of the medical profession and also pointed out the difficulty which the medical profession is having in recruiting people and developing its organization. Mr. Chairman, if I were a doctor I would be almost as concerned as I think politicians should be about the general low state of their reputation amongst the general public. As a matter of fact, I think those of us who are politicians are sometimes stunned on going around when we find how little we are appreciated; but recently I have heard more and more of the same kind of thing said about the medical profession. The picture is getting out into the land that they are money grabbers, graspers, people who will not make a call and who want only people who will come to their offices; that they want prompt payment of their bills, and so on. In other words the old charm and aura which hung over the medical profession have disappeared, and I think disappeared remarkably fast.

Because of this I think the public is perhaps much better prepared or much more prepared to want the kind of medical schemes which have been debated out in Saskatchewan and which are in existence in other parts of the world. As most hon. members know I support that type of scheme, and I am well aware that most of the doctors, certainly the ones of my acquaintance, feel at the moment that such a scheme is undesirable. I would suggest to those doctors that the only way they will save themselves from this kind of scheme is by doing something about the general reputation of the profession as a whole in the country.

I cannot put my finger on all the reasons why this should be. It was startling to me as a school teacher in contact with quite a number of students who want to go to university when I discovered how few of them were any longer interested in being doctors or dentists. I tried to find out why they were no longer interested in going into these fields. The standard answer—I do not know whether it is the right one—is not a question of money at all. It has nothing to do with the fact that more and more doctors are becoming employees. It is always the length and the cost of the training rather than any worry or concern about the kind of money they will be making later. If this is one of the fundamental reasons why the profession is no longer recruiting, then it seems to me that the profession should be prepared to make some very strong recommendations to some agency somewhere which will be effective in righting this situation.

Mr. Chairman, I suggest that today the only way you can get young people to go into professions where further education is required beyond high school is to offer a very attractive set-up both in terms of scholarships and of—I was going to say easy courses, but I do not think it is that so much; the kind of course which is comparable in its length and toughness and difficulty with some of the other training carried out in universities.

This to me is the root problem of getting more people into the medical profession. As most hon. members know, the situation is much more serious in the dental profession than in the medical profession. We are getting to have a grave shortage of dentists, and most dentists are still very much more under a private enterprise set-up than are the doctors. I know the hon. member for Simcoe East is an employer of doctors, and as I understood an article I read recently, one third of the doctors in Canada are on salary rather than on an individual private enterprise basis.

This does not hold true as far as dentists are concerned. A very small percentage of dentists are employed; in the main they are self employed and in many ways comparable to lawyers and small business men. Yet it is a group which, as any one who looks at the income tax statistics can determine, is one of the higher income professional groups in Canada. Despite the fact that there is a good chance for individuality and working on their own as well as having a high income, the situation is not able to meet the challenge and in so many parts of Canada we are short of dentists.

The problems of recruitment in this field I think have to be part of the minister's concern, if not his responsibility; and if the professions themselves will not come up with answers, I think he has to try to find some of his own. All the medical schemes and dental schemes in the world, whether of the state or of the prepaid kind, are not going to be much good if we have not got the practitioners to work the schemes.

In conclusion, Mr. Chairman, I hope I have said nothing which would hurt the minister's sensitivities as minister. I reiterate that I think every hon. member of the committee appreciates the friendly manner in which he carries out his duties.

Mr. Carter: I should like to pay my word of tribute to the minister's department and his devoted staff, and to express my gratitude for the co-operation I have always received with respect to the problems I have brought before him. In particular I am very grateful for the assistance they gave and the interest they took in connection with the radiation problem which occurred in one of the mines in my area.

My purpose in intervening in this debate is twofold. First, I should like to support what the hon. member for Simcoe East had to say about disability pensions. There is no doubt that great progress is being made in achieving greater uniformity with respect to the administration of these pensions, yet there are still a large number of people who are subjected to unnecessary hardship because of the difficulty which arises out of the wording of the act, in particular the words which require a person to be "totally and permanently disabled".

In the light of the great advances which are being made almost every day in medical science these terms are no longer valid. In many cases what appears to be a permanent disability today may be curable tomorrow; what appears to be a total disability may be alleviated or reduced later on by new techniques, knowledge or appliances. Nevertheless, hardship exists as long as a person is disabled and prevented from earning his livelihood as a consequence.

I see no solution to this problem unless we change the wording of the act, or at least agree to place upon it an interpretation different from the one now being used. It seems to me that if a person has been disabled for six months and the best medical advice he can get agrees that he is likely to remain disabled for another six months, that should be regarded as total disability. There is no reason why such cases cannot be reviewed every year, or every two years, or even every three years. We have cases now where people have to remain in this state for years before they can get somebody to certify that they are totally and completely disabled.

The other problem I wish to draw to the attention of the minister is one which has to do with mental health. It seems to me that most of our efforts with respect to mental health have been directed toward the adult, and there is no doubt that great progress is being made not only in the direction of new drugs and new treatments but also with respect to the general attitude of the public toward mental illness.

The part of the problem which I emphasize today has to do with the children. I recognize at once the difficulty of this problem, because it ranges all the way from children who are slightly retarded to those who require custodial care. It seems to me that because this problem does flow over into the realm of education the federal government has tended to leave it to the provinces and to private groups. We know enough today to realize that the problem is too great to be handled properly in this way. It is too big to be handled by private groups, and in many cases it is beyond the resources of provincial governments. Even those provinces which in the past have been able to provide accommodation for these mentally ill children are being hard put to increase this kind of accommodation in accordance with the growing needs. In my own province we have no such accommodation at the present time, and we are finding it almost impossible to keep pace with the increase in the demand for expansion of present facilities, not to speak of being able to branch out in the direction of providing new facilities along the lines I have mentioned.

It seems to me that two things are necessary. First, we should have a complete survey made so as to know exactly how big this problem is. We should then find out not only how many children would fall into this class but how they can be divided into the different classifications. Once this is done I think it should be possible to work out some agreement with the provinces whereby those classifications which fall mainly into the realm of education can be treated on a basis different from those who require custodial care.

That is the field where I believe the federal government could take the initiative, and I would urge the minister to show the way in determining just how big the problem is, and in finding out just how many children require custodial care. I should like him also to take the lead in providing the necessary staff and accommodation for this latter group, because at the present time it is beyond the capacity of most of the provinces of Canada to do so.

Mr. Peters: I should like to say a few words on this subject, some of them having to do with the Clark report, which was brought in sometime ago. I believe the Canadian people have been promised that pensions would be raised in keeping with their needs, though we as a government have found great difficulty in financing the increase we made in old age pensions on the last occasion we made improvements. We believe this old age pension should be at least $75 a month, and we are also of the opinion that

it would obviate a great deal of difficulty if this were implemented under the present scheme.

I believe the government, when they set up the Clark commission, did so with the backing of the people in general who believed that an investigation of the pension schemes in other countries throughout the world, particularly in the United States and Britain, would be advantageous to the Canadian government in ascertaining how best to provide for the elderly citizens of Canada. One of the sad facts of political life is that though we set up commissions to investigate certain matters, and although these commissions come to conclusions with which we agree or disagree, it does not seem to make a great difference because nothing happens once the reports are presented. This is evidence of the fact that the government has given little consideration to the report. Upon receipt of a report the government should state why it cannot implement its recommendations.

I am sure the Prime Minister and other members of the cabinet will agree that in 1957 they wanted to increase the old age pension even more. A pension higher than $55 is needed. The old age pension is contributory in a sense. It may be the sole pension which a Canadian receives or it may be supplementary to an industrial pension. In any event the old age pension has some effect on pension plans throughout the country. The old age pension is payable on the basis of citizenship and length of stay in Canada. It should be made portable in an industrial sense. There should be a national pension plan which a worker could take from job to job, province to province, industry to industry. At age 65 he should draw a pension equal in value to at least half of his wages. Such a plan could be easily introduced and would be in keeping with the recommendations of the government's own commission.

We have unemployed over 40 years of age who are not accepted in other lines of work because it is not actuarially sound to accept people of that age under many existing pension plans. I believe I heard someone say that this may make a difference in Quebec and there may well be some people in that province who would be interested today. Everyone, including politicians, should have an opportunity of retiring on a decent standard of living without having to accept jobs on the basis of political patronage.

I recently heard of a new excuse advanced by industry for not employing workers. I spoke to a young lady who is disillusioned about the slowness of her promotion in a large Canadian company. After some persuasion her boss told her that the company got in trouble for hiring her. The reason was that she was over-weight and therefore a poor risk under the company's pension plan.

We are not asking the government to give our senior citizens something for nothing. They should be able to take their pension from job to job and find employment up to or beyond age 65. The pension would be contributory or compulsory. If it were a national pension plan the government would have to administer it. Such a plan would make money rather than lose it. This must be so or else insurance companies would not be involved in this business. Administrative costs would be slight. The minister could assist his colleagues especially those concerned with national housing and public works. Money would be available as a result of a national pension plan for use in making loans for home construction.

Canada is not poorer than other countries. The United States is not better off and in many respects is much poorer. Canada has national resources, an expanding population and challenging opportunities. If other countries can pay higher pensions and make more money available to the citizens than we can it must be because we are not using our resources to the best advantage. We should examine the recommendations of the Clark report and make more money available to our senior citizens. This will enhance industrial harmony because industrial disturbances are caused by pension plans as presently operating. People grow dissatisfied with their work but cannot change jobs without losing their pension rights. Workers could make more valuable contributions to society if a national portable pension plan was in effect.

The government should institute a superannuation plan to provide a fair and reasonable retirement fund in keeping with the earning power of an employee during his working years. The government could incorporate existing pension plans under a national scheme without disturbance to the plans now in operation.

We should examine the pension plan available to the hon. members of the House of Commons. Through the death of the provincial member of parliament in my riding it was brought to my attention that Ontario has a better plan than ours. I understand that at the last session of the Ontario legislature they amended their pension plan so that upon the death of a member his rights in that pension plan go to his wife as survivor insurance, and that consideration is given to his family.

It would seem that we in Ottawa are living in the horse and buggy days of long ago. It appears to me that our thinking is somewhat along the line of the old timer who said, "Let everybody worry about himself; I will worry about myself; I have been able to save a few bucks, I am looking after myself and to heck with everybody." This may be all right in some respects; it might have been all right in those days when it was possible to save. It seems to me that pensions in particular are one field in which we cannot look after ourselves any longer. Pensions we buy in the form of annuities and superannuation are very expensive and apply to a very limited number of people. The time has come when we should be able to devise much better systems of pensions for ourselves and for the Canadian people than we have at the present time.

We are not suggesting that we can finance this out of the present plan; we are not suggesting that at all. We are not only suggesting that the contributions and the amount paid be increased but also that there be a complete overhaul of the plan and a different method arrived at to supplement the contributions that it would be necessary to make for this type of plan. The government has an obligation to do this now. The old age pensioner should not be put in the position of having to wait for an election before he gets an increase in his old age pension.

Mr. Bigg: Mr. Chairman, there are several groups of people in Canada who have no voice; they have no union and once in a while it becomes the honour of a private member like myself to stand up and espouse their cause. I speak of student nurses. This group is one of the neglected groups in all Canada. I say they have no effective voice. They do have a student nurses association in their own hospitals, which has no voice whatever. In fact if they stand up and say they should have a little pocket money, in some cases they are expelled.

The only one excuse for not paying these girls, as I understand it, is that the hospital believes that this would put out the lamp. Of course, they are referring to Florence Nightingale. Florence Nightingale was an English gentlewoman with considerable private means. She did light a lamp in nursing and it has not gone out yet. But there are literally hundreds of girls, the finest girls in Canada, serving long hours at what is at times a very disagreeable job, and I believe the highest rate of pay they get up to graduation is $12 a month. This may have been all right in the days when the R.C.M.P. rode across the plains on horseback for 50 cents a day. But, as my hon. friend has just said, it is about time we got out of the horse and buggy days.

Those girls are giving a signal service to our people and are not being paid for it. I do not know why they should not be. The hospitals are hard pressed financially and the dominion government has come to the aid of the provinces and the hospitals during the last few years. I think we can do more and I think we shall have to earmark our help in this respect to make sure that it gets to the people whom we want to help, namely the student nurses. I speak with some authority because one of my daughters has just graduated. It is safe to bring this up because she has graduated and therefore we stand to gain nothing in our own family at the present time except that I have two more daughters. They may want to be nurses, but at the present time I can hardly recommend the training period to them on financial grounds.

I would suggest that perhaps a student nurse be given $12 pocket money during the first six months until she finds out whether she really wants to be a nurse. If she can stand the first six months in hospital she wants to be a nurse all right. I think we can afford to give her at least $1 a day to buy her nylons, or take herself to a moving picture so that she would not have to rely on a date with an intern. In the second year I suggest she is of more value and perhaps $45 a month might be a reasonable figure. In her graduating year, when she has already learned to be a nurse—she is just staying in hospital to pay for her first two years board—I think $2 a day should be the minimum sum.

You will never get the nurses together; they are not unionized. You will never get them together in one body; they are too busy working. They have nobody speaking for them but I venture to say that everybody within earshot of my remarks has been in hospital and has been looked after by one of those wonderful girls. I think it was probably a shock to some hon. members to know that they did all that work for nothing. At the end of three years they are so fed up working for nothing, whether they admit it or not, that they rush off into marriage, they go south of the line or they quit nursing altogether.

There are no scholarships for nurses and yet they are our best young girls. A smart girl today in high school can qualify to go to university if she wishes without very much expense to herself. But if she wants to be a nurse she has to put in these three years of near slavery. This is a harsh word. I can call it nothing else.

There are a good many families in Canada who can no doubt afford to keep their daughters in nursing school for three years, but there are a great many more who cannot. Therefore I do not hesitate to stand up here today and start the ball rolling. I know that everybody who hears me will agree that this is a worthy cause. I expect the minister himself will be sympathetic to it. If we can rouse public opinion I think we will get a reform which is long overdue. I hope the minister and his department will carry the ball from here.

Mr. Monteith (Perth): Mr. Chairman, first of all I should like to pay my public respects to the hon. member for Essex East on the occasion of his birthday anniversary today. I might point out that he is one day older than me but, of course, many years older in his experience in this particular department.

I should also like to mention that I could not agree more wholeheartedly with his remarks concerning the ex-deputy minister of welfare, Dr. Davidson. I should like to repeat what I said at a testimonial dinner which was held by the department for Dr. Davidson on the night of May 30, to which the hon. member for Essex East was invited but happened to be out of the country at that time. I then labelled Dr. Davidson Mr. Social Security of Canada. I think this is most appropriate, and I cannot speak too highly of his service to the department and to the country in this capacity in the past number of years.

Mr. Martin (Essex East): Hear, hear.

Mr. Monteith (Perth): I should like to thank all hon. members who have spoken on these estimates for their very helpful remarks. There are undoubtedly some things I shall mention as I go along. I cannot cover all the items, but I should like to point out that in his remarks the hon. member for Essex East indicated that he wondered why I had not commented on certain remarks by officials and ministers in other spheres of government.

I do not believe that this is my particular obligation at the moment. I feel that all these items, such as portable pensions which many hon. members have mentioned, and with which I have some sympathy; the study of the Clark report which has been under way in my own department and is in the hands of a very competent committee in the department, are receiving study in one bundle, one might say. This includes the presentation of the Canadian welfare council which we have received for the past two or three years and which was particularly spoken to by the hon. member for Kootenay West. Other hon. members mentioned it as well. Here again, these representations have been given close study and are being given a tied-in close-up look.

I believe the hon. member for Essex East asked what I might think about medical insurance. My remarks to the estimates committee on that subject are contained on page 13 of my brief, I am not sure of the actual page in the committee report. However, I am sure they cover the picture completely. Pages 31 to 41, by the way, of the same brief cover some of the problems and difficult considerations that have been gone into in connection with the Clark report.

The hon. member for Timmins spoke about the Saskatchewan medical plan. It seemed to me that there were other members of his party who mentioned this subject and who seemed to be fighting the Saskatchewan election over again.

Mr. Peters: It was not necessary.

Mr. Monteith (Perth): That was what I thought. I was just a little concerned about one intimation the hon. member for Timmins gave. Perhaps I am wrong, but I gathered that he might possibly do away with all charitable organizations, all voluntary organizations.

The hon. member for Jasper-Edson spoke, and I should like to thank him for his kind words concerning the operation of the hospital plan. There certainly are wrinkles still to be ironed out; we do not deny this. As I pointed out when we were before the estimates committee, there are certain possibilities under the Hospital Insurance and Diagnostic Services Act of which full advantage is not being taken. I was interested in his remarks concerning deterrent charges. I would just repeat one sentence from my opening remarks to this committee. It was to this effect: As to whether or not this type of co-insurance charge under a hospital insurance program has any deterrent effect, the department will be pleased to review the subject with the provinces concerned. This is just one of the aspects of the hospital insurance program which are being reviewed all the time.

The hon. member for Welland returned to his favorite topic. I would point out that actually there is a study being conducted in Ontario of fluoridation. I shall be interested in the report when it is forthcoming.

The hon. member for Lambton-Kent and the hon. member for Vancouver-Burrard spoke at some length about physical fitness. I certainly will be glad to examine the remarks of the hon. member for Lambton-Kent in greater detail. I know he has given a great deal of study to this important problem, as has the hon. member for Vancouver-Burrard.

Other hon. members, I believe, also mentioned the possibility of a Canada sports council. Incidentally I might say that I saw the pictures to which the hon. member for Lambton-Kent referred at close range, and I think in some 30 years he has only varied in weight by something like one pound. I would not suggest that would apply to me.

The hon. member for Assiniboia suggested giving increases in practically everything, and again I gathered he was refighting the Saskatchewan election. I would suggest that we have lived up to our undertakings in the social welfare field.

There was a return requested by the hon. member for Bonavista-Twillingate, which I think is somewhat self-explanatory. The question was:

> Has there been an increase in social security payments between the fiscal years 1956-57 and 1958-59? If so, how much?

Then under No. 2 he asks:

> How much of such increase is attributable to (a) an increase in the number of recipients, and (b) legislation enacted before June 21, 1957, and (c) legislation enacted since June 21, 1957?

Under (c) I should like to point out that old age security has increased approximately $91 million as a result of legislation passed since June 21, 1957; old age assistance by $5,900,000; blindness allowances by $775,000; disability allowances by $4,900,000. Also under unemployment assistance the estimate in the return is approximately $250,000 monthly. Then, hospital insurance and general health grants, the amount paid as a result of legislation permitting the provinces to start their schemes on July 1, 1958 meant that there was an expenditure of $54,708,474 in 1958-59. Incidentally the change in the hospital construction grants resulted in an increase of $5 million. This is a small indication of the increases between 1956-57 and 1958-59 as a result of legislation passed following June 21, 1957.

The hon. member for York South had a very interesting suggestion that the department make grants toward housing for elderly people. I think possibly this would be better dealt with by the Department of Public Works because these loans are made through Central Mortgage and Housing Corporation.

The hon. member for Kootenay West certainly made quite a philosophical dissertation. I was very interested in some of his remarks concerning some of his personal problems and his ability to give very sound advice.

The hon. member for Calgary South, I think, rebutted the remarks made by the hon. member for Port Arthur who claimed that the hon. member had been making a rebuttal of my rebuttal. In other works, I think the hon. member for Calgary South was really making a rebuttal of the remarks of the hon. member for Port Arthur rather than of mine. I can only thank the hon. member for Calgary South for making the explanation he made and setting forth the simple fact that the department—myself as minister and the officials of the department—do not differ with the committee fundamentally in their findings but more in the way of approach in that we felt there were certain things which might appear to be interfering with what have always been considered to be provincial rights. We are always here, of course, to give advice and financial assistance in many areas. I should like to repeat what I said in my opening remarks, namely that we will keep a continuous review under way of our informational division.

Many hon. members have mentioned the problem of the blind and the disabled. These are under constant consideration. Last October, I think it was, we had a meeting with provincial ministers of welfare with a view to bringing up to date the regulations concerning these various assistance acts. These changes in regulation have been made through the justice department and have been agreed to by the provinces at this stage.

The hon. member for Quebec West mentioned several problems. I should like to thank him for his remarks concerning the World Health Organization and its extremely important work. He might be interested to know that the membership has now risen to 101 countries.

The hon. member for Burnaby-Coquitlam speaks, as always, after having given considerable thought to matters. I should like to thank him for his remarks concerning myself and the members of my department. He recommended the consolidation of all of our assistance acts. I recognize the problems in this particular matter and certainly will view his remarks with interest.

I would point out that, as he mentioned, the federal government has definitely offered to share the costs of constructing chronic hospitals on a per bed basis, the same as with any other hospital and also in the hospitalization of the chronically ill. All that would be needed to have the province of British Columbia have us share in this particular, namely in the hospitalization of the chronically ill, would be simply a request to amend the schedule of hospitals which would benefit from the act.

One item on which the hon. member for Burnaby-Coquitlam requested information was the exchange of research information with countries behind the iron curtain. Last March we had two representatives from

Canada in Russia in order to view the use of live polio vaccine in that country. That is one instance.

The hon. member for Saskatoon was interested in poison control or labelling. I should like to mention something about the poison control program in Canada. This program is established for the emergency treatment of children and others accidentally poisoned with household products including medicines. The food and drug director of my department has collected information about the potentially dangerous constituents of substances such as cleaners, soaps, fuels, paints, waxes and polishes often found in the home. This information and the composition of household medicines has been tabulated on cards. Incidentally, information on the methods for treating poisoning from the products listed was also put on cards. In 1957 sets of these cards were sent to provincial deputy ministers of health who selected the hospitals where poison control centres were established in the provinces. These centres used the information supplied by the department and have facilities and staff present at all times for the treatment of poison cases.

I should like to mention one or two statistics in order to point up what, in my estimation, is the root of this trouble. Having raised three children, at least to varying degrees of maturity, I know the problem involved. Up to April, 1960, 8,826 accidental poisonings have been reported, of which 56 per cent were due to medicines and 44 per cent were due to household chemicals. Almost all of these poisonings were of children under four years of age. I would point out that there are actually more than 170 poison control centres in Canada at the moment. I cannot help feeling that one of the gravest problems is simply ordinary care in keeping dangerous medicines and chemicals out of reach, in view of the fact that almost all of these 8,826 poisonings were of children under four years of age.

The hon. member for Middlesex East was worried about the reported increase of 10 per cent in hospital insurance premiums. I would point out that this is a provincial problem in that they decide how to collect their share of hospital expenses or operational costs. Whether it is done by current revenue —general taxes or sales taxes—or a general hospital tax or by premiums, the matter is up to the province. I must not leave the impression that we are not concerned with the increase in hospital costs. We are concerned, but these costs have been going up over the years.

I think the hon. member for Simcoe East gave a fairly direct answer in this respect. I think it lies in the simple fact mentioned by the hon. member, namely that in 1920 there were no pediatric wings in Canada. Today's modern pediatric wings in many hospitals—possibly in practically all of them—indicate the great progress we have made. We cannot do this without some increased costs. Statistics indicate that the cost of operating hospitals had actually been increasing at something of the rate of ten per cent a year before hospital insurance came into effect.

The hon. member for Burin-Burgeo thanked the department for its assistance in the St. Lawrence mine radiation problem and I would like to acknowledge that appreciation. He is also concerned with the disability pension and the mental health problem, and he mentioned the education of mental children. I would like to point out that the William Anderson school for retarded children in Galt is the first new experimental school in this particular category, and I understand that as of this morning it has been indicated that property has been purchased for the extension of this project so that it will include students over 18. This is being done incidentally by private endeavour and the Kinsmen's club of Galt.

The hon. member for Timiskaming mentioned the portable pensions in which I said I have great interest. The matter of the members' pension I think is one for finance, not one which comes within the sphere of my department.

Mr. Chairman, undoubtedly I have not answered all of the questions of hon. members who have spoken, but I do feel that most of them spoke with the thought in mind of assisting the department and offering suggestions. We heartily accept these suggestions and will study them very closely. Again I would like to thank the committee and hon. members for the helpful suggestions which have been made.

Item agreed to.

National health branch—

Health services, including assistance to the provinces—

243. Administration, $367,444.

Mr. Martin (Essex East): Mr. Chairman, first of all I want to thank the minister for his good wishes, and in anticipation of his anniversary tomorrow I would like to extend to him, and I think I speak for all hon. members of this committee at the moment, our very best wishes.

The minister has replied to a number of questions in the statement he has just made to which I directed his attention when I spoke briefly yesterday, but he has not answered

all the questions. It may be he is reserving some of them for some particular items as we come to them.

On this particular item of administration of the health services, which includes assistance to the provinces, there are a number of matters I would like to raise at this time. In the first place, the minister might give some indication of when the department will move into new and more permanent quarters. We would be interested in knowing what progress has been made with regard to planning and actual construction of the new administration headquarters in Tunney's Pasture.

The hon. member for Calgary South in his statement, a statement which had more than unusual importance because he spoke not only as a member of this house but as chairman of the committee on estimates, dealt with a number of points and indicated that while the objective of the recommendations made by the committee and the minister were the same, the methods to be pursued in the realization of those objectives were different.

One of the matters that the hon. member for Calgary South mentioned was the question of the shortage of hospital beds at the present time. The administration of the hospital insurance act requires for efficient operation the availability of the maximum number of beds, and while a great deal of preparation was made between 1948, when the national health program was announced and the passage of the hospital insurance act, in assisting the provinces in reducing their bed shortage, it was never anticipated that those efforts could possibly succeed to the full in meeting the requirements.

I mention that because I want to indicate to the minister that I am not attributing any blame to the Department of National Health and Welfare for this situation. Nor am I blaming anyone, because I have in mind the tremendous strides which have been made in hospital construction over the past decade and a half in this country, the great contributions that have been made by governments on all levels, by voluntary organizations, individuals, nursing groups, the medical profession and so on. We have no reason to be ashamed at the results of this co-operative effort.

However, if I understood the minister correctly he took the position that the matter of a national survey of hospital bed capacity and of hospital bed needs was something that he did not feel could be initiated by the federal government. I agree with him that the direct responsibility is one for the provincial governments; but under the national health program it would seem to me that it would be open to the federal government to provide the necessary financial assistance which would make possible such a survey. Certainly such a survey of the national need at the moment is one that could not be accomplished by any provincial government except by a provincial government within the territories of that government. But what is needed is not only an assessment of provincial needs but an assessment of the situation in the light of the national interest.

It will be remembered that when the national health program was embarked upon in 1948 there was provided for at once the sum of some $600,000 which was to be expended by the federal government in co-operation with the provinces and which was provided for entirely out of the taxpayers' resources on recommendations of federal government policy for the purpose of making health survey grants to assist the provinces in assessing their health needs and finding ways and means in which they could be made. There was likewise provision made for what were then the eight annual grants to assist in the extension and development of provincial health services; and finally the annual grant to assist in hospital construction, the increase of which was provided for by the present government two years ago.

That survey is still available and undoubtedly the minister has examined and studied its contents. I would think that from that survey, which was exhaustive, it ought to be possible to draw certain deductions, not only as to provincial needs but indeed as to local needs of common bed capacity requirements. It is open to the minister, out of the $42 million now being voted, to provide funds which would make possible a survey and assessment of the hospital beds required throughout Canada.

I suggest to the minister that he give this matter further consideration to determine whether or not the provinces could be assisted in this way, and thereby run more efficiently the hospital insurance program which, as he said, is generally speaking, operating very efficiently now in all the provinces of Canada which have adopted the scheme. As the minister has said, there are, of course, some problems to be ironed out. It was to be expected that a scheme of such gigantic proportions would present difficulty from time to time, but looking back in retrospect and looking at the situation as it is today I think we have reason to be satisfied with the very satisfactory way in which, generally speaking, these schemes are operating.

Now I should like to ask the minister a further question, and I do this only because I am anxious to see hospital insurance extended in the one area where it is not now

available. I am thinking of the declared position of the premier designate of the province of Quebec with regard to hospital insurance. I hope the minister will lose no opportunity of seeing to it that his officials and, if necessary, he himself take every occasion to present to the new administration, if and when that is effective, the federal government's material in this regard so that in accordance with the wishes of the new government and of the people of that province, which must of course be the governing factor, there may be no delay in implementing for that province a program which we know to be so beneficial to the people in those provinces who are now able to take advantage of a hospital insurance scheme, and so that the province of Quebec can take advantage of a scheme to which its taxpayers, in so far as the federal contribution for existing schemes is concerned, may utilize these benefits.

I simply want to make one more statement with regard to this matter. I outlined our position on the subject of prepaid medical care. All the parties in this house on this side have taken their positions with regard to this important matter; a matter which, I think, will increasingly engage the attention of government and of the public generally. The minister referred to the statement he made on this subject in the estimates committee. As a member of that committee I recall that statement, but it seems to me it was of such importance that it ought to be made in this house where other hon. members who were not members of that committee would have the opportunity of learning the position of the government and, if they felt so disposed, of interrogating the government with regard to it.

For my part I regard the government's policy in this particular as unsatisfactory and as not giving the kind of leadership which I think a matter of such great importance requires. The initiative, I recognize at once, is a matter, as the minister said, for the provinces themselves. Under our constitutional arrangements that is an essential requirement. We cannot develop these schemes in a country like ours, which is based on the principles of federation and confederation, unless we recognize the division of jurisdiction. The federal government cannot do these things alone, and it seems to me it would be difficult for the provinces to do these things alone. But together, I am sure, the two senior levels of government can do something to deal with the problem of medical care in this country on a responsible basis, a basis that will recognize, as several medical doctors who are hon. members of this house have said, the principle of the traditional doctor-patient relationship, the principle of free choice of doctor and the other principles which I believe at the moment are not in issue here. Those freedoms must be preserved.

(Translation):

I quite agree with the hon. member for Quebec West (Mr. Bissonnette) that there should be no restriction whatever of a patient's freedom to choose his own doctor, nor any attempt to impede the medical profession in the pursuit of its calling.

(Text):

I believe that this freedom of choice in so far as the declared positions of the parties are concerned is not actually in doubt. But we do have to face this point, and in facing it I want to say that I agree with those doctors who have spoken, that the medical profession, while it may have its point of view in this regard, and one must respect it—and I note with interest what the hon. member for Jasper-Edson had to say on this subject—I want to say that while I feel strongly on this subject, and while I feel that the basic consideration is the public interest and that we must see to it that Canadians are not denied the best medical care because of financial incapacity, I do not want anyone to think that by recommending prepaid medical schemes I was in any way reflecting on the medical profession.

But there have been suggestions here about the doctors, and I can only say that my own experience over 11 years is that Canada has every reason to be proud of the over-all objectives and contributions of the Canadian medical profession. We need only think of the work of the general practitioners and others —the family doctor, the man with the black bag—to realize this debt. I do not think we should allow an occasion like this to pass without—not rising to every incident requiring their defence—recognizing, as we should, the public service, the contribution, which the medical profession and other health workers make in our country.

Mr. Martin (Timmins): I can recall last year that when questioned about the hospital insurance plan the minister stated that a considerable number of bugs had developed in the administration of these plans and I wonder if the minister could say what progress has been made to overcoming these difficulties.

Mr. Monteith (Perth): To answer the hon. member for Timmins first, I do recall intimating at that time that there were certain bugs, as he suggested, in the scheme but I think good progress is being made in ironing them out. A meeting is held twice a year of the advisory committee on hospital insurance and diagnostic services to consider

everything which has been happening in the intervening six months. The problems which have developed are brought to the attention of that committee and eventually to the attention of myself and the provincial ministers, and we believe great progress has been made in ironing them out. No doubt there is still the odd individual case which comes to mind. I do believe, however, that the provinces themselves are also trying their best to iron out these problems.

The hon. member for Essex East asked at what stage is the administration building. I am happy to say the drawing board stage is almost complete and we hope to get along with construction quite rapidly. I will be pressing the Department of Public Works in that respect.

The hon. gentleman also referred to grants to provinces for technical advice. As I pointed out in my earlier remarks, this is now done and as a part of the technical assistance to the provinces the research division has assisted in health surveys. At the present time the director is acting as a consultant to the government of Manitoba in connection with its survey of hospital facilities and personnel.

I have not as yet today received a wire from the premier designate of Quebec concerning hospital insurance but whenever I hear from him I shall be pleased, of course, to enter into negotiations. With respect to medical insurance I would refer the hon. member for Essex East to the comments I made in my earlier statement which is in the record of the proceedings of the committee. I do not feel it is necessary to repeat those remarks here.

Item agreed to.

Health services, including assistance to the provinces—

532. Laboratory and advisory services—further amount required, $125,479.

Mr. Martin (Essex East): Mr. Chairman, would the minister give us the details of this item.

Mr. Monteith (Perth): Mr. Chairman, this is an amount for the work undertaken by the department on behalf of a resolution by the United Nations concerning the analysis in Canada of fall-out samples from all around the world.

Mr. Martin (Essex East): This is a matter of very considerable importance. It is one, of course, that concerns not only the Department of National Health and Welfare but also the Department of External Affairs and arises out of the initiative taken by Canada at the last assembly of the United Nations. We know from a report made to the house during the course of the present session by the parliamentary secretary to the Secretary of State for External Affairs that the hon. gentleman had gone down to the United Nations to see if he could not ascertain why more progress had not been made in the co-operative effort pledged by other member states in the United Nations toward this objective.

Could the minister tell us something about the progress that has been made in Canada itself? New testing stations have been set up to measure more accurately and comprehensively the levels of radioactivity. Could the minister also tell us what progress has been made in getting other countries, pursuant to their commitment at the last assembly, to carry out their share of this effort on a world scale so that we can determine whether or not the levels of radioactivity are continuing? This is a matter which in the future may be of first importance.

We are told by the minister and by other ministers of health that there has been no appreciable increase through nuclear tests in the amount of radioactivity that would add to the sources of human danger and the like but the only way in which we can have a reasonable certainty about this is by making sure that our instruments of assessment are as effective and as accurate as we know how to make them. I would hope that the minister could give us some details along the lines I have asked.

Mr. Monteith (Perth): Mr. Chairman, the hon. member can rest assured that the equipment to be used in making these tests will be the best available. There is no doubt in the world about that. I wish to say that we consider our radiation division is one of the best in the world in the field of testing.

I agree with the hon. member that this matter is of first importance. The question of communications with foreign countries is actually in the hands of the Department of External Affairs. I understand there are negotiations going on with two countries at the moment but until they are completed I think perhaps I should not name them. This is really a responsibility of the Department of External Affairs.

Mr. Martin (Essex East): I agree that it is, Mr. Chairman, but I am sure the minister will appreciate that our own assessment cannot be effective unless other countries are also co-operating. We cannot hope to create in Canada a wall against the danger of radioactivity unless there is world-wide co-operation. However, I will not press the point any further except to ask the minister if he can tell us how many testing stations there are now in the country. I know that our equipment is as up

to date and as good as that of any country. I am also aware that we have taken a lead in this field by our participation in the original 12 state committee at the United Nations and in the work of our own medical scientists in the Department of National Health and Welfare. I believe, however, that the people of Canada would like to know how many new stations there are in the country and what is the total.

Mr. Monteith (Perth): Mr. Chairman, there were originally 15 stations set up to collect monthly samples of milk powder for analysis in our laboratories here in Ottawa. More recently a second network of 24 stations has come into operation for the collection and subsequent testing of air, rainfall and soil.

Mr. Martin (Essex East): Has the department yet decided upon the increase in the permissible levels of strontium-90 pursuant to the initiative taken by the United States in that regard?

Mr. Monteith (Perth): Mr. Chairman, I understand that the new report will be available within two weeks. Actually the departmental report for January to March, 1960 will be available on Monday. That will give the complete picture. I believe that fairly recently I answered a similar question by the hon. member for Trinity and perhaps also the hon. member for Essex East concerning the permissible level having been decreased from 98 to 79 or some figure in that neighbourhood as a result of the study.

Item agreed to.

National health branch—

246. To authorize general health grants to the provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the estimates and under terms and conditions approved by the governor in council including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of $63,591,941, $42,000,000.

Mr. Pascoe: Mr. Chairman, I should like to direct two questions to the minister under this item but before doing so I wish to associate myself with the expressions of commendation the minister has received for the fine way he is administering his department. I also wish to compliment the hon. gentleman on the splendid outline he presented of the operations of his department and on the many answers he has already given to questions asked by hon. members of this committee.

I do not think proper acknowledgement or credit is being given to the minister, to his department or to the federal government with respect to the financial assistance in various health programs being given to my own province of Saskatchewan and to the other provinces.

In order to direct more attention to the federal health and welfare contributions to Saskatchewan and to the other provinces, I should like some detailed information from the minister under item 246, and other items coming before this committee. Item 246 refers to health grants to the provinces. On page 339 of the blue book details of the item show, for Saskatchewan, "Hospital construction grant, $1,857,967." Then, there is another item listed as "Other health grants, $1,875,-046." I hope the minister will outline what is covered under this heading of "Other health grants".

Under the same item, but with a separate vote of federal money, are listed what are known as contributions to provinces under agreements entered into pursuant to the Hospital Insurance and Diagnostic Services Act. When the minister answers my first question in regard to health services will he also inform this committee what federal contribution was made to Saskatchewan this fiscal year under the hospital insurance act. Will he also indicate whether this federal contribution goes directly toward helping to pay the cost of Saskatchewan's hospital plan which last year cost a little over $31 million? In this regard I might point out that the hon. member for Assiniboia made no mention of federal financial help to Saskatchewan's proposed hospital and medical plan when he spoke in the committee yesterday. I presume he was speaking officially for his party in Saskatchewan when he said, as reported in *Hansard* of June 22 at page 5266:

> —by an annual payment of some $70 or $75 a whole family would have their hospitalization and medical care covered.

As I said, I presume we can take this as an official party statement as to the annual cost of the direct compulsory payment. The hon. member for Assiniboia went on to say that the remainder of the cost will be raised from general revenues within the province. I should like to emphasize the statement. He said that the remainder of the cost will be raised from general revenues within the province. To go back to my question, will the minister outline what federal payments are being made to the Saskatchewan government under the two parts of item 246? To what extent is the federal government helping to pay the cost of the Saskatchewan hospital plan?

Mr. Monteith (Perth): The hon. member for Moose Jaw-Lake Centre mentioned the hospital construction grant, estimated for 1960-61

as $1,857,967. The breakdown of the $1,875,046 of other health grants is as follows: General public health, $744,881; tuberculosis control, $151,035; mental health, $464,936; professional training, $94,856; cancer control, $185,656; medical rehabilitation and crippled children grants, $140,406; child and maternal health, $93,276.

If the hon. member will turn back to page 338 of the blue book he will see that the first item is labelled "General public health grant". This is not specifically allocated to provinces, but it is to be used in support of research projects sponsored by one or more provinces, and in this instance some might be going there.

To answer the second question, for the fiscal year 1959-60 the federal government paid $13,152,145.37 to the province of Saskatchewan for Hospital Insurance and Diagnostic Services Act purposes.

Mr. Pascoe: Does the minister have any indication of the payment for this fiscal year?

Mr. Monteith (Perth): No, I cannot give that at the moment.

Mr. Rogers: Will the minister give the committee the same information on Alberta?

Mr. Monteith (Perth): Can we table that, Mr. Chairman? Is that agreeable to the hon. member?

The Deputy Chairman: I understand the minister wishes to insert something in *Hansard*?

Mr. Monteith (Perth): I will have to do a little searching to get the figures.

Mr. Martin (Timmins): Would it be possible for the minister to give us the information for all the provinces? I am sure it would be interesting.

Mr. Monteith (Perth): Yes; I shall be glad to get this information for all the provinces.

The Deputy Chairman: Do I understand that the minister wishes to table it or put it in *Hansard*?

Mr. Monteith (Perth): I am in your hands. How can I get it in *Hansard*?

Mr. Martin (Essex East): May I make a suggestion to the minister. If he inserts in *Hansard* the detailed plans pursuant to the question which was properly asked by the hon. member for Moose Jaw-Lake Centre I am sure that *Hansard* would be considerably increased in the number of pages, not that the information is not desirable. It is available through another medium. Does the minister not have a composite table showing the totals for each province, and that certainly would not be an unnecessary encumbrance.

Mr. Monteith (Perth): That is the type of thing I was going to suggest. I suggest we produce a table for all the provinces, but I am in the chairman's hands because I do not have it with me at the moment. I am in your hands, sir, as to how I get it on record.

The Deputy Chairman: Unfortunately, we cannot table anything in committee. The only thing we can do is print it in *Hansard*. Perhaps the minister might make a request tomorrow to put it in *Hansard*, or table it when the house sits tomorrow.

Mr. Monteith (Perth): Yes. I think that this can be ready later today and it could possibly be printed in today's *Hansard*.

Some hon. Members: Agreed.

Mr. Martin (Essex East): The question asked by the hon. member for Moose Jaw-Lake Centre was a valuable one because one forgets that considerable sums of money are being provided by the federal government out of moneys made available by the taxpayers and passed over to the various provinces to assist them in carrying out their health services. The response to the question of the hon. member for Moose Jaw-Lake Centre will reveal the extent to which this is being done in this current year in the province of Saskatchewan, and the table to be produced will show the extent to which it has been done in all of the provinces. That has been going on now since 1948 when the national health program was announced in May of that year. It is important to realize that when the health grants were announced it was said by the prime minister of that time that this departure on the part of the federal government was a prerequisite to the establishment of health insurance in Canada. These grants were being made available for the purpose of preparing for the ultimate realization of health insurance in Canada, so that we would have the necessary facilities, hospital beds, the necessary personnel and the like. That is the purpose of this particular grant.

I asked the minister yesterday what was the policy of the government of Canada with regard to the only announced pre-medical care program in Canada, namely that in Saskatchewan. If and when the government of that province embarks upon this scheme of medical care, what is to be the policy of the government of Canada with regard to providing financial assistance? Has a policy been formulated? The minister has not replied to that. Of course, if he says that the policy is to be announced by the government in due course that will be a reply which we are obliged, under our usages, to accept. I repeat it because it is a matter of some importance. The reply will be noted by other

provinces as well, and it will be an encouragement or discouragement depending upon what is the reply.

With regard to the answer given by the minister to the hon. member for Moose Jaw-Lake Centre, this much is clear: The province of Saskatchewan has been assisted to some extent in the consideration, not only of its hospital insurance program which frankly it brought into being before there was any action taken by the federal government, and the province will be assisted, perhaps in a way that is not easy to detect, in the consideration by the government of that province of its proposed medical care program. Now, I suggest that is an important fact to remember.

I should like to ask a question of the minister based on the suggestion made by the hon. member for Athabasca, with regard to student nurses' assistance. I think we all appreciate the problem which he has outlined. It is not a problem which has arisen since the present minister has been in office, but it is a problem that has existed for some time. We all appreciate the sacrifice that has to be made by parents in providing for the training of their daughters in this particular field, as well as in the provision of a university education for their children. The minister might possibly give us some more detailed information in reply to the hon. member's observations.

In considering this particular question, I should like to know how many new nurses training schools have been built. There was one at the Western hospital in Toronto; there was one at the Metropolitan hospital in Windsor, and I think there was one in Alberta. Assistance was given to these schemes, which were pilot schemes in order to assist in assisting and rationalizing the nurses training. That represented a considerable measure of assistance, not directly in the way the hon. member for Athabasca had in mind, but assistance of some sort by the federal exchequer. I noted that the day before yesterday in Toronto there was an announcement made by the nurses—I do not know whether it was the nurses of Ontario or the nurses of Canada, but I suspect the latter—to the effect that they proposed to set up a college training establishment of their own. In addition, they have been given by the province of Ontario adequate power over nurse training, somewhat similar to the control that is exercised under provincial statutes over the medical profession and the dental profession. These are all steps which, while they may not meet what the hon. member had in mind, are in that direction and which seek to emphasize the importance of the problem which he has raised.

[Mr. Martin (Essex East).]

Mr. Monteith (Perth): We do not have any information available at the moment concerning the number of nurses schools, as requested by the hon. member. He did refer to the one at Toronto, and that information will be obtained.

I may say, however, that I have these figures available now and I can give them to the *Hansard* reporter to be inserted in the record. I refer to the figures concerning the distribution of general health grants as between the provinces and territories, and also the payments for 1959-60 under the Hospital Insurance and Diagnostic Services Act. I should like to point out that the latter are advance payments, and that the final payments have not been made.

The Deputy Chairman: Just to make sure there is no misunderstanding, does the committee give unanimous consent to put these tables on *Hansard*?

Some hon. Members: Agreed.

[*Editor's note: The tables referred to are as follows on pp. 5321 and 5322:*]

Mr. Martin (Timmins): Before the vote carries, there is just a minor point to which I should like to refer. Both the hon. member for Moose Jaw-Lake Centre and the hon. member for Essex East made reference to the federal grants to the provinces of Saskatchewan. One might think that there were special grants given to the province of Saskatchewan, and I should like the minister to clear up that point if he could. The grants given to the province are no more and no less than those given to all the other provinces.

Mr. Monteith (Perth): No, it is the same principle.

Mr. Martin (Essex East): I notice that the amount estimated for the health branch last year was $46 million and this year it is estimated at $42 million. Before putting my next question, perhaps the minister will jog my memory by telling me how much he would be authorized to request for the fiscal year?

Mr. Monteith (Perth): The commitment authority for the fiscal period is $63,591,941. The commitment which is not expected to be spent amounts to $21,591,941, leaving what we estimate to be spent, $42 million.

Mr. Martin (Essex East): At a time when there have been various suggestions made in this house about various health problems that remain to be solved, and of course which will continue to confront us in one form or another in the days to come, it does seem to me that the minister owes the committee

ADVANCE PAYMENTS

Hospital Insurance and Diagnostic Services Act—1959-1960

Date	B.C.	Alta.	Sask.	Man.	Ont.	N.B.	N.S.	P.E.I.	Newfoundland
	$	$	$	$	$	$	$	$	$
April	1,588,466.00	1,357,530.02	1,027,630.22	971,338.76	5,876,078.72	—	686,907.97	—	375,439.40
May	1,497,069.79	1,394,143.01	1,040,886.59	865,760.90	6,668,811.10	—	606,166.54	—	356,306.66
June	1,537,872.59	1,330,926.07	1,110,263.05	906,705.28	5,849,878.56	—	780,198.72	—	336,675.08
July	1,667,397.18	1,236,748.58	1,066,255.97	960,282.41	5,878,939.40	409,999.04	632,399.88	—	405,333.36
August	1,693,452.82	1,162,032.52	1,060,475.02	1,024,531.70	5,766,024.11	461,666.17	663,234.39	—	359,325.84
September	1,599,649.04	1,163,838.83	1,076,682.17	929,567.91	5,681,813.85	474,588.92	648,341.33	—	384,135.44
October	1,587,574.38	1,138,501.45	1,106,439.01	966,172.03	5,625,628.29	509,724.57	640,091.69	61,410.32	379,637.74
November	1,584,417.30	1,170,507.73	1,096,155.39	933,712.03	5,622,847.77	558,708.80	656,282.88	68,667.07	377,997.52
December	1,677,246.58	1,450,280.50	1,361,307.07	928,028.13	6,166,475.36	565,040.02	585,780.72	76,709.72	376,038.99
January	1,673,732.12	1,207,445.58	1,055,872.91	990,876.24	5,787,166.90	552,934.85	778,011.80	79,211.47	384,274.63
February	1,674,419.60	1,217,330.05	1,063,916.81	906,044.19	6,473,525.49	534,978.03	736,978.97	79,923.10	389,845.51
March	2,095,886.10	1,191,142.84	1,086,261.16	941,446.77	6,495,644.11	507,734.50	748,145.89	81,416.59	436,589.04
TOTAL	19,877,183.50	15,020,427.18	13,152,145.37	11,324,466.35	71,892,833.66	4,575,374.90	8,162,540.78	447,338.27	4,561,599.21

GRAND TOTAL ..... $ 149,013,909.22

DISTRIBUTION OF GENERAL HEALTH GRANTS FOR THE FISCAL YEAR 1960-61

Province	Hospital construction (a)	Other Health Grants								Total allotments (b)
		Professional training	Mental health	Tuberculosis control	General public health	Cancer control	Medical rehabilitation and crippled children	Child and maternal health	Total	
Nfld.	1,401,919	52,240	243,993	164,678	395,900	97,439	74,914	71,576	1,100,740	2,502,659
P.E.I.	235,690	19,596	74,749	29,557	128,579	29,864	24,747	20,209	327,301	562,991
N.S.	2,033,443	77,358	374,218	146,292	601,591	149,434	113,515	77,046	1,539,454	3,572,897
N.B.	1,411,662	65,505	312,763	122,527	504,523	124,897	95,299	76,533	1,302,047	2,713,709
Que.	4,971,858	480,284	2,463,183	1,275,068	3,901,120	983,509	732,727	569,945	10,405,836	15,377,694
Ont.	9,575,956	569,938	2,927,993	904,242	4,635,290	1,169,096	870,507	486,501	11,563,567	21,139,523
Man.	1,285,813	93,257	456,645	180,662	731,784	182,345	137,948	89,597	1,872,238	3,158,051
Sask.	1,857,967	94,856	464,936	151,035	744,881	185,656	140,406	93,276	1,875,046	3,733,013
Alta.	1,361,175	126,936	631,253	210,975	1,007,580	252,063	189,706	126,413	2,544,926	3,906,101
B.C.	1,669,604	157,699	790,742	305,112	1,259,493	315,743	236,982	132,167	3,197,938	4,867,542
N.W.T.	132,336	4,034	15,389	6,085	26,472	6,148	5,095	4,161	67,384	199,720
Yukon	72,127	2,497	9,527	3,767	16,387	3,806	3,154	2,576	41,714	113,841
ALL	26,009,550	1,744,200	8,765,391	3,500,000	13,953,600	3,500,000	2,625,000	1,750,000	35,838,191	61,847,741

(a) Includes the following revotes: Revote for new projects $8,345,261; First five year program—$296,969.
(b) Does not include public health research grant unallotted by province—$1,744,200.

March 2, 1960. Source: Joint Administrative Unit.

an explanation as to why the $21 million additional is not being made available, pursuant to the declaration of policy originally made in 1948 and confirmed by the present government. We do know that there are many problems requiring attention. The hon. member for Athabasca mentioned the question of nurses' assistance. We hear from time to time of the great need for further research into heart disease, and the like.

The minister and I were present one night in Ottawa when he spoke at a meeting of the Ottawa heart foundation, a branch of the national organization, whose purposes are designed to promote greater research into the greatest killer of all. Some provinces and some communities have through voluntary efforts provided funds for what is required in their communities, but not enough money is available in the country to make the kind of attack on heart disease which medical scientists believe should be undertaken. In view of the fact the minister has the power to ask for another $21 million, I think he ought to explain why he has not asked for this additional sum of money.

I know that the expenditure of these sums of money depends largely on the capacity of the provinces to utilize these funds. They must have the necessary personnel to make a wise and economic use of the moneys provided by the federal government. To the extent that the provinces are not prepared or are not adaptable to accept further assistance, that will be a satisfactory answer, as far as I am concerned. But in so far as certain voluntary organizations are concerned, such as the heart foundation, I believe a more comprehensive answer should be given by the minister.

For instance, are we satisfied that we have enough funds with which to deal with cancer? The Canadian cancer society are providing assistance out of these grants to the extent of $3,500,000, I believe. Is that enough to meet this research problem? If it is enough, is it possible to provide more money in order to bring the best possible cancer treatment within the reach of those in Canada who for one reason or another cannot get it? I merely mention these as samples of the kind of problem which yet requires attention and which could be met if the necessary funds were provided. There are funds available and it would be valuable, I think, for the minister to explain why they are not used.

Mr. Monteith (Perth): I can assure the hon. member that the necessary funds are available as set out in the estimates. As he well knows, this difference between $63 million and $42 million is largely a carry-over and chiefly in the hospital construction grants, mainly because, while a commitment may be made this year, there may not be any payment at all until next year. There are three progress payments; one at 25 per cent, one at 50 per cent and then one at 75 per cent; and when the construction is completed the final 25 per cent. Hence there must be a large carryover from year to year.

Mr. Martin (Essex East): Of that $21 million, what portion represents hospital construction commitments?

Mr. Monteith (Perth): I am told we might be able to work that out. But actually the $42 million, from past experience, is the estimate of what will be required finally this year. The other portion is simply open for determination, and may not be committed because the provinces may not request all their shareable grants.

Item agreed to.

Indian and northern health services—

247. Operation and maintenance including grants to hospitals and other institutions which care for Indians and Eskimos, $21,362,102.

Mr. Martin (Essex East): What is the program now for additional hospital construction for Indians and Eskimos in the current fiscal year?

Mr. Monteith (Perth): The main program ahead is the building of the Charles Camsell hospital in Edmonton. As the hon. member is probably aware, this past year we completed the hospital at Inuvik. The Charles Camsell hospital is the next big project. There are, of course, smaller items of building going on all the time such as nursing stations, offices and so on.

Mr. Martin (Essex East): I note that there is an increase—and I am not criticizing it—in this vote of a little less than a million dollars as compared with the amount for last year. How much of this $21 million estimated for this year is going to be devoted to new construction?

Mr. Monteith (Perth): New construction is covered by the next vote.

Mr. Martin (Essex East): Oh yes.

Item agreed to.

248. Construction or acquisition of buildings, works, land and equipment, $1,786,600.

Mr. Martin (Essex East): Would the minister give the answer to the question about new construction?

Mr. Monteith (Perth): For new construction during the current period, $702,800.

Item agreed to.

249. Medical advisory, diagnostic, and treatment services, $3,863,807.

Mr. Martin (Essex East): What does this vote deal with exactly? Does it cover any of the diagnostic services provided for under hospital insurance or are they only dealt with in a statutory way? My memory does not serve me at the moment and I forget precisely what they are for.

Mr. Monteith (Perth): This vote covers principal medical officer, medical advisory service, quarantine and leprosy examination, medical and sick mariner service, civil service health and civil aviation medicine.

Mr. Martin (Essex East): The diagnostic reference I suppose is for the personnel that advise on the diagnostic services grant.

Mr. Monteith (Perth): No; on immigration, I am told.

Item agreed to.

250. Administration of the Food and Drugs and the Proprietary or Patent Medicine Acts, $1,984,777.

Mr. McCleave: Carried.

Mr. Howard: I note that I provoke an automatic reflex in the hon. member for Halifax whenever I rise. I want to assure him that this is a matter which is of great concern to more than just the people in one particular province.

You will recall, Mr. Chairman, that last evening, under the administrative item I had some remarks to make with respect to the advertising approach used by the ethical drug industry in advertising its products to the medical profession. I should like to make one other reference to this matter before I make inquiry of the minister. I should like to point out that the drug manufacturers in many cases, or at least in one case of which I have knowledge, make use of so-called invisible physicians to prove the efficacy of their particular product. I should like to make reference to an article which appeared in the January 3, 1959 edition of *Saturday Review,* at pages 38, 39 and 40 of that particular edition. This has reference to an advertisement or a brochure produced by the Pfizer Laboratories, which is a division of Charles Pfizer and Company, a drug manufacturer in the United States, and has reference to a drug called sigmamycin. There is here on this particular page a reproduction of part of that particular advertisement. It is headed as follows:

Everyday . . . Everywhere . . . More and more physicians find sigmamycin the antibiotic therapy of choice.

Then it lists the names, addresses and telephone numbers of a number of specialists who had made use of this particular drug and had endorsed it. The cards of four of them are reproduced here and reference to another four is made in name only. The four whose cards are reproduced are as follows:

Thomas Wright, M.D.
Eye, ear, nose and throat

And an address and phone number are given in Lowell, Massachusetts.

E. N. Stephens, M.D.,
Pediatrics

And a phone number, address and office hours are given. The address is Taylor street, Portland, Oregon.

Joseph Burns, M.D., internal medicine, 245 South 1st street, Miami, Fla.; Paul D. Friend, M.D., dermatology, 1345 Eastbourne avenue, Tucson, Arizona;

As I said before, there are others; a urologist, a general practitioner, a surgeon, just picking them out of the article. The article goes on:

The staff of SR/Research has tried to reach each of the eight individuals named. Telephone calls have been made, telegrams have been sent, and the following letter has been written:

"Dear Dr.—:

If you have published any of your clinical experiences with sigmamycin, I would appreciate your sending me the reference or preferably a reprint, if available.

Then reading further:

The telephone operators have reported all of the phone numbers to be false numbers, Western Union has reported inability to find such persons, and seven of the eight letters had been returned unclaimed by the post office—

Four of those letters are reproduced in photostat form which were returned unclaimed with various postal marks on them to indicate they were returned by the post office because the doctors to whom they were addressed could not be found. In fact they did not exist. Here is one indication only as shown by this particular article where Pfizer and Company, I say, attempt to mislead other doctors by indicating that some members of the medical profession, specialists, general practitioners and surgeons alike, had used and had endorsed it, had found that this particular drug was a good drug for the purpose for which it was to be used.

I also read other references yesterday from a paper by Professor Nickerson, professor of pharmacology and therapeutics at Manitoba university, which paper was co-authored by an associate professor of medicine whose name I have forgotten at this moment. The gist of Professor Nickerson's article was that perhaps we should have some form of control by a public authority such as the food and drug directorate over the type of advertising material that is prepared by these drug

manufacturers and which is sent out to various medical doctors' offices across the country.

It is quite true that the reference I have just made to the *Saturday Review* concerns the United States and only makes mention of the names of each of the doctors who are supposed to have existed but in fact who did not exist. But it is also a fact Charles Pfizer and Company has a subsidiary which sells various pharmaceuticals in Canada.

I wonder if the minister would indicate what has been the experience of the food and drug directorate so far as checking the advertising material which drug manufacturers produce in the ethical trade compared with the type of checking and editing that is made of such food and drug advertisements directed to the consumer such as in the proprietary medicine field?

Mr. Monteith (Perth): Mr. Chairman, the food and drug directorate do check on the advertising of patent medicines and preparations which are on the shelf or are sent through the mail or even sold on the streets, as well as advertisements concerning goods which may be ordered by mail, and that sort of thing. But we are not in a position due to staff shortage to concern ourselves particularly with the advertisements going to doctors. We feel they are possibly sufficiently knowledgeable to be aware of the situation. We are concerned with it but we just do not have the staff to do this at the time and we feel that our responsibility is to the public rather than to the medical profession.

Mr. Howard: May I just follow that up. I believe this is probably the reason why there were no checks by public authorities of the correctness or otherwise of brochures and advertising material for the ethical drugs which were directed to doctors, because doctors themselves are sufficiently trained and knowledgeable with regard to the intricacies of the field of medicine and would be able to determine whether any advertisement was incorrect or otherwise. Therefore they could disregard the advertisements which were not correct and only use those drugs which had been clinically tested and proved to be safe.

Of course I am not casting any reflection whatsoever on the medical profession. However, I have spoken with four or five medical men in the city of Ottawa and with one who is a member of this house and they all say that they are virtually swamped with advertising material. I have heard estimates ranging from 300 pieces of literature a year to perhaps a thousand pieces a year which get into a doctor's office advertising particular medicines and things like that.

All the doctors I have spoken to in this city say that most of it is wasted. They are very selective and naturally will pick out that piece of advertising material relating to pharmaceuticals which they would use in the normal course of their practice and they discard that advertising material they would not normally use or which is new material about which they would rather have additional tests made to prove its efficacy. They all say there is far too much of it. It is far too sketchy and it is designed solely to leave the brand name of the product in the mind of the doctor. The initial advertising material makes very sketchy reference to the clinical tests given to a particular drug, and if the doctor is interested he can follow it up by consulting the detail man as he comes around or he can get the information himself.

I read into the record yesterday the results of a casual survey which had been conducted. The article I read did not give any indication as to exactly where this particular survey had been conducted, amongst how many doctors it had been conducted, or who had conducted it; but Professor Nickerson pointed out that the majority of the physicians who were contacted who were utilizing a new and effectively advertised analgesic did not know that it was simply the standard A.P.C., which is listed as acetylsalicylic acid, in other words a well-known headache cure. Professor Nickerson pointed out that this had been advertised by the ethical drug industry as a new and effective analgesic, yet in fact it was something which had been on the market for many years, plus a little barbiturate.

The article pointed out that certain physicians did not know the composition of pharmaceuticals of certain types and that they ordered by a simple number of like designation. As a result, it continues, two patients died of intoxication because of the use of these preparations. One or two further references are made to similar incidents.

As I say, I have heard reference to the effect that this is an attempt to brainwash doctors. I have no remarks to make which are derogatory in any way of doctors themselves. I have the greatest admiration for the persons in the medical profession whom I have met. They have been people of extremely high calibre, solely concerned with the health and welfare of their patients. But I point out that some of the advertising which is directed toward these doctors is absolutely untrue, false and misleading, and I express the view very strongly that there should be some check against it.

If the ethical drug industry itself intends to persist in this sort of practice about which I read from the *Saturday Review* a while ago in which they pull out of thin air a list of eight doctors and state that these eight doctors have used a particular pharmaceutical and found it good, whereas in fact the eight doctors do not exist, it is obviously time that this false and misleading type of advertisement should not be allowed to continue. If the ethical drug industry—and, again, I cannot understand how the word "ethical" got into it—is going to carry on this false and misleading advertising and if it is not prepared to put its own house in order, then some public authority will have to do it in order to ensure that in the final analysis the consumer is protected to the fullest possible extent and also that the doctor himself is protected against having his office invaded by false propaganda which misleadingly states a product to be something which it is not.

I know that the food and drug directorate may be overworked at the moment, but I do think steps should be taken at some time to ensure that the public of Canada are not left at the mercy of these misleading claims such as are made by Charles Pfizer and Company, not for the purpose of producing more effective drugs but for the purpose of racking up tremendous profits. There has to be some protection placed between such firms and the public.

Mr. Monteith (Perth): I should like to assure the hon. member that the public is protected in that respect right now.

Mr. Howard: How?

Mr. Monteith (Perth): Because we check advertising.

Mr. Howard: The department checks all advertising that is mailed by the ethical drug manufacturers?

Mr. Monteith (Perth): I indicated earlier that we do not check advertising sent to doctors' offices, but we do check advertising which appears before the public.

Mr. Howard: We are talking about the ethical drug industry, and this is an industry wihch produces drugs which are only sold on prescription. The great majority of the advertising of this industry is not directed to the consuming public; it is directed to the doctors, and I still say that outlets such as Charles Pfizer and Company about which I read from the *Saturday Review*—and I take the report to be correct, because I do not know of any libel action instigated by Pfizer against the *Saturday Review*—should be prevented from carrying on advertising of this type. In fact, we do not check this sort of advertising by the ethical drug industry, and that is what I took to be the case from the minister's remarks.

Mr. Herridge: On June 13 I directed a question to the minister on the orders of the day as to the possibility of lipstick colouring containing cancer-causing agents. The minister at that time replied in part that as far as the colouring now being put in lipstick was concerned there was no evidence that amounts normally absorbed into the system could create any risk to health.

Since that time I have read in a Washington dispatch that the food and drug administration in the United States was continuing to study this question because it suspected these cancer-causing agents, and on June 16 in Washington, according to a dispatch from that city, a decision to ban the use of 14 coal tar colours in lipsticks was announced by the United States government. Coal tar colours had been mentioned by the officials as a possible cause of certain types of cancer.

I suppose as a result of my question, which I asked on account of correspondence which I had received, there has been a greater interest aroused, and I have received further correspondence. I want to make it clear that I have no personal concern in this matter, because I am far beyond the age to indulge in osculatory exercises; I am doing this because persons have written to me and shown concern, not only about the colouring used in lipstick but also in respect to cosmetics imported from the United States such as hair dyes and nail polish which may or may not contain harmful ingredients which could produce toxic conditions in the human body over a period of time if used constantly.

My question to the minister is this: would he inform the committee what the division is doing to check on these substances which apparently are causing the food and drug division of the United States government some concern in order to make certain that the health of the Canadian people and, in this case, particularly of the ladies in whom I am sure we are all interested or at any rate maybe some of the younger hon. members are, is protected.

Mr. Monteith (Perth): We are, of course, continuing to study this matter. Our regulations regarding colouring agents are very tight and very severely administered. As a consequence we are not worried about cosmetics in Canada. However, we are following the developments in the United States very closely.

Mr. Herridge: That was the question I was about to ask. Thank you.

Item agreed to.

251. Administration of the Opium and Narcotic Drug Act, $247,081.

Mr. Martin (Essex East): The annual report of the department with regard to narcotic control and the authority of the minister and the Opium and Narcotic Drug Act reminds us that there has been no marked trend either way in the number of addicts in Canada over the last five years. The last figure given is for 1958—I refer to page 94 of the department's annual report—and the number of drug addicts given for 1958 is 3,412, a slight increase over 1957 and a somewhat larger increase over 1956 but a reduction compared with 1955 and an increase of about 200 over 1954. This figure, however, represents much economic loss and much human suffering. In this country we must try to deal with this problem through the Criminal Code, through the operations of the Opium and Narcotic Drug Act and through the health departments of the provinces. I rise at this time mainly to request the minister to comment on the problem as he sees it at the present time.

I note that there were 522 convictions registered under the Opium and Narcotic Drug Act during the calendar year and that this represented 494 persons of whom 336 were male and 158 female. We are all aware of the great misfortune that attends those who are addicted to this practice but we in this country and in other countries have not yet succeeded in finding a formula that really meets the problem.

I have before me a report which appeared in the New York *Times* in the month of March in which the commissioner for drug control in the United States pointed out that in his judgment the heavier mandatory jail sentences for agents has resulted in a decline in narcotic usage and in what is called dope peddling in that country. It will be remembered that pursuant to the recommendations of a committee of the other house four years ago there was an increase provided in the terms of punishment which could be meted out by the courts in respect of those found guilty of a violation of the act. It would be interesting to know whether the minister subscribes to the view of the United States commissioner that as a result of the increase in the severity of jail sentences that are now open to those exercising judicial administration of this act there has been any decline in the usage of drugs or in the activities of peddlers in the manner suggested by the United States commissioner.

On several occasions during the past six months the Minister of Justice has made public declarations about his intentions in regard to this matter. The Minister of National Health and Welfare will recall the question I put to him this session—I believe in the month of February—when I asked whether he regarded this matter as one that came within the responsibility of the Minister of Justice or as one coming within his own competence. I am not clear in my own mind at the moment what the reply was. I think it was to the effect that the Minister of Justice has some responsibility under the Criminal Code but that the Minister of National Health and Welfare has a responsibility on the health side.

If that was the reply, of course, that is a clear statement of the demarcation of the functions that exist as between the two ministers. It has always been the practice for the Minister of National Health and Welfare to regard this as his matter because in many respects, perhaps in so far as the majority of drug addicts are concerned, the problem has deep health aspects in addition to criminal aspects. Be that as it may I have no quarrel with the two ministers. What I am more concerned about, as we all are including the ministers themselves, is that as satisfactory a solution as we can find be provided for this problem.

The Minister of Justice said in British Columbia and also in Winnipeg, I believe, that he hoped within the foreseeable future to carry on some discussions with the provincial governments for the purpose of dealing more effectively with this matter of narcotic control. The hon. gentleman did not say whether that had to do with further punitive measures. From what the hon. gentleman said in this chamber in answer to my question it was not clear exactly what he had in mind. I asked him whether or not it was the intention of the federal government, for instance, to make available in British Columbia quarters where there could be provided treatment for drug addicts on the assumption that this is basically a health problem. I did not receive a satisfactory reply to this question. It may be that the Minister of Justice was thinking of the experience in the United States, particularly in Lexington, Kentucky, where they combine both the principle and method of treatment with confinement, where there is an admixture of the criminal and the patient, with results that I do not think have yet been properly and finally assessed. I would be interested in knowing from the Minister of National Health and Welfare if that is what the Minister of Justice had in mind. Obviously there must have been consultations between the two ministers in this regard.

Is there any intention of which the minister is aware—and this would be within

his ministerial interest and concern even though it might be more strictly applicable to the Minister of Justice—to give consideration to the imposition of punishments heavier than those now provided for under the Opium and Narcotic Drug Act and under the Criminal Code? Is there any contemplation such as is frequently suggested that the sentence which ought to be meted out is a sentence which must go away beyond even confinement? It has been suggested that there is no more effective punishment for certain crimes having to do with drug traffic than capital punishment. I am not advocating that and I would think that would not be the most constructive way of dealing with the problem but that is a suggestion that has been made in this house once this session.

I do not know what the government has in mind. Is the government thinking merely of attempting to do what has been done in Lexington, Kentucky, or was the Minister of Justice just out on a fishing expedition? Was this really a serious effort on the hon. gentleman's part and, if it was, would the minister whose estimates we are considering give us the details?

Mr. Monteith (Perth): Mr. Chairman, I could hardly be expected to give the details of what might be a serious concern of the Minister of Justice. I might point out that there has been some interesting experimental work on rehabilitation going on in New York. We had observers at the meeting held there some three or four weeks ago and we are in close consultation at all times with the Department of Justice on this matter. We have a responsibility for the supervision of the legitimate distribution of narcotic drugs. Because many addicts do become criminals the Department of Justice has a responsibility for their custody and through the parole service for some aspects of their rehabilitation. The whole matter is continually being studied by my department and the Department of Justice.

Mr. Martin (Essex East): Mr. Chairman, I am afraid I cannot accept that reply. If the minister has something in mind with regard to narcotics control that is a matter that ought to be divulged to this committee either by the Minister of Justice or the Minister of National Health and Welfare. The minister whose estimates we are considering is responsible for the administration of the Opium and Narcotic Drug Act. He is the hon. gentleman who recommends to the Department of Justice the personnel employed in prosecutions. He is the one who provides for the compensation paid to prosecutors. The minister surely cannot say, because the Minister of Justice may have some pet scheme about which he is unaware, that this is a matter concerning which information cannot be supplied to the committee. I would remind him that that has not been the attitude of his predecessors. I am not talking about myself because I would be a very poor example for the minister and I am not suggesting that.

Mr. Monteith (Perth): Thank you very much.

Mr. Martin (Essex East): The other ministers never hesitated to indicate this.

Mr. Monteith (Perth): Mr. Chairman, if I may interrupt, no minister has ever tried to tell the house what he was going to do at all. Our responsibility is to report to the house after a decision has been made.

Mr. Martin (Essex East): If the minister's reply is along that line it is a reply he should have made a while ago. He is now saying that government policy will be announced in due course. If that is the minister's reply I can do no other but accept it, except to say that I believe in a matter of this kind, where there is such public interest, and where on other occasions there has been such wide discussion in this house, there is no reason why the government should not tell us of its broad concepts in this matter. That was done on other occasions, and I regret that the minister does not take advantage of this very festive mood to give us a frank statement on this very important problem.

Mr. Peters: We are not too concerned to any extent with drug addiction in my area. The suggestion has been made that the government itself deal with the distribution of drugs to those people who will declare themselves to be addicts. There would be little cost involved to the people who declare themselves to be addicts. The drugs would be given to them at a nominal cost. This system would, according to some informants, eliminate pushers in the field entirely because there would be no profit. Has the department ever given consideration to this particular proposal?

Mr. Monteith (Perth): Yes, extensive consideration has been given to all these problems, of course. My understanding is that the vast majority of those who have any close contact with this problem are not of that line of thinking.

Item agreed to.

Family allowances and old age security—
252. Administration, $3,077,462.

Mr. Martin (Essex East): This is the item that deals with the administration of the

welfare branch of the Department of National Health and Welfare. The minister said in his statement in reply before we left the main item—

Mr. Monteith (Perth): This is family allowances and old age security administration only, Mr. Chairman.

Mr. Martin (Essex East): Yes; that is what I was referring to. This is the welfare branch. Family allowances and old age security have to do with welfare. This is the administration item.

When he was making his reply before we had concluded the main item the minister said that the government had lived up to all its social security commitments. I do not believe that one could allow that statement to pass unchallenged because, of course, the case is otherwise.

I do not want to retrace what I said about the government's proposals with regard to the old age survivors system. I dealt with that yesterday. That and other matters that still have to be dealt with would hardly warrant the statement made by the minister. Has the minister any comment to make on the proposal which I outlined yesterday and which represents the view of the Liberal opposition with regard to increasing the age of students who are now entitled to receive family allowance? When I spoke I asked the minister to give us an indication of his intentions in that regard. If he is in a position to do so I would be very grateful for the answer.

Mr. Monteith (Perth): We are always giving continuous consideration to those problems and, of course, when any decision is made it will be reported to the house.

Item agreed to.

Old age assistance, blind persons and disabled persons allowances—

253. Administration, $113,390.

Mr. Martin (Essex East): I thought when you passed item 252 you were referring to family allowances, Mr. Chairman. Now we have the old age security item.

The Deputy Chairman: I called item 252.

Mr. Martin (Essex East): You called family allowances but you did not call old age security.

The Deputy Chairman: I called item 252; I am now calling item 253.

Mr. Martin (Essex East): I will wait until we come to item 253.

The Deputy Chairman: We are on it now.

Mr. Martin (Essex East): I asked the minister what was the government going to do about the Clark report and he has not told us except to say that he is studying the matter. I pointed out yesterday he has now had a long time to study this matter. As I indicated before, I recognize that the minister is a studious man, but there ought to be limitations on the capacity of a man to study; there ought to be a limitation on the length of time that he is expected to take in studying a report which the Prime Minister said in 1958 should be prepared in four months. That is a long time ago, and nothing has happened except the presentation of those two volumes containing information that was already available. We have asked the minister time and time again what is the government going to do about this report. This report was to be prepared in four months. Because the man to whom the writing of the report had been assigned could not do it within four months he was asked to resign or he voluntarily resigned and his place was taken by Professor Clark, who has taken not four months but over a year in the preparation of a document which we were told had to be prepared in four months. That period of four months coincided with the holding of an election. The election is over and we have heard nothing more about the report except the minister has told us time after time, day after day, that this matter is receiving very close study.

Surely the minister can give the committee, if not his final conclusions, at least the results of his present study because that study, which has been so extensive, cannot have failed to yield some results in the minister's mind. Perhaps the results have not congealed into definite convictions on all fronts, but they certainly have touched some matters about which one could conclude with some reasonableness that the minister has reached a conclusion. Are we to have it? Is it too expensive in the minister's mind? Is it properly supplementary to our existing universal system? If we do have it, what would be the contribution made, if any, by the government of Canada towards its realization? Are we satisfied that, while the returns of the United States system are in some respects larger than our own, the long period required for the making of contributions balances out and possibly puts the whole scheme in a different perspective? What is the situation?

Surely with the encouraging words which I have now used in asking the minister to give a reply in the presentation of his estimates in 1960 we are not to be told once again that the minister is studying this matter. That is not what we were told by my dear friend the Prime Minister who has now come into the chamber. That is not what was told by others, and the minister is the one responsible for the administration of this matter. He

cannot hope to convince the Canadian people that the government was serious about this matter unless at least on the presentation of his estimates he gives us some kind of progress report. I would be encouraged beyond dreams if the report which the minister gave was even so small that it would indicate some progress.

Mr. Monteith (Perth): I am afraid the hon. member is probably just a little frightened that the government is serious about this problem. We really have been studying it, and that will certainly be demonstrated to the hon. member if he will read pages 27 to 31 in the report of the estimates committee which indicates the problems we have encountered thus far during our study.

Mr. Martin (Essex East): I am familiar with what the minister said in the estimates committee and it was because of that I have taken the position which I have taken this afternoon. I find it difficult to do that today because the minister has been so generous and the Prime Minister has been so generous that one naturally cannot forget about an obligation of that sort. However, one has a duty to perform.

Mr. Grafftey: Twenty two years of study.

Mr. Martin (Essex East): My friend from Brome-Missisquoi has finally come into the house. I might say I am surprised to see him here so early after the cataclysmic event which occurred in another part of the country. However, I am always glad to see the hon. member for whom I have, as he knows, great affection if not always the fullest appreciation. The minister has to realize, I think, that the statement he made in the estimates committee does not meet the point that I have raised.

In any event, all members of this committee were not members of the estimates committee, and on a matter of this sort I think we are entitled to have all members learn what the government's policy is, as stated by the minister in the pages referred to in the estimates committee report.

Mr. Monteith (Perth): All members of this committee receive copies of the estimates committee report. It does not seem to me that it is necessary for me to go through all that evidence again in the committee of the whole.

Mr. Martin (Essex East): May I make one final observation? I can only conclude from what the minister has said that he is going to continue to give serious, conscientious study to this problem on which he has spent so much of his valuable time already.

[Mr. Martin (Essex East).]

Mr. Monteith (Perth): The hon. member can rest assured I will certainly be doing that with the utmost vigour.

Mr. Pascoe: In view of the fact that I consider the Saskatchewan government gives little credit to the federal government for financial contributions to the programs listed in this vote, would the minister give the committee a breakdown of the federal contributions to the Saskatchewan government for old age assistance, blind persons' allowances, disabled persons' allowances and unemployment assistance?

Mr. Monteith (Perth): The sums are, old age assistance, $1,757,281; allowances to blind persons, $195,614; disability allowances, $433,-211; unemployment assistance, $1,828,313.

Mr. Regier: Is the minister able to inform the house as to exactly who determines the regulations or conditions governing the means tests as they apply in the case of old age assistance, blind persons' allowances and disabled persons' allowances? Which level of government is responsible for laying down all the details and conditions?

Mr. Monteith (Perth): Mr. Chairman, these are set out in regulation form. They are discussed by the advisory committee. I mentioned earlier that this committee met last autumn. At that time there were some changes suggested in these regulations, which were agreed upon and which have since been agreed to by the provinces and put in form by the justice department.

Mr. Regier: Is the means test equal in each of the provinces? Is the means test for residents of British Columbia exactly the same as it is for a resident of Alberta or Saskatchewan?

Mr. Monteith (Perth): The federal provisions are exactly the same.

Mr. Regier: Would the minister admit that each provincial government is able to impose its own conditions in addition to the conditions that apply nationally?

Mr. Monteith (Perth): As long as they meet the federal conditions. We would not share in any extra costs; we would only share the moneys that were paid out under federal regulations.

Mr. Regier: I think the minister somewhat misunderstood me. Is the minister admitting that the provincial government is able to add additional handicaps to the regulations before an individual is eligible?

Mr. Monteith (Perth): No, I would not say that.

Mr. Regier: I wonder if the minister might then explain how a province has any right to impose conditions of its own, if it is not by way of limitation or the imposition of extra handicaps?

Mr. Monteith (Perth): No, there would be nothing in the way of limitations in that respect, but they might decide to pay something extra.

Mr. Regier: Would the minister then care to say that no province is imposing any limitations that prevent anyone from receiving these allowances or these pensions, that no province is able to impose any of these limitations if they do not apply in any other province?

Mr. Monteith (Perth): All provinces must abide by the federal regulations, and we will only participate in these cost-sharing plans if the provinces are following the federal regulations.

Mr. Regier: May I be a little more specific? If our regulation was that a man may have $2,000 in the bank and yet be eligible for old age assistance, can the provincial government hold that within that province a man may have only $1,000 in the bank?

Mr. Monteith (Perth): No, Mr. Chairman, this is not so. They must abide by our regulations in these cost-sharing plans. If the hon. member has something in mind where some variance seems to have occurred I would be pleased to hear about it and look into it.

Mr. Herridge: Is it correct to say that the means test regulations are drafted by the federal government and agreed to by the provinces before they are applied in that province? The province accepts the regulations and agrees to them after discussion?

Mr. Monteith (Perth): Yes, that is correct.

Mr. Peters: Is the minister able to explain why there is such a large decrease in the old age assistance payments? The tendency normally is for them to go up.

Mr. Pallett: Increased prosperity.

Mr. Monteith (Perth): I have not any real explanation. The monthly expenditure for the current year has shown an increase of approximately $6,000 per month. It seems that we estimated a little high last year, and that is the explanation. There was an overestimate in 1959-60. The actual expenditure was $30,349,000, so we are estimating for $30,900,000 this year.

Mr. Herridge: With respect to the statutory unemployment assistance, it has increased from $20,960,000 to $38,660,000 this year or an increase of $17 million. Does that increase indicate that the government expects a continued high level of unemployment?

Mr. Monteith (Perth): No, this increase results from the fact that the province of Quebec signed an agreement with the federal government effective July 1, 1959.

Item agreed to.

At six o'clock the committee took recess.

AFTER RECESS

The committee resumed at 8 p.m.

General—

254. Grants to health and welfare and related organizations, as detailed in the estimates, $243,250.

Mr. McFarlane: Mr. Chairman, I am very interested in this item. I notice that we are contributing a considerable amount of money to various health and welfare organizations in Canada. I should like to refer specifically tonight to the donation of $35,000 to the Canadian welfare council. I quite realize that they are doing wonderful work but at this time I should like to refer to part of the report of the president of the council for 1958. I wish to read part of the report to substantiate my argument.

> Because of the nature of our membership, we act from time to time as spokesman for welfare interests in Canada, and it seems to me that the council has for this reason a particular and effective place in Canadian life. Two recent activities illustrate this function. Last year when we had a large influx of refugees from Europe, the council acted both as a spokesman and a co-ordinator in resolving many of the problems which arose. Then the council's discussions of certain social security issues stimulated our members' interest and drew outstanding participants from a wide field.
>
> There are two sides to this role of spokesman. One is that the community at large or legislative bodies look to the council for advice, counsel and suggestions. The other is that any or all groups and individuals with an interest in social welfare find in the council a forum for the expression of their views, and frequently discussion leads to an influential public statement on social welfare policy.
>
> But of course national planning and action is only one side of our activities. In this report, which gives examples of our work in all its branches, we can look beyond the reports, surveys, conferences and briefs to governments. We can see a homeless child placed in a new home by an agency the council has helped to improve its practices; old people benefiting from a program set up with council advice; an unemployed man regaining his self-respect through financial assistance and services the council has worked to bring about; an ex-convict going straight because of help the council has promoted.

I have only read part of the report of the president of the Canadian welfare council for 1958. Within the last couple of days a case has been brought to my attention

which is actually not a welfare case but I wish to bring it up at this time. A young lad with his wife and three very small children got off the train in Ottawa the day before yesterday and we were very fortunate in being able to take care of them for one night. In the meantime we got in touch with various people for advice and assistance without receiving any help at all. We got in touch with practically all the social service agencies in Ottawa, the traveller's aid, the public welfare society, neighbourhood services, city services, social services, the Salvation Army and last of all a member of the Department of National Health and Welfare, in order to try to solve the problem.

As I look at the picture now, no one has been able to do anything for a Canadian citizen who has served in the armed services overseas. This is an emergency that should be met now, not tomorrow, not next week, not next month. It was necessary that something be done today and it was impossible for us to find anybody in the city of Ottawa or the government department who could deal with this case on an emergency basis.

If leadership is being given by the Canadian welfare council to local organizations such as I have mentioned, then something is definitely lacking because the incident I have described should not have taken place under any circumstances. I have looked through this report and I find that immediate assistance can be given to indigent travellers, to refugees and to immigrants coming into the country. It can be given to prisoners who are out on parole and it can also be given to offenders released from our penitentiaries.

But no assistance or help, and I am speaking now of immediate help, can be given to a Canadian citizen who comes to the city of Ottawa or any other Canadian city. He is not able to get any immediate help to look after his wife and his children until certain applications have been made, investigations have been carried out and all the red tape has been gone through. I am simply using this case as an example and I am not reflecting on some of the good work this organization does accomplish. Nevertheless, I think some action should be taken to look after cases which require immediate attention.

After spending two days on this problem there is, as far as I can see, no welfare service that is capable of or able to handle problems on an emergency basis without going through a tremendous amount of formality. I am bringing this matter to the attention of the committee. I hope that some good will come out of my having done so and that the minister will find time to look into the matter through the welfare department.

[Mr. McFarlane.]

Mr. Martin (Essex East): Perhaps the minister would like to deal with this matter.

Mr. Monteith (Perth): I thought that the hon. member might have something to say on this item so I was waiting.

Mr. Martin (Essex East): I was going to deal with something else.

Mr. Monteith (Perth): Is it on this item?

Mr. Martin (Essex East): Yes. However, before mentioning what I have in mind with regard to what has been said by the hon. member who has just spoken about the Canadian welfare council, may I say that while I can understand his frustration, I do not believe that body should be indicated for the failure of existing machinery to deal with the case which he has quite properly brought to our attention. If it is possible for us, as it is and as I think it should be, to provide assistance to the needy not only in our own country but in other countries such as assistance for refugees, it would be difficult to argue that we should not provide assistance to our own people. Under the public assistance act it would be possible to provide assistance in the case mentioned by my hon. friend if the province to which the individual had come had an agreement with the province from which he came providing for a reciprocal arrangement. It is surprising to me that it was not possible for the hon. member to get some indication from the various sources he mentioned as to how help might be provided. Because of the particular experience he had with regard to this case I do not think he would want to imply that the national welfare council is not a body that should not receive the support of parliament. The Canadian national welfare council was strongly supported this afternoon by the hon. member for Kootenay West who at one time, I believe, was one of its national executives and may still be. In any event, he was.

This is a body of public-spirited citizens who do not provide relief administration but who are mainly concerned with promoting an interest in and an understanding of social welfare problems and social security programs. The minister will recall that yesterday I referred to a submission which had been made to the government of Canada in 1958, in 1959 and again this year by the Canadian national welfare council. That body had pointed out that commendable as was the social security program there were existing gaps, there was a pattern yet to be fully formulated and that as a means of accurately defining activities in social security by the two senior levels of government and also for the purpose of making an assessment of the

flexibility of the existing programs, a royal commission should be appointed by the government. This point was also emphasized by the hon. member for Kootenay West but the minister has not given us a reply as to whether the government proposes to accept the suggestion made by the national welfare council.

Supplementary questions were asked on this subject during the present session, and I find that the point of view of the national welfare council was referred to by implication recently in an editorial which appeared in the Ottawa *Journal*. That article posed the question: "Are Canada's social security laws being abused?" We recall that there have been references this session to the alleged abuse of certain social welfare measures in this country. I think that some of these abuses have possibly been overemphasized and, again, others may not have been recognized, but I think the minister should indicate to the committee what consideration he has given to this recommendation of the national welfare council.

Mr. Monteith (Perth): Presumably the hon. gentleman means the Canadian welfare council.

Mr. Martin (Essex East): What consideration has been given to the suggestion of the Canadian welfare council that a royal commission should be appointed and, more especially, will the minister tell the committee whether he accepts the projection as to the future of the Canadian welfare council, particularly in the representations it made in January, 1960.

Mr. Herridge: I support what the hon. member for Essex East has said. While the hon. member for Kootenay East was speaking there was some conversation around me and I did not hear his opening remarks clearly, but in general I endorse what the hon. member for Essex East had to say. The Canadian welfare council has done a magnificent job. Its national offices here are, of course, to deal essentially with policy and administrative questions. When I listened to the commendable efforts made to assist one unfortunate person, I thought the case demonstrated very clearly one of the points made by the Canadian welfare council in its policy statement and its representations to the Canadian government. It is obvious that in this case no one is taking any responsibility for assisting this unfortunate person.

I do not recall whether the hon. member for Kootenay East mentioned that he was a veteran or, in that case, whether the Legion authorities here in Ottawa were contacted. I am sure that if he was a veteran, and if they had been told, the Legion officials would have assisted him at least on a temporary basis until he could be settled.

I suggest this situation adds weight to the argument made by the hon. member for Essex East and later by the hon. member for Kootenay West that there are gaps in our national welfare system which have to be filled, and I trust the minister will have a few words to say with regard to the unfortunate case which has been brought to his attention.

Mr. Monteith (Perth): First, I cannot express myself too strongly about the particular situation which arose on that occasion, and if the hon. member for Kootenay East will bring this question to my notice personally I shall be happy to examine it and see what might be done in the future to prevent a similar situation from arising. I should like to think that such an unfortunate situation would never have to arise in this Canada of ours. However, I do not suppose we shall ever be perfect. We have made a great deal of headway during the last few years, I think there can be no doubt about that, and I trust that as time goes on all these gaps will eventually be closed.

The hon. member for Essex East brought in another angle concerning the Canadian welfare council, suggesting that I did not reply to a question directed to me asking whether the government had considered the proposals made to us by that body. I did reply in this vein earlier in the afternoon. I do not know whether the hon. member was present or not. However, I did at one time during the afternoon link portable pensions, the Clark report and the representations of the Canadian welfare council in one loop, so to speak, in that they are all being considered in one context. I do not have anything further to add. We have these representations under consideration continuously.

Mr. Martin (Essex East): I cannot say that I am happy with the minister's reply. I have tried now three times to elicit information on this subject but I have not succeeded, and I can only characterize my efforts in terms of a distinguished British ambassador and say this represents on my part the failure of a mission.

Mr. Monteith (Perth): Don't admit it?

Mr. Martin (Essex East): What is that?

Mr. Monteith (Perth): Carry on.

Mr. Martin (Essex East): In the list of national associations which are given financial assistance as set out on page 352 I note that there is one organization which is not included. It may be that assistance is being given to this body under the national health

grants. I certainly know that when the heart foundation was established in Canada under the presidency, first, of Mr. Douglas Ambridge, I think, there was a commitment made that if a request was put to the government, such request would receive very sympathetic and, I believe, we said, even favourable consideration. I do not know whether since 1957 such a request has been made or, if it has been made, whether assistance has been provided out of the national health grants program for that organization. But I do urge the minister to give careful consideration to assisting the Canadian heart foundation.

Illnesses of the heart represent the major cause of death in our country. We have had examples from the membership of this house which indicate the strength and the relevancy of this statement. We know of its existence all over the country. The federal government is, I believe, or was at one time, providing assistance toward research into heart diseases through the Dr. David institution in Montreal and through a research body in Toronto which engages in the study of heart diseases. But more than this is required.

Since the heart foundation is not referred to here I am wondering if the department is giving any financial assistance, (a) for research into heart diseases and (b) into the operations of the heart foundation which is a body that receives support from the public but because of the primacy of this particular disease it would seem to me it warrants some special consideration by the government of Canada.

Mr. Monteith (Perth): Mr. Chairman, the government of Canada is certainly giving this foundation very special consideration. I would point out that as an assistance to the organization in itself no request of this type has ever been received similar to the situation that obtained when the hon. member who has just taken his seat occupied the ministerial chair. I would also reply, however, that there are substantial funds from the health grants which go to studies and research of this nature. Concerning assistance in this respect I may say that substantial funds for the purchase of special equipment and research studies have been provided through the general public health grant. For example, aid is given to the Ontario heart foundation which sponsors a program of clinical research in this field. I would imagine that answers the hon. member.

Mr. Martin (Essex East): Were those grants given this year? Does what the hon. gentleman said relate to this year?

Mr. Monteith (Perth): I cannot definitely tie that in with this year but may I say that it goes on continuously. There may not be a similar amount each year but certainly there is something given every year.

Item agreed to.

255. Civil defence health, welfare and training services, $4,593,008.

Mr. Martin (Essex East): Mr. Chairman, does the minister intend to make a statement on this item?

Mr. Monteith (Perth): No, Mr. Chairman, I made a statement in my opening remarks covering this department's responsibility in the field of civil defence.

Mr. Weichel: Mr. Chairman, could the minister tell us how many civil defence organizations there are across Canada?

Mr. Monteith (Perth): I am sorry, Mr. Chairman, but we do not appear to have readily available information as to the number of civil defence organizations across the country.

Mr. Weichel: The reason I asked that question is that I wondered if the minister would care to comment concerning whether we have a number that might give us adequate protection.

Mr. Monteith (Perth): Let me deal with that question in this way. I have publicly made the statement before and I repeat that when I first came into this department it was four days before I realized that civil defence was under my department. My experience in the first year was to say the least very frustrating. There seemed to be no out on the whole matter. I have to say this and I do not do so in a spirit of disparagement or anything of that nature. I believe that as far as civil defence is concerned the question has always been one involving a certain amount of frustration for the department. Upon considering the whole picture the government undertook to revamp the entire civil defence set-up. This has taken some time but I believe we have at last achieved a functional form of national survival which can be and will be effective if the need arises.

Mr. Martin (Essex East): Mr. Chairman, I can understand the minister's difficulties in this matter.

Mr. Monteith (Perth): The hon. member should.

Mr. Martin (Essex East): When the minister says he experienced frustration at the beginning of his administration with regard to civil defence, that, too, I can understand, because civil defence is one of the most difficult assignments which could be entrusted to a government or a department of government. Difficult and frustrating as it may be,

however, as long as we are going to spend public money in this matter we have to explain policy, discipline our frustrations and present a report about the usage of moneys which we are asking the taxpayers of Canada to provide.

It is in the light of that background that I approach the question. I feel it would not be right for us to pass these estimates in this parliament without some consideration of this important problem. If one has any doubt about how important it is all one has to do is to think what would happen if for any reason there were set in motion those agencies of human destruction which civil defence is designed to try to meet.

The budget for civil defence in the fiscal year 1959-60 was $7,220,817; it is given for 1960-61 as $4,593,008, a decrease of $2,627,809. Am I right in saying that the decrease is because of the assignment of civil defence functions to the office of the privy council and to the Department of National Defence?

Mr. Monteith (Perth): Yes.

Mr. Martin (Essex East): The minister says, "Yes". The total amount of moneys—

Mr. Monteith (Perth): Mr. Chairman, perhaps I could intervene for just a moment. There are really three reasons for this reduction. The emergency health service has increased 10 per cent or approximately $325,000 mainly due to an increase in the cash provision for the medical stockpile and portable hospital programs. The second reason is that emergency welfare and training services remained at about the same level but major decreases are due to the deletion of provisions for those functions which have been transferred from this department; namely (1) $2 million for grants to provinces for general civil defence purposes; (2) $913,950 for the acquisition of equipment resulting from the deletion of provisions for warning systems such as mobile broadcasting transmitters, sirens and a federal civil defence radio station at Arnprior, Ontario; (3) $215,000 for professional special services mainly related to siren installation costs; (4) $134,207 in salaries and wages resulting from the deletion of 40 positions; (5) $102,652 no longer provided for the lease of communication services; and, offsetting this gross decrease, is the assurance of a bulk reduction applied to this vote in 1959-60 in the amount of $752,000.

Mr. Martin (Essex East): I was about to say that the total amount spent for civil defence by the Department of National Health and Welfare, the office of the privy council and the Department of National Defence basically is the same as last year. Can the minister give us the figures?

Mr. Monteith (Perth): I cannot give the figure for the Department of National Defence without looking at the details but I know that the figure for that department is up considerably and the figure for our department is down.

Mr. Martin (Essex East): Would it be up over half a million dollars?

Mr. Monteith (Perth): Oh, more than that; E.M.O. is up considerably; the office of the privy council also.

Mr. Martin (Essex East): The fact that civil defence is now assigned to three departments does make a review of the matter in the immediate perspective somewhat difficult. My own calculations had been that the total expenditures for all three divisions of government were not much over half a million dollars.

Mr. Monteith (Perth): Oh, yes.

Mr. Martin (Essex East): On purely civil defence matters I think the minister will find this is the case. In national defence they are charging up to civil defence some matters which normally were charged up to the Department of National Defence before the division of powers, and the functions being carried on in respect of those expenditures are no different. When we come to analyse the total expenditures I think it will be found that my statement is correct.

The government appointed Lieutenant General Graham, former chief of staff, to make on behalf of the government of Canada a survey of all aspects of Canada's civil defence. We did ask the government to give us this report, but he regarded it as confidential. Although it had been discussed with the provinces it was felt that the government was not disposed to give its recommendations to parliament. I regret that because it would give us an opportunity, apart from security matters, to make an assessment of the recommendations of General Graham.

The Prime Minister said on March 23, 1959 that the government had decided to make rearrangements in the division of responsibility for civil defence. As I understand it, the health and welfare aspects of civil defence continue to be the responsibility of the hon. gentleman and his department. The emergency measures organization is to be attached to the privy council and it is to co-ordinate the work of other agencies in the field of civil defence planning and the like. The Department of National Defence is to be entrusted with the responsibility of warning of an attack, the location and the

monitoring of explosions and radioactive fallout, the assessment of damaged areas, contamination and clearing of such areas and the rescue of the injured.

It seems to us that the minister ought to explain the situation as he has done so only in part in the committee. We ought now to be given this information because of the importance of the matter if for no other purpose than emphasizing to the public what the chain of authority is.

The minister is in charge of health and welfare measures. The office of the privy council is in charge of the work of co-ordination. The army is in charge of those functions which I have just outlined. The Prime Minister told us that the Minister of National Defence is the minister to whom one must look for ministerial direction in the first instance. Since in the national health and welfare report reference is made to the emergency measures organization one, I think, must ask the minister which minister, the Prime Minister, the Minister of National Defence, the Minister of National Health and Welfare, or the Minister of Justice, which of those four, is responsible for the decision that must be taken in the event of an emergency. Is it a decision that must be made by the Prime Minister? What active interest does the Prime Minister have in the particular responsibility which comes under the privy council? Is this matter left to the Minister of National Defence? If an attack were to take place tomorrow and a very important decision had to be made which one of the four ministers would make the decision?

The Prime Minister said that the question was one that should be addressed to the Minister of National Defence. The Minister of National Defence says it is one that should be addressed to the Prime Minister. This matter ought to be resolved so that we shall have a clear idea as to where—in the event that what we all hope sincerely will never happen, does happen—the ultimate authority and responsibility lie. I am asking the minister now on these estimates to outline the facts for us.

I should also like to know from the minister when the last meeting of the federal-provincial advisory committee was held? In the report of the department at page 121 reference is made to the fact that early in 1958 such a meeting was held with provincial ministers from all of the 10 provinces and at that meeting a committee was established on a continuing basis for the purpose of maintaining a continuing interest and concern in civil defence policy between the two jurisdictions. When was the last meeting held? To what extent are the provinces fully acquainted with all of the plans of the federal government? What about the question that I have just mentioned, the ultimate authority and chain of authority? What is the situation with regard to compensation agreements? Have all the provinces now an agreement with the federal government in the matter of compensation?

I understand that in January of last year an extension was made to some of the agreements covering enrolled civil defence workers while engaged in operations arising out of natural disaster as opposed to civil defence. Since the minister deals with sirens, line rental and maintenance, as indicated in the report at page 123, what is the situation in that regard? Are sirens still regarded as effective instruments of alert? Under which minister does a matter of this kind come?

With regard to the information services division, is there a special civil defence information service division serving all the departments concerned, or is there an information service division in the matter of civil defence for each department? These are questions to which I think we should have some reply.

Then I should like to know from the minister how many civil defence workers on the health and welfare side he estimates we now have in the country? If he is in a position to give us the over-all picture that will also be of immense value.

On the welfare side, which is unmistakably, of course, the responsibility of the minister, I understand that at the end of 1959 we had some progress in the organization of welfare services in at least five provinces. These provinces I think were Nova Scotia, Manitoba, Ontario, Saskatchewan and British Columbia. Has there been any expansion since that time?

In the field of emergency feeding, what progress has been made in developing the program the government had in mind when it made its report?

Now the minister in his report at page 26 says that some time ago seven hospital disaster institutes were held across the country for the purpose of studying hospital disaster plans. When was that? Was it in 1959 or in 1958? Have there been any similar institutes held in the past year? This is obviously a matter that comes within the present responsibilities of the minister. Were there any courses held at the civil defence college within the last calendar or fiscal year for physicians, dentists and other health workers? Perhaps the minister would give us an indication of the work that is now being done by the radiological defence group. This

is a very important matter. Some reference was made to some aspects of this today in another context by the minister, but perhaps he would find it possible to expand his remarks in this connection.

Then I should like to ask the minister what progress has been made with regard to civil defence organization in the civil service itself. These are some of the matters to which I direct the minister's attention in an effort to try to assist him in what I recognize at once is a very difficult task.

Mr. Smith (Calgary South): I am glad the hon. member does not have a birthday every day.

Mr. Martin (Essex East): We will not have a very happy birthday unless we take every precaution we know how to take within this difficult context to deal with this difficult situation. If we are going to spend this much money we ought to have a clear case made for what we have done. The minister has not told us what the government is thinking. Do they feel we should do more or are we taking a calculated risk? Our pattern, I know, is not unlike that of the United States. However, I am sure I need not remind the minister of the continuous criticisms that are made in this country with respect to this matter. He has received them, just as I have received them. Does he not think he ought to take advantage of this opportunity of explaining exactly what he has in mind?

If he will do me the honour of looking back at some of my pearls of wisdom which were uttered when I sat where he is he will find that I faced this situation squarely. I did not fail to disclose anything. I discussed the matter frankly. I discussed the question of evacuation. I discussed the question of shelter. The minister has not told us anything about evacuation. We know now that that is no longer the policy of the government, but the only statement we have had on that was a statement by the Minister of National Defence to the effect that evacuation was no longer our policy.

What is our policy in connection with shelter? The other day the Prime Minister tabled a pamphlet in which we were given instructions on the building of a shelter. The shelter is to be built by individuals. In spite of that, a civil defence official from the province of Ontario was speaking the other day in Windsor and he said the province was taking steps, in co-operation with the federal government, to provide assistance to individuals in the construction of shelters. Is that the policy of the government? We certainly have been told nothing about that.

This and many other engaging questions in this field, I think merit more than a brief, terse, businesslike statement from so imaginative a minister as my friend the Minister of National Health and Welfare.

Mr. Monteith (Perth): I must say that I cannot cope with the hon. member for Essex East when it comes to imagination. First of all, Mr. Chairman, I could not possibly reply at this stage to all the questions which were suggested or which perhaps should be asked. I do not believe the hon. member actually came out and said, I should like to know this. He was suggesting that perhaps I should say something or other.

I should like to remind him, first of all, that there has been quite a change in the oragnization of civil defence which I think will be an improvement and for the betterment of the country. I cannot help but feel that the hon. member perhaps has not fully assimilated the changes that have taken place. Perhaps he has had quite a bit of ground to cover in his present position and it may be a little difficult to keep on top of every move that is made. I fully appreciate that. I sympathize with him in this respect. I should like to point out only one thing. If war were to come, and I mean this very sincerely, I feel there would be only one job for the government of Canada, headed by the Prime Minister of Canada, and that would be the survival of the Canadian citizens to the greatest extent possible. Now, under those circumstances, that is the thing for which we are working.

Mr. Herridge: Mr. Chairman, when the hon. member for Essex East asked the minister if he was going to make a statement on this very important question he said he had already made a statement in his speech. I looked up his speech and I found there were a few brief paragraphs dealing with this very important question in connection with which the committee is being asked tonight to vote $4,503,000. This is not good enough.

Mr. Monteith (Perth): I beg to differ, Mr. Chairman. There are many more paragraphs in my opening remarks to the estimates committee. The hon. member should check back on my report to the estimates committee.

Mr. Herridge: I am referring to the minister's reply to the hon. member for Essex East when the hon. member asked if the minister was going to make a statement tonight and the minister referred to his opening remarks on these estimates. We have three departments concerned with civil defence, national defence, veterans affairs and the Department of National Health and Welfare.

Mr. Martin (Essex East): And privy council.

Mr. Herridge: And privy council. Why are we not able to get an over-all statement on the situation? When the national defence estimates come before us the minister will say that the militia is involved to such and such an extent and that is about all. We do not know what General Graham's report was or what he recommended. In so far as veterans affairs are concerned, we have heard very little to date from that department with regard to civil defence. We have the minister's very brief statement on these estimates. I do believe that even though the minister did make a statement before the committee, this matter is of such importance he should deal with it at greater length before this committee.

Only a certain percentage of the hon. members can attend committee meetings, and I think this is information which the public should be given as frequently as possible so that the public understands the situation. Like the hon. member for Essex East, we would like to know who makes the decisions under certain circumstances. We would like to know how the three departments concerned are getting along with the provinces. The minister, in his opening remarks in this connection, in the two paragraph to which I referred, said that he hoped—

Mr. Monteith (Perth): I must take exception to that. My opening remarks to the estimates committee start on page 24 of the report and end on page 28. The hon. member is not giving a correct inference. He should check on the committee reports which are delivered to his office.

Mr. Herridge: I have read some of the committee reports, but I have not had time to read them all.

An hon. Member: You have not done your homework.

Mr. Herridge: I can tell the hon. member that if he does his homework as well as do the members of this group he will do well indeed.

Mr. Smith (Calgary South): You would not be on your feet if that were the case.

Mr. Herridge: There are other matters that are not even raised in the minutes. I think the hon. member for Essex East was quite correct when he said we would like to know the degree of co-operation with the provinces. The minister says that he hopes there will be similar re-organization in the provinces—

Mr. Monteith (Perth): Where do I say that?

Mr. Herridge: In this report made to this committee.

[Mr. Martin (Essex East).]

Mr. Monteith (Perth): What page?

Mr. Herridge: Page 5248 of *Hansard* for June 22, 1960. The minister said that it is hoped that similar types of organizations will be formed at the provincial level. This is purely a hope. We should know why it is only a hope at this stage because civil defence has been going on for a number of years and money has been voted year after year. The members of this group think we should have from the minister—I am not asking for a great deal of repetition—at least a summary of the situation as it exists today with respect to the organization of civil defence in the federal field and the co-operative arrangements with the provinces and municipalities. I think the hon. member for Essex East was quite correct in suggesting that this was the place for the minister to make a brief statement of the situation for the information of the members of the house and the public.

Mr. Monteith (Perth): I think I made quite an extensive statement on civil defence as it concerns my department. I do not propose under any circumstances to go into civil defence as it concerns other departments. I do not think I should be called upon to do that. I do not propose to do it. We are responsible for emergency health services and emergency welfare services and the operation of the civil defence college at Arnprior.

Mr. Herridge: Why is it that under the heading of civil defence there are nine pages in the report of the department which cover a number of matters other than those that come strictly under the jurisdiction of the department itself?

Mr. Martin (Essex East): I want to be fair with the minister but I do not think he is being fair with himself.

Mr. Monteith: I am being more than fair with you.

Mr. Martin (Essex East): What was that remark?

Mr. Monteith: I said I was being more than fair with you, but only because it is your birthday.

Mr. Martin (Essex East): I thank the hon. member for being considerate with me. I need that kind consideration. I greatly appreciate it. But nevertheless, we have an obligation to perform in the opposition and the minister's generous treatment of opposition members must not in any way interfere with what we regard as our duty. The minister says that he made a statement in the defence committee—I have it before me here—of six

pages on that account he is precluded from the obligation of making a statement to this committee.

Mr. Monteith (Perth): No. I made a statement yesterday.

Mr. Martin (Essex East): The hon. member for Kootenay West—

Mr. Monteith (Perth): He said there are two paragraphs and there are many more.

Mr. Martin (Essex East): I do not know the number of them. I do not think there were many more.

Mr. Monteith (Perth): Look at your copy of *Hansard*.

Mr. Martin (Essex East): I did so. In any event, whether there were two paragraphs or three paragraphs—

Mr. Monteith (Perth): There were eight paragraphs.

Mr. Martin (Essex East): My hon. friend says there were eight paragraphs. That does not represent in my judgment a very comprehensive statement on civil defence. We are now in the parliament of our country discussing a matter of great importance. We have the right to know what is the policy of the government in this matter. If the minister continues speaking, as he did at the beginning, I will understand his predicament. I think it was a difficult problem. We all appreciate that fact. Our effort here in this matter should be to assist, and I say this to him sincerely because we recognize how difficult this problem is.

Mr. Monteith (Perth): I thank the hon. member.

Mr. Martin (Essex East): The minister does not help himsdelf when we seek information from him. In answer to the hon. member who has just taken his seat he takes the position that as he is responsible for health and welfare measures, that he should not be called upon to deal with other matters that since March 23, 1959, have come under the jurisdiction of the Prime Minister, the Minister of National Defence and himself and, in so far as the Royal Canadian Mounted Police are concerned, the Minister of Justice.

However, I would point out to the minister that he presented parliament with a report for the fiscal year ending March 31, 1959. That report deals with all of the activities in the field of civil defence during the period from January 1 to March, 1959 and the period from April, 1958 to the end of December, 1958; and that refers to such questions as compensation agreements, financial assistance, siren installation, supplies and equipment.

Mr. Monteith (Perth): Is the hon. member actually discussing the estimates for next year in the year ending March 31, 1959?

Mr. Martin (Essex East): No.

Mr. Monteith (Perth): Are we not discussing next year's estimates?

Mr. Martin (Essex East): Surely on the discussion of next year's estimates one is entitled to detect what government policy is in the light of what the government has done during the past fiscal year or other years.

Mr. Monteith (Perth): The hon. member has gone back two years.

Mr. Martin (Essex East): It does not matter whether I go back ten years. That is the privilege of debate. My hon. friend may not like my argument but he certainly cannot take issue with my desire to build up a case, as I see it, referring to policies that he has pursued. All through this report reference is made not only to health and welfare measures but to engineering, training and education. There is reference here to the Canadian civil defence college. A few moments ago I asked the minister what about the civil defence organization in the government of Canada. I asked him when was the last meeting between the provincial and federal governments. I received no reply to that question.

All the minister said—and I believed him when he said this, of course—was that this was a difficult problem and that he and the Prime Minister who were in charge of civil defence were doing their best. I have not any doubt about that, but I want to know what constitutes their best. That is the great difficulty that we have with the minister, not only with regard to civil defence but other matters as well. I say to him, as Mr. Humphrey Mitchell used to say, in the kindliest way, that my hon. friend when confronted with a problem tells us that the matter is receiving study. The Minister of National Health and Welfare is, in my judgment, the most studious minister of those who sit on the ministerial benches. However, we do not want only a scholar sitting in the ministry, we also want a man of action. The minister is a man of action. I ask him now to show that such is the case.

Mr. Monteith (Perth): I cannot go beyond my responsibility of dealing with civil defence as it resides in this current year in the Department of National Health and Welfare. I would mention this to the hon. member who is in a very conciliatory mood today as usual, but particularly today. I should like to mention that a conference was held on, I gather, the last Friday before April 27, 1959. I can only say that because I have here

a copy of the question that was asked of me by the hon. member for York-Humber as to giving the house a report on the civil defence conference with the provinces that took place "last Friday". This question was asked on April 27, so I presume that was the date. I should like to mention this. I do not have, as the hon. member for Waterloo North reported earlier, the number of units across Canada but I have the approximate number of civil defence workers who attended courses. During 1957-58 there were 3,524 and in 1959 or during the calendar year 1959, 2,737.

Then there is within my responsibility the civil defence college at Arnprior, and I should be glad to answer any questions with respect thereto. We continue to hold courses. There was a very interesting course not long ago which was arranged by the province of Ontario actually, at which many of the mayors and the officials of the province of Ontario were present. These conferences go on week after week. Incidentally, during 1959 there were staff courses, including all phases of civil defence planning and operations; indoctrination courses on civil defence for physicians, dentists, nurses and pharmacists. Welfare courses in organization, emergency feeding, personal services, emergency lodging, registration and inquiry; radiological defence courses; techniques of instruction; rescue courses; casualty simulation courses; indoctrination conference of agrologists from provincial and federal departments of agriculture and forums on communications and engineering.

Special courses in civil defence indoctrination and rescue were again conducted for the training of personnel of the armed services. The Department of National Defence also took advantage of the course schedule, primarily for civilians, to train a large number of officers and warrant officers in civil defence procedures.

Just as a matter of history, the civil defence college was established in Arnprior during 1953. The main function of the college is to train key civil defence personnel at federal, provincial and local levels and, in addition, to train civil defence instructors for all levels of civil defence authority.

Mr. Chevrier: Mr. Chairman, the minister has gone somewhat further than he did at the outset in answer to the question raised by the hon. member for Essex East, but he did make a statement a moment ago which I think is a strange one and which I think he should explain to the committee. He said in effect that so far as civil defence was concerned, he was going to deal with the matters that affected his department and his department only and was not going to enter into the fields of other departments. I think the committee is entitled to more than that.

If it is a fact that civil defence is a matter which concerns several departments then we should have the over-all policy as it concerns these other departments or otherwise the ministers who are responsible in part for the over-all policy should be here and should report to the house on that policy. I know that from time to time the Prime Minister has made statements of a general nature, but I do not know that any minister rising in his place has spoken on behalf of all the others.

If we are going to have to ask each minister to deal with that portion of this matter which is under his jurisdiction, then we will not know what the over-all position is. For that reason I think the statement made by the minister is not a proper one. I do not think it is the kind of statement that the committee should accept. Certainly it is not the kind of statement that should be expected in a matter of this importance.

I do not want to repeat what has been said by those who have spoken. I think we all realize that this is a matter of extreme and grave importance for every citizen of Canada, and I think it behooves the minister, whose estimate reads "civil defence, health, welfare and training services" to give to the committee the over-all position as it affects other departments as well as his own so that the committee will have before it, when considering the last item of his estimates, the position so far as the various departments are affected.

Mr. Monteith (Perth): Mr. Chairman, this is a bunch of nonsense, if I may say so. I do not think we were required to do so by any means, but the Minister of National Defence was requested to come before the estimates committee and give evidence, as were the officials of the emergency measures organization, including the clerk of the privy council. I think the hon. member for Laurier is completely wrong in suggesting that these officials should be here tonight. The hon. member has seen or has had an opportunity to see the evidence given before the estimates committee and I do not think this committee should be called upon to go further. As Minister of National Health and Welfare I do not think I should be called upon to go one step beyond accounting for my estimates concerning the emergency and welfare services.

We did our best to co-operate in the estimates committee. The Minister of National Defence did his best. He appeared before several meetings. As the hon. member for Essex East knows, there were several times when he could not be present at meetings and so it was arranged that the Minister of National Defence would attend when the hon. member could be present. The greatest of co-operation was shown, and in my estimation what the hon. member is saying is simply nonsense.

Mr. Matthews: Mr. Chairman, it was not my intention to speak on this important subject because I thought it was well in hand all the way through. I can well remember that the minister made arrangements for two civil defence displays and that it was open to all members of the house to go and see what was being done and what was in store for people in case of an emergency. I attended. I do not recall whether the three members who have been doing so much talking tonight were there, but they had the opportunity to attend. I will go further and say that if they would shut up and listen they would learn more. I want to say that I have found from experience in the House of Commons that a lot of loud talking does not constitute an education. I have found that out.

Mr. Chevrier: I do not think the remarks made by the last speaker are going to deter anyone on this side of the house from insisting on what we think are our responsibilities and our rights in this matter. Even though it was discussed in another committee, the House of Commons is entitled to get the information which has been requested. I thank the minister for saying that the remarks I made earlier were nothing but a bunch of nonsense, but I should like to recall the attitude taken on more than one occasion by government members when they were in the opposition. I can think of one particular item which concerned more than one department and I know what the opposition did at that time. They insisted that the two ministers responsible for the matter should be present and give the house the information and details required.

It is not necessary to have the officials here. The minister should have his colleagues here to give us the additional information, and he says there is, which falls under the jurisdiction of other departments in connection with the over-all policy. That he has not done. He has replied by saying that is bunkum. That is all right. The record is there and can be seen by those who want to read it.

But I repeat again what was said on more than one occasion by those hon. members who sat on this side of the house. When matters fell within the jurisdiction of two ministers there was the strongest insistence that the ministers be here so that we would have the over-all policy. The minister continues to state that he is not going to do that. That is his business, but I am telling him now that the House of Commons is entitled not only to part of the situation but the whole of it and his colleagues who are responsible for the other parts should be here to explain the matter to the House of Commons.

Mr. Smith (Calgary South): Mr. Chairman, perhaps I could say a word on this matter because some little responsibility falls on me in that I was chairman of the committee to which reference has been made. The three other elements in the national survival program were investigated by the committee. Surely that was the purpose of the estimates committee and when we now have before us one vote in the estimates of the Department of National Health and Welfare surely that is the subject matter for us to consider at this point.

Under the principle of the committee system and because of the interlocking nature of the other elements, national defence and the privy council, it was considered advisable by the standing committee at that time that they should be brought into the picture. With the flexibility of the committee system, all members of the house, including the hon. member for Essex East, had an opportunity to examine every aspect of national survival, and that is where the whole problem of civil defence and national survival should be considered. I would remind the hon. member for Laurier that this was done and that, like every other member, he has access to the full deliberations of this committee with respect to the three separate votes brought before the committee at that time.

I am also bound to note that it is regrettable that certain members of the opposition did not take advantage of the committee meetings to have a full discussion, in accord with the flexibility of the rules of the committee, with respect to all three votes. Surely we are considering one item now in the estimates of the Minister of National Health and Welfare, and for the hon. member for Laurier to insist that all the people who were heard before the estimates committee be now called is simply an illustration of the kind of thing that is slowing up the business of the house and making the work of the estimates committee of absolutely no use.

Mr. Chevrier: Mr. Chairman, I thank the hon. member for his remarks about the

flexibility of committees but I would remind him that he has not been in the house so very long.

Some hon. Members: Oh, oh.

Mr. Smith (Calgary South): It is not becoming to the hon. member for Laurier to make an observation which is not relevant at this point.

Mr. Chevrier: I would remind the hon. member that the flexibility of committees applies not only to the government which is now in office but it applied in former years also.

An hon. Member: It sure did not.

Mr. Chevrier: The flexibility in those years, I will remind the hon. member, applied in so far as at least two committees of this house are concerned, that is, the committee on railways and canals and the committee on railways and shipping to which all matters concerning Canadian National Railways were referred. All the officers of the C.N.R. and those of Trans-Canada Air Lines gave evidence, and repeatedly I would come with my estimates before the house and say: we have discussed these matters in committee. But do you think the members of the opposition would accept that? No, they would not. They insisted upon a discussion of matters which had, very often, been discussed at length in committee. They insisted, not that the officers should be called again—I am not asking for that—but if a minister was not able to give a statement on the over-all policy, then some other minister should come forward and make that kind of statement.

This question of the flexibility of committees should apply in the same sense now as it did when we were in office. I know that repeatedly I would be asked exactly what I am asking those who sit on the other side of the house today and I had to repeat on a number of occasions many of the things which were dealt with by the committees to which I made reference. All I am asking now is, not that the officials be brought back but that time be saved by someone acting on behalf of the government, and in a position to give a picture of the over-all position as far as civil defence is concerned. If that were done I am sure this item would go through quickly.

Mr. Smith (Calgary South): It is my regret that I have not been in this house as long as the hon. member for Laurier, but at least I am attempting to live in the present.

Mr. Martin (Essex East): I hope the hon. member for Nanaimo will not take exception if I speak again. He is a new member and I do not wish to take advantage of him—

[Mr. Chevrier.]

Mr. Grafftey: We have lots of new members.

Mr. Martin (Essex East): There are lots of new members, but I can assure them that if they try to abridge us by shouting "shut up" they will not be here very long, because the people of Canada sent us here to discuss these matters in accord with our concept of what is our duty as members of parliament. The very essence of this chamber is that we should have the fullest freedom of discussion without regard to where we sit, and without it being suggested that we should not take up the time of the house. We are here for that purpose, and it is the responsibility of the opposition to scrutinize, as we are endeavouring to do, the policies of the government and its proposed expenditures. We shall not be doing our duty if we bow to suggestions from the numerical strength that surrounds us at the moment that we have taken up too much time. We are taking time in order to elicit information which we have not been able to get.

Mr. Grafftey: Filibuster.

Mr. Martin (Essex East): The hon. member says "filibuster". I should think that after the experience he had yesterday in Quebec he would not want to be talking about filibusters. I listened with interest to the hon. member for Calgary South—

Mr. Smith (Calgary South): Would the hon. member permit a question? Accepting, with regret, that the hon. member was, unfortunately, ill, can the hon. gentleman acknowledge how many meetings he attended during the period when this particular department was being discussed? I will tell him if he cannot tell us.

Mr. Martin (Essex East): I shall be glad to. I was going to deal with that in a few moments. The hon. gentleman made a statement a few moments ago, and I thought it was a fair statement. He had a perfect right to make it as chairman of the estimates committee. I went to as many meetings of that particular committee as I could stand. The hon. member for Calgary South, who is an able chairman, depending on one's point of view, would give members of the committee a nod: he would say, you may ask a question now, you may ask three and a half questions, but after that you must give the floor to someone else. The committee became a schoolroom performance—

Mr. Smith (Calgary South): On a point of order, we are completely out of order in discussing the procedure followed in that committee.

Mr. Chevrier: You started it.

Mr. Smith (Calgary South): But in view of the fact that the hon. member for Essex East has introduced the subject, may I say that he occupied more time during the period he was in the committee than any other member.

Mr. Chevrier: On the point of order, surely the hon. member for Calgary South is the one who introduced the matter of the action in the committee. Now he is complaining about the hon. member for Essex East discussing it.

Mr. Smith (Calgary South): It is to be noted that I had no reply.

Mr. Martin (Essex East): As I was saying, the committee was chaired very effectively by the hon. member for Calgary South, depending on one's point of view I soon ascertained that in order to get a clear elucidation of civil defence policy something else would be needed; I was not going to be able to get it in a committee where time was abridged and where I was repeatedly told I was taking up much time.

Now we are in the House of Commons, and we are taking the time. The position we are in is exactly as was stated by the hon. member for Laurier.

Some hon. Members: Oh, oh.

Mr. Martin (Essex East): Those catcalls are not going to hasten in any way our acceptance of this item. We intend to discuss these estimates as long as we think they should be discussed, and if hon. gentlemen want to see them passed I ask them to give the attention implied in the bill of rights shortly to be brought down by the Prime Minister in this house. That means there has to be freedom of discussion, not only outside this chamber but right here within the precincts of parliament itself.

The Chairman: I think the hon. gentleman is right in saying that he can discuss the item which we are considering, but I ask him to come back to that.

Mr. Martin (Essex East): I agree, and I hope you will recognize that these interventions warrant—

Mr. Matthews: Before the hon. member goes on any further, I should like to explain something. I should like to explain to the committee and to the hon. member for Essex East that I was not telling anyone to shut up. All I said was that if people would shut up they would hear more. The hon. member for Essex East certainly did sow pearls of wisdom, and perhaps he has pearls of wisdom to sow, but I want him to remember that tapioca pudding looks like pearls but it contains no pearls.

Mr. Martin (Essex East): The hon. member for Nanaimo obviously understands the rules of this house, and for that reason I do not propose to take issue with what he has said. Hon. gentlemen may laugh, but their laughter will be noted outside this house. The people of Canada will learn that while we are discussing this important matter this government with its large majority has taken the whole subject as lightly as hon. members opposite would take one of the amusing incidents that they might read in their comic strips.

An hon. Member: Not true.

Mr. Martin (Essex East): This is not a laughing matter. This is something which, as the hon. member for Calgary South said, affects the survival of the people of Canada. In spite of that, hon. gentlemen have treated the subject tonight with a levity rarely seen in parliament.

Some hon. Members: Oh, oh.

Mr. Monteith (Perth): On a question of privilege, I certainly do not think that is an appropriate statement for the hon. member for Essex East to make.

Mr. Chevrier: Where is the privilege?

Mr. Martin (Essex East): I repeat that statement. Hon. gentlemen opposite—I do not say the minister but hon. gentlemen sitting behind him—have treated this debate with a levity which will be noticed by the Canadian people. What we now say reflects our concern over the fact that the government of Canada does not regard the matter of civil defence as the important issue it is.

Mr. Morton: Mr. Chairman, I rise on a question of privilege.

Mr. Speakman: Mr. Chairman, I rise on a question of privilege.

The Chairman: The hon. member for Davenport.

Mr. Morton: Mr. Chairman, the hon. member for Essex East has just made a statement which I think reflects on every hon. member of this committee. Just because the manner in which he made his presentation caused a certain amount of amusement among hon. gentlemen on all sides of the house the hon. member has no right to suggest that our laughter in any way reflects the approach we take to the serious question of civil defence.

Mr. Chevrier: Why do you laugh?

Mr. Morton: We were laughing not at the matter but at the manner in which the hon. member for Essex East and his colleague the hon. member for Laurier have been making a mockery of this debate.

An hon. Member: For political purposes.

Mr. Hodgson: The hon. member for Essex East should be in Hollywood.

Mr. Martin (Essex East): Mr. Chairman, I do not think that valid questions of privilege have been raised. I did not intervene when the hon. member for Davenport was speaking because he comes from the city of Toronto and I know that in that city there is great public interest in civil defence.

Mr. Morton: That is correct.

Mr. Martin (Essex East): In the city of Toronto there is also strong criticism of this government in regard to its policy in the matter of civil defence.

Mr. Monteith (Perth): And a great deal more co-operation since the change-over.

Mr. Martin (Essex East): I expect that the hon. member for Davenport rose on his question of privilege in order to indicate that he wished to be excluded from the general condemnation that I made about hon. gentlemen opposite. I will therefore exclude the hon. member from that condemnation. I will say that there was one hon. member of the Conservative party who tonight took this matter as seriously as it should be taken and that was the hon. gentleman who just raised the question of privilege.

Mr. Horner (Acadia): That is only your opinion.

Mr. Speakman: Mr. Chairman, I rise on a question of privilege. It is the same question of privilege raised by my friend the hon. member for Davenport. I think the hon. member for Essex East is drawing inferences which are completely false as to the attitude of Conservative members in respect to this highly important question of civil defence.

Mr. Hodgson: The hon. member for Essex East is trying to get ready for the next election.

The Chairman: May I suggest that we stop discussing the personalities of hon. members and return to a discussion of the item under scrutiny.

Mr. Martin (Essex East): Mr. Chairman, I believe your suggestion is valuable now and it would have been valuable a few minutes ago before these interruptions took place. The fact is that hon. gentlemen opposite have treated this subject tonight with levity—

Some hon. Members: Order.

Mr. Martin (Essex East): Hon. members object. I say again that hon. gentlemen opposite have treated this subject with levity.

[Mr. Morton.]

The Chairman: I have just asked for the co-operation of the hon. member for Essex East in not discussing the conduct of hon. members. I invite him instead to direct his attention to the problem of civil defence.

Mr. Martin (Essex East): Mr. Chairman, I would respectfully suggest to you that my remarks are perfectly in order. I have the right in debate to explain why I take a particular position and why I condemn attitudes with regard to that position. That is what I have done and that is the essence of a free assembly.

The hon. member for Laurier stated the situation as it has always been observed in this committee. Where there is a matter of divided responsibility the government, when confronted with questions as to over-all policy, must be in a position to state that policy. It is true, as the hon. member for Calgary South said, that when we were in the estimates committee the Minister of National Defence, the director of the emergency organization and the clerk of the privy council were present but the Prime Minister who has over-all responsibility was not there. I am not saying that the Prime Minister should have been there because I recognize that he has heavy obligations. We know that those I listed were present. That was a committee of this house. We have the right to discuss policy in this parliament regardless of what went on in a committee of this house. That is what we are doing tonight.

The minister has not satisfied us on the questions we have put to him tonight. The hon. gentleman has not answered all our questions and with some he has not dealt at all. We cannot go any further. When the Minister of National Defence comes before us with his estimates we shall expect him to give us an over-all statement of the problems of civil defence which we were not able to elicit tonight. We will expect that those who are in charge of E.M.O. in the office of the clerk of the privy council will also be here, and the Minister of National Health and Welfare and the Minister of Justice, all of whom have responsibility for civil defence.

As the hon. member for Laurier has said, only by eliciting from the government as a whole what its policy is will we on this side of the chamber feel that we have discharged our duty in scrutinizing these estimates presented by the Minister of National Health and Welfare.

Mr. Spencer: Read the evidence of the committee.

Mr. Chevrier: Mr. Chairman, I resent the remark made a moment ago by the hon. member for Davenport when he said that the

hon. member for Essex East and the hon. member for Laurier were making a mockery of this debate.

When I rose a moment ago I asked the minister to take responsibility for the other departments that were concerned with civil defence in this country. I emphasized that point on two occasions and I repeated it in so far as it concerned two committees of the house with which I have had some experience and that is as far as I went. That I was entitled to do. My hon. friend has made a grossly exaggerated statement. The hon. gentleman should not have made the statement which he made when he said I was making a mockery of this debate.

I believe that I have the right that is enjoyed by any hon. member of parliament to ask the government questions about the over-all position in so far as the several ministers responsible for civil defence are concerned. If that is making a mockery of this item or of parliament then I want to plead guilty to it.

Mr. Morton: Mr. Chairman, in no way did I wish to imply that the hon. member for Laurier had no right to make any observations he might care to make in this debate. I was objecting to the fact that when a certain atmosphere of amusement was created through the manner of presentation adopted by the hon. member for Essex East and by the hon. member for Laurier in a supporting role the hon. member for Essex East accused hon. members on this side of the chamber of not treating the subject of civil defence with the seriousness it deserved. In taking that attitude the hon. member for Essex East was in my opinion taking an unfair advantage of hon. members of this committee.

Mr. Regnier: Mr. Chairman, I remember making a speech last year on the subject of civil defence. I read at that time a statement about a meeting of the federation of mayors held at Edmonton on August 31, 1955. Present at the meeting were experts from NATO speaking on the subject of civil defence. They stated that the time to take action was at that very time, August 31, 1955. Tonight we are witnessing all the Rip Van Winkles waking up from their long sleep. I am very happy to see that they are finally taking an interest in the question of civil defence. They should have taken action in 1955 when they were warned by their own experts to do so. The experts at the conference to which I referred included General Worthington and experts from NATO and an outstanding doctor who explained the dangers of the situation.

To indicate that action is now being taken I wish to point out that starting tomorrow there will be a bomb shelter exhibited in the city of Winnipeg at the opening of the Red river exhibition. Publicity on the subject will be made available to the citizens of Canada. Last week a pamphlet was issued telling Canadians how to go about building a bomb shelter. When I came to the house in 1958 I had to write to the United States in order to get information about civil defence. The Liberals were in power for a long time but took no action at all in this field despite the fact that their experts advised them to take action in 1955. It is not my wish to take up any more of the valuable time of the committee. I am very happy to see a few of the gentlemen of the old Liberal party wake up tonight.

Item agreed to.

The Chairman: This concludes the estimates of the Department of National Health and Welfare.

DEPARTMENT OF MINES AND TECHNICAL SURVEYS

Departmental administration—

187. Administration, operation and maintenance, $860,962.

The Chairman: This item will be found at page 187 of the blue book, and the details on page 260.

(Translation):

Mr. Chevrier: Mr. Chairman, there is a matter that I wish to point out to the Minister of Mines and Technical Surveys (Mr. Comtois), and one that I usually raise every time his estimates are being considered by the house. The minister probably knows what I have in mind. It is about the dividing line between the province of Quebec and Ontario in lake St. Francis and in one section of the St. Lawrence river.

I should like to call his attention to this problem again this year, because I think that there might be some chance of finding some answer to it.

In order to be brief and not to delay the house unduly, I shall recall only the broad lines of the problem.

The south boundary between Ontario and Quebec on the St. Lawrence river has never been marked. All other boundaries, to the east, west and north, with a small exception, have been settled as a result of acts of parliament. But the boundary dividing the provinces of Ontario and Quebec has not. This matter has been outstanding for 40 years.

Attempts were made to settle it, boards were established by both provinces and a great deal of progress was made.

I think that this line which runs from la Pointe-au-Beaudet to the international boundary between Canada and the United States opposite Cornwall and which is perhaps 25 miles long has been marked, except for a distance of about 10 miles. It is this 10 mile boundary that should be defined by a board of some sort.

I am convinced, as I have already stated on more than one occasion, that this matter does not strictly come under federal jurisdiction. It is under federal jurisdiction indirectly, so that if both provinces could reach an agreement, the federal government could pass legislation for the purpose of marking this boundary. But the point on which I wish to call the minister's particular attention is that in several instances, I suggested to him that if he invited those two governments to set up such a board, the problem might be settled once and for all.

The circumstances are quite different today from what they were two years ago. Since the opening of the St. Lawrence seaway, there has been a channel extending more on the north side of the St. Lawrence than on the south side. Perhaps some agreement might be reached with the two provinces partly on the basis of that channel. I realize that the matter has been considered, and I know there are a few islands at the upper end of lake Saint Francis that are a cause of dispute between the two provinces. However, while those islands were tremendously important some 20 or 25 years ago—I am not saying they have no importance today—they have lost some of their importance. The federal government is interested in the problem, because it is holding those islands in trust for the Indians. I would ask the minister, therefore, when he deals with the various questions that have been put to him, to tell us whether he intends to make another attempt at settling this problem.

Oh, I am afraid the minister will give me quite a different answer now, because of the recent events.

Mr. Comtois: Not at all.

Mr. Chevrier: The hon. minister says "not at all". I am quite pleased at that, because I was speaking quite candidly, and the minister is right in pointing out it is not a political matter. I think the leader of the next Quebec provincial government will be just as willing to settle the problem, because the province of Quebec has as much interest as Ontario in taking a special interest in the problem.

Therefore, I am wondering if the hon. gentleman will not make a new attempt with regard to what I said a few moments ago. If he succeeds, I shall be the first to commend him, because I have told him before, that, when I was at the head of another department than his own, my efforts to settle that issue had not been successful. It is a very delicate problem for people living on both sides of the boundary between Ontario and Quebec. I am speaking, more particularly, of the citizens in the riding of Huntingdon in the province of Quebec, and of the counties of Glengarry and Stormont in Ontario.

The suggestion would prove to be of benefit, not only with regard to the administration of the fishing and hunting legislation, but in the case of accidents which are always liable to happen on the seaway.

As a matter of fact, if there were some accident, if two ships collided, for instance, causing severe damage, it might very well happen that nobody would know if the civil code, which is recognized in Quebec, or the common law of Ontario would apply.

There is no need to stress the point any further. I know that the minister noted my remark, because he told me so personally.

May I only remind him, knowing how kind he is, to ask the governments concerned to establish some commission which would, once and for all, settle that delicate matter.

(Text):

Mr. Fisher: Mr. Chairman, the last time the estimates were before the committee the hon. member for Yukon did not have an opportunity to get on with his remarks. My speech was incomplete on the first day. The minister spoke to me afterwards about one of my remarks in which I had suggested that the Canadian metal mining association had indicated it wanted a restricted rather than an expanded research program on the part of the government. I have also been in touch with the Canadian metal mining association and I have the original clipping from which I gained the impression. I do not want to apologize particularly, but I took the wrong interpretation from the information I had. In actual fact the association was, I understand, willing to go along with the minister's suggestion that the mining research organization should handle production and ore problems, while the federal government mines department concentrated on basic

research. I should explain to the minister that my reason for pushing the interpretation further was the result of a personal conversation I had with someone in the metal mining association who did not represent the official view of the association.

One point I wanted to make to the minister is that in our part of the country there is great concern over the fact that if it is at all possible for a direct reduction steel mill to come into existence we think it would be a powerful thing for our economy. One of the minister's own economists, Mr. Elver, has made an analysis and indicated that either Port Arthur or Seven Islands would be an economic site.

One of the suggestions that has been put forward by groups in our area is that the government consider some kind of subvention such as that now offered to the maritime coal people in order to get their material into the central Canadian market. This suggestion is that a subvention or a subsidy be given in a rather revolutionary approach to get this direct reduction mill into operation. This is something that is completely new in North America, this kind of mill is rather revolutionary and I believe the idea of a subsidy would be revolutionary, too. Perhaps the economist who made this estimation of the prospects for the iron ore industry in Canada might consider what a policy of subventions of various kinds, such as developmental rates, might do for progress in this field.

I feel there will be an important contest in the next decade between Canadian iron ore resources and Venezuelan and African resources in competing for a share of the United States and European markets. Any assistance that we could get that would enable us to get a producer into the field now, especially with such a high value product as is put out by a direct reduction mill, would be of great value.

The last point I want to make concerns, in a sense, an apology to the house. A number of weeks ago I brought up a question with the Minister of Trade and Commerce in connection with the uranium industry and the tremendous number of telegrams that had been received by the hon. member for Assiniboia as well as other members of the house. I understand the telegrams numbered well over 2,000, and they were dispatched to Ottawa in order to sway political opinion here in favour of Rio Tinto's plans to amalgamate or take up some of the contracts that existed. I think the minister and hon. members may be interested in knowing that the hon. member for Assiniboia and I took the trouble to send replies to several hundred of these people. I sent replies to over 300 people who bothered to send me telegrams. I sent the replies to the names and addresses on those telegrams, but I have received back almost every one of those replies. The same thing has happened to the hon. member for Assiniboia. In other words, we can do nothing but suspect that these were dummy telegrams suggested by the mine interests, and we must assume those interests to be Rio Tinto.

I bring this up at this time because the minister has indicated that his department has been consulted by another department to estimate the stature and economic prospects of one iron organization in my area. I just wish that the same people would take a look at Rio Tinto and this kind of situation because to me this is almost blasphemy against the House of Commons and the integrity of the members of this house when we receive telegrams from people who apparently do not exist. I can understand that in a community such as Elliot Lake there would be a portion of the replies that would be undeliverable because the population of the community is shifting. However, when almost all of these hundreds of letters come back as undeliverable, then one can only suspect that some mining manager is taking some members of parliament for a ride. Since these telegrams were sent not only to members of this party but to all the Liberal party and the members of the government, I think this is a situation that merits some kind of check. It certainly arouses a great deal of scepticism in my mind about the integrity of the Rio Tinto organization or whoever it was in that organization that got this particular scheme going.

There is one other point I do want to mention. The minister has made a suggestion, not publicly but I do not believe he will mind if I refer to it publicly, that members of this group, especially the hon. member for Timiskaming and the hon. member for Timmins, have been sceptical of the underground inspections carried out under the Emergency Gold Mining Assistance Act. He has made the suggestion that this question of underground inspections might be aired in the mines, forests and waters committee. We would appreciate that suggestion. We think the question could be gone into very quickly, perhaps in one or two meetings, and it would certainly go a long way toward satisfying the views we have expressed.

Mr. Nielsen: The Department of Mines and Technical Surveys is of great importance to the people of my riding, and I hope any remarks I make this evening will indicate just how important I think the department is in so far as the development of the rest

of the nation is concerned. I feel that nothing is more basic or more fundamental, nothing is more vital to the advance of Canadian human and material betterment, than the work of this department.

One thing stands out most clearly from the evidence heard while the estimates of this department were before the standing committee on mines, forests and waters last year, that is, the failure of government for at least 10 and, in some branches 25 years to recognize the value of the work of the department. Not only has there been a continuous disregard of the material benefits to Canada which would have resulted from allowing the department to fully perform its proper function but the skill and brilliance of the departmental scientific and technical personnel has gone almost unnoticed, and their counsel and advice unheeded. Over many years, at least a decade, there have been clear and persistent indications of the need for reform. For just as long and just as clear have been the indications of the important benefits to Canada which would be the natural and inevitable result flowing from these reforms. But the need and the importance of the need were either ignored or neglected year after year.

The kindest thing that can be said for the Liberal administration in this regard is that they failed to realize the real significance of the work being produced by the department, that they remained for so many years in ignorance of the true value of this work and its relation to all phases of Canadian development. If they did realize the significance of the contribution to be made by the work of the department, their failure to do anything about it amounts to the grossest neglect of their duty while in office.

I submit that the evidence given before the standing committee last session stands as a massive indictment against the former administration to which they may plead either ignorance or neglect but to which they cannot be heard to plead innocence.

I have said that there is no single phase of the economic life of this nation that is not affected by the work of this department. Despite this very important fact, however, the restrictions which have been placed upon the functions of the department in past years have relegated it to playing an insignificant role in national development. When it had so much to offer, advantage was not taken of its capacities. It became the orphan of government and continued to be regarded as such over the years.

This is the condition then that faced this government when it first took office in June of 1957. Members know that one of the first steps taken by this government during the first session of parliament after the present cabinet took office was to reactivate the standing committee on mines, forests and waters, a committee which had lain dormant for over 22 years during Liberal administration. In my opinion the first fruits of the work of this committee have been realized. The searching inquiry conducted into the function of the Department of Mines and Technical Surveys has resulted in the production of a useful report to the house.

It would be exceedingly difficult to exaggerate the importance of the functions of this department. Its chief role should be regarded, I feel, in the light of the significance of the Canadian mineral industry. The significance of minerals in providing the material basis for the economic life and social organization of humanity has long been recognized. Our civilization today, more than ever before, depends for its continuance on the minerals which permit and sustain its existence. The geometric increase and the concentration of world populations, the frequency and speed of movement of transport, the extent and quality of human control over the forces of nature are all directly dependent upon the discovery and utilization of mineral resources. It is, therefore, of prime importance that we in Canada should have as accurate information as can be obtained about the extent of the available reserves in this field.

It would be a great mistake to assess the functions and the needs of this department on the basis only of the requirements today. And it is not enough to simply say "We will not make such a mistake" without giving a good deal of thought to the reasons for saying such a thing. I believe there are sufficient indications of the trend of future demands for minerals as to warrant the assertion that Canada must be prepared to meet the needs of 10, 20 or 30 years from now. Indeed, there is no reason why we should not, in our considerations, contemplate the fact that upon the expiration of a century from now all world sources of minerals will likely have been exhausted. There are a number of very basic factors which justify taking this position. I feel that these factors are clearly distinguishable now, but before discussing them I should like for a moment more to deal with the importance of minerals to Canadians today and tomorrow, all in the light of the objectives which should be those being pursued by this department. A good many of the department's requirements and shortcomings are known now, thanks largely to the examination of departmental activities and deficiencies by the mines, forests and waters committee last session.

It is very difficult to chart future courses but I think all will hasten to agree that we must make a concerted effort to do so; and in doing so I do not think it would be desirable for us to confine ourselves to domestic needs and trends. In so far as the world picture is concerned, the more optimistic observers point out that there is today no serious or general shortage of any essential metallic or non-metallic mineral product. These people say that the discovery of new sources has always kept abreast of the increasing demand and, further, that new discoveries combined with increased efficiency in methods of processing and utilization will be adequate to meet any future needs.

How about the pessimists? They emphasize, and rightly so, the fact that mineral resources are wasting assets. They are not replaceable as are our agricultural products, our forest products and the like. Once the mineral content supplied by nature in the crust of the earth has been exhausted either by wasteful or beneficial use, it cannot be restored. These people say that the rate of consumption today presents an entirely new problem for which past experience gives no assurance of a solution.

But there is one thing that all scientists agree on and that is the necessity of maintaining an ample supply of minerals and metals if our civilization, as we know it, is to be maintained or if further progress is to be made. Iron, copper, lead, zinc, nickel, aluminum, magnesium and other base metals are, by definition fundamental to our way of life. Almost equally important are such alloying metals as manganese, chromium, molybdenum and tungsten, which are essential to the steel industry. The industrial minerals, limestone sulphur, salt and fluorspar supply the raw materials for much of the world's chemical industry, while the mineral fertilizers, phosphate rock and potash, are of growing importance in agriculture. Without these or effective substitutes large segments of the prospective population of the earth will be condemned to lives of misery and degradation.

Eminent scientists have said that the implications of these facts raise a problem so vast and of such universal incidence that in a sane world they would be made the immediate subject of common study and cooperative planning. The best proof of this statement is to be found in the difficulties that are being experienced in adapting atomic energy to beneficial rather than to destructive uses. In the race between education and catastrophe, education is falling farther and farther behind.

I said earlier that we are justified in stating that within the century ahead we can see the exhaustion of practically all known ore deposits and that there were a number of factors that justified such an assertion. The first of these is the rapidity with which the number of human beings on the earth is increasing. This geometric increase is resulting in the addition of some 122,400 births every day or 45 million per year. In the 30 minutes allowed me to speak here 2,550 more humans are born than have died.

A second fundamental factor is the almost universal demand for a higher standard of living. This will mean, inevitably, an expansion of the demand for mineral products. In fact, it is quite clear that the combination of an increasing population and rising standards of living will place a strain on world metal resources which will almost certainly in the end prove beyond the capacity of man and nature to supply.

I do not think I need dwell at any length upon the importance of these factors in the common western fight against the spread of communism.

May I now say a brief word on conservation. I think it is important to observe that since 1914 the depletion of world mineral resources has been proceeding at an unexampled rate. It should cause us all to pause for serious reflection to realize that the quantity of mineral products consumed between 1914 and 1949—that is 35 years—far exceeds that of the whole preceding period of man's existence on earth. It is a fearful realization that human intelligence has allowed a great proportion of the minerals used in the last 50 years to be criminally wasted in the most destructive wars in history.

As world resources of metals are exhausted the significance of Canada as a major supplier increases. The importance of the work of this department becomes even more significant as we consider the factors affecting resource consumption.

May I call it ten o'clock, Mr. Chairman?

Resolutions adopted in committee of supply this day reported and concurred in.

BUSINESS OF THE HOUSE

Mr. Chevrier: May I inquire what the business will be for tomorrow? Also can the house leader indicate what we will be doing next week?

Mr. Churchill: Tomorrow, Mr. Speaker, we will carry on with the estimates of the Department of Mines and Technical Surveys,

followed by the Department of Justice; and, if things move rapidly, we have the Department of Transport.

Next week, on Monday and Tuesday there are a number of legislative items which can be dealt with. The first item on Monday will be a motion to extend the hours of sitting of the house just as was done last year at this particular time. The second item will be second reading of Bill No. C-76, an act to amend the Public Service Superannuation Act. The third item would be second reading of Bill No. C-78 to amend the Judges Act. Between now and Monday there will be appearing on the order paper certain resolutions. One will deal with the extension of the freight rates assistance act for another year or part of a year. The next will be a resolution with regard to setting up a department of forestry. The third will concern an amendment to the Canada Shipping Act and the fourth an amendment to the Criminal Code. These should be available for the house on Monday or Tuesday.

For the balance of the week, Wednesday, Thursday and Friday, I believe the program with regard to estimates will be a continuation of the ones which may not be finished tomorrow. So that members may make preparation but without determining the exact order at this moment, may I say that we will then take external affairs, northern affairs and national resources, public works and national revenue. On Monday night we might reach agreement as to the order in which these estimates would come forward.

It being four minutes after ten o'clock the house adjourned, without question put, pursuant to standing order.

ANSWERS TO QUESTIONS

The following answers, deposited with the Clerk of the house, are printed in the official report of debates pursuant to standing order 39:

MANNING TEAMS, ARMED FORCES

Question No. 329—**Mr. Argue:**

1. Do the armed forces employ manning (i.e. recruiting) teams?

2. If so, are they unified or does each service maintain its own separate teams?

3. How many personnel by ranks are employed in all manning teams?

4. How many manning teams are there by service?

5. How many personnel by ranks are employed in manning duties, including all manning teams, manning staffs at area, command and army headquarters, and personnel depots?

6. What was the total cost by services of manning (a) exclusive of staffs and personnel and manning depots in fiscal year (i) 1958-59; (ii) 1959-60; (b) inclusive of staffs and personnel and manning depots in fiscal year (i) 1958-59; (ii) 1959-60?

7. How many personnel by services were enlisted due to the efforts of manning teams during fiscal year (a) 1958-59; (b) 1959-60?

8. How many personnel by services were enlisted directly by personnel or manning depots without going through manning teams during fiscal year (a) 1958-59; (b) 1959-60?

9. How many personnel by services were rejected for service after being despatched by manning teams to personnel or manning depots during fiscal year (a) 1958-59; (b) 1959-60?

Answer by: **Mr. Egan Chambers (Parliamentary Secretary to the Minister of National Defence):**

1. Yes—recruiting offices including some mobile units.

2. Each service maintains its own recruiting units. Tri-service Canadian armed forces recruiting centres have been established in a number of locations to assist in coordinating recruiting activities and to reduce accommodation costs.

3.

RCN		CA(R)		RCAF	
Lt Cdr	9	Capt	3	S/L	4
Lt	19	Lt	43	F/L	64
CPO 1	11	Sgts	94	F/O	4
CPO 2	11			Sgts	22
P 1	16			Cpl	22
P 2	5			LAC	38
LS	3				
AB	4				
Total	83	Total	140	Total	154

4.

RCN	CA(R)	RCAF
21	54	19

5.

RCN		CA(R)		RCAF	
Capt	1	Col	1	O/C	1
Cdr	1	Lt Col	4	W/C	1
LCdr	10	Maj	13	S/L	6
Lt	21	Capt	18	F/L	66
CPO 1	11	Lt	46	F/O	4
CPO 2	11	S/Sgt	2	Sgt	23
P 1	16	Sgt	107	Cpl	25
P 2	5	Cpl	15	LAC	40
LS	8	Pte	11		
AB	4				
Total	88	Total	217	Total	166

6. The totals shown below include under (*a*) costs of advertising, travelling expenses of staffs and recruits, rents, medical examinations by civilian practitioners and vehicle operating costs, and under (*b*) the costs under (*a*) plus the pay and allowances of the staffs shown in the answer to question 5.

	1958/59	1959/60
(*a*) RCN	$ 489,967.00	$ 530,809.00
CA(R)	1,378,458.00	1,334,024.00
RCAF	1,108,914.00	1,061,765.00
(*b*) RCN	$ 976,750.00	$ 1,036,555.00
CA(R)	2,653,619.00	2,558,773.00
RCAF	1,938,420.00	1,910,537.00

Questions

7. Total enrolments were as follows:

	1958/59	1959/60
RCN	3,223	3,084
CA(R)	5,940	4,704
RCAF	5,296	4,994

8. Analysis of total enrolments on this basis is not available.

9. Total rejections were as follows:

	1958/59	1959/60
RCN	12,683	10,926
CA(R)	19,465	15,372
RCAF	18,467	16,261

FARM CREDIT ACT

Question No. 406—**Mr. Boulanger:**

1. Since the new Farm Credit Act was passed, by provinces, how many applications for loans were received (a) under part II; (b) under part III, by the farm credit corporation?

2. How many inspections were made?

3. How many loans have been granted?

4. What is the total amount of loans in each province?

Answer by: **Hon. D. S. Harkness (Minister of Agriculture):**

		(a) Under part II	(b) Under part III
1.	British Columbia	146	6
	Alberta	1,227	20
	Saskatchewan	1,775	26
	Manitoba	127	11
	Ontario	1,756	38
	Quebec	161	12
	New Brunswick	49	2
	Nova Scotia	24	1
	Prince Edward Island	64	2
	Newfoundland	0	0

2.	British Columbia	98
	Alberta	549
	Saskatchewan	837
	Manitoba	43
	Ontario	801
	Quebec	87
	New Brunswick	43
	Nova Scotia	16
	Prince Edward Island	32
	Newfoundland	0

3.	British Columbia	119
	Alberta	513
	Saskatchewan	667
	Manitoba	48
	Ontario	683
	Quebec	71
	New Brunswick	17
	Nova Scotia	11
	Prince Edward Island	32
	Newfoundland	0

4. Principal of loans outstanding as of March 31, 1960.

British Columbia	$ 4,432,000.	Quebec	$ 5,795,000.
Alberta	20,311,000.	New Brunswick	1,782,000.
Saskatchewan	36,536,000.	Nova Scotia	1,285,000.
Manitoba	9,462,000.	Prince Edward Island	3,104,000.
Ontario	34,522,000.	Newfoundland	Nil.

[The following items were passed in committee of supply]:

DEPARTMENT OF NATIONAL HEALTH AND WELFARE

242. Departmental administration, $1,641,729.

National health branch—

Health services, including assistance to the provinces—

243. Administration, $367,444.

244. Consultant and advisory services, $762,288.

245. Laboratory and advisory services, $1,880,791.

246. To authorize general health grants to the provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the estimates and under terms and conditions approved by the governor in council including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of $63,591,941, $42,000,000.

Indian and northern health services—

247. Operation and maintenance including grants to hospitals and other institutions which care for Indians and Eskimos, $21,362,102.

248. Construction or acquisition of buildings, works, land and equipment, $1,786,600.

249. Medical advisory, diagnostic, and treatment services, $3,863,807.

250. Administration of the food and drugs and the proprietary or Patent Medicine Acts, $1,984,777.

251. Administration of the Opium and Narcotic Drugs Act, $247,081.

Welfare branch—

Family allowances and old age security—

252. Administration, $3,077,462.

Aid age assistance, blind persons and disabled persons allowances—

253. Administration, $113,390.

General—

254. Grants to health and welfare and related organizations, as detailed in the estimates, $243,250.

255. Civil defence health, welfare and training services, $4,593,008.

National health branch—

Health services, including assistance to the provinces—

532. Laboratory and advisory services—further amount required, $125,479.

General—

533. Civil defence health, welfare and training services—further amount required, $750,000.

HOUSE OF COMMONS

Friday, June 24, 1960

The house met at 11 a.m.

(Translation):

HOUSE OF COMMONS

ST. JOHN THE BAPTIST DAY—DISCOVERY DAY, NEWFOUNDLAND

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, today our French-speaking fellow Canadians throughout Canada are rejoicing for they are celebrating St. John the Baptist day, in honour of their patron saint.

Even if members of this house do not all share in the same traditions, I am sure, however, that all of them will join me in tendering to our French-speaking colleagues and to all French Canadians of this country our best wishes on this festive occasion.

The elements of the Canadian nationality are many and not easily definable. It is generally recognized, however, that one of the features of our nationality is the free association, over a period of two centuries, of two cultures, two traditions, for the achievement of one great Canada.

It is fitting that each year our French-speaking fellow citizens relive the finest pages of their history, which is the history of all Canada, since their gallant forebears extended their activity to the furthermost reaches of our country.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, I and the members of our party wish to subscribe to the words spoken by the Prime Minister (Mr. Diefenbaker).

As the Prime Minister has just said, on this patron saint's day of French Canadians, though we are of different racial origins, we have often had occasion to pay tribute to our French-speaking fellow Canadians for their great contribution to the development, unity, vigour and wisdom of this country.

Mr. Chevrier: Hear, hear.

Mr. Pearson: Mr. Speaker, I should like to repeat the statement made a few months ago by the distinguished chancellor of the University of Toronto:

> Our country has been enriched by both our ancestral cultures, and each ethnic group should retain its way of life and heritage, while respecting those of the other. May our patriotism be haunted by the dream of unity of our two great races. However, let us pray God that it be unity in diversity, and that each group remain true to its past.

(Text):

Mr. Speaker, may I also remind the house that this is an important day for Newfoundland. It is, if I may call that, their national day, Discovery day. So may I also pay my tribute to the contribution of courage and determination that the people of Newfoundland have made to the development not only of their own historic nation but to the confederation of which they are now part.

(Translation):

Mr. Hazen Argue (Assiniboia): Mr. Speaker, it is fitting to celebrate the French fact in Canada. I am happy to associate myself with the Prime Minister (Mr. Diefenbaker) and with the Leader of the Opposition (Mr. Pearson), on St. John the Baptist day, in congratulating those of my fellow citizens who speak French much better than I do.

(Text):

I also wish to associate this group with the words of the Leader of the Opposition in acknowledging the great contribution which the province of Newfoundland is making to the Canadian nation, and to wish our fellow citizens in that province the very best in the years to come.

Hon. W. J. Browne (Minister without Portfolio): As the member for St. John's West I should like to thank both the Leader of the Opposition and the hon. member for Assiniboia for the kind remarks they have made with regard to Newfoundland this day. This is the 463rd anniversary of the discovery of Newfoundland by John Cabot. It is true that the first part of Newfoundland which he saw in the early morning was Bonavista-Twillingate—

Mr. Pickersgill: Bonavista.

Mr. Browne (St. John's West): —when he said, "Oh, happy sight". But on the same day he went into the beautiful landlocked harbour of St. John's, which therefore received its name from the feast day on which it was discovered. The people of Quebec are today celebrating the feast of St. John the Baptist. Newfoundland is expanding and its population is growing; large groups of people from Newfoundland now live in Montreal and Toronto. If French-Canadians and Newfoundlanders could get together, perhaps we could make this a national feast day for Canada.

Mr. Pickersgill: Would the hon. member permit a question? Does he not think that two days ago the Newfoundlanders and the Quebeckers did get together?

Some hon. Members: Oh, oh.

Mr. Diefenbaker: Before turning to another subject, may I say I am sure that when the Leader of the Opposition, the hon. member for Assiniboia and myself spoke French a minute ago, there was not an English speaking member of the house who did not understand, even without the benefit of the translation system.

PUBLIC SERVICE

DEPARTMENT OF JUSTICE—RESIGNATION OF DEPUTY MINISTER AND APPOINTMENT OF SUCCESSOR

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I have an announcement to make, of the resignation of Mr. Wilbur R. Jackett, Q.C. as deputy minister of justice effective as of July 1. In announcing the resignation of Mr. Jackett I should like to express on behalf of the government our great appreciation for the service he has rendered since he first joined the department in 1939. Since May 1, 1957 he has been an outstanding deputy minister of that department.

At the same time I wish to announce the appointment as deputy minister of justice, effective July 1, of Mr. Elmer A. Driedger, Q.C. who has been assistant deputy minister. Mr. Driedger was born in Saskatchewan, as was Mr. Jackett, and following admission to the bar in that province he came to Ottawa in June, 1940, as law librarian of the Supreme Court of Canada. In December 1941 he was transferred to the legal branch of the Department of Justice as junior advisory counsel. Subsequently, on April 1, 1945 he became senior advisory counsel, and assistant deputy minister on July 1, 1954.

I do not think I need say anything more regarding Mr. Driedger, other than that he has devoted most of his time to the preparation of the government's legislative program and has taken a leading part in the advisory functions of the Department of Justice. He is recognized as an outstanding member of the bar and is one who I know will adorn the position to which he has been appointed.

There are two other appointments to be made and announced shortly. They are associate deputy ministers of justice, each having the rank and status of a deputy head of the department. One of these will be French speaking and the other English speaking.

[Mr. Browne (St. John's West).]

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, we on this side of the house would like to associate ourselves with the words of appreciation the Prime Minister has just uttered in connection with the deputy minister of justice who is retiring. Mr. Jackett has served his country in this position for many years now effectively and with devotion. He will be greatly missed in the public service. Our sense of loss, however, is minimized to some extent by the Prime Minster's announcement that Mr. Jackett will be succeeded by Mr. Driedger, who has been long in the department, has served it well and I am sure will be a very adequate deputy minister in every respect.

NATIONAL ENERGY BOARD

TABLING OF REPORTS ON APPLICATIONS FOR EXPORT LICENCES

Hon. Gordon Churchill (Minister of Trade and Commerce): Mr. Speaker, I wish to table two copies of a report by the national energy board on two applications for licences to export gas to the United States. Both these applications involve small volumes of gas and both, in effect, represent renewals or extensions of existing export licences.

The Canadian-Montana Pipe Line Company has been exporting gas from Alberta to the state of Montana since 1952. The existing licence expires September 1, 1960. The new licence applied for would terminate on May 14, 1974, the same date on which its Alberta permit and the federal power commission permit to the Montana Power Company to import gas into the United States expire.

The national energy board found that the total quantity of gas proposed to be exported exceeded the established reserves for the fields from which the gas would be removed, and accordingly reduced the total quantity of gas which the applicant might export over the period of the new licence from some 268 billion cubic feet to 190 billion cubic feet.

The second application, that of Gordon Plotke, is for a five year licence, and the maximum annual volume of gas to be exported is only 10 million cubic feet. This is a local matter involving the gas from one well only, and gas which is not considered saleable other than in this particular export.

In its report the board indicates that it is prepared to issue export licences to the Canadian-Montana Pipe Line Company and to Gordon M. Plotke. The government concurs with the board's findings on these applications, and accordingly will authorize the issue of the licences on the terms set forth in the report.

AGRICULTURE

SOYA BEANS—ANNOUNCEMENT OF SUPPORT PRICE

Hon. D. S. Harkness (Minister of Agriculture): Mr. Speaker, I wish to announce that the agricultural stabilization board has been authorized to continue to support the price of soya beans produced in Ontario for the year 1960 at $2 per bushel for Canada No. 2 grade or better, which is the same support price as last year. The prescribed price for 1960 is 91 per cent of the 10 year average as compared with 87 per cent for 1959. The final figures for the 1959 crop are not yet available, but it is estimated that the deficiency payments which will be made to the producers will total approximately $1 million.

Hon. Paul Martin (Essex East): Mr. Speaker, I thank the minister for making this announcement. I have only one comment to make, and that is that the price support announced for this year is the same as for last year, and not as high as it was in the year immediately following the last general election. The support price announced today is one that will not fully satisfy the requests made of the government by the soya bean growers.

BUSINESS OF THE HOUSE

CIVIL SERVICE ACT—SUGGESTED POSTPONEMENT OF CONSIDERATION UNTIL NEXT SESSION

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, I should like to ask the Prime Minister a question arising out of the suggestion made to the Minister of Finance when consideration was being given to the resolution preceding the introduction of amendments to the Civil Service Act. My question is whether the Prime Minister has now been able to give consideration to this suggestion and whether he does not agree that it would be wise, in view of the time element, to postpone further consideration of this matter until next session, when in the early days of the session it can be submitted to a committee where evidence can be taken?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, in so far as the time element is concerned, I do not think it really enters into the equation at all. I think there would be sufficient time between now and the end of the session to give full consideration to this very important piece of legislation. However, suggestions have been made both by civil service organizations and by individuals that because of the fact that some 40 years have passed since the Civil

Service Act came into effect, and these amendments are made consequent on the experience of that lengthy period of time, the very fullest consideration should be given to the various sections of this rather lengthy bill.

In the circumstances, if it meets with the approval of the house, I can see no objection whatever to acceding to the suggestion made, namely that the bill remain on the order paper. It can be introduced again at the next session, and a committee set up at that time for the purpose of going thoroughly into this question, to the end that when this act is brought up to date it will be generally acceptable to all and in accordance with the traditions of the civil service so that the civil service of Canada may continue to occupy the pre-eminent position that it now occupies among civil service organizations throughout the world.

Mr. Hazen Argue (Assiniboia): Mr. Speaker, I might just say a word. I think this is a wise course to follow with this very voluminous bill. Civil service associations themselves are desirous of making representations. We think if it were laid over until next session the final legislation would likely be much better from the standpoint of the civil servants of the country than if it were rushed through during the dying days of this session.

[*Later:*]

Mr. Diefenbaker: For the sake of clarity, Mr. Speaker, there is something I should like to find out. I am not permitted, of course, to direct a question to the Leader of the Opposition.

Mr. Pearson: You will before long.

Mr. Diefenbaker: I hope the day never comes when I have to cross-examine my hon. friend.

The question I wanted to have cleared up was simply this. The hon. member for Assiniboia (Mr. Argue) said that he would be agreeable to the course suggested, namely that the civil service bill be left on the order paper and be brought forward again at the next session. I said that if the house was in agreement, that course would be followed. Possibly the Leader of the Opposition will let the house know what his attitude is.

Mr. Pearson: Mr. Speaker, I am very happy to answer the question asked by the hon. member for Prince Albert. The course which he suggested with regard to this bill, for reasons among others with which he himself has put forward, is quite agreeable to us on this side.

Inquiries of the Ministry

AGRICULTURE

DEFICIENCY PAYMENTS—MEETING WITH WESTERN FARM ORGANIZATIONS

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I should like to address a question to the Prime Minister or the Minister of Agriculture. Can the Prime Minister or the Minister of Agriculture inform the house whether the date has now been set for a meeting between the government and the liaison committee of the western farm organizations to discuss deficiency payments, or the government's alternative to that program?

Hon. D. S. Harkness (Minister of Agriculture): No, Mr. Speaker, the date has not yet been set.

Mr. Argue: Can the minister say whether a date will be set before the end of the session?

Mr. Harkness: Well, I do not think I have anything further to add at the present time. The date has not yet been set, and I am not in a position to say what date will be set.

Hon. Paul Martin (Essex East): Does the minister still take the view that before he will arrange to see this delegation the farmers of western Canada must place an alternative proposal in writing before the government?

Mr. Harkness: I am not sure that I understand exactly what the hon. member means by this question.

Mr. Martin (Essex East): My question was, before setting a date to meet this delegation does the government still take the position that the farmers of western Canada must place before the government in writing an alternative proposal, as the Minister of Agriculture suggested when his estimates were under discussion in this house?

Mr. Harkness: Mr. Speaker, this has been one of the causes of delay. We asked the western farm organizations to make a definite proposal in writing, but instead they sent a brief which, as I indicated before, reiterated three of the proposals they had made when they attended here in numbers somewhat over a year ago. They also made some reference to acreage payments. Subsequent to that time we have had representations from some of the organizations who are members of the liaison committee indicating that they would like to discuss acreage payments.

Mr. Argue: What was the government's reply to that request?

Mr. Speaker: Order.

[Mr. Pearson.]

[*Later:*]

Mr. Argue: Mr. Speaker, can the Minister of Agriculture tell the house what reply he gave to those farm organizations which requested a meeting on the basis of the proposition that acreage payments should be paid?

Mr. Harkness: Mr. Speaker, I told those people that we would certainly consider that matter very seriously, and that we would consider it even more seriously if all these ten western farm organizations made the same request.

ROYAL CANADIAN MOUNTED POLICE

ANNOUNCEMENT OF CHANGE IN MARRIAGE REGULATIONS

On the orders of the day:

Mr. J. F. Browne (Vancouver-Kingsway): Mr. Speaker, I should like to direct a question to the Minister of Justice. Can the minister inform the house whether it has now been decided to change the Royal Canadian Mounted Police marriage regulations?

Hon. E. D. Fulton (Minister of Justice): Yes, Mr. Speaker. The commissioner has announced this morning that there has been a change in the long-standing marriage regulations. Under the new regulations a member of the force may be permitted to marry if he is at least 21 years of age and has served in the force in a satisfactory manner for two years. Formerly the regulations required that a member serve satisfactorily for five years before marriage, with one or two exceptions.

The original intent of the rather stringent regulations was to ensure maximum mobility in the service by having at all times a 50 per cent strength of single men. This arrangement is no longer considered necessary and, in fact, the married strength of the force now exceeds this figure. The commissioner is of the opinion that the change in regulations will be welcomed by many young men already in the force, and will also remove an obstacle to recruiting those young men otherwise suitable who regarded the marriage regulations with disfavour. I concur in that opinion.

TRANSPORT

CHIGNECTO CANAL—SUGGESTED PAYMENT BY FEDERAL GOVERNMENT OF INVESTIGATION COST

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I should like to ask the Minister of Finance whether, in view of the constitutional jurisdiction of this parliament over navigation and shipping, he does not think it would be reasonable for the

federal government to assume the full cost of the investigation into the Chignecto canal.

Hon. Donald M. Fleming (Minister of Finance): My colleague the Minister of Public Works made an announcement on this subject the other day which I believe has met with the widest satisfaction, not only in the important area of Canada that is principally concerned but in this house as well.

Mr. Pickersgill: Does the minister not think there would be even wider satisfaction if the taxpayers of New Brunswick were relieved of this charge, which is really a federal responsibility.

Mr. Fleming (Eglinton): Mr. Speaker, the hon. member's question has some interesting timing features to it.

Mr. Pickersgill: Answer the question.

Mr. Fleming (Eglinton): It accords well with the proper interest shown now after 22 years of neglect of this subject under the former regime.

NATIONAL PARKS

BRITISH COLUMBIA—REPORTED OFFER OF GARIBALDI PARK FOR OLYMPIC GAMES

On the orders of the day:

Mr. W. H. Payne (Coast-Capilano): Mr. Speaker, I should like to direct a question to the Minister of Northern Affairs and National Resources. Has the minister heard of the recent statement of the premier of British Columbia to the effect that he is now prepared to turn over the magnificent alpine area of Garibaldi park to the federal government as a national park, upon condition that the development program will commit the federal government to have the park in shape and condition to service the requirements of the Olympic games in 1968?

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): No, Mr. Speaker, I have not seen that report. I would imagine that if the premier of British Columbia is serious about the matter he will be writing me, because the federal government have already written to the province of British Columbia saying that we would consider taking over this area as a national park if it is granted to us on the usual conditions.

HOUSING

VANCOUVER—INQUIRY AS TO PROGRESS OF SLUM CLEARANCE PROJECT

On the orders of the day:

Mr. J. R. Taylor (Vancouver-Burrard): Mr. Speaker, can the Minister of Public Works report on the progress being made with respect to the urgent problem of slum clearance on the south side of Burrard inlet in Vancouver?

Hon. D. J. Walker (Minister of Public Works): Mr. Speaker, in reply to the hon. member may I say that an order in council was passed yesterday relating to a federal contribution of one-half of the cost of acquiring and clearing three redevelopment sites in the blighted area in the east end of downtown Vancouver, and the redevelopment area on the south side of False creek. The total estimated cost of acquisition and clearance is $5,243,417, and the gross federal contribution is therefore estimated to be approximately $2,621,709.

The area when acquired and cleared will be sold or leased for residential and industrial development. It is proposed to construct two federal-provincial subsidized rental housing projects consisting of approximately 389 units on land thus located. These housing units will be used to rehouse displaced persons from the two areas and other families of low income. The estimated cost of the rental housing project is approximately $4 million, of which the federal government's share is 75 per cent or $3 million.

ST. JOHN'S EAST LAND ASSEMBLY PROJECT—INQUIRY AS TO PROGRESS

On the orders of the day:

Mr. C. W. Carter (Burin-Burgeo): May I ask a supplementary question. Can the minister inform the house what progress is being made with the land development project at St. John's?

Hon. D. J. Walker (Minister of Public Works): We are getting along nicely with the investigation, and in due course a report will be made to my hon. friend or to the house.

An hon. Member: In how many years?

COMBINES INVESTIGATION ACT

FINE PAPERS—INQUIRY AS TO POSSIBLE TARIFF ACTION

On the orders of the day:

Mr. Frank Howard (Skeena): I wish to direct a question to the Minister of Justice. I apologize for not having sent him notice of it, but I am sure he has immediate knowledge of this matter. Can the minister indicate whether the cabinet is considering taking action under section 29 of the Combines Investigation Act to lower or eliminate the tariffs on fine papers in this country?

Inquiries of the Ministry

Hon. E. D. Fulton (Minister of Justice): Mr. Speaker, I have noticed some comments in the press this morning on this general subject. One of them at least attributed certain information or statements to "informed sources". I have been considering the matter since, accordingly, and have come to the conclusion after consultation also that, as in the case of an inquiry under the Combines Investigation Act, it is not considered appropriate to confirm or to deny reports on inquiries in specific cases. Therefore in this case it will not be appropriate to confirm or to deny the report of consideration of section 29 under the Combines Investigation Act with respect to tariffs.

The reason for that rule is that it is not considered proper to make such statements which might prejudice the public mind against individuals. The policy therefore has been followed of never confirming or denying such reports. I therefore have no comment to make on the report.

Hon. Lionel Chevrier (Laurier): I wish to ask a supplementary question of the Minister of Justice. Is it a fact that some time ago he notified a number of these companies to show cause why the government should not take the action that has been suggested under section 29 of the Combines Investigation Act?

Mr. Fulton: I think the former answer I gave covers the situation here, namely that it would not be appropriate to comment on matters of this kind until some conclusion has been reached.

POST OFFICE DEPARTMENT

QUEBEC—INQUIRY AS TO MAIL BOX FIRE

On the orders of the day:

Mr. Azellus Denis (St. Denis): I wish to direct a question to the Postmaster General. Is the minister in a position to make a report on the investigation he must have ordered following the fire which was set to a mail box situated close to the committee room of Mr. Rene Levesque, the first Rene Levesque on the voting ballot, then an official Liberal candidate and now a new member of the new legislature in Quebec?

Hon. W. M. Hamilton (Postmaster General): Beyond the fact that we put out the fire, Mr. Speaker, I have nothing to say at this point.

CITIZENSHIP AND IMMIGRATION

INQUIRY AS TO POSITION OF MINISTER'S PRIVATE SECRETARY

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I wish to direct a question to the Minister of Citizenship and Immigration. May I ask whether the hon. lady's private secretary is on loan to the leader of the opposition in the house of assembly in Newfoundland?

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): I believe the person to whom my hon. friend refers is on a visit to Newfoundland, and that he is leaving me on July 1.

Mr. Pickersgill: Can the hon. lady say whether he is still receiving a salary from the treasury of Canada?

Mrs. Fairclough: I believe he is on his holidays at the present time.

HOUSE OF COMMONS

USE OF CANOE BY MINISTER OF PUBLIC WORKS

On the orders of the day:

Mr. R. H. Small (Danforth): Mr. Speaker, will the Minister of Public Works be good enough to tell the house why he paddles a red painted canoe?

Hon. D. J. Walker (Minister of Public Works): Would orange be more suitable to the hon. member; or would he settle if I just painted it blue?

Mr. Small: Why not try both?

Mr. J. R. Garland (Nipissing): I wish to direct a question to the Minister of Public Works. While he is out canoeing on the Rideau river I wonder whether he fully realizes that he is up the creek on housing?

Mr. Walker: Mr. Speaker, I would sooner be going up the creek than be in the flood waters of Nipissing.

HISTORIC SITES AND MONUMENTS

JOHN CABOT—MONUMENT TO MARK LANDING IN NORTH AMERICA

On the orders of the day:

Mr. Robert Muir (Cape Breton North and Victoria): I should like to direct a question to the Minister without Portfolio from Newfoundland. Is he aware that the Cape Breton historical society are this afternoon unveiling a bust to the memory of John Cabot in northern Cape Breton, to mark where Cabot first landed on the North American continent?

Hon. W. J. Browne (Minister without Portfolio): Mr. Speaker, the first place where he landed on the mainland might have been on Cape Breton. The first place where he really landed was at St. John's.

Hon. J. W. Pickersgill (Bonavista-Twillingate): May I ask the Minister of Northern Affairs and National Resources whether, in

an effort to restore unity to his own side of the house, he would consider suggesting to the historic sites and monument board that a monument be erected at cape Bonavista which would record the true fact of the discovery of Canada, namely that John Cabot, the first European to see Canada, first saw it at cape Bonavista?

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): In the wisdom of past years it was decided that the minister should have an historic sites and monument board composed of leading historians across Canada to advise the minister in order to protect him from all sorts of suggestions like the one made by the hon. member for Bonavista-Twillingate.

Mr. McGrath: Mr. Speaker—

Mr. Speaker: Order. I think we had better bring our explorations up to date and pass to orders of the day.

DOMINION-PROVINCIAL CONFERENCE

REPORTED STATEMENT BY PREMIER OF ONTARIO ON COMING "FIGHT"

On the orders of the day:

Hon. Paul Martin (Essex East): May I ask the Minister of Finance a question based on a statement made by Premier Frost yesterday when speaking of the federal-provincial fiscal conference scheduled for July. The premier said:

> All I know is that I am going into a big fight down in Ottawa on fiscal matters.

My question is this. Since it takes two to make a fight, will the Minister of Finance comment on this statement?

Hon. Donald M. Fleming (Minister of Finance): If Mr. Frost made the statement referred to by the hon. member, Mr. Speaker, I am quite sure that he did not have in mind the thought that he would be entering any kind of contest or fight with the federal government. Therefore I have not the slightest idea whom he may have chosen as his adversary, but perhaps the hon. member for Essex East had better look out.

Mr. Martin (Essex East): May I ask a supplementary question. That being the case, is it now a fact that Premier Frost may look forward to receiving the additional $100 million odd which he has been asking from the federal government?

Mr. Speaker: Order. I think the hon. member is trying to anticipate an event which will take place later this month.

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I wonder if I may be permitted to ask a question which was frequently asked by the minister when he was over on this side. Could the minister provide us with the agenda for this conference?

Mr. Fleming (Eglinton): Mr. Speaker, whenever the agenda has been agreed upon by all the governments concerned, and whenever they are agreeable that it be made public, there will be no hesitation at all in making it available to the hon. member or to it being brought before the house.

Mr. Pickersgill: Could I ask a supplementary question. Will the minister include the federal government's proposals to the conference?

Mr. Fleming (Eglinton): If the federal government's proposals were made part of the agenda, Mr. Speaker.

SUPPLY

The house in committee of supply, Mr. Flynn in the chair.

DEPARTMENT OF MINES AND TECHNICAL SURVEYS

Administration services—

Departmental administration—

187. Administration, operation and maintenance, $860,962.

The Chairman: Department of Mines and Technical Surveys, item No. 187. This item will be found on page 40 of the blue book and the details on page 260.

Mr. Nielsen: Mr. Chairman, at ten o'clock last night I was discussing the importance of the work of the Department of Mines and Technical Surveys with regard to the exhaustion of our reserves of minerals. The rate of consumption of any mineral resource is subject to many factors. Under any system of free enterprise, mineral deposits are normally exploited only when the margin between costs of production and the price to the consumer will yield a profit to the operator. Obviously, therefore, any improvements in mining, milling or refining techniques that result in lower production costs or an increase in the percentage of the metal recovered will correspondingly increase the total of our commercially available resources. The more efficient we become in the utilization of low grade ores, the more satisfactory our supply position. The same results can also be obtained in the free market when the consumer is willing or able to pay increased prices.

The part that this department should have been playing in technological research is, I think, abundantly clear and has been for a long time. It is essential that this work

now go ahead. No less important is the essential work required in the field of conservation. I find it most significant that in the cases of agriculture, forestry, fisheries and certain other fields of resources development, some progress has been made in the direction of conservation. All these are renewable resources. Yet in the case of minerals, which are not renewable, there has been practically no effort, except in time of war, to interfere with the free play of a market that is interested primarily in profits. This is an anomaly that cannot continue forever. So we have several reasons for being concerned about the mineral resource future of Canada.

Well, what should this department be doing now as well as for future generations? Our hopes for the future, in my view, should be directed first toward the discovery of new ore bodies. There is certainly ample scope in Canada for such activities today. The greatest hope for fresh supplies of ore depends upon the discovery of new ore bodies in those areas of Canada yet undeveloped. Here I cannot help but draw the attention of this committee to the vast areas of the north where such activities have a very wide scope.

The second step to be taken in our effort to meet the undoubted future demands which will be placed on our mineral resources and to forestal shortages at home is the improvement of our techniques of extraction and processing. New and more efficient methods of mining are constantly being sought. In addition, we must broaden the field of research in our metallurgical practices. The record of discovery in this field offers good evidence that further research will result in further refinements. In the future, as higher grades of ore are depleted, more attention must be given to the treatment of complex and low grade ore bodies by leaching or other chemical methods. Further study should also be given to the possibility of obtaining minerals from sea water.

Finally, in addition to the search for new ore bodies and the improvement of our processes of extraction and treatment, greater study must be given to the possibilities of conservation and substitution.

Now, Mr. Chairman, how is the department to meet the demands which are being placed upon it now and in the future should the course which I have advocated be implemented? The evidence before the committee on mines, forests and waters last year clearly indicated an extremely complicated general administration of the diversified activities of this department. There are many factors which contribute to this situation; the nature of the operations of the various branches of the department; the large number of individual projects conducted under mobile and remote conditions; the operation of a fleet of ships and launches; the operation of a large number of fixed and rotary wing charter aircraft; the operation of a fleet of about 225 motor vehicles and railway speeders, tracked vehicles, dog teams, horses and the like; and large scientific laboratories in Ottawa. No wonder, then, that procurement, supply, maintenance and financing are difficult tasks, and it will—it must—get even more difficult as the volume of field operations increase and as they progressively move to more outlying areas of the country. The problem of logistics must become more acute.

The department must be allowed to relieve the scientific and technical staff of the administrative requirements associated with their work, and to the maximum degree possible. An accelerated effort toward this objective should be immediately undertaken by the provision of the necessary staff. It is abundantly clear that the growth of the functional operations of the department over many years has not been matched by a corresponding growth in administrative assistance.

The functional operations of the department are hampered by unduly restrictive policies of financial administration. The policy now requires treasury board approval to be given to a very considerable number of individual financial proposals. The department's job could be made much easier and more efficient by enlarging the authority of the minister to meet these flexible demands. As the department expands its activities generally an increased administrative activity will require staff additions if the department is to attain any degree of efficiency.

The most serious difficulty facing the department in the solution of its problems is the recruiting and retention of capable technical and scientific staff. No organization can maintain a high order of research productivity without a high percentage of creative personnel. An organization such as the Department of Mines and Technical Surveys is only as productive as the quality of its staff. To me it is simply amazing that the staff in the number existing in this department for many years has produced such a quality of work, which has allowed Canada to maintain at least a tenuous position in this field.

The department is recruiting and operating in a professional field where the competition for staff reaches its highest intensity. This competition comes from industry in both Canada and the United States, and more recently from the universities. Even junior staff is now being attracted to the secondary

schools. Competition for staff begins at the recruiting stage, where salary levels are slightly less than those of crown organizations such as the national research council and the defence research board and much less than in industry, through to the more senior and specialist grades, where salaries in the Department of Mines and Technical Surveys are much below those offered elsewhere, often to the extent of between $3,000 and $4,000. This situation hurts the organization now and affects the future operations of the department itself and consequently the future of the mineral industry and the future of Canada.

A proportion of highly capable young men must be recruited to assure the future efficiency of any research organization. There is no substitute for intelligence and ability in a research organization. What possibly presents a more serious situation is staff who have become national or international specialists in research areas, and who are attracted away when they are most productive by offers of salaries which are far beyond what the department can pay.

I understand that the purpose of the department is to encourage the mining industry in every way possible, and in keeping with this policy I do not feel that we should mind losing some of our staff to Canadian industry. In fact I think we would welcome and encourage a healthy interchange of staff with Canadian industry. What really hurts, however, is when we lose highly trained specialists to the United States. A specialist takes 10 to 15 years to reach his maximum usefulness, and this may represent $100,000 in training costs. The loss of these highly trained engineers and scientists presents a serious national problem. A high percentage of our specialists who leave go to the United States. It might be of interest to note here that the *Financial Post* of May 2, 1959 stated that 1,200 Canadian engineers settled in the United States during 1958.

If the Department of Mines and Technical Surveys is to maintain a staff capable of meeting the national demands, salaries must be raised to a competitive level. This is most important at the senior engineer and scientist level. I understand that in recent years the personnel establishments of the various divisions of the department have been fixed by yearly meetings between treasury board, the civil service commission and the department, and that for the 18 months following this meeting there is little elasticity for changing staff about to meet new demands or altering situations. This presents a most difficult problem, since extraordinary demands, which are being continually presented, follow no established pattern. The result is a measure of inefficiency and administration confusion. A department such as mines and technical surveys, which must meet unexpected demands, should have more flexibility in the recruitment and use of its staff. The rigid formula now applied is fraught with difficulties, and efficiency suffers.

These steps require to be taken now. They should have been taken many years ago. If we fail to act now, future generations of Canadians will have to bear the consequences of our blindness; and our responsibility for failing, with full knowledge of the facts, to take the necessary measures, will be heavy in their sight.

Mr. McQuillan: One of the bright spots in the economy of British Columbia at present is the tremendous increase in interest and investment in metal mining. I was on the coast a few weeks ago and took the opportunity to drop into the British Columbia and Yukon chamber of mines office. While I was there it was obvious that it was a most active place. There were a number of people there from various parts of the United States and other parts of the world, and the manager of the bureau informed me that they had received make grants to such organizations as this, but ever before in their history. I know that to date it is not the policy of the department to make grants to such organizations as this, but I do think such an organization is worthy of a grant because it is doing a splendid job for the mining industry not only in British Columbia but in the Yukon and the Northwest Territories.

Interest in mining in British Columbia is general throughout the province, and is particularly apparent in the coastal region as the result of a recent supreme court decision. Development of new mining operations and increased production from existing operations can be anticipated, particularly with regard to crown-granted claims affected by that decision.

For years there has been a false idea that Vancouver island and the coastal area in general are areas where mineral deposits are small and uneconomic. This, of course, is not so. We have had several major producing mines on the coast. One of them is the mine at Britannia which has come to life again, and which I understand is rapidly expanding its production. The Granduc property near the head of Portland canal shows promise of being a major copper ore body, and there are a number of large ore bodies along the coast.

Shortly after I came down here I was in conversation with an official of the Department of Northern Affairs and National Resources. I pointed out to him the promising

mineral potential of Vancouver island, particularly the northern area, and I referred to the desirability of encouraging the development of this potential under the roads to resources program. He disagreed with my view as to the resources there, and I asked him where he had got his information. He said he had got it from the department of mines. I think it is high time that the department of mines reassessed its estimate of the mineral potential of that area, because I think its assumptions are not based on sound or up to date information.

Just to show how wrong the department was, I am going to list some of the operating mines in the area as well as a number of known ore bodies awaiting development. On the southern end of Vancouver island we have Cowichan Copper, which was brought into production through the tenacity and perseverance of an old prospector and mining man in British Columbia named Ozzie McDonald. Great credit is due to him for bringing this mine into production, because many people had scorned its chance of ever becoming a success. Mount Washington Copper is another ore body which is being developed by the Noranda company, and it also has great possibilities. Further north, near Nimpkish lake, there is an important iron-producing property under development and large shipments are being made at the present time. There is also Quatsino Copper at Port McNeill, which is also concerned with the production of iron ore. There is a well known property near the northern end of the island called Coast Copper in which Consolidated Mining and Smelting holds a substantial interest. I believe they are anticipating a large expenditure there commencing almost immediately.

On the west coast there are innumerable mining properties. Many of the properties may not be very large, but with the network of roads that have been developed by the logging companies these mines could be economic producers and successful operations through the hooking up of these roads. The grouping of these ore deposits would provide a very substantial tonnage. We should benefit from the mistakes of the past and recall the experience in the United States. People did not think roads would be developed in that country. There were mines developed, one producing perhaps 500,000 tons in one area and another producing 500,000 tons in another area. In the old days these were considered uneconomic, but with the development of roads it was possible to take full advantage of such ore deposits. In many instances a very small mileage would be required to hook up existing roads and thus provide a very valuable transportation system.

[Mr. McQuillan.]

I do not think the day is too far distant —indeed, I feel it is very close—when we are going to see once again a smelter on the coast particularly for the copper ores. In the Portland canal area a famous mine has come to life again. It is now called the Silbak-Premier; it used to be known as the old Premier mine. A tremendous amount of wealth was taken from this mine, which was later almost abandoned and thought to be worked out. I have an adventuresome brother who went in there last year, took a lease on the property and brought the property to life again. It has proved to be one of the outstanding mining rediscoveries in the country.

There is a great deal of activity in the development of iron ore, all of which is shipped to Japan. Ore shipments amount to approximately 1,000 tons a day from such mines as Texada Iron Mines, Silver Standard and others. Iron ore shipments are going from the west coast of the island, and substantial shipments will be going from the Queen Charlotte islands. By the end of this year the coastal area will be producing about 5,000 tons of iron ore per day. This, of course, is being exported to Japan. As well, there will be substantial shipments of copper and copper-nickel concentrates from coastal and interior mines.

While I can understand the British Columbia government's desire to conserve iron ore for ultimate processing in a long hoped-for steel mill, I think they have been seriously misguided in their efforts to promote the establishment of such a mill. They have discouraged the discovery and development of iron ore property. They now reserve for themselves in the coastal area 50 per cent of the iron content of any ore body, which pretty well eliminates any interest in prospecting in that area. The claims being developed and the properties being worked are largely the old crown grant claims. The difficulty to date in effecting the establishment of a steel mill on the coast has been the insufficient tonnage of known iron ore reserves.

I maintain that the only way they are going to increase these reserves is by giving more incentive to the prospecting and development of iron ore properties. I believe I can truthfully say that there is a much greater known reserve of iron ore on the coast of British Columbia than there was before a ton of it was shipped to Japan; because as these properties are developed—and most of them have been known for many years—they have found substantially greater ore reserves than the mining engineers and geologists anticipated. Mining legislation and taxation that discourages the prospecting for and proving

up of iron ore deposits will delay indefinitely the possibility of discovering the necessary tonnage. No one is going to waste time and money prospecting for new deposits of any minerals on the coast when the provincial government reserves to itself 50 per cent of the iron content of all ore.

My belief, and I think it is sound, is that investors in the highly speculative mining industry are entitled to every possible consideration in regard to taxation, depreciation allowances and government technical services. I know there exists in the minds of some a great fear that someone might make a little money out of a mine and not pay what they consider to be sufficient taxation. I would rather see an over-all development of mining even if we had to permit undue tax benefits to very large and successful operations, because if we are going to tax them the taxation seems to extend down to the little fellow and discourages the whole mining industry. It is my conviction that if neither government got a cent in direct taxation the employment in an active, healthy mining industry would pay dividends that would benefit the whole country.

In a large section of Vancouver island there is a situation that is a serious discouragement to the discovery and development of mines. About 1885 the provincial government of the day, in order to promote the construction of what is known as the E. & N. railway from Victoria to Courtenay on Vancouver island, made a grant including the lands, forests and minerals of one of the richest areas of the island. This grant went northward to the 50th parallel near Campbell River, and took in a strip approximately 20 miles wide extending from the south tip of the island.

At the time the grant was made my grandfather, who had then been settled in Comox valley for approximately 25 years, wrote a letter to his cousin in England stating as follows:

> A railroad is being built between Victoria and Nanaimo—

At that time the terminus was intended to be Nanaimo. I continue:

> —the company getting a strip of land about 20 miles back from the coast up as far as the Euclatawville.

For the information of hon. members who are not familiar with that part of the country the old Indian name applied to Seymour narrows was Euclatawville. I continue:

> Did anyone ever hear of a more scandalous bargain? The M.P.P.'s should be strung up. Victoria and the neighbourhood is all those potheads care for.

I am sure there are many throughout the area who still feel the same about this as my grandfather did in those long-ago days. This grant ultimately passed into the hands of the Canadian Pacific Railway, which still holds it, and their policies of administration are a serious handicap to mining development. They have no set royalty on mineral discoveries and deal with each deposit on a different basis. They not only want all that the traffic will bear in royalty but considerably more, and demand royalty on the gross—not on the net—returns to the investing mining company. Consequently companies are loath to make investments in an area where they run the risk of not only losing their own investment but of paying an exorbitant royalty to the Canadian Pacific Railway on the gross values produced.

On this score I do not think the officials of the Canadian Pacific Railway are aware of the effect their policy is having in that area, because it would be to their own advantage in many other ways to have a healthy mining development in the E. & N. railway belt. I know myself of many properties that nobody will bother to stake, nobody will bother to spend any money on, simply because of the present policy of the Canadian Pacific Railway. I hope the minister will take this matter up immediately with the president of the Canadian Pacific Railway and endeavour to relieve this area of mineral development from the strangling policies of the company.

This so-called E. & N. belt is a perfect example of the dangers of giving large grants of resources to individual companies without any stipulation for their development. I hope the experience of 75 years will prove a useful lesson to all provincial governments, and to the federal government as well.

Mr. Carter: There are three points that I should like to put briefly before the Minister of Mines and Technical Surveys. In the first place, I should like to pay tribute to the splendid work which the hydrographic survey branch of his department has done in charting the coastal waters of my province.

As was pointed out earlier today, Newfoundland was discovered 463 years ago, and up to a year ago there was still part of our coastal waters not completely charted. The first charting of our waters was carried out by the British admiralty under the direction of the famous Captain Cook. With the few facilities that he had at his disposal at that time it is amazing how accurate his calculations were, but still it is essential that this work be pushed ahead, and we are grateful for the way in which the minister and this branch of his department are doing that job.

Two years ago, I think, there was some question as to who was in command of the survey ships when they were actually doing the survey work. There was some question whether the captain had actual command or whether the hydrographer had full command. I hope the minister will be able to tell us that this question has now been fully clarified so that no further confusion on this point can take place in the future.

The second point is one that I brought to the minister last year, and I am not going to repeat what I said then but simply draw to his attention the fact that as far as I have been able to find out nothing has been done with respect to the prevailing rate system of pay. I know the minister does not have full control over this, that it ties in with the Minister of Labour, and that there are other departments such as the Department of Transport, the Department of Fisheries and also the Department of National Revenue which have this problem. I would ask the minister to get together with his other colleagues on this matter and see whether something cannot be done about it, because I do not think it is good for morale to have men working side by side in a boat, or two little boats working side by side doing the same work exactly, yet with the men getting different rates of pay. As an employer I believe the federal government should follow the principle of equal pay for equal work.

The third point I wish to bring to the minister's attention has to do with the situation at the fluorspar mines at St. Lawrence. Last year it was discovered that those mines were subject to radiation hazards. I understood that some arrangement was to be worked out with the minister's department, or some mechanism would be installed, whereby the miners themselves would be able to monitor the amount of radiation so they would have a check against the monitoring done by the operators. I understood this was to be done by the miners themselves. Can the minister bring me up to date as to what progress has been made in that regard?

Mr. Smith (Calgary South): Mr. Chairman, I should like to say just a word at this time with respect to two sections of the important Department of Mines and Technical Surveys. As others have done, I should like to congratulate the minister and in particular the divisional heads of the geological survey on the work they have carried out in the past year. I hope that what I say on this point will provide some encouragement to them to do more than they have done in the past.

Perhaps I might make reference, sir, to one important problem. A decision will have to be made eventually with respect to the greatest known resource of oil in the world. I refer, of course, to the Athabasca tar sands. The committee is fully aware, of course, that a study has been made as to the feasibility of developing the tar sands by using a nuclear instrument. We are also familiar with the fact that the government of the province of Alberta, through the Alberta petroleum and natural gas conservation board, has undertaken and is continuing a study to determine other methods by which the sand can be separated from the oil and thus permit the crude oil to flow freely. I impress this on the minister, and perhaps he will comment on it.

We realize, of course, the international implications, and that it is quite obvious that we are not going to have a nuclear test until several other factors have been determined. First of all, of course, there is the disarmament conference which, among other things, involves the feasibility of banning any nuclear tests whatsoever. In my opinion this need not defer any studies or any work which should be undertaken eventually in the hope that when we resolve the international aspects of this problem we can then move ahead to determine how best we may be able to utilize this vast volume of oil.

I am not placing any particular urgency on it, because it is well known to the committee that in the province of Alberta we are already having some difficulty in marketing the oil we have at the present time. I do, nevertheless, impress on the minister and his department that we offer the utmost cooperation to the provincial officials and any persons in the industry who wish to undertake studies or research into either nuclear tests or any other separation process. We should make it abundantly clear in this committee that we shall do nothing to discourage the eventual development of those resources. I accept all the arguments on the importance of maintaining the health of our people, but having done this I suggest that we give every possible encouragement, as I have said, and I hope the minister will make some comment on what has happened thus far.

I would also hope that in the geological survey division the government will continue the practice of the last two years of putting as many young graduate geologists to work as they possibly can, because they will get no better experience anywhere in the field of geology. In addition, I know the minister recognizes that there are areas to which we have given perhaps too little attention, and what is perhaps even more important is that these young men could be very usefully employed in conducting investigations in these areas. I acknowledge the fact that the minister

has given some leadership in the past and has started a very active campaign in this respect, but I suggest that we could still improve on it by making use of added numbers of these people for the two reasons I have mentioned.

Finally, Mr. Chairman, I would ask the minister to examine the possibility of developing more research facilities than he now has in the department. He may shudder to think he would have to assume any further responsibilities in his department, but I feel that in relation to our resources we have not developed our research facilities to the fullest extent. For example, we should perhaps have a look at the possibility of using the by-products of petroleum products as a rocket propellant. We might look at the possibility of upgrading various ores. There are a number of aspects that could be examined. I mention this because it would undoubtedly encourage further secondary industry and keep the basic product within Canada to a greater degree. It would follow, of course, that a greater number of Canadians would be employed if this should take place.

In this respect I have previously mentioned the problem of government in relation to resources. It does seem to me that the department now under consideration might take on some of the responsibilities which have been allocated to two other departments of government. If we look closely at the resources of Canada we find that jurisdiction with respect to them is roughly divided among three different departments of the government. In order to avoid the duplication that obviously must follow, and in order to centralize activity with respect to the promotion and development of our resources in so far as they are a federal responsibility, I suggest that the minister might take the lead in discussing with his colleagues the advantages of placing under his administration those responsibilities which are currently shared by two of his colleagues. Perhaps the most notable, of course, are those which come under the Department of Northern Affairs and National Resources. I am not suggesting that these same responsibilities might not come under the minister of that department, but I do think a centralization of the effort in this field in relation to all mineral products, not just petroleum products, under one department and one divisional head would be most beneficial.

May I conclude as I did in commencing my remarks by congratulating the minister and his officials on running what I consider, having had close association with it, a most efficient department, and I hope he will take these suggestions under advisement.

79951-0—339

(Translation):

Mr. Pickersgill: Mr. Chairman, I carefully read the remarks made yesterday evening by the hon. member for Laurier (Mr. Chevrier) with regard to the boundary between the provinces of Quebec and Ontario, and I should like to ask the minister a question. Now that we have a wiser and more reasonable government in Quebec, can the minister offer his good offices for the final delimitation of the boundary between the provinces of Quebec and Newfoundland?

(Text):

Mr. McCleave: Mr. Chairman, I am not entering the debate at this time to engage in "cabotage" with regard to the claims of Newfoundland and Cape Breton to discovery by John Cabot. I should like to make two comments on the estimates presented to us by the minister.

I listened with great interest to the remarks of the hon. member for Burin-Burgeo with reference to the dual control over the hydrographic survey ships of the Department of Mines and Technical Surveys. I know he had in mind the grounding of the *Baffin* off the Nova Scotia coast some years ago, and I think it would be helpful if, before the end of the debate on these estimates, the minister could make a statement that would establish that control of the ship at all times does in fact remain in the hands of the mariner rather than in the hands of the master scientist. In the *Baffin* incident, as perhaps in others too, it was very obvious that what happened was like a car going down the highway and a back-seat driver suddenly seizing control of the vehicle, with disastrous results.

My other reference is to the oceanographic institute on the shore of Bedford basin in the constituency of Halifax. I welcome the speed with which the minister has made progress at this very fine plant. A million dollar plus contract for jetty work will shortly get under way. When the institute is completed, which I gather from the speed with which the minister and the department are proceeding will be well before the deadline, there will be employment for several hundred scientists, and the institute will fulfil an obvious need. Perhaps of most satisfaction to a maritimer is the fact that this is a very concrete and substantial indication that the government is following a decentralizing policy and moving some of its very large projects from the central part of Canada. On behalf of all maritimers or Atlanticans I thank you sincerely, Mr. Minister.

Mr. Woolliams: Mr. Chairman, I hope the minister will not think I am a little too pessimistic in some of the things I feel I must say with reference to the coal industry

in the province of Alberta. In 1946 there were 2,116 men employed in the coal industry in the Drumheller area, and by 1958 the number had dropped to 695. At one time in that area there were 137 mines, but today the number has been reduced to approximately 8 which operate only part of the year.

As I have said on previous occasions, in order to understand the problem one must realize that the type of coal mined in the Drumheller area is a sub-bituminous or soft coal which is used particularly for domestic fuel. Some confusion has developed with reference to imports of coal from the United States, in that it has been suggested by some critics that the policy of the present government—this was also suggested to the former government—should include some provision for a quota or the use of some other method to prevent the import of coal from the United States. The answer to these critics is that the type of coal imported from the United States is entirely different from that mined in the Drumheller area.

I might draw another analogy with respect to coal that is mined at Canmore, which is located in another part of my constituency of Bow River. Canmore, as many people know, is situated in the Rocky mountains. They produce a high anthracite or coking coal. The Canmore coal has benefited considerably by this particular government's trade policy with Japan. I believe that at the present time a deal is pending for the sale of 674,000 tons of coking coal from Alberta, and that most of it will come from the Canmore area. The workers in the Canmore area at one time suffered just as the workers are suffering today in Drumheller. But now with the new markets in Japan they are not only working during the winter season but are also working during the summer season. The type of coal that is mined in Canmore, in the maritimes and in the Crowsnest pass—

The Deputy Chairman: Order. I wonder whether the hon. member might perhaps better reserve his remarks until we reach item 214, which is the dominion coal board, and when perhaps the minister's advisers are here at that time.

Mr. Woolliams: I considered doing that, Mr. Chairman.

The Deputy Chairman: If the hon. member wishes to speak now, of course he may do so. It is just a suggestion from the Chair.

Mr. Woolliams: I was wondering whether the Chair would bear with me in this regard. There may be a chance that I will be absent on Monday, and I wanted to make a few remarks in relation to this industry. I appreciate the fact that there is in the estimates a particular item so far as the coal board is concerned. If I may be permitted to do so, Mr. Chairman, I should like to continue.

Coming back, then, to the problem in Drumheller itself, may I say that there are approximately 600 men employed in the coal industry today in the Drumheller area, when it is operating. However, as I was saying, the soft coal is used only for domestic fuel, and the mines are in serious competition with natural gas and other fuels that have been competing with them in reference to this domestic market in the urban centres and the fuel now used by the farmers. The coal miners in that area, which is the area of Drumheller which takes in the towns of East Coulee, Wayne, Nacmine and others, work approximately only from December to March. The rest of the year they are unemployed and on unemployment insurance, or must seek employment in other fields of industry.

At the present time the problem is this, as many say. Why are these men not moved, or why do they not seek other types of employment? The situation, and it has been stated by other members in this house who represent coal mining areas, is briefly this. As to the coal miners themselves, all their investment is in their homes in these areas; and when they leave them they leave behind all their life savings. The situation is such that the coal employees themselves wish to remain in those areas even on short employment, because they do not want to give up their homes and their small savings.

I want to make myself doubly clear on two more points. One is that the coal mined in the Drumheller area is sub-bituminous coal, soft coal which is used as domestic fuel. There may be some opportunity for the use of this type of coal in reference to other products, but at the present time this area is depressed and employment in this area has been going down for the last four of five years. In fact ever since the war ended and their market for coal for use as fuel ended, there has been a considerable amount of unemployment in this area.

This reference may seem somewhat out of place, but we had the Springhill tragedy as a result of which certain steps were taken by the government. This is the point I want to make. I dealt with this problem in the budget debate and I want to be brief. Here we have an area with surplus labour because of the coal problem. Here we have an area with a plentiful water supply, with good agricultural land surrounding it. In fact in the Munson area we have some of the finest agricultural land in the world. It is the centre of the judicial districts in the province

of Alberta. It has good hard-top roads leading to the city of Drumheller from all leading cities, towns and villages, and Drumheller is situated on the main C.N.R. line.

It seems to me that when we have this surplus pool of labour as a result of the depressed coal mining industry, this would be an excellent site—and this is the point I am making—for the building of a penitentiary in the province of Alberta. We are the only province in the whole of Canada that does not have one of those federal institutions. In this way these people, numbering 500 or 600, or at least some of them would be able to find employment elsewhere than in the coal mines until some other industry develops in the area to use the coal and give them employment.

I therefore say today that I trust the minister, when this matter is considered by the government, will remember that this is one of the most depressed coal mining areas in the whole country; and when they are considering a federal institution for western Canada will decide that this is the spot at which it should be built.

Mr. Chevrier: I know that the committee is anxious to get on with these estimates and I shall not delay them unduly, but there is a matter to which I should like to refer. It has been up for consideration previously, and for that reason I believe I can abbreviate my remarks substantially. My purpose in raising it again is that the problem has not been solved. Neither of the ministers involved has made any answer, and before the estimates of this department are completed I think we should get a reply to some of the complaints and charges, in fact, that were made from this side of the chamber concerning a contract awarded by the Minister of Mines and Technical Surveys to Autair Helicopter Service Limited.

Briefly the situation is this. Although this company was operating in the province of Quebec without a licence, and although it has obtained contracts from various departments in the province of Quebec without a licence, it made application to the air transport board to be relieved of certain of its restrictions in order to operate the Sikorsky S-55 on the polar shelf. That application was refused or turned down by the air transport board for a number of reasons.

I shall not go into these at all, but refer to them in a general way. The air transport board, which is charged under the Aeronautics Act with the responsibility of granting or not granting licences of this character, decided in its wisdom to turn them down, and one of the reasons given was that the company refused to file a statement of financial responsibility. While this did not appear in the evidence but transpired afterwards, there were other clear reasons why the air transport board refused to grant this company a licence. Another was that the insurance on the helicopters of this company had been cancelled on two occasions. A third was that in 1959, I believe, they had six accidents and in 1960 three or four, involving in several cases the complete—I have forgotten the insurance expression, but it means the complete disappearance.

An hon. Member: Write-off.

Mr. Chevrier: Yes, write-off; I thank the hon. member. It resulted in complete write-off for the helicopters involved, and that brought about the cancellation of the insurance. The company then insured with another United States corporation with which I am informed the air transport board was not very happy.

Be that as it may, the application to the air transport board was turned down emphatically. I have here, and I have already put on record, the decision of the board refusing to grant the application. Thereafter an appeal was made to the minister, and the minister overruled the air transport board on a matter of a judicial nature. I have already complained that the minister should not have done that, and I have put on record why that was the case.

I can only direct my attention to the matter at this time in so far as the Minister of Mines and Technical Surveys is concerned, because the other matters are under the jurisdiction of the Department of Transport. There was a contract for a substantial amount awarded for helicopter services on the polar shelf. That contract was awarded to Autair without tender, according to the words of the minister himself as contained in *Hansard*, when he replied to my statements. What happened on that occasion was that prices were required of certain helicopter companies, four or five, I have forgotten which; and although one of the aircraft companies, Pacific Helicopter I think, did operate S-55's they were eliminated and Autair, which had never operated an S-55 Sikorsky helicopter before, were allowed to put in a price.

From the information I have, which is reliable information, their price was not the lowest, as is indicated in the return by the minister. It is true that it was the lowest on 100 hour operation in the area, but as the committee knows helicopters are not operated for that length of time. On the minimum operation and on the operation of 50 hours they were not the lowest, or their price was the same as that of several other helicopter companies.

When I made these complaints the minister said that the matter was not his responsibility; that was not his business to look into the antecedents of the company; that that was the responsibility of the Minister of Transport, and I say to him with respect that that is not correct. Even though the Minister of Transport by overruling the air transport board had authorized this company to operate, it was none the less the responsibility of the minister or his officers to look into the financial responsibility of Autair Helicopters and their record for air safety because his officers were being transported in dangerous areas and these men should have the best protection possible.

The next point was that the minister stated that this company had had experience on the D.E.W. line. I was perhaps in error on one occasion in stating what the minister had said, but so that I will not make that error again, what the minister said was this:

(Translation):

The pilots of Autair Helicopter Services Limited acquired experience on the D.E.W. line, and I can assure you, Mr. Speaker, there is not much difference between the D.E.W. line and the areas where those aircraft will fly.

(Text):

In other words, the minister stated that this company's pilots had had experience on the D.E.W. line. Well, I have in my possession evidence which indicates that when the Autair pilots left to perform that task on the polar shelf they had had no experience whatsoever in that kind of operation. One pilot had had only 30 days' experience in the Knob Lake area, and the other two had had no such experience whatsoever. However, the main point is that this company should not have been allowed to obtain the contract without tender.

I am not going to pursue this matter unduly. I think, and I repeat, that there should be an investigation into this matter by the Minister of Transport and the Minister of Mines and Technical Surveys, because the story which is now going around—and it is well founded—is that an attempt is being made by certain companies to take over Autair Helicopters to give an air of respectability to it, because up to the time it got the contract, as well as before that, there was no air of respectability whatsoever about it. It looks as if this whole operation had a very serious political tinge.

Mr. Chairman, I ask the minister to investigate this contract. That is the least he can do. If there was no serious charge, then I would have no complaint if the answer were no. But it is a serious charge. Here is a responsible body under the Aeronautics Act which turns down the Autair application, yet the application is granted none the less. A contract is awarded without tenders being called for, and as I say these people had had no experience whatsoever in the important polar shelf area where they were to work.

In view of the fact that on a previous occasion no reply was made by either the Minister of Transport or the Minister of Mines and Technical Surveys, I hope there will be a reply on this occasion. I hope the minister, knowing him as I do, will want to conduct an investigation to satisfy himself that the charges which I have made seriously on my responsibility as a member of parliament are investigated, so there will not be the slightest tinge so far as he and his officials are concerned.

In closing, Mr. Chairman, I plead with the minister to consult with his colleague so that an investigation into the operations of Autair Helicopters be instigated without delay.

Mr. MacEwan: Mr. Chairman, I have a few remarks to make about hydrographic services. As the minister well knows, two of the hydrographic ships, C.G.S. *Acadia* and C.G.S. *Cartier* are based at the port of Pictou. Last July the waterfront of this port was almost completely wiped out by a very serious fire. As a result the hydrographic services set up there were destroyed as well as most of the piers and wharves in the area. Thanks to the co-operation of the Department of Public Works work is going ahead in the restoration of the waterfront.

Thanks to the minister the decision was made last year that the two boats I have referred to should return to Pictou for the winter as usual, and to help in this the Department of Public Works erected a temporary berth for these ships. I would like to point out, although this fact is known to the minister, that these two ships although not large are both important to this town, as are also the hydrographic services, whose members have their homes in Pictou, where there is ample housing for them. It is also important to this town in that the supplies for the ships are obtained there, which gives the local merchants an opportunity to supply them.

Another matter is that the local shipyard, Ferguson Industries, Ltd. is given an opportunity to do the work on the ships during the winter, and this provides employment for the area. With regard to work on the smaller launches and other vessels, some of it is done at Stright and MacKay Limited, which is also in Pictou, and this again provides employment.

My submission in essence is this. I ask the minister to give serious consideration to seeing that these two ships return to Pictou

this fall, because as I have pointed out this is most important for this town and indeed for my whole constituency.

Mr. Peters: Mr. Chairman, I would like to say a few words on this particular item of the department. As the committee probably knows, I represent one of the large mining communities in the pre-Cambrian shield, and I am very interested in the mines department. However, as a miner who worked in the mines in the pre-Cambrian shield for many years, I never at any time saw any mines officials from the federal government; I never came into contact at any time with agents of the federal government or of the department of mines, and as far as I know none of my colleagues in the mines had ever done so.

So we begin to wonder just what the department is for, who it works for and what is the purpose of the department. I notice that a number of officials are present in the gallery. Each of them must head a separate branch, and I would be interested to know how many of them are connected with the part of the department which is concerned with mines.

We want to be fair, and I must congratulate the department on the valuable work which has been done for Canada on a national scale in the field of mapping and surveys. I have talked to many United States pilots and others who have used maps prepared by the department, and they claim that these maps are better than any maps which are available from any other source. As I say, I think the department is to be congratulated on the high calibre of the work which has been done in this particular department. The fact that Canada has, in the main, been mapped, means that we can assess the possibilities and be in a position to make the best use of them. Certainly the work which has been done, particularly in those areas where few or no people live and which have, in the main, been entered only by survey teams, is of a high calibre.

However, as to the other half of the department, that which deals with mines, I think less can be said in favour of its activities. I have here a booklet which is put out by the department under the name of the director of the mines branch setting out the history of the branch and describing the work it does. The booklet is certainly comprehensive and the branch has a great deal of equipment and machinery, by the look of it. I do know that the branch has done some useful work for particular companies with regard to the processing of ores and other things of that nature, but I suggest that this work might well be done by some of the companies themselves. Very little has been done, to my knowledge, in the field of development to assist new mines where this type of assistance would be of great value to people who are less well established. So far as I know this help is either not available to them, or it is not being used.

In my area especially for years we have been producing precious metals, silver for half a century and gold for almost as long. In conjunction with this, the extraction of certain other precious metals, such as plutonium, is taking place, but the work is being undertaken by the mines themselves by techniques devised in the individual mines. There are large deposits of iron ore in this area which have not yet been developed. There are deposits from iron ore in the Belcher islands which will have to be processed before shipment can be made. If the companies concerned could be assisted in carrying out this work they would then have some opportunity to develop their enterprises.

I am thinking of small mines such as one which came into operation in northern Ontario recently, owned by a man who started work in a mine at almost the same time I did. He has now developed his own asbestos mine. Over the years he has run into many problems which I am sure could have been solved with assistance such as the department claims is made available. This man's knowledge of the industry had advanced to such an extent that he would, I am sure, be in a position to know of any development, or any assistance in processing, which was available to him, and I think if such assistance had been available he would have taken advantage of it.

I presume that companies such as Consolidated Mining and International Nickel have no problem in sending someone to Ottawa with samples of ore, or sending half a ton of ore to have it processed and getting the department to do the work necessary to find the easiest and most economic method of extraction. However, I suggest that those in the prospecting field would find great difficulty in bringing their ore to Ottawa and having this work done. Many of them do not even know that this service is available.

One of the problems is that the department of mines, federally, and the departments of mines, provincially, overlap and cover approximately the same field. In Ontario, in particular, the department is extensive and has done a great deal of work in its own right. This means that less use is made of the federal department of mines than would otherwise be the case.

Another major problem in the development of the mineral resources of this country is

the achievement of a completed industrial process, which would be of the greatest utility to the people of this country so they might profit more completely from the resources available. For instance, there are mines in Ungava, and we have known companies go into development in Labrador. We have let them take the basic metal, the raw iron ore, and ship it out as raw material rather than having it processed here in Canada.

May I call it one o'clock?

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

Mr. Peters: Mr. Chairman, before the luncheon adjournment I was outlining the fact that there are problems created by the division of responsibility for mineral resources between the provincial and federal governments. There should be more co-operation between the two bodies and more authority in this field should be assumed by the federal government. An assessment should be made of the full potentiality of our mineral resources. I cite what has been done by the national energy board as an example. An assessment of this kind would assist the development of our resources on a national rather than a provincial scale.

Many known ore deposits are not being developed now because of conditions existing in the provinces. In my own province we are interested in the development at Steep Rock where an open pit and deep mine operation have been undertaken. We are interested in taking full advantage of those natural resources. We are also interested in the development at the Belcher islands, at Kirkland lake and at Kapuskasing where there are known iron reserves which have not been developed.

The method of financing mining companies has created a problem concerning the overall mineral distribution in Canada. Mines in the Belcher islands could be developed advantageously. Problems would have to be overcome but the opening up of the north would be greatly assisted. Assistance should be given to the companies in the Belcher islands. This would mean a deep seaport being established at Moosonee and an extension of a railway into the area. New development would take place with international implications. We would likely have to export to markets other than United States markets. The people of northern Ontario feel it would be advantageous to develop some of our mineral resources for new markets in Europe in addition to United States markets. They feel we should not place our eggs in one basket. A large United States company holds mining rights at Dane. The company has no intention of developing the property but proposes to keep it as a future potential source as it keeps other property it holds throughout the world.

The federal Department of Mines and Technical Surveys should eventually develop a liaison with the provinces under which there would be recognized the right of the federal government to ascertain the value to Canadians of the development of our national resources.

All hon. members are familiar with the uranium problem. Operations in this field should have been restricted. The government should have assessed the potential reserves of uranium and the anticipated markets. The department should have had some concept of the potentiality of reserves in relation to the demand on the world markets. If the department did have this knowledge the development of uranium at Bancroft and particularly at Elliot Lake should have been curtailed. We have spent more money in the development of Elliot Lake than we will ever get back out of it unless the present circumstances radically alter.

If mines are to be assisted under federal legislation, as one hon. member suggested they should be, we should determine what we want to have accomplished in this field. We made a mistake in enacting legislation that made possible the financing of an uranium development that had only a limited life time and limited sales. The mines could not possibly have made the money they did without taking advantage of the situation on the scale they did. It is rumoured that one financier borrowed up to $40 million in the United States to establish a mining operation at Elliot Lake. Through subsidies and the sale of the contract he had—it was a government affair—he paid back the money, took $10 million and entered the exploitation field. He is now working in the Arctic region in the development of an oil industry.

I suggest that these people are taking advantage of the federal government. They are taking advantage of the very things that were made available to them to allow the mines to be developed. They are now using this privilege and, in many cases, abusing it, because we were shortsighted in allowing the condition to develop. The minister may say that this does not come within his jurisdiction and it is not his field, and he may be right because, as I said before, I am not too sure what are the rights and privileges of the mines branch.

The advantages that the mining companies get flow from the federal government and therefore in my opinion the federal department must take some responsibility in this matter. I believe that in fields such as gold mining, where we give emergency assistance, the mines department should take an interest in the industry. I have made the point, and certainly other hon. members have made it also, that the inspection of the mines toward which we are paying assistance is nil, especially when the amount of money paid over is taken into consideration. We are not in agreement that all those companies are honest, for the simple reason that, as an example, one of the mining companies in northern Ontario for years bragged about having a portfolio of $70 million. They have now taken this portfolio and have gone into the steel industry and into a number of other interests. They have taken that money out of the community and the country and it is no longer available even for pensions for their employees or for retiring some of the debt of the communities that had to be built to allow the company to make the money it originally put into its portfolio.

We think the department has some responsibility in such fields as safety. I do not think it should go into it in the same way as the provincial governments do, but a great deal of work must be done in the field of silicosis. It is not enough to say that silica dust in the lungs is a very bad thing and then pour into the same lungs a great deal of aluminum dust and say it will solve the problem. When we do that we have covered up the problem but we have not solved it. The responsibility for this type of research should not rest entirely with the provinces because each province has adopted a different attitude, and the problem is not the same in the mining industry in all provinces.

The federal government has an exceedingly important role to play in this field in the Northwest Territories where it has done very little for the protection of its miners. Many of the miners coming back to the fields in which I have worked have been in very poor physical condition. They have suffered and have been able to get very little recompense for their suffering. I attended a meeting in Elliot Lake not too long ago where the problem of radiation was under discussion. It is very interesting to know that no regulations have been drawn up in this regard. While this may be a provincial matter, the federal government must assume some responsibility because we are responsible for that industry being born in the first place in that area. We control their sales. We loaned them the money; we gave them the tax exemptions which made it possible for them to be there, so we have some responsibility. Yet, some of the mines have not even granted their employees the right to obtain a urinalysis to determine radiation effects. We have supplied no film strips, no matter what the jobs are.

I was very surprised to know that to such men as repairmen and men working in high concentrations of uranium production, some of the mines give urinalysis tests which determine the radiation effects. Others do not bother doing so. They have pointed out that there was no reason why they should do so.

These are fields in which the Department of Mines and Technical Surveys can serve a useful function for all the Canadian people, and particularly the people who work in that industry and their families. They must exercise some responsibility in this field. I would suggest in particular that in these fields in which the federal government makes a large contribution it should assume much more authority and much more responsibility with respect to industrial relations and safety measures than it does now. I see no reason why the government cannot do that.

For years I have been interested in learning why the Department of Mines and Technical Surveys explosives division did not do something about demanding a change in the type of explosives used in mines. Many of the employees suffer more from exposure from nitrogen gases than they do from exposure to dust. Many miners will tell you that this nitrogen gas, by burning the linings and the membranes of the nose, throat and lungs, eliminates the hairs and other protection which were there originally and that a great deal of the problem that develops, along with silicosis, is brought about by nitrogen in the gases caused by the explosion of ordinary nitrogen.

There are other types of explosives which could be used which have no large amounts of nitrogen in them and which would serve the same purpose. They would probably cost a little more money but in relation to the amount of material that could be produced in a mine, which is attached to this problem, the cost factor probably would be greatly reduced because of the increased efficiency and increased production that would take place by a simple change in the type of explosives used in the mine.

Then there is the matter of government subsidies and government assistance in the mining field. As I pointed out, in my opinion this gives the federal government a great deal more authority than it has ever exercised in this industry. We have the problem of coal in British Columbia and in the maritimes. In

those areas the production of coal has been greatly reduced. At the same time we are paying very high subventions on coal from the maritimes. We have tried to solve these problems in one way but we have not really solved anything at all. We have accomplished very little except to postpone the time when the inevitable will take place. This is true with respect to emergency gold mining assistance. We have never opposed the assistance because it was absolutely necessary when it was put into effect to alleviate a problem over which neither the mines, the employees nor the mining communities have any control. But this type of subsidy has been used for the protection only of the industry and the few results which will flow from that protection, such as a given number of jobs and a slight wage increase.

The wage increases flowing from this assistance have been very slight. The wage increases which have taken place have flowed, in my opinion, more from automation in the mines than anything else. A large mine that used to have 3,000 employees is now operating and turning out the same tonnage with from 900 to 1,200 employees. Obviously production per man has increased to such an extent that they could easily double the wages without adding to the cost factor. Very little of the benefit that the mines sometimes claim flow from the emergency gold mining assistance returns to the community in the form of wages and spending by the employees of that industry.

I am sure that this problem is common in the coal industry. This is why I am afraid it is going to exist in Elliot Lake. I would not be the least bit surprised to find the department suggesting to the minister that we should stock-pile uranium; that the government should buy it and should make some attempt to keep those mines operating on a partial basis. I would rather see Elliot Lake close down tomorrow than have this happen, than have them carry on for the next 15 or 20 years on a subsistence level where they are not able to increase wages and living standards. I do not want to see them remain in the kind of situation that has existed in the maritimes for years and in my own area where gold is the principal product. I would much rather see these mines closed down completely and the municipalities have to fend for themselves and find secondary industries. If the minister looks at the problem at all I think his conclusion will be similar to mine. If assistance by way of subsidy, subvention or otherwise from the federal government is going to go into these areas, let us at least make it in a form that the areas can develop and help themselves.

[Mr. Peters.]

While this type of hand-out has served a purpose and will serve a purpose, in my opinion it is only justifiable if it is carried on for a short period of time until other assistance of a permanent nature can be provided. As far as I am concerned, some of the assistance under the Emergency Gold Mining Assistance Act should have been earmarked for secondary industries and secondary development in the mining fields. It should not have been left wholly to the mines to do what they felt like doing about it because in many cases it has been of very little benefit to the areas concerned.

In many cases, however, the mines have done an admirable job and in my area there is one that in my opinion has been well managed. I never liked the manager. I have negotiated with him and we never saw eye to eye. I have known him for a long time and he is a rough, tough fellow who knows what mining is all about. I refer to Mr. Ken Gray who is the manager of Sylvanite mine and also controls it to a large extent. He is a man who in my opinion has practised all possible conservation methods and has taken full advantage of assistance under the Emergency Gold Mining Assistance Act. But in reading the *Northern Miner* I find that even with this type of leadership the mine is going to close down. This is inevitable because emergency gold mining assistance will only help them up to a point. This community is going to be faced not with an emergency gold mining problem but with an emergency problem involving the community itself in which gold will not be a factor because unless the price of gold increases considerably we are not going to be able to do the prospecting and development necessary to bring in very low grade properties.

I hope the government does not follow the course that it appears they might follow. I say "appears" in the light of the reports made from time to time by the committee originally established to consider the problem of Elliot Lake. In my view Elliot Lake is a specific problem that can be solved in a specific way because it only has to do with uranium mines, but on one occasion the house leader got up and dragged in Bancroft and Uranium City and said he would not be able to do anything for Elliot Lake that he could not do for Bancroft and Uranium City. The problem is not the same at all.

The mines at Bancroft and Uranium City have been operating for quite a number of years. There are also other interests in these areas. When you throw in a number of unrelated problems you confuse the issue. The issue is no longer clear-cut. The problem

can be solved quite easily by paying a subsidy or subvention or doing something else to enable the industry to carry on at a limited capacity and with a very low rate of production. It seems to me this is going to be the solution, and I should like to caution the minister about using a subvention of this type to help to solve the problem of the uranium industry. The problem in the Elliot Lake area can be solved by putting money into bringing in secondary industries and conserving the mines for the day when they can be operated at peak efficiency. The day will come when uranium may be used in steel production and other things. In the meantime I hope that the minister does not confuse the problem with all the other problems that can be and have been introduced in the past in this field.

Mr. Aiken: Mr. Chairman, I had not intended to speak except on the technical surveys branch of the department but having listened to the hon. member for Timiskaming who has just taken his seat I feel I must comment on and disagree with one statement he made. I may not have heard him correctly but I understood him to say that when some of these mines, and he mentioned a number of them, get into difficulties they should close down completely rather than struggle along. I cannot agree with that at all. If this were carried to its logical conclusion it would mean the closing down of a good many of the coal mines in the maritimes which have struggled along and a good many other mines which have struggled along and provided a minimum subsistence for a number of people, thus enabling them to remain in their home towns. The hon. member made a very broad statement and as a broad statement I think it was incorrect. In my view there are a good many occasions when people are justified in continuing to carry on as best they can in the hope that some change will come for the better.

I should like to speak for a minute or two about the question of technical surveys. This department has a major role to play in the development of Canada. Unlike some of the other departments of government, the Department of Mines and Technical Surveys has to take the lead rather than follow. In the case of many departments they cannot operate until the country is opened up and proper conditions prevail. The reverse is true of this department. Those who work for it must go into unmapped and uncharted territory, make surveys and maps and locate resources before other departments can follow in their path.

To keep this lead we need a large supply of able and enthusiastic scientific personnel. As the department is now constituted it has a very satisfactory nucleus of specialists in the highly specialized fields which we find throughout the department. But when the mines, forests and waters committee examined the estimates of this department last year the members of the committee discovered that one of the greatest difficulties concerned the retention of scientific personnel in Canada, people with the ability to carry out geological surveys, mapping and other work in our northern territories. It was found that these people were easily attracted elsewhere by the great differential in salaries.

At one time it was considered that the government service was one of the better services in which to work but gradually this changed to the point where, up until quite recently, the government service was declining. Industry became the most lucrative field of endeavour and until recently the universities were in second place because they had raised their standards. The branches of the government were gradually declining. I was very pleased to see that the latest salary increases proposed will include improved salaries for scientific personnel and will cover a great many of the people now in the Department of Mines and Technical Surveys whom this country needs very badly.

We also need to bring into the country and educate here other persons who have special scientific abilities for the jobs that they will undertake. I was pleased to learn in the research committee recently that the salaries and working conditions of scientific personnel are improving. The president of the national research council, who is very much concerned with the standards of scientists in this country, many of whom eventually find their way into the Department of Mines and Technical Surveys, stated that there is now a net immigration into Canada of scholars seeking postdoctorate fellowships.

In other words, the Canadian reputation for scientific advance and research is increasing throughout the world and more people are coming to this country to receive advanced scientific education in research than are going from this country to receive such education elsewhere. As a result of the high standard that is being set in Canada, I feel we are becoming well recognized in the scientific field.

I was also pleased to hear the Minister of Citizenship and Immigration recently invite persons from the United States particularly to come to Canada in order to help to develop this country. A few years ago this suggestion

might have been considered fantastic. For many years the flow was the other way. I think it is not such a fantastic thing now. We are hopeful that persons who come here to receive advanced scientific training will be more inclined to stay; and I think that many may take seriously the request of the Minister of Citizenship and Immigration to come to this country and to help to develop it.

There is one other matter I should like to mention in connection with this department. This concerns our advance in the field of radio-astronomy. On June 20 the Minister of Mines and Technical Surveys opened at Penticton, British Columbia the new radio astrophysical observatory. This observatory brings Canada into the field of radio-astronomy for the first time. The radio telescope at White lake near Penticton is not the largest in the world. That honour is reserved for the radio telescope at Jodrell Bank in England. However, it is a radio telescope on a scale comparable to that of others established in North America and in various other parts of the world and it will assist our astronomers and those persons interested in space research to obtain information which it is absolutely impossible to obtain by observation, even with the best telescope that is available. These things indicate that Canada is advancing in the scientific field and that the Department of Mines and Technical Surveys is keeping up with the most recent advances in astronomy and in the other scientific endeavours which it has undertaken for the development of this country.

Mr. Herridge: I am one of two members of the House of Commons who represent one of the most famous mining areas in Canada, namely the Kootenay mining area in the southeastern portion of British Columbia. I had the pleasure and the opportunity as a young man to know a good many of the early pioneer men in the mining industry, and some of the pioneer women, who helped to build up the mining industry in the interior, including the at that time well known Nels Demers who went into the Kootenays in 1856 and stayed there until 1910.

When I look over at the genial minister who has charge of this socialist type of service to society I find it extremely difficult to be critical, and I will not be very critical this afternoon. I simply want to make a few suggestions and a few observations as a result of my contact with the department on various occasions and my experience around the country in the various mining companies in my constituency and meeting persons interested in mining and others.

[Mr. Aiken.]

This department which carries on essential services in research, scientific work and technical work that is essential in the location, surveying and the proper and adequate development of our natural resources is somewhat generally considered to be a non-contentious and non-political department, a department that does not arouse much contention or controversy. However, it contains a staff which is performing an essential and, to many people, little known service to this country. I say that because I have had the opportunity to discuss the work of this department with various groups, when I have been speaking to groups in the constituency and in other places.

I am amazed at how little is known by the average Canadian outside of the mining industry and the universities, of the essential work that is undertaken by the Department of Mines and Technical Surveys and that so little is known as to the valuable information that can be obtained from this department, its reports, its publications, its officials and its staff. While this information is essential and valuable to the mining industry and to others interested in the development of other natural resources, I think much greater use could be made of this information on a wider scale on the part of people who are interested in the development of this country.

Interest in this department has been stimulated in recent years in my constituency and in the Kootenay area generally because of its officials and staff taking some part in the surveys in the Columbia river basin. That work has brought the people of the district for the first time, in many cases, in contact with the engineers and the other staff conducting these surveys. As a result of that contact I notice an increased interest in the work of the department and, as a result, inquiries as to where they can obtain maps, information and so on.

I want to make a suggestion or two. I suggest these parties are working for the people of Canada, not for any particular group. Their work is usually directly related to some development. When a party goes into an area the people of the area are obliged to depend on casual information and, in some cases, on rumour. I think there should be a form of press release issued periodically so that the people will know what this survey crew is doing as part of a larger project and so on. It is only right and I think it would be well for the department. I think that would be interesting information and very much worth-while information. I have had that suggestion made to me by a number of people in my constituency who are greatly interested in the work of the department.

In addition to that, I think it is ministers who usually give talks to public meetings and various organizations. I am quite sure that the officials and members of the staff in any given locality would be quite willing to co-operate with local organizations, for instance, as was done in the Columbia river basin where there were parties of this department in that basin for years. I think it would be an excellent idea if the appropriate engineer or person would give a chat to the Rotary club or to the chamber of commerce in this area on the particular work of the department and the project that is being undertaken and the scientific information it is trying to obtain.

In this connection I want to quote very briefly from page 31 of the report. I have read a considerable part of this report before but not all of it. It says:

> The Vancouver office gave information and assistance to industrialists and others interested in metallic and industrial minerals, engineering geology, ground-water supplies, and construction materials. A number of short term field projects were carried out by the staff geologists, mainly at the request of other government departments among which were engineering-geology reports on dam and power sites along the Columbia river. Activity at the office continued to increase: there were more than 8,039 visitors, and 17,705 copies of publications of various kinds were distributed.

This is all to the good but the information is going largely to persons directly interested in the mining industry or to governments or persons interested in the development of hydro power, and things of that sort. I suggest that having this extra organization with the information as well as the Vancouver office it could be used to greater advantage by making certain the information was available to high schools and other various organizations through appropriate outlets.

I think something more should be done to let the people know what information can be obtained, the maps which are available and the services which are available through this department. I know the larger corporations know all about it. Officials of Consolidated Mining and Smelting Corporation told me that they have had wonderful contacts with the Department of Mines and Technical Surveys. They get every co-operation and other companies do as well. But I suggest that this department should also make certain it does all it can to serve all the people, such as the smaller mining companies —I have run into cases where they were not aware of the services rendered by this department—prospectors and others.

I should like the minister when he replies to indicate what arrangements are made with provincial departments of mines or other related departments to avoid any overlapping in services or expenditures. I realize when speaking on this question that natural resources generally speaking come within the jurisdiction of provincial governments; but I would like the minister to inform the committee what is done in the way of consultation with provincial departments of mines and related branches of government to make sure there is no overlapping in any work being undertaken in surveys and things like that, or in publications, thereby creating unnecessary expenditure.

Mr. Comtois: There is none in publications.

Mr. Herridge: Following on the lines of the hon. member for Comox-Alberni when he spoke this morning, I want to bring to the minister's attention the excellent work which has been done over the course of 50 years by the interior chamber of mines which has its headquarters at Nelson, British Columbia. That organization is financed by subscriptions from local mining companies interested in smelting, mining and so on. I want to ask the minister if he would inform the committee if co-operation exists between his department and organizations such as chambers of mines in the development of knowledge of the work undertaken by the department.

I suggest that as most of these chambers of mines—and in British Columbia there is the chamber of mines in Vancouver and in the interior we have the interior chamber of mines in Nelson—are located on a main or well travelled street, usually with good window space. They could be used as an agency or a medium to advertise the work of this department and the information which is available in the form of publications, maps, and so on. I think they would be very willing to co-operate in this respect. Nelson is the centre for the Kootenay West area and people going there could get this information.

There is an increasing interest amongst these people in where they can obtain maps of the Columbia river basin area. The department has published some excellent maps in that respect and I think I have copies of maps covering the whole basin. But I get frequent inquiries and I think this would be a valuable outlet for information. I am sure the interior chamber of mines would be only too willing to co-operate. They could also provide information as to the services offered with respect to checking up on certain ores, recommending certain processes and treatments and so on.

I have another suggestion. I am one inclined to travel around the hills and mountains and I have been interested in the geological surveys which have been undertaken all through the southeastern interior. This is

very necessary work when it comes to the consideration of hydro development and I have one suggestion to make. I notice that the longer I talk the sadder the minister looks. I suggest that instead of having just a number on a given monument, which is usually just a cement post and a copper or bronze plug in the top of it, it would be much more interesting to local people, travellers or tourists to have the elevation mentioned at the same time. Usually there is a number on the post, like "No. 96 geological survey", and if you want any information you write for it. I think with very little extra expense you could have the elevation marked on the plug and on the monument as well which would make for much more interest. I advance that as a suggestion.

The final matter on my list of very mild complaints is this. The minister knows I am interested in this because a good number of my constituents are interested as well as visitors from the south who come up by water craft along the Columbia lakes up as far north as Revelstoke. They are interested in obtaining a chart to assist them in navigation. The minister knows about this because last year he informed me that his department was very busy and had not had time to work on charts of this sort. I suggested that they could be sold at a price which would show little expense to the treasury. I am sure that everybody using water craft would be willing to pay a dollar in order to be able to find a safe channel from the international boundary to the south up as far as Revelstoke. When the minister replies I would like him to tell me what progress is being made in the preparation of a chart suitable for navigation purposes from the international boundary along the Columbia as far north as Revelstoke.

I have a few more remarks to make on appropriate items, but at this point I shall resume my seat.

Mr. Peters: I would like to reply to something said by the hon. member for Parry Sound-Muskoka when he attributed to me the suggestion that many small mines would close down. I worked for 15 years in a small mine and I would be the last one to suggest that we do anything which would close the mines down; but we do suggest that the end result will produce the position which I am sure is in the minds of the people who suggested that aid should be given.

Looking at it in retrospect I am sure we could solve the problem of the few communities who depend on this industry. I am sure we could take a few million dollars and resolve some of the problems in the same way as we solved the subsidy question in relation to coal. All I say is that we have tried this method and it has not been satisfactory as far as the communities were concerned. There have continued to be emergency problems, and I suggest this step should be taken not in the uranium industry but that assistance be given to those communities for which we are responsible. Our responsibility to them is not necessarily to keep the mines in operation just for the sake of operating them; it is a responsibility to the people of the community to see that some alternative is provided for the employment of those working in mines which may cease to operate.

May I say I am surprised that the department of mines is not making greater effort to assist the coal mines industry in the maritimes. I am surprised that the government has not undertaken a research program in that area perhaps with a view to producing a form of distillation such as is used in Germany. I understand that when a deep coal mine has been shut down one can close everything off, drill holes into it and begin burning the coal in seams where the coal is not of an economic grade. A methane gas is thus produced which, while it may not be suitable for burning in homes, can be used in the manufacture of steel and other industrial purposes. This particular suggestion may be of no great value, but it seems to me some solution must be found to the problems of these people in the maritimes who have long been dependant upon this industry.

We should not wait until a problem develops before action is taken. Before we develop a new industry, such as the uranium industry, let us in future decide what the industry is worth to the Canadian people and the purpose it is intended to serve. Then let us go all out to get the most out of it for the benefit of Canadians and the economy generally. All too often the action taken is haphazard and uncontrolled. For example, we are still drilling hundreds and hundreds of oil wells every year, yet the hon. member for Calgary South tells us that there is a great problem about selling the gas which we are already producing. This seems to me rather silly. What is needed is for the department of mines to make an estimate of our potential and an estimate of what our needs are going to be. Then we could develop this natural resource so that the Canadian people can get the most benefit out of the industry.

Mr. Woolliams: May I ask the hon. member a question? He has said we should have an assessment made of our resources. Was not that the very reason the Borden commission

was set up by this government and was that information not contained in the Borden report?

Mr. Peters: I am aware that the Borden commission did carry out a survey, certainly in the field of energy, yet we had this great problem to face in connection with the uranium industry, and that whole story only lasted for five or six years. The Borden report said that in 1975 or thereabouts we would be in the position of having industrial uses for that type of energy, but there is the period of waiting to be considered, and in the meantime we have no adequate means of carrying the communities affected. We cannot very well expect people to continue to paint the houses in which they are not able to live, or to wait about for a job which does not exist, hoping for industries to develop. Some of these assessments have been made, yet despite this we are continuing to develop our program in a haphazard manner. The Borden commission estimated what the needs of the Canadian people will be with regard to oil, and also made an estimate of the potential—

Mr. Woolliams: May I ask a second question? That is the very point I am trying to make. If the hon. member reads the Borden report he will see how many trillion cubic feet of natural gas we need for Canada, how much we can export; how much electrical energy we can export, how much we need and so on. That was the very purpose of the report.

Mr. Peters: I agree entirely with what the hon. member says. That is exactly what I was trying to say. These things should be a matter of common sense. We know that the Borden report gave us a lot of information as to the needs of the Canadian people and the productive capacity available. What I am saying is that the department of mines has not asserted its right to decide what is going to be done about it.

The natural resources of Canada belong to the people as a whole yet we are continuing to drill for oil, although we already have more than we can sell. Not only that, but I understand we are going to buy oil from Russia and other places. I think the department of mines should be in a position to govern these things and do something about what is contained in the Borden report.

This brings up another question which puzzles me. I read all the reports which are presented to the house and perhaps I did the department a disservice in my opening remarks by not referring to all the publications which have been put out. I did not mean to imply that the department is not doing any work in this regard. All I was trying to say was that they were not doing their work in the mining field in the way in which I should like to see it done. Reports such as the Borden commission report are placed before the government and before the Canadian people. Politicians tear them apart and say they are good reports, or that they are not good reports, but what does the government do about it? What good are these reports if no action follows as a result? In the short period during which I have been here I have seen very little effort on the part of the government to implement the recommendations made by these commissions.

I should like to say a few words now about the assistance which is provided to the gold mining industry and subsidies to industry in general. The gold mining assistance act was introduced, first of all, as an emergency measure but it has continued until the present time and the word "emergency" has not yet been taken out of the title. Today the industry is facing the same problem as it was facing in 1948 and the government has given no indication that it intends to consider some form of long term solution in which the gold mining industry would be interested.

One of the most satisfactory solutions would, of course, be the raising of the price of gold to the producers. If the present method of assistance were used in order to assist other industries, that is, emergency measures rather than long term solutions, I do not think the consequences would be at all favourable and while we do not want to put any company out of business, it would seem desirable that the government should consider some other method of assisting communities dependent on the mining industry. We would be well advised to try another method of helping the industry along the lines of a long term solution which would not be in the nature of an emergency measure.

(Translation):

Mr. Comtois: Mr. Chairman, first I should like to thank the hon. member for Villeneuve (Mr. Dumas) for his complimentary remarks directed at the officials and other employees of my department. His compliments were so sincere that they even elicited a discreet warning from the hon. member for Laurier (Mr. Chevrier).

In reply to the request of the hon. member for Villeneuve, I intend next year to prepare, for the benefit of all hon. members, a report on the activities of my department in the previous year, and also a brief outline of the program for the current year, with particular regard to geological, topographical, geographical and other assignments. Such information will be useful to every hon.

member when the estimates of my department are taken up in the house.

(Text):

The hon. members for Villeneuve, Port Arthur and the Yukon have referred to the recommendation of the standing committee on mines, forests and waters concerning the indicated need for expansion of the activities of my department. I should like to assure them that I have studied these recommendations with my officials and we have attempted to plan what we believe is the needed expansion of departmental activities for the next five years. This plan will be reflected in our future estimates to the limit that it can be accommodated in the future budgets of our government.

(Translation):

The hon. member for Villeneuve has raised a number of questions, such as federal aid to Quebec roads, the mining exploration program carried out by the Eldorado Mining and Refining Company and finally the transfer to the provinces of the resources found in the continental shelf. Such matters are not the responsibility of my department, but I shall be pleased to discuss them with those of my colleagues who are concerned.

(Text):

Recommendations were also made by the hon. members for Villeneuve and Port Arthur to the effect that we should increase the number of university students we employ in the summer months. There is a limit to the number of students we can accommodate without decreasing the efficiency or accuracy of our work. In years when work opportunity makes possible the employment of only a limited number of students we are always willing to take on more of them provided we know soon enough in advance to properly plan for larger size or additional field parties. I should like to mention that of the 786 geology students in our universities this year my department provided jobs for 245 of them; that is, 32 per cent or nearly one third of the total number of students.

I was pleased to hear the comments of the hon. member for Port Arthur concerning the economic reports of our mineral resources division such as those on iron ore. I can assure the hon. gentleman that more of this type of report are contemplated.

The hon. member for Port Arthur also asked what my department is doing in the form of research which could lead to more uses for uranium. May I say that in 1959, following discussions with Eldorado Mining and Refining, a research project was initiated by our mines branch for the development of non-nuclear uses for uranium. Eldorado made a grant of $10,000 to cover the salary of one engineer and incidental expenses relating to the project. Prior to the arrival of the Eldorado engineer on November 1, 1959 some experimental alloying work had already been undertaken in the ferrous and non-ferrous fields. Attention was focussed on possible modifications of various types of steels when these are used in large tonnages. Aluminum, copper, magnesium and some other metals were also investigated. The basis of the research was related to the affinity that uranium has to oxygen, nitrogen, carbon, sulphur and other elements. At the present time there are four engineers and three technicians who are employees of the mines branch engaged in this work. The staff provided by Eldorado Mining and Refining consists of one engineer and two technicians. However, they have increased their original grant to $100,000. This increase was made to provide funds for an additional staff of four engineers and five technicians.

Investigations have indicated that small amounts of uranium might have very important results in improving the physical properties of steels used for many purposes. A few examples which may be quoted are axles, shafting, chain, high temperature tubing, piping, bolts and tool steels. Rolling tests have been carried out at a Canadian steel plant which proved that the uranium bearing steels are not difficult to work. In fact they reacted similarly to ordinary carbon steels in the rolling process. Steels are being made up at the present time in order to actually fabricate items which will be tried in service.

If the service tests duplicate the experimental results already obtained in the laboratory the whole program will be pushed forward another important step. It should be pointed out, however, that large steel tests will eventually have to be carried out before any item may be considered successful. There are variations in every stage of the process as one scales up such a laboratory test. It is anticipated that should one use prove successful, there will be more and more uses discovered over a period of time, which will pyramid the use of uranium in the metals industry.

May I also say that steps are far advanced for the creation of a research foundation which would help finance research in new uses of uranium. This project has been initiated by the uranium mining industry. Eldorado Mining and Refining Company of Canada and the mines branch of my department would most likely be associated with the foundation, making it a joint industry-government venture.

The hon. member for Port Arthur has asked how information was gathered in connection with a turndown of a request for

a road to a mining property in his constituency. Most of the information was obtained from the president of the company when he appeared before the interdepartmental roads appraisal committee and in subsequent discussions with officers of my department. The conclusion reached by my officers as a result was that considerable additional work had to be done before the prospect could be considered an economic proposition, and hence at this stage federal participation in a road to the property would be inadvisable.

I should also like to assure the hon. member that this government is very alert to the question of the further processing of ores and minerals in Canada including the possible use of direct reduction processes in the case of iron ores. A cabinet committee exists of which I am a member. This committee constantly keeps the situation under review and stands ready to encourage by any reasonable means the further processing of ores and minerals in our country.

(Translation):

In reply to the question put by the hon. member for Laurier, I am glad to inform him that I personally discussed the matter of the boundary between Quebec and Ontario on lake St. Francis, with the ministers of lands and forests of Ontario and Quebec. There seems to be some agreement on a formula that would satisfy both provinces. The new demarcation line would coincide with the middle of the St. Lawrence seaway navigation channel.

I shall gladly submit further representations to the authorities concerned for the final settlement of this matter. I am not making a political issue out of this. I am simply offering the services of my department for the purpose of delimiting the area. I made that suggestion to the Quebec minister of lands and forests some time ago. I have also conferred with the Ontario minister of lands and forests. Both agreed that it was an excellent idea, and I think they are prepared to settle the problem. Of course, I shall have to contact the new Quebec minister of lands and forests, and I shall be pleased to do so. I assume he will show the same readiness as did his predecessor in accepting the recommendations of his departmental officials, and that we shall succeed in settling this problem once and for all.

Mr. Chevrier: I find it an excellent suggestion.

Mr. Comtois: I think it is the best possible one under the circumstances, and we will avoid any disagreements at some later date. This is a natural demarcation line, one that should always be very simple to maintain. It is a line that requires no markings. The markings are already in place, everything is ready, and I hope that before long we shall have succeeded in finding a final answer to this problem.

Mr. Chairman, I was also asked a question by the hon. member for Bonavista-Twillingate (Mr. Pickersgill). This being the first time he deals with the problem, I think the hon. member for Laurier might enlighten him on the matter, which so far has always been considered as coming exclusively within the purview of the two provinces concerned.

Again I repeat that if we intervene in this matter, it will only be as go-betweens, to help reach a settlement. I assume that the authorities of the provinces of Newfoundland and Quebec, who are on very friendly terms, will be unable to refuse each other anything. The hon. member for Bonavista-Twillingate should have no difficulty in persuading his Quebec friends.

As far as my department is concerned, we shall always be happy to offer the services of our team to establish the boundary line once and for all. I doubt, however, that the problem can be settled before some time, because in this case it is not a boundary such as the one between Ontario and Quebec, and I am not sure whether the premiers of the two provinces will be able to reach agreement. I hope so, but in any event it will be the responsibility of the premiers of those two provinces to settle the matter, and I repeat that our attitude towards the problem will always remain the same.

(Text):

In reply to a question by the hon. member for Burin-Burgeo, I wish to inform him that as far as the safety of the ships and personnel is concerned the responsibility rests fully with the sailing master of the ships, and definite instructions have been issued to that effect.

As far as wages of ships' crews are concerned, I had taken note of the problem because the hon. member had spoken to me about it. I can tell him that the same day that we spoke about the matter I got in touch with the Minister of Labour and he agreed that this problem had to be settled. He admitted it seemed unfair and that it should be settled and I have a memorandum prepared for him explaining the situation and I am quite sure it will be settled once and for all.

With respect to the St. Lawrence fluorspar mine, may I inform the hon. member that requests have been received by our mines

branch for assistance toward monitoring radiation. The matter is being discussed with the Department of National Health and Welfare.

The hon. member for Pictou asked a question about the berthing of departmental ships in Pictou. I can assure him that we are planning to berth some of our ships at Pictou next winter, namely the same ones as least year. I think this answers his question.

In reply to the hon. member for Calgary South, I can only inform him that the technical feasibility committee has not yet handed in its report. Research and investigations are still being conducted in our mines branch, and by Richfield Oil Company.

The hon. member for Kootenay West asked what is being done to avoid the duplication of work with the provinces. Our directors of branches—geology survey and so forth—meet every year with officials of the provinces and discuss programs and projects to avoid duplication and to learn of the priority needs of the provinces in certain surveys which we then undertake. Our association with the chambers of mines is on a very friendly basis. We supply them with copies of our maps and reports and generally support any of their activities which have something in common with my department.

We have not yet got around to producing a chart of the Columbia river from the United States border to Revelstoke. We plan to undertake this as soon as possible. I can assure the hon. member for Kootenay West that I will do my best to see that the work is done and that we can produce the chart. I do not know how many copies can be sold. The hon. member mentioned $1 a copy, but how many copies could be sold at that price? That is what I do not know. This chart will cost a great deal of money. I do not expect we could ever be reimbursed by the sales made. Anyway I shall certainly discuss this matter with my officials and will do my best to satisfy the hon. member for the benefit of his wonderful district. I can say that.

Mr. Herridge: I thank the minister for the statement. Possibly I was a bit optimistic, but I would say that at the present time there would be anywhere from 100 to 200 copies sold a year. About 100 boats came up from the United States last year.

Mr. Comtois: They might buy more than one at a time and give some to their friends.

There is another matter that I wish to clear up. The hon. member for Laurier brought up again this matter of helicopters. To begin with, I should like to say something about Okanagan Helicopters Limited.

[Mr. Comtois.]

In my statement in the house on April 13, in answer to the charges made by the hon. member for Laurier respecting Autair Helicopter Services Limited, it was my concern to be as fair as possible to all parties involved. However, after reading over my statement, particularly the part which contains a passing reference to the sources of the hon. member's information, I wish to correct any wrong impression this statement may have left quite unintentionally. I wish to make it clear that it was not my purpose to imply that Okanagan Helicopter Services Limited had directed the hon. member for Laurier to raise the matter in the house, nor did I want to imply that the hon. gentleman had obtained all of his information from officials of the company.

I wish to assure the house that the high standards of operations of Okanagan Helicopter Services Limited have always been recognized by myself and officials of my department, and that the recent discussion with respect to this year's helicopter operations, in support of our polar continental shelf expedition, has not altered the high esteem which we have for this company. I want to make that statement to be fair to the company.

Mr. Chevrier: Would the minister allow me to interrupt? I thank him for having made that statement but I should like to say that I have never on any occasion spoken to any of the officers of Okanagan Helicopter in connection with this matter.

Mr. Comtois: Thank you. I wish to correct the impression I may have given to the house. There are some details I should like to clear up to the best of my knowledge and ability. With respect to the matter of a letter of intent, the hon. member for Laurier will recall that there was mention made of such a letter by him. In answer to the charge made on April 13, 1960 by the hon. member that a letter of intent had been sent to Okanagan Helicopter with respect to the aforementioned contract, I wish to re-emphasize that no such letter was ever sent by any official of my department to the Okanagan group or any other group except the one which was going to have the contract. The only letter of intent which was ever sent by this department with respect to this contract was forwarded to Autair Helicopter Services Limited on February 17, 1960. No other letter of intent was sent. Therefore I am doubtful about the source of the information received by the hon. member. It is certainly not reliable as far as this matter is concerned.

The hon. member for Laurier also made a statement to the effect that Pacific Helicopter Services Limited was eliminated because it did not operate a Sikorsky S-55 type of

helicopter. This charge is unfounded. In a letter dated January 6 Pacific Helicopter Services Limited advised the department that they were unable to quote on this type of helicopter service. Therefore the company was not eliminated by officials of my department but they eliminated themselves, not only with regard to the supplying of the S-55 but also with regard to the Bell G-1 or Bell G-2 because, for the efficient operation of the project, it was considered essential that both the Bell and the Sikorsky helicopters be operated by the same company. The quotation submitted by Pacific Helicopter Services Limited for the supplying of two Bells could not, therefore, be considered further.

Mr. Chevrier: May I ask the minister a question?

Mr. Comtois: Yes.

Mr. Chevrier: If the facts are as stated by the minister, why was Autair allowed to submit a tender when they did not own a Sikorsky S-55 at the time?

Mr. Comtois: If the hon. member will be patient I think he will get the answer. Let us take one matter at a time.

With regard to the charge that Autair Helicopter Services Limited did not operate the S-55 type of helicopter, I am advised by reliable sources that this is also unfounded. In fact, Autair Helicopter had two S-55 helicopters under operation at that time. Furthermore, this company had only to indicate their interest in supplying this type of helicopter to the department to be considered, as long as we were satisfied under the regulations of the air transport board that they could supply one and that the necessary permission, rates and so forth had been established.

It was also said that Autair's tariffs were not the lowest. The hon. member for Laurier stated in the house on April 13 that "a careful analysis of the sessional paper which the minister tabled in the house, No. 235, tabled on March 25, 1960, indicates that the tariff filed by Autair was not the lowest." I cannot disagree enough with this statement as the sessional paper to which the hon. member referred indicates that Autair's tariffs, based on a utilization of 100 hours per month are clearly the lowest.

The charges made by the hon. member for Laurier to the effect that Autair was not sufficiently qualified to do this type of operation are quite incorrect.

Mr. Chevrier: The air transport board disagrees with you on that.

Mr. Comtois: I will deal first with the suggested inability to operate. As the hon. member for Laurier knows, the Department of Transport has very strict safety regulations, and any company that cannot comply at all times with these safety regulations is not allowed to fly. Furthermore, Autair Helicopter Services Limited had two Bell helicopters on location with my department last season in support of survey parties. The survey season of those two parties was a complete success, which is partly accounted for by the efficient support given by the helicopters' operators. It is a fact recognized by officials of my department that when a contract is awarded to a new company the department usually receives far better service because the company goes all out to make a success of its operations.

As far as management ability is concerned, I might also point out to the hon. member that Bristol Aero Industries Limited, which are now owners of Spartan Air Services, have called upon the services of the president of Autair to manage the integrated services of Spartan's and Autair's helicopter services division. The choice of Mr. Connor, the president of Autair, certainly is a reflection of his ability. I might say that I have had no personal contact with Mr. Connor; I do not even know him. I am not here to defend Mr. Connor. The only matter that concerns my department is to be fair to everybody and to assure the best service.

I come now to the department's estimate of 100 hours flying per month per machine, another matter mentioned this morning by the hon. member for Laurier. The hon. member stated in the house on April 13 and again today that our estimate of 100 hours per month per machine flying time was a rather unlikely figure under extreme Arctic weather conditions, and that we had chosen the 100 hour figure to suit Autair's interests. I will simply say that our own departmental estimates, which were considered by treasury board officials some time before December, 1959, were based on a utilization of 100 hours per month per machine.

I should like the hon. member to listen to what I am saying now. To confirm this, may I say that an interim report on the operation of this project indicates that the three machines had accumulated 200.25 hours of flying in a 12-day period from the start of the operation up to and including the 30th of April. If my hon. friend wishes to make a few calculations he will see that if this rate of flying is maintained the basis of 100 hours per month per machine will have been greatly underestimated.

These are the facts as far as I know them, and I am making these statements and giving

this information to the committee in all sincerity. In concluding I wish to thank all members who have made contributions to the discussion of my estimates. I am grateful for their constructive suggestions and the officials of my department will certainly take advantage of them.

Mr. Chevrier: Mr. Chairman, I should like to make a few observations in connection with the reply which the minister has made to the charges and complaints made by myself in connection with this matter earlier during the session and again today. In replying the minister did not make any answer with respect to the request I made that he either investigate this matter or suggest to his colleague, the Minister of Transport, that an investigation should be held. In replying the minister said a great deal about safety regulations and the safe operations of Autair Helicopter.

I am telling the minister, without any fear of contradiction, that the air transport board turned these people down because of, amongst other things, their lack of safety. They had had six accidents in 1959 and they had four accidents in 1960, and their insurance was cancelled. Under those circumstances, how anyone can say that these people were conducting a safe operation, I do not know. Certainly the governmental body responsible for the operation of air carriers felt otherwise and they turned the application down. I am therefore not paying a great deal of attention to what the minister has said in this respect, and of course I say that to him respectfully.

Then the minister has made a great deal of the fact that Pacific Helicopter withdrew or eliminated themselves by saying that they did not possess any S-55 Sikorsky machines. Did the minister or his officers make any attempt to inquire whether Autair Helicopter had any S-55 Sikorsky machines in operation at the time? The minister said they had two. But if the minister looks at the evidence which was given at the hearing before the air transport board and which I have read through carefully he will find that it is clear from this evidence that they did not have any S-55 Sikorsky machines at the time. They may well have leased one or two of them afterwards as a pretext in order to comply with the terms of the contract, but certainly in the evidence which was given before the air transport board, and which I have gone over very carefully, there is not the slightest indication of that situation. I do not think it behooves the officers of the minister's department to determine this matter; I think it is up to the air transport board. The committee knows what has transpired in so far as this matter is concerned.

Then the minister has stated that Bristol Aero Industries now own Spartan and that they have called on Mr. Connor to manage their operations.

Mr. Comtois: I have been told that.

Mr. Chevrier: That is the point. I asked the Minister of Transport on the orders of the day for a reply to that question and the minister's reply to me was this: the hon. member for Laurier seems to know a great deal more about this matter than I do or than does the air transport board; let him find out from them. Now the minister rises in his place in the chamber and says that is the information he has. The official information from the Minister of Transport certainly is not indicative of that situation. It seems to me that before the Minister of Mines and Technical Surveys can say that Bristol have availed themselves of the know-how of Mr. Connor we should at least have a statement from the air transport board because this sale or presumed sale or presumed taking over by Bristol of Autair must be approved by the air transport board. I should like to know whether it has been approved. I think the minister who comes forward and makes a statement such as that which he has made should at least tell us whether or not the air transport board has approved of this and whether or not Mr. Connor is now, because of his great experience, in charge. That will make all the difference in the world. I have grave doubts that such is the case. I cannot imagine in my own mind the air transport board on the one hand turning down Autair because they did not have financial responsibility and on the other hand saying "Put this man Connor in charge of the new operation".

Then something was said about a letter of intent. The minister has made a clear-cut statement that there was no letter of intent. I said originally that upon the information I had at the time there was a letter of intent. If the minister makes the statement that there is not one, I think it is the duty of an hon. member to accept the statement made by the minister in that respect. It may well be that the information I had was erroneous, although that was the information which I gave to the house at the time and which I had every reason to believe was accurate. However, I am not going to enter into a dispute with the minister in so far as that matter is concerned.

As the minister knows, there is more than one way of giving a letter of intent. As the minister knows, sometimes loose language is

used. It may well be that while I was not entirely accurate in the statement I made originally, in effect I am accurate. It may very well be that without any actual letter of intent, what was told to the Okanagan people by word of mouth was that, being the lowest tenderer, they would have the contract. That is certainly the information that was given to me, although not by the Okanagan people. As I said earlier, I have had no communication with any officer of the Okanagan company in connection with the matter.

However, there is unquestionably a doubt about this whole matter. Here a governmental body turns down this company because it is not responsible financially and I have here the order of the board turning it down. On appeal to the minister it is approved. Then the company gets this large contract. Notwithstanding what the minister has said it seems to me that there is on record enough to warrant an investigation. That is all I have asked for. In view of what I have said and in view of what I think raises certainly a grave doubt, I wonder whether the minister would not ask his colleague the Minister of Transport to carry on an investigation so that once and for all we would know whether these complaints and these charges are well founded.

Mr. Comtois: All I can say about this matter of investigation is that I will discuss the matter with my colleague the Minister of Transport.

Mr. Pickersgill: Before the minister leaves that point, may I say this. I think perhaps the minister should go a little bit further than that. If the Minister of Transport is not willing to have an investigation by the air transport board into the matter, will the minister himself give an undertaking that he will see that it is specifically referred to the public accounts committee at the next session of the house?

Mr. Comtois: This is not my responsibility, Mr. Chairman, this is the responsibility of the Minister of Transport. When the minister is in the chamber with his estimates I think the matter might be raised again and discussed with him, not with me.

Mr. Fisher: Has the minister any comment to make with regard to the department's views or its investigation into the question of offshore rights as promulgated by the regulations that were issued by the Department of Northern Affairs and National Resources with regard to the north? I wonder whether the minister's department has a view or is making any study on this matter because it raises an issue that is likely to be of great interest to some of the provinces.

Mr. Comtois: I understand that this matter is not under the responsibility of my department. However, I will simply do my best and discuss the matter with my colleague, the Minister of Northern Affairs and National Resources.

Mr. Fisher: I know the matter is not definitely under the department. I do not know that the regulations as issued by the minister's department are really under his department. I imagine they may be open to challenge in the courts on the part of the provinces because, as I said, under the regulations that came out the federal government assumes that it had these offshore rights. I think this matter still has to be settled. I was wondering what interest was being taken in the matter by the minister's department. After all, the Department of Northern Affairs and National Resources is not a department that has been primarily interested, except in the Northwest Territories, in mineral resources of various kinds. I would just hope that we could learn from the minister at some time—and I will be quite wiling to do it by correspondence—what the views of his officials are on this matter and just what consultation took place before what I think is an outright statement of the federal position came out as contained in these regulations.

Mr. Pearson: Mr. Chairman, in view of the fact that these regulations have been promulgated by the minister of northern affairs, I assume the minister also agrees with them as far as his department is concerned. Presumably the minister accepts the position laid down in these regulations, that the ownership of mineral resources at the bed of the sea under territorial waters, and indeed to the extent of the continental shelf, lies in the crown in the right of the federal government. I take it that is the position of the minister and his department on this matter.

Mr. Comtois: Yes, Mr. Chairman, that is the position we take and we have always taken it. The regulations are established by the other department. They are studied and discussed by the officials before they are published.

Mr. Fisher: Then I would like to make the statement that in the view of our party we think that is as it should be and that these offshore rights should be controlled by and belong to the federal government. However, I am quite aware of the fact that it is open to question and future argument.

Mr. Pearson: Just one final question. Has any province made any representations to the

minister on this issue, because it is not now an issue between the provinces and the federal government?

Mr. Comtois: No representations have been made to me personally. It might have been the case with the department of northern affairs, I do not know, but not with my department.

Item agreed to.

188. Acquisition of common-use field survey and other equipment, $198,300.

(Translation):

Mr. Dumas: Mr. Chairman, with regard to the camping equipment, will that equipment be used by the various teams the department will be sending in the field through the summer season?

Mr. Comtois: It is equipment that is common for all teams we have across the country; it is kept in a pool, or stores if you prefer. Such equipment is distributed according to the needs of the teams in the various provinces.

(Text):

Item agreed to.

189. Explosives Act administration, $95,418.

(Translation):

Mr. Dumas: Mr. Chairman, has the chief inspector of that division been promoted to the post of chief of division? I see here that a salary of $10,500 has been provided for the chief of division, whereas, last year, we had no division chief. We had only a chief inspector.

Mr. Comtois: Yes, Mr. Chairman, there has been a promotion and he is now chief of division.

(Text):

Mr. Peters: Mr. Chairman, I would like to ask the minister what progress is being made in the problem I raised about nitrogen explosives. What work is the department doing to eliminate that type of explosive and adopt an explosive which would not create this nitrogen gas problem in the mining industry?

Mr. Comtois: There is no question of replacing the explosives, but we did make tests to reduce the danger to the public. Does that answer the question?

Mr. Peters: Every year miners die from the use of this type of explosive. It is not because they get involved in the blast, but they die because of the after effects. I am told there are other substances besides nitrogen which can be used in the manufacture of explosives which does not leave a deadly gas in working areas after they have been used. I understand other forms of material can be used in the mines which will not produce this nitrogen effect. If that is true, I suggest that the department of mines outlaw the use of nitrogen in dynamite and replace it with something which will fill the same need.

Mr. Comtois: I might say that the use of explosives is not the responsibility of the federal government; it is the responsibility of the province concerned. The services we provide relating to safety are the making of tests in our laboratories which are designed to help advise the provinces of the danger of such and such explosives. But the responsibility of deciding on the kind of explosives to be used belongs to the provinces.

Mr. Peters: I agree that is probably true but what happens is that the federal government agrees that dynamite must meet certain specific requirements, that it is properly labelled and has proper ingredients. I assume there are inspectors in all the large explosive factories who check the content of the explosives, but what I suggest is that part of the manufacture of explosives entails the use of a lethal material which in the past has killed many people and maimed quite a number of others.

This would appear to me to be the responsibility of the government. If we have a research department which can ascertain the method of making an explosive which does not have this lethal quality, then I think all we have to do to produce this type of powder is to pass a regulation that no nitrogen is to be used. It is true that once the powder is approved and used by the mines, the condition of which I am complaining does not come from the powder itself but from the explosion which takes place. This is the responsibility at the present time of the provincial government under their mine safety regulations. But the basic commodity which the government is approving as acceptable in the manufacture of dynamite is lethal, and if there is a substitute for it, as I understand there is, I think it is the federal government's responsibility to see that this new type of powder is the only powder which should be licensed for use underground or in closed quarters.

I see no reason why the government could not make this type of regulation. We make regulations that you cannot carry dynamite in certain types of trucks without certain protection being provided. I would suggest even more protection in this case because I have never heard of anyone getting into any trouble by improper handling of this material, throwing it around, or that sort of thing. However, a lot of people do get into trouble from this nitrogen gas problem.

The Deputy Chairman: Shall the item carry?

Mr. Peters: No. I would like to know why the minister is reluctant to insist that his department develops this type of explosive which is not dangerous and why his department continues to licence companies to manufacture dynamite which I consider to be dangerous to health.

Mr. Comtois: I can say this, that this explosive might be safe on the ground but unsafe or dangerous underground. They are two different situations with the same explosive. As I said, we make the tests and all the assays and make our report to the provinces. It is then up to them to forbid this or that explosive in their own regulations. We cannot interfere in that matter. We can have regulations about transportation, but as far as the use of explosives themselves is concerned, the responsibility belongs to the province concerned. If there is any other danger the Criminal Code would come into the picture and it would then be a matter of provincial responsibility. That is why we cannot interfere.

Item agreed to.

190. Mineral resources division, $321,524.

(Translation):

Mr. Dumas: Mr. Chairman, would the hon. gentleman tell the committee if an officer in his department has been appointed to a post higher than chief of the mines branch? I find in the detailed estimates that a senior officer is mentioned for the first time.

Mr. Comtois: Mr. Chairman, would the hon. member be kind enough to repeat his question?

Mr. Dumas: Yes, I want to know if a senior officer has been appointed above the chief of the mineral resources branch?

Mr. Comtois: No, Mr. Chairman.

Mr. Dumas: A senior official has certainly been appointed. Is it the chief of the mines branch who has become a senior official? If so, what is his title?

Mr. Comtois: Mr. Chairman, the fact of it being mentioned in the estimates is no indication of a senior officer having actually been appointed. We are providing the amount for the purposes of reclassification, and not because of an additional appointment.

Mr. Dumas: Consequently, there is only one official for the two posts now mentioned in the estimates?

Mr. Comtois: Yes, Mr. Chairman.

(Text):

Item agreed to.

191. Assessment for membership in the Pan-American institute of geography and history, $9,150.

(Translation):

Mr. Dumas: Mr. Chairman, I was wondering whether the hon. gentleman would give us some explanation with regard to an item entitled: "Assessment for membership in the Pan-American Institute of Geography and History"?

(Text):

Mr. Comtois: Yes, this is a new vote. I have a note prepared in English, and I know the hon. member will not mind my reading it, nor will the Leader of the Opposition.

Mr. Pearson: I prefer French.

Mr. Comtois: Especially today. May I say that I congratulate the Leader of the Opposition on his very good French.

Mr. Chevrier: Hear, hear.

Mr. Comtois: We should have four or five St. Jean Baptiste days.

Mr. Pearson: Three hundred and sixty five.

Mr. Comtois: The objectives of the institute are to bring about co-operation and collaboration among the American nations in the conduct of their cartographic, geographic and historical activities and to assist them in their scientific and cultural work in these fields. It serves as a medium for stimulating and co-ordinating these activities and for disseminating information relating to the progress being made within the respective countries.

Since the institute's major fields of activity are surveying and mapping, geography and natural resources, history and anthropology, three commissions are set up within the institute: the commission on cartography, that on geography, and the third on history. The institute comprises 20 member states, and Canada has participated as an observer in all meetings since 1943.

The work of the institute is scientific and technical in nature and does not in any way reflect political attitudes. Canada has since the formation of the institute participated as a welcomed non-member in the sections dealing with cartography and geography. This co-operation has been in the form of reports and advice in dealing with the technical aspects of mapping and geography. The participating member countries of the institute have welcomed this help and the secretariat has consistently urged that Canada become a member. I am pleased to report that Canada has now accepted the invitation to join as a full member of the institute.

When my colleague the Secretary of State for External Affairs reported on his trip to Latin America in this house, on May 30 last, he said:

> We have very much in mind the need for closer co-operation with these western hemisphere neighbours of ours and steps will be taken toward that end.

Besides providing an opportunity for common discussion of matters relating to cartography, geography and history, our membership in the Pan-American institute of geography and history will assist toward this furthering of co-operation and good will between Canada and the Latin American countries.

Mr. Pearson: May I congratulate the minister in taking over the field of Pan-American history for his department? May I ask him if this is just another way in which we are edging into the organization of American states?

(Translation):

Mr. Dumas: Do the expenses mentioned here cover the cost of attending meetings?

Mr. Comtois: No. The costs of government representation at conferences come under general administrative expenses.

I understand that the amount mentioned here for our participation is $9,150. That is the amount of the contribution.

(Text):

Item agreed to.

Survey and mapping branch—

192. Branch administration, including the expenses of the Canadian board on geographical names and a grant of $1,000 to the Canadian institute of surveying and photogrammetry, $172,933.

Mr. Chevrier: With regard to this item I have just one question to ask regarding the Canadian board on geographical names. Has the board finally adopted the names for the various lakes on the St. Lawrence seaway; I mean, have they been accepted by the St. Lawrence planning commission at Morrisburg, and are the names such as have been suggested by the Canadian geographical board now effective?

Mr. Comtois: Yes, Mr. Chairman.

Item agreed to.

Topographical surveys—

195. Administration, operation and maintenance, $1,973,430.

Mr. Chevrier: On this item dealing with topographical surveys, would the minister give us some indication of the areas which are encompassed by these surveys and, next, would he tell the committee whether it is in this division that the summer students about whom the hon. member for Villeneuve asked are being taken on? Would the minister give us some indication of how many students have been taken on this year as compared with former years?

Mr. Comtois: There are 81 parties engaged in topographical, geodetic, boundary, hydrographic and legal surveys. It would take quite long to give a breakdown respecting all these parties. I know they are scattered about the whole country. There are some in every province and in the Yukon and in the Northwest Territories. Where there is no hydrographic work, parties are engaged on topographic, legal or boundary surveys.

Mr. Chevrier: This is a continuing job?

Mr. Comtois: Yes. We are trying to increase the number every year because the demands are very strong from all quarters. This year there was an increase, as the hon. gentleman will have noticed.

Mr. Chevrier: Will the minister deal with the question of these students? I do not mean exclusively under this heading, but in the whole department. Perhaps I can get the figures.

Mr. Comtois: Mr. Chairman, as was mentioned, in these parties we have 120 students who are called student assistants and 170 labourers in addition to nearly 1,000 officers and crews of the ships of the Canadian hydrographic service.

Item agreed to.

Canadian hydrographic service—

197. Administration, operation and maintenance, including Canada's fee for membership in the international hydrographic bureau, $4,729,528.

Mr. Chevrier: Would the minister give the position in so far as the hydrographic vessels of his department are concerned? I know there is a new up to date vessel and I presume that is what the hon. gentleman had in mind when he gave the number of personnel on it. Is that vessel under the exclusive jurisdiction of his department? Is it operated by his department? How many other hydrographic vessels are there in operation? Does the department intend to build any more in the near future?

Mr. Comtois: We have four ships on the east coast and three on the west coast plus three others that are chartered every season for the northern operation. I do not know if the hon. member refers to the new one for which we are calling tenders.

Mr. Chevrier: I asked first about the new vessel that is now in operation.

Mr. Comtois: I think the hon. member refers to the *Baffin*.

Mr. Chevrier: Yes.

Mr. Comtois: That is the newest we have. It has been in operation for three years.

Mr. Chevrier: Is it under the exclusive jurisdiction of the minister's department?

Mr. Comtois: Yes.

Mr. Chevrier: What about new vessels?

Mr. Comtois: The same thing applies. The new vessels will be under the jurisdiction of my department.

Mr. Chevrier: Are there any new vessels in contemplation? What is their position? Are there plans and specifications for new hydrographic vessels in the department?

Mr. Comtois: Yes. There is the ship that will be called the *Hudson* for which a contract has recently been given.

Mr. Chevrier: To whom?

Mr. Comtois: The hon. member must know about it. It has been reported in the press. The Minister of Defence Production and I issued a joint release. The contract has been given to the St. John's drydock. No decision has been taken up to now about the propelling system and the matter is under study by the committee comprising several officers from different departments. I must add that we are planning for three other ships to serve our program in the coming years.

Mr. Dumas: Have tenders been called for the ships the department is planning to build?

Mr. Comtois: No, not yet. The plans are not made.

Mr. Dumas: Is the amount included in the estimates?

Mr. Comtois: Oh, no. There may be a small amount just for the design, but nothing else.

Mr. Chevrier: Where will they be stationed?

Mr. Comtois: One will surely be in Victoria on the west coast and the others on the east coast.

Item agreed to.

198. Construction or acquisition of buildings, works, land and equipment, $6,256,995.

Mr. Pickersgill: I understood the minister to say that a contract had recently been let for the building of a vessel in the St. John's drydock. Were tenders called?

Mr. Comtois: Yes.

Mr. Pickersgill: And they were the lowest tenderer?

Mr. Comtois: Yes. Tenders were called three or four months ago. The subject has been under study since that time. As the hon. member knows, it takes quite a long time to examine the details especially when the ships are to be equipped with laboratories and so forth. It is not an easy matter to examine the designs.

Mr. Chevrier: Is the minister sure that the vessels were not allocated by the Department of National Defence?

Mr. Comtois: No, there was no allocation. The contract was let after regular tenders were called.

Mr. Dumas: The amount of $1,389,300 appears in the details on page 271. Is there anything for the Bedford institute?

Mr. Comtois: Yes, the sum of $1,389,300 is for the Bedford institute.

Item agreed to.

199. Legal surveys and aeronautical charts, $793,495.

Mr. Taylor: Mr. Chairman, the Vancouver board of trade and other boards have been making representations as to the feasibility of holding the winter Olympics in Canada. Some have been going to great expense in the preparation of various surveys. Would the minister say whether he might make available to them hydrographic maps and charts showing the contour of the area 90 miles north of Vancouver and 100 miles east and whether he would have information in his department as to winter temperature, snow conditions, et cetera, in the area which would be very helpful to the various boards conducting the surveys?

Mr. Comtois: Mr. Chairman, I can assure the hon. member that my department will be very pleased to lend every possible support to this demand and will readily make available whatever information is in the department with respect to charts concerning contours and sites, information concerning temperatures and every detail of that nature. We will make as many copies available as the hon. member would like to have and will provide the information with pleasure.

Mr. Chevrier: Would the minister explain the purport of this vote which relates to legal surveys and aeronautical charts?

Mr. Comtois: That is in connection with tenure lands, any lands owned by the federal government, including Indian reserves, national parks, etc. This service is given by our department. We have inspectors and surveyors to do that job and make reports for the departments concerned.

Mr. Chevrier: What about aeronautical surveys. Does the department make them for the Department of Transport?

Mr. Comtois: Yes, Mr. Chairman. I thought that the hon. gentleman would surely know that this was done by this department for the department of which he was formerly the minister and that the work continues to be done.

Item agreed to.

Map compilation and reproduction—

201. Administration, operation and maintenance, $1,484,957.

Mr. Fisher: I should like to know how much revenue comes into the department from the sale of maps? How much came in in the past year and in past years? If I understand it correctly, the department is taking steps in implicit terms to publicize those maps more widely. I would gather it is spending more money to bring those maps to the attention of possible buyers. What success has the department had in this endeavour?

Mr. Comtois: My officials are making some calculations and I shall give the answer later on.

Item agreed to.

Geological survey of Canada—

203. Administration, operation and maintenance including Canada's share of the cost of the geological liaison office, British commonwealth scientific conference, London, England, and $50,000 for grants in aid of geological research in Canadian universities, $3,769,929.

Mr. Fisher: I have a few questions I wish to ask here. How many of the publications of geological survey pre-1935 are out of print now? May I put it this way: Is the department still continuing its policy of bringing into print again publications that have been out of print for some time?

Mr. Comtois: When the publication is an important one and is asked for we make a reprint and a new edition is put out.

Mr. Fisher: I know you do. We are very pleased that you brought out a new edition of the Fort William-Port Arthur report several years ago. More and more results are taking place in the educational field in particular where libraries seem to be able to purchase sets and to be able to fill in sets, and this is what I am interested in. I think in the long run, not only because of the geological and historical interest, we are pretty safe in assuming that for the next 20 or 30 years and thereafter there will be a continuing, although I admit a very slow, need for the geological survey publications. I just wanted to be sure that wherever possible the department was filling the holes where they occur and is seeing that the stock of publications which will be out of supply is kept up.

Mr. Comtois: I am taking a note of that, Mr. Chairman.

Mr. Fisher: How often does the national advisory committee on geological science meet? I notice that the travelling expenses this year are up slightly. I wonder whether this indicates more meetings or more trips? I should like to have some kind of a review of this work. Is this committee still publishing its annual report that gives one a prospectus of development in geological science?

Mr. Comtois: The members meet only once a year. This year they have decided that the meeting will be held on the west coast and accordingly the expenses will be higher. The hon. member should know that.

(Translation):

Mr. Dumas: Mr. Chairman, I wonder if the minister could indicate to the committee how many teams the geological survey has in the province of Quebec this season?

(Text):

Mr. Comtois: There are two in the province of Quebec and four for New Quebec and Newfoundland together, the same area. We put in the item New Quebec and Newfoundland; the same thing applies to Quebec and New Brunswick in the same area. We also have a party there.

(Translation):

Mr. Dumas: Now, with regard to the teams located in the Arctic, may I ask how many geologists are included in the group now there, and whether there are geologists working in that area?

Mr. Comtois: Does the hon. member refer to the polar continental shelf?

Mr. Dumas: Yes.

Mr. Comtois: Two.

Mr. Dumas: There are two geologists with the group at the moment?

Mr. Comtois: There are, in fact, two geologists in the group.

(Text):

Mr. Southam: Last year the Minister of Mines and Technical Surveys was good enough to intimate to me in answer to a question, which I think comes under this item, that a survey was being made by a ground water team in Saskatchewan. I was wondering whether a report covering this survey was available, or how much progress has been made up to the present time?

Mr. Comtois: This information is not available yet, but I will see that the report is given to the hon. member.

May I give the information to the hon. member for Port Arthur about the sales of maps. In 1958-59 the amount was $112,774; in 1959-60 it was $122,166. We estimate that for the coming year the sales will be around $130,000.

Item agreed to.

Mines branch—

205. Administration, operation and maintenance, $3,798,711.

(Translation):

Mr. Dumas: Mr. Chairman, I notice a substantial reduction in the number of scientific officers, grade 2 and grade 1. What are the reasons for it?

Mr. Comtois: Mr. Chairman, if the hon. member looks up the higher grades, he will see that there are more of them and that there has been reclassification among the lower grades. There has been no staff reduction, but only a reclassification. It is a reclassification with regard to those listed.

Mr. Dumas: However, under this item there is a reduction of scientific personnel. There may be an over-all increase of 21; but, on the other hand, there is an increase of 53 for handymen, labourers, machinists, welders, electricians, motor mechanics, toolmakers, sheet-metal workers, carpenters, and labour foremen. There is an increase of 53, but there is, nevertheless, a reduction of 32 in the scientific personnel.

Mr. Comtois: If the hon. member will look at item "Scientific Officers I", he will note that there are less of them, as the example I am giving. Does the hon. member realize, on the other hand, that in the item "Senior Scientific Officer I", there is an increase of 61 to 75? Therefore, nothing is changed as regards number.

Mr. Dumas: However, in the next one there is a reduction of 70 to 56.

Mr. Comtois: Mr. Chairman, there are, however, two increases: the first, from 19 to 23; the second, from 61 to 75. In both cases, it is a change in classification.

Mr. Dumas: Mr. Chairman, I would not like to criticize the minister, and I do not intend to pursue the debate on the matter but, just the same, the total number of employees in that branch we are now considering, that is the mines branch, is 674, while it was only 653 last year. That actually shows an increase of 21; that is easy to see.

And now, on the same page, you show 53 new employees, for completely new jobs which did not exist last year. Therefore, there are actually 32 employees less in the scientific services division.

(Text):

Item agreed to.

Geographical branch—

207. Administration, operation and maintenance including a grant of $500 to the Canadian association of geographers and a grant of $3,500 to the University of British Columbia in aid of research in foreign geography, $399,833.

Mr. Herridge: Mr. Chairman, I have a couple of questions on this item. Would the minister explain to the house the grant of $500 to the Canadian association of geographers? What work are they undertaking in connection with the grant? Would he also explain the grant of $3,500 to the University of British Columbia in aid of research in foreign geography? What projects are under way for which these moneys are being voted?

Mr. Comtois: This vote provides for the continuance of a grant to the Canadian association of geographers to assist that organization in the sponsorship of the Canadian committee of the international geographic union and in publishing a journal of geographic research in Canada. This journal is of great benefit to the work of the branch in that articles dealing with scientific matters written by members of the staff are published without charge and reprints are obtained at a minimum cost.

The grant to the University of British Columbia for research in foreign geography is $3,500. There is no change in the amount from last year. This item provides for the payment of a grant to the University of British Columbia for research on a specialized phase of foreign geography mutually agreed upon by the department, the privy council office and the university. This is part of a research project approved in principle by treasury board and on the recommendation of the special interdepartmental committee in accordance with the agreement with and recommendation of the University of British Columbia.

Mr. Herridge: I suppose this is the best time for me to bring this matter to the attention of the minister. I refer to the operations of the geographical names board which all through the years has been a bit of a mystery to me. I will tell the committee why I raise the matter. A number of my constituents from all parties have made representations to me throughout the years suggesting that

a mountain peak or some physical feature in our constituency should be named after the late W. K. Esling.

Mr. McQuillan: On a point of order, Mr. Chairman, I think we have dealt with this item previously.

Mr. Comtois: The matter to which the hon. member has referred is included in vote No. 192 and this item has been carried.

Mr. Herridge: Mr. Chairman, perhaps I could just bring the matter to the attention of the minister. I mistakenly thought this was the item because it concerns the geographical branch. Representations have been made from time to time and yet nothing has been done. I remember on two occasions getting a letter saying I would understand the reasons why this could not be done. I have not been able to find out the reasons yet. I should like the minister to explain how this board works and who makes the decisions with respect to the naming of physical features in the provinces.

In British Columbia we have physical features in some cases named after very much less worthy persons than Mr. Esling. He came into our region carrying his printing press on his back in the early days of the mining and railroad construction camps. He was highly respected by everyone in the district as a pioneer, and if physical features are to be named by the geographical names board it is my opinion that consideration should be given to a distinguished person who rendered such lengthy service to the district both prior to his being a member of parliament and later.

Mr. Comtois: All I can say is that the board includes members from every province and decisions taken about names are made on the recommendation of the representative of the province concerned and after consultation and discussion. That is how they proceed. There is nothing else I can say.

Item agreed to.

Dominion coal board—

214. Administration and investigations of the dominion coal board, $119,400.

Mr. Pickersgill: Would the minister bring us up to date on the situation with respect to the coal mines in Cape Breton?

Mr. Comtois: You are asking for a rather broad statement.

Mr. Pickersgill: The minister has broad shoulders.

Mr. Comtois: Yes. I am tempted to say something else. I am not as broad as my shoulders.

[Mr. Herridge.]

Mr. McCleave: Mr. Chairman, I wonder whether we could call it five o'clock and then return to the estimates in a few minutes on the basis of the arrangement reached between the parties.

The Deputy Chairman: Does the hon. member wish to call it five o'clock?

Mr. Comtois: Perhaps it is just as well. We will deal with the dominion coal board later.

Mr. Pickersgill: Later this day.

The Deputy Chairman: Order. It being five o'clock, in order to permit the house to proceed to the consideration of private and public bills, pursuant to section 3 of standing order 15 it is my duty to rise, report certain resolutions and request leave to sit again later this day or at the next sitting of the house as the case may be.

Progress reported.

PRIVATE BILLS

Mr. Speaker: It being five o'clock, the house will proceed to the consideration of private and public bills, the former have precedence, pursuant to standing order 15, section 3.

Mr. McCleave: Mr. Speaker, I think it has been agreed by all the parties that second reading will now be given to order No. 261 on today's order paper, Bill No. S-24, respecting Wabush Lake Railway Company Limited and Arnaud Railway Company, and that by agreement the house will then revert to the business interrupted at five o'clock.

Mr. Speaker: Is the house agreed to take second reading of Bill No. S-24?

Mr. Chevrier: I suppose there will be some discussion on Bill No. S-24 in the usual manner.

Mr. Speaker: Yes. Subject to debate being concluded, the house will then revert to the business interrupted at five o'clock. Is that agreed unanimously?

Some hon. Members: Agreed.

WABUSH LAKE RAILWAY COMPANY LIMITED AND ARNAUD RAILWAY COMPANY

Mr. M. D. Morton (Davenport) moved the second reading of Bill No. S-24, respecting Wabush Lake Railway Company Limited and Arnaud Railway Company.

He said: I wish to give just a brief outline of this bill which deals with the Wabush Railway Company Limited, a Newfoundland railway company, and the Arnaud Railway Company, a Quebec railway company. These two companies are presently subject to the

laws and statutes of their respective province. The purpose of this bill is to bring these companies within the jurisdiction of this parliament and also to give the companies permission to construct a railway from the site of the Wabush Lake Railway Company and the Arnaud Railway Company, if necessary, prior to 1965. The purpose of the railway is to transport concentrate ore products to be produced by Wabush Iron Ore Company Limited from a mine site in Labrador to a point on the St. Lawrence near Seven Islands approximately 290 miles distant. The whole matter involves an investment of about $200 million, of which about $20 million has already been invested. It will cause direct employment for about 2,000 people and naturally it will indirectly result in further numbers being employed. It will also involve the development of a new town site in the location of the mining site. It is hoped that after the mine is in operation it will involve an output of about 10 million tons of low grade ore.

The purpose of this railway is to connect with a railway already developed and known as the Quebec North Shore and Labrador Railway and hence to transport the products of the mine down to the St. Lawrence. I understand some of the ore is to be delivered to Hamilton.

The arrangement is that the officials of the company will be present at the hearings of the committee which will deal with this bill and they will be able to answer any particular or technical questions that might arise. Those who are interested might go to the committee at that time. However, if hon. members of the house have some questions I might be able to answer them at this time. I understand the hon. member for Laurier has some questions.

Hon. Lionel Chevrier (Laurier): Mr. Speaker, I rise at this time to deal with the bill which is now before the house, namely Bill No. S-24, respecting Wabush Lake Railway Company Limited and Arnaud Railway Company. I am pleased that the matter has come forward in this fashion, although I cannot say that I am particularly pleased about all of the actions that have gone on so far in connection with the bill. None the less, I think I would be remiss in my duty were I not to say immediately at the outset that those of us who are on this side of the house, will support the bill. We will support it because we think this is a good thing for Canada, and because we feel that the development on the north shore of the St. Lawrence river, partly in the province of Newfoundland and partly in the province of Quebec, will bring about, as the hon. member for Davenport (Mr. Morton) has said, an expenditure of some $200 million, $20 million of which have now been either expended or committed.

As I understand it, the project is to link the Quebec North Shore and Labrador Railway Company which now exists and which brings iron ore from Knob Lake or Schefferville down that company's railway to the St. Lawrence river at the port of Seven Islands. The object of this bill is to tie the two lines to the Quebec Iron Ore Railway Company, namely the Wabush Lake Railway Company at the northern end, which will make the link with the Labrador mine and the Arnaud Railway Company on or very close to the shores of the gulf of the St. Lawrence, which will make the link between the Quebec North Shore and Labrador Railway Company and a new port on the St. Lawrence. As the hon. member has said, the intention is to bring these railways under the jurisdiction of the parliament of Canada and the board of transport commissioners.

But in rising at this time I have another purpose; and I hope the hon. member and those on the other side of the house who have sponsored this bill will not begrudge me the occasion that I intend to take to say a word about, first, the tremendous development that has taken place all along the north shore of the St. Lawrence, thanks to the development of the St. Lawrence seaway. I think it can be said with accuracy and with truth that because of the transportation facilities which have been established and because of the reduction in transportation costs there is great industrial development from the lower St. Lawrence right up to the head of the lakes. I have been told—and I believe this to be true—that more money is being expended upon industrial development because of the opening of the seaway to the commerce of the world than upon the power and navigation facilities themselves.

There is no question in the world that the Quebec North Shore and Labrador Railway as well as the iron ore development would not have taken place had it not been for the decision of the former government—and I say this to the members of the government now—unanimously, because that attitude was adopted by both sides of the house—which was a good one for Canada. The Iron Ore Company of Canada has a development which I think runs into hundreds of millions of dollars. I may be mistaken in the amount but it is a tremendous one. It consists of the townsite at Schefferville, originally known as Knob Lake, a 360-mile railway built at private cost extending from Knob Lake to Seven Islands; a vast mining operation; and

extensive dock facilities. There has been the development of hangars, warehouses and the like at Seven Islands and it is really the project which broke the back of the opposition to the St. Lawrence seaway. Had it not been for the discovery of iron ore in the fields of Labrador and Quebec I do not think it would have been economically possible to convince the governments of both Canada and the United States that this project should be proceeded with.

The second thing I want to say, and I want to direct this particularly to the attention of those who sit in the government benches, is that it seems to me that the proper advantage is not being taken of this development by the government. It has repeatedly been said, and I believe it is true, that the seaway both from the power and the navigation point of view would aid the development of this country tremendously. That is a fact. But I think it could be helped a great deal more by the development of secondary industries, and I wonder whether the government should not be directing greater attention toward the development of secondary industry all along both shores of the St. Lawrence seaway.

I say this because I have given it a great deal of thought, and I am convinced that those of you who sit in the cabinet benches feel the same way about this matter. It was predicted that there would be, because of this iron ore development large movements in domestic traffic. That is, iron ore traffic that moves from the lower St. Lawrence up to the south shores of lake Ontario and lake Erie; and conversely grain traffic that moves from the head of the lakes to Montreal and other St. Lawrence ports.

That is taking place, but I think because of the development of the common market areas on the continent of Europe greater attention should be paid to the development of secondary industries. In the metropolitan area of Montreal there is a great deal of development going on now. I think that if the federal government in co-operation with the provincial governments and the planning departments of provincial governments was to give consideration to establishment of secondary industries which arise out of developments such as this bill will bring about that would be one way in which to reduce not so much the seasonal unemployment as the cyclical, the business and the technological unemployment which exists in this country at the present time.

Then there are one or two other matters which I would like to bring to the attention of the hon. member, and they are these. I do not think that the Iron Ore Company of Canada, through its subsidiary Quebec North Shore and Labrador Railway Company, because of the agreements which it has made with the Wabush company, should be placed because of this bill in an inferior position to that in which it was placed prior to the existence of this bill should it be passed by the house. In the other place, in an attempt to meet that position, one amendment was made and I think that consideration should be given to another amendment which should be made to this bill, and that has to do with the rights covered by the agreement between Wabush and Iron Ore. I believe these have to do with rights on the northern end of the project, namely the 40 miles which extend from the Labrador mine to an area south of the Schefferville area. The Iron Ore Company have, I believe, certain perpetual rights because of that agreement.

The hon. member and the house probably know, or we will be told when the bill is brought before the committee, that it may well be that the Iron Ore Company will not be placed in the same position as it was heretofore because of this bill. However, I think this development is going to inure to the benefit of Canada. I believe that any project wherein $200 million is going to be spent for the development of Canadian resources is a good thing and should be approved by all parties in the house, subject to the amendment which I indicated a moment ago.

I think the hon. member should tell us who is the owner of the Wabush railway company and who is the owner of the Arnaud railway company, and whether Canadian Javelin still hold interests in either of those companies.

Hon. W. J. Browne (Minister without Portfolio): Mr. Speaker, I am particularly interested in this bill and I am very gratified to learn that the members of the opposition are giving it their support.

I was a member for the Newfoundland legislature when arrangements were made between Canadian Javelin and the Newfoundland government and authority was then given to the Wabush Lake Railway Company Limited. The hon. member for Laurier (Mr. Chevrier) has described pretty accurately the position with regard to the railways concerned. The present railway, known as the Quebec North Shore and Labrador Railway Company runs from north to south from Seven Islands to Schefferville almost in a straight line, and the two railways concerned here run from east to west, one at a point about 224 miles from Seven Islands and the other one I believe about ten miles from Seven Islands. The lower line runs west along the gulf of St. Lawrence toward the new port

which is going to be created there. The other branch line which runs 40 miles from the main line west to lake Wabush and Carol lake will run to two new mines, one of which is almost ready for operation at Carol lake owned by the Timmins interests, the Hollinger interests and steel companies in the United States. It is hard to say who owns the other one, the lake Wabush development. It was promoted by the Canadian Javelin company and there are a number of steel companies in the United States associated with its development.

The hon. member for Laurier referred to the fact that the St. Lawrence seaway made this development—I do not think he said possible, but certainly made it much more promising than it would have been. It made it much more successful than it would have been because the mines were discovered many years before it was decided to build the seaway. But I believe that even if the seaway had not been built the mines would still have been developed. Certainly the construction of the St. Lawrence seaway has made it a very promising affair and has also given justification for the consideration of secondary industries which the hon. member advocated, some of which I believe have started already.

Mr. Chevrier: I think what I said was that were it not for the discovery of iron ore in Labrador and Quebec it would not have been possible to build the seaway; it was really the discovery of iron ore which overcame the opposition to the seaway.

Mr. Browne (St. John's West): I did not understand that that was the point which the hon. member was making. However, I accept his explanation.

I should like to give credit to the Iron Ore Company for the tremendous development which has been brought to Labrador and Quebec territories which adjoin Labrador. This has been a remarkable development and it is still only at the beginning. The ore at Schefferville and Knob Lake is of high quality. It is even beautiful to look at. Last year I was looking at some of the ore as it was taken out of the mines in Schefferville and Knob Lake, and I was surprised to find that this was so, as I believe, most other hon. members who saw it would be. The other ore at Lake Wabush is ore of a lower grade of iron content, but as a result of benefication processes it has been possible to produce a high grade product which will be shipped along this new railway to the main line and then down to the St. Lawrence.

Those of us who come from Newfoundland have been thinking of using the tremendous power of the Hamilton river in the neighbourhood of Grand Falls, and it is certainly pleasant news that the Brinco people—the British Newfoundland Corporation—have already begun the construction of a power plant with an initial development of 120,000 horsepower. But when we remember that this great river is capable of developing over eight million horsepower we can see that there are further possibilities for the utilization of this great natural resource for the refining of ore in one way or another whether by the construction of blast furnaces or in other ways. This great source of power may also be used to bring power to sites along the St. Lawrence river where some of the secondary industries mentioned will be established.

I am certainly glad that this measure is going through and that it receives the approval of hon. members of the opposition. I am sure the sponsor of the bill will be pleased to answer any other questions in connection with it.

Mr. D. M. Fisher (Port Arthur): After surveying the record of the proceedings in the other place it is apparent that there is some kind of principle of government ownership involved in the problem of the Wabush railway. In fact, the railway as it exists now is not so much a railway as an extension of the Iron Ore Company's facilities and this will probably come to an end when the railway becomes geared to handle ore from the other company or perhaps from two other companies. This, in our view, is in many ways as it should be. While one could compliment the Iron Ore Company of Canada for its imagination in creating this line, the fact is that this is a major communication using the public land of Canada though in this case it is under provincial jurisdiction. Through this bill the whole enterprise as a transport medium comes within the orbit of the federal government and the board of transport commissioners. To that extent the people are given more control and a wider interest in the operation.

One can understand the reason why the Iron Ore Company of Canada was not too pleased about this particular development—I have taken that view of the company's attitude after reading the cross-examination—and I am certain that from a business point of view one might have great sympathy with the company's position. But at the moment unless we go forward with the bill as it is—and I cannot really see the value of making amendments—we should be placing the Wabush group and the other group associated with them in the branch line which is going to be constructed in a position where they would not have any bargaining strength as

against the Iron Ore Company of Canada or the Quebec North Shore railway or whatever you want to call it. For that reason we feel the bill should be approved.

When the measure comes up for consideration in the committee I hope whoever is responsible will call the meetings at some time when some of the other committees of the house are not sitting, because I think this is a bill involving the kind of issue which deserves a good attendance at the committee on railways, canals and telegraph lines. We look forward to taking part in such committee meetings, and I do not expect we shall have any particular criticism to make. I hope that because so much of the discussion has already taken place in the other place we shall be able to forgo covering all the ground again, and I hope the sponsor of the bill will recommend to all members of the committee that they look at what took place in the other place, because the main points in the argument have already been set out there and there is no need for our proceedings to be repetitious.

The Acting Speaker (Mr. Rea): If the hon. member for Davenport speaks now he will close the debate.

Mr. M. D. Morton (Davenport): First of all, I will answer the question asked by the hon. member for Laurier. The Canadian Javelin Company does not own any shares in the company which owns these two railways. The company which owns these two railways is the Wabush Iron Company Limited which holds all the shares in these two railway companies. With respect to the observation as to the contractual—

Mr. Chevrier: What is the position of Javelin vis-à-vis this company?

Mr. Morton: The lands and the property are leased from Canadian Javelin who in turn have leased the property, as I understand it, from the Newfoundland government. Apparently this company was in there first and had certain leased rights from the Newfoundland government which they turned over to the Wabush Iron Company.

Mr. Chevrier: Will Javelin receive any royalties from this company?

Mr. Morton: I have no information about that, but I will endeavour to have the answer ready for the hon. gentleman in the committee.

With respect to the other matter I think the crux of the difference of opinion between the Iron Ore Corporation and those who are proposing this bill was in order to obtain an equitable freight rate for the transportation of the ore out of the mine. If the rates were obtained on the present set-up over the existing federal railway the Wabush Iron Company could not get credit in their rates for ore originating from their company's site but by incorporating these two railways with the present federal railway there will be created one transportation system as a result of which rates would be more equitable and the company would get a certain credit ratio on iron ore originating from their site. I think that is the main purpose of it. Otherwise all contractual and proprietary rates remain the same with no other disadvantage to the Iron Ore Corporation which originally developed the railway.

For the assistance of the hon. member for Port Arthur (Mr. Fisher) I might say it is the hope to have the committee meet on Tuesday next. I understand that all the officials and parties concerned with the bill are prepared to come on that day. I am not yet sure of the time.

Mr. Fisher: Will the hon. member try to arrange it so the meeting will not conflict with the time of meeting of the combines committee because 15 or 30 hon. members of the combines committee are also members of the committee on railways, canals and telegraph lines.

Mr. Morton: We will do the best we can.

Motion agreed to, bill read the second time and referred to the standing committee on railways, canals and telegraph lines.

SUPPLY

The house in committee of supply, Mr. Rea in the chair.

DEPARTMENT OF MINES AND TECHNICAL SURVEYS

B—Dominion coal board—

214. Administration and investigations of the dominion coal board, $119,400.

Mr. Chevrier: Mr. Chairman, when the business of the committee was interrupted there had been a question asked by the hon. member for Bonavista-Twillingate with reference to coal and I believe the minister was about to reply to it.

Mr. Pickersgill: Mr. Chairman, before the minister replies I wish to apologize to him in advance. I have a very important engagement and will have to read the hon. gentleman's statement. I am somewhat embarrassed.

Mr. Chevrier: I will listen to it carefully.

Mr. Comtois: Mr. Chairman, I have a short statement to make regarding the dominion coal board estimates. Hon. members will agree, I think, that a long statement would

be inappropriate at this time while all of us are looking forward to the report of the royal commission on coal.

Let me deal first with policy. From the long range point of view the government's policy is simply to keep a sympathetic and open mind until the information, the conclusions and the recommendations of the Rand report are available for study.

But a short range policy is necessary. This is positive, clear, easily understood and practical. It is simply to improve the present situation wherever we can—and if the situation cannot be improved, then to maintain it without deterioration—until the Rand report is ready and long range policy can be formulated.

The dominion coal board estimates have been prepared from this policy background. It is essentially the same policy that reduced to normal proportions the huge stockpiles of coal at Sydney and Montreal, held unemployment in Cape Breton to a minimum when mass unemployment was threatened, restored a good measure of coal mining employment in the Crowsnest pass area of British Columbia and Alberta and is currently staving off suggested mine closures in Nova Scotia.

This is a good record by comparison with other countries which are experiencing crisis conditions in their coal industries. I understand that 25,000 miners are unemployed in one small European country. There are huge stockpiles of unsold coal at nearly all European coal mines. Last year while our Canadian stockpiles were being reduced to normal the undistributed stockpiles in the United Kingdom grew by 10 million tons and now contain 32 million tons of coal.

Any review of the current coal situation in Canada has to begin with the fact that coal consumption in this country is still declining under the competitive impact of oil and natural gas. The total Canadian consumption of coal in the fiscal year ended March 31, 1960 was 23,758,621 tons. This was a decrease of 1,650,000 tons by comparison with total consumption in the previous year. Viewed, however, against the more than four million ton drop in consumption which occurred in 1958-59, it can perhaps be regarded as a levelling off of the downward trend.

One item in the consumption figures deserves a historical footnote. I refer to the railway consumption of coal. Last year it was only 895,000 tons. The footnote for history is the fact that railway locomotives in this country once burned 13 million tons of coal annually.

Another item in the consumption figures is of interest. Coke and gas plants used nearly one million more tons of coal last year than in the previous year, a reflection of the high level of activity in our steel industry.

On the production side, Canadian mines produced 10,870,000 tons of coal during the year ended March 31. This was a decrease of 300,000 tons by comparison with the previous year but again it was a reduction of the decline by comparison with the year before last. One has the feeling that, if it were not for the intense new competition of natural gas and residual oil, the worst period would now be over for coal; that the upswing, so long predicted by the economists, would be about to begin.

Nova Scotia coal production in 1959-60 was 162,500 tons greater than in 1958-59 and New Brunswick production was 88,700 tons greater. The other coal regions produced somewhat lower tonnages last year than the year before, with the greatest decrease, 356,000 tons, occurring in Saskatchewan.

The Saskatchewan decrease is probably less a reflection of contracted demand than of disrupted production by a fire at one of the large mines in the Estevan district. As a matter of fact, Saskatchewan and New Brunswick are the two regions where the coal industry can be said to be in a definitely healthy condition. We have reports that Saskatchewan lignite has been able to hold its markets fairly successfully against low cost natural gas.

Little that is encouraging can be said about the household market for Alberta's subbituminous coal. Its use continues to decline as more and more homes throughout the prairie provinces are converted to oil and natural gas.

Here is a case where the hard fact must be faced that increased subventions or any other measure within federal jurisdiction would be powerless to maintain this sector of the Alberta industry. All but a few tons of the markets that are being lost are in the west itself. For some of Alberta's sub-bituminous coal there is a future in thermal electric power generation; but this is small comfort to the miners who have produced the coal for the prairie household market and now see employment diminishing. The coal for thermal power will be mined by strip methods.

I have already mentioned the Crowsnest pass area of Alberta and British Columbia. The greatly improved situation in that district is the result of increased export subvention assistance combined with the sustained efforts of the coal board and the producers to interest the Japanese steel industry in our western coking coals. About a year

ago, you will remember, Mr. Chairman, a Canadian coal mission visited Japan with excellent results. During the 1959-60 fiscal year 263,541 tons of Alberta and British Columbia coal were exported to that country.

The coal board followed up its efforts of last year by arranging with the fuels and mining practise division of the Department of Mines and Technical Surveys to carry out extensive research on blends of Japanese and Canadian coals. The board then borrowed two specialists from mines and technical surveys, one an expert on coke production, the other an expert on steel making, and sent them to Japan to hold discussions and exchange information with the technical experts of all the major Japanese steel companies. It was the first such technical mission ever sent by any of the numerous countries which sell coal to Japan. The Japanese have been genuinely appreciative of our attempt to determine scientifically how Canadian coals can best meet the special requirements of their growing steel industry. This year the Japanese importers have already placed firm orders for half a million tons of Canadian coal. These favourable export developments could not be fully foreseen when the main estimates were prepared. At a later date I shall present to you a supplementary estimate of the subvention funds needed for this additional tonnage.

The Nova Scotia situation is known to all of us. You are aware, Mr. Chairman, of what we have been doing to maintain the Nova Scotia industry and keep unemployment among the Cape Breton miners to a minimum while awaiting the report which, we hope, will point the way to fundamental solutions for the industry's problems.

Using the increased subvention funds which you approved last year, combined with the special contribution of the provincial government of Nova Scotia and combined also with a tremendous sales effort, much of it conducted personally by the chairman of the coal board, we squeezed a substantial tonnage of Nova Scotia coal into the Ontario market. We did this while the Ontario market has been so contracted that it has been buying approximately 4,500,000 tons less United States coal. We additionally succeeded in maintaining, to a considerable degree, the traditional Nova Scotia coal markets in the province of Quebec against the competition of natural gas, residual oil and surplus hydro-electric power.

The Nova Scotia government has asked us to continue this high emergency level of assistance during the 1960-61 fiscal year, again offering to make a contribution of up to $500,000 to the increased cost, and we have agreed to do so.

[Mr. Comtois.]

Nova Scotia subvention payments made during the last fiscal year totalled $13,518,-398.11. This was $5 million more than had ever been paid out in Nova Scotia coal subventions in any previous year. However this total includes a small number of carried-over payments from the final weeks of the previous fiscal year. The amount paid out on the 2,414,786 tons of Nova Scotia coal that actually moved with subvention assistance between April 1, 1959 and March 31, 1960 was consequently approximately $12 million. The estimates which you have before you, Mr. Chairman, represent about the same degree of subvention assistance.

(Translation):

Mr. Deschatelets: Mr. Chairman, at this stage in the discussion of estimates, I simply want to say a few words in connection with the coal mining industry. I am speaking as a layman, but I would like to express some general ideas and make one or two suggestions which, I think, are of some interest.

Coal is obviously one of our most versatile natural underground resources. It can be used in hundreds of ways other than a source of energy. It has been said that North America has about 40 per cent of all the coal in the world, and to give an idea of the importance of coal as a natural resource, experts state that, even if present production were doubled, we would have coal for perhaps a thousand years. That shows the abundance in this country of that recuperable wealth which can be used for years and years to come.

As the minister suggested a few moments ago, there is now heavy unemployment in the coal mining industry, and all experts and specialists in the matter agree that the next ten years will be the hardest. However, the prospects are that, in 15 or 20 years, large scale production will be resumed. Present conditions are due to several causes. The minister mentioned a few of them, like the dieselization program of our railway systems, which has certainly been a blow for our coal industry. We also may say today that, with regard to other sources of energy, prices have remained stable, while in the coal mining industry, prices have increased for several reasons.

On the other hand, Mr. Chairman, these last few years, we have found new sources of energy, such as natural gas, but we can already see that those sources are not as plentiful as coal and the time will come when we will just have to go back to mining coal

on a high scale. For that reason, I should like to make a suggestion to the Minister of Mines and Technical Surveys (Mr. Comtois).

If we expect to have to go back to intensive coal mining say in ten years, why do we not start at once stockpiling coal, to help out that industry and provide jobs for miners? Why, for instance, should we not intensify present production and stockpile coal in various places that could extend, let us say, from eastern Canada to Montreal? I presume that, in case of war, several other sources of energy could become exhausted or rendered unusable; coal so stored would constitute a reserve that could be readily used. I would therefore ask the minister to consider the possibility of stockpiling coal at various places in Canada; that would allow us to accelerate production in our coal mines.

This I think, is a suggestion which deserves to be seriously considered since, I repeat, experts agree that coal production will cease to be a problem 10 or 15 years hence. However, the problem now exists, and I think that if the government seriously considered this suggestion, it would be much easier, during the next ten years, to stabilize that industry which promises to be one of our most important resources in coming years.

Now I have little to add to what I have already said. However, I would also ask the minister to consider raising the amount provided for research on coal uses. I have been reading various articles from the United States and elsewhere, dealing with new processes, permitting the use of coal for a number of purposes, indeed for hundreds of purposes.

I think we in Canada should constantly keep abreast of research being carried out in other countries, so as to be up-to-date and thus help the coal industry, which I think is one of the most important and most promising of our industries.

In closing my remarks, I should like to subscribe to what the minister said about the officers of his department, and particularly those who are in front of his desk. I want them to know we appreciate the magnificent job they are doing and we think that with their know-how, we should be able to give that industry a new lease on life as it cannot be allowed to remain in its present state of stagnation.

I think we should take bold steps to insure that this industry will recover its former activity, for let us not forget that within 15 and even 20 years, we shall be back to the high level of production of recent years.

(Text):

Mr. Muir (Cape Breton North and Victoria): Mr. Chairman, I should like to take this opportunity to express appreciation to the minister and the government and, as the previous speaker said, to the chairman of the coal board and his assistant for their efforts during past years on behalf of the coal industry. We are facing a very serious problem, one that is causing great concern. Not only do I wish to express our appreciation but appreciation has also been expressed by the union leaders, the coal corporation and the provincial government of Nova Scotia.

The question has been gone into in many different ways and I hope the government and those I have mentioned will continue to exert every effort toward the day when we shall have full employment in our coal mines. Before I resume my seat, I know it is getting rather late but I wonder whether the minister is able to suggest when the report of Mr. Justice Rand will be released.

Mr. Comtois: Mr. Chairman, to answer in a few words what has been said by the hon. member for Maisonneuve-Rosemont, I would say that we are ready to study the suggestion of stockpiling. With respect to his other suggestion, we already have a fuels division in the mines branch of the department.

(Translation):

And in that division of the department we have experts continually carrying out research and experiments on the use of coal for other than the ordinary purposes, in an effort to discover new possibilities applicable both in industry and elsewhere and with a view to making a more extensive use of certain materials that we have.

Mr. Deschatelets: May I ask the hon. gentleman a question? Do officials of his department attend certain meetings held in the United States or elsewhere in order to be made aware of new methods?

Mr. Comtois: Certainly. Dr. Ignatieff, head of the fuels division, has taken part in every symposium or conference of that type not only in Canada and in the United States but in Europe. He is one of our best specialists, and we rely on him very much.

As to the inquiry of the member for Cape Breton North and Victoria—

(Text):

In answer to the question of the hon. member for Cape Breton North and Victoria, I cannot say definitely when the report will be ready but as far as I can foresee it will be next September.

Item agreed to.

The Deputy Chairman: That completes the estimates of the Department of Mines and Technical Surveys. Shall I rise, report certain resolutions and request leave to sit again at the next sitting of the house?

Mr. Fulton: Could you call item 151 and stand it?

DEPARTMENT OF JUSTICE

151. Departmental administration including annual contribution of $200 to the conference of commissioners on uniformity of legislation in Canada, $872,484.

Item stands.

Resolutions adopted in committee of supply this day reported and concurred in.

BUSINESS OF THE HOUSE

Mr. Chevrier: May I ask whoever is leading the house whether there is any change in the order of business as announced last night?

Mr. Harkness: Yes, Mr. Speaker. Last night the house leader outlined generally the business for next week, as found on page 5350 of *Hansard*. There are some slight changes in the order in which he gave these various items. The business for Monday will be as follows: First, the motion to extend the hours of sitting of the house, which was announced last night; second, second reading of Bill No. C-78, to amend the Judges Act; third, second reading of Bill No. C-76, to amend the Public Service Superannuation Act; fourth, the amendment to the Canada Shipping Act; and, fifth, the amendment to the Criminal Code, both of which were announced last night.

On Tuesday it is expected that the first order of business will be the resolution regarding the setting up of a department of forestry. The other items which I have announced will be taken in the order in which I have given them if they are not completed on Monday.

At six o'clock the house adjourned, without question put, pursuant to standing order.

ANSWERS TO QUESTIONS

The following answers, deposited with the Clerk of the house, are printed in the official report of debates pursuant to standing order 39:

CORNWALL HIGH LEVEL BRIDGE—SUBSTRUCTURE CONTROL MEASURES

Question No. 378—**Mr. Argue:**

1. Were any control measures set up to guard against possible substructure defects developing unnoticed in the Cornwall high level bridge (a) during steel erection; (b) after completion?
2. If so, what were they?
3. Were these control measures as set up followed out?
4. Were reports made from time to time under these control measures?
5. If so, what was the nature of the reports, by whom, and to whom were they made, and at what frequency?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The St. Lawrence seaway authority advises as follows:

1. (a) Yes; (b) yes.

2. The initial survey control system for substructure construction was expanded to cover the precise checking of possible movements of the piers.

3. Yes.

4. Yes.

5. Result of observations, by resident engineer to division engineer and engineer of construction at approximately weekly intervals. In addition, the U.S. army corps of engineers and the superstructure contractor carried out precise surveys during the course of steel erection.

CORNWALL HIGH LEVEL BRIDGE—SUBSTRUCTURE REMEDIAL METHODS

Question No. 381—**Mr. Argue:**

1. Were remedial methods applied to the substructure of the Cornwall high level bridge approved by both American and Canadian authorities, and accepted by the United States corps of engineers, Dr. Steinman and the St. Lawrence seaway authority, prior to starting such remedial work?
2. If so, who approved in the case of each authority, and on what date?
3. If not, what person or authority did not approve?
4. Were remedial procedures approved on the completion of said work by both American and Canadian authorities as being satisfactory according to specifications and standards?
5. If so, who approved for each authority, on what date, and on what results were such approval based?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The St. Lawrence seaway authority advises as follows:

Questions

1. Yes, subject to verification of work then to be performed.

2. R. M. Boynton for D. B. Steinman, December 13, 1957 and January 6, 1958; Col. L. W. Olmstead, U.S. army corps of engineers, January 6, 1958; M. W. Oettershagen, deputy administrator, Saint Lawrence Seaway Development Corporation, December 13, 1957 and January 6, 1958; A. G. Murphy, chief engineer, the St. Lawrence seaway authority, upon the recommendation of the late P. L. Pratley, December 13, 1957 and January 6, 1958.

3. Answered by 1 and 2.

4. Yes.

5. Those named in answers to question 2, consequent to the favourable report by the special board of consultants appointed to investigate the matter.

CORNWALL HIGH LEVEL BRIDGE—PIER SILT ANALYSIS REPORT

Question No. 383—**Mr. Argue:**

1. Has the St. Lawrence seaway authority received a report of an analysis of the silt content of the piers of the substructure of the Cornwall high level bridge from an inspection company which had made such a test at the request of the contractor doing the remedial work on the substructure?
2. If so, (a) on what date was the report made; (b) who was the official signing the report; (c) what was his position; (d) the name of the company employing him; (e) what were the findings of this independent report?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The St. Lawrence seaway authority advises as follows:

1. Two independent analyses were made and reported upon at the request of the authority, not the contractor.

2. (a), (b), (c), (d) and (e)—Report dated February 14, 1958, signed by J. E. Hurtubise, P. Eng., professor Ecole Polytechnique, stated that "most of the material in the 35 wash samples came from the till underlying the pier and not from the drill grindings".

Report dated February 21, 1958, signed by Henri Trochu, M.Sc., M.C.I.C., chemist, industrial and Commercial Laboratories Limited, concluded with the following statement: "Considering all above results, it is our opinion that the solids from the 37 samples are mostly till, and contain little if any of the concrete mixture prepared with the ingredients submitted."

CORNWALL HIGH LEVEL BRIDGE—GLACIAL TILL CONDITIONS

Question No. 384—**Mr. Argue:**

1. Did the St. Lawrence seaway authority receive a report or letter from the contractors working

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on the substructure for the Cornwall high level bridge, regarding a difference they found re soil or glacial till conditions as compared to information supplied to them by the authority from previous test borings carried out by the United States corps of engineers or the St. Lawrence seaway authority?

2. If so, what was the date of the communication, and what was its nature?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The St. Lawrence seaway authority advises as follows:

1. Yes, but subsequent investigations and construction operations disclosed the fallacy of their allegations.

2. By letter dated January 4, 1957, the contractor stated that in drilling and blasting on the sites of the main piers to loosen material so as to facilitate the driving of steel sheet pile cofferdams and the excavation therein, the material on the Canadian side was found to be dense, glacial till with all kinds of boulders, as expected, and they anticipated no trouble to get a satisfactory bearing for the concrete piers, but that on the United States side the material seemed much softer and did not require any blasting. They expressed the fear that they might need longer penetration of the sheet piling on the United States side and suggested that excavation be carried to a lesser depth than specified and that tubular pipes be driven, as bearing piles, to rock.

N.B.—Consequent to the receipt of this letter the authority had further borings made which confirmed the findings of the U.S. army corps of engineers that the material on the United State side comprised a dense glacial till as found on the Canadian side, except that it was overlain in part by relatively loose gravel and boulders. This indicated no need for a change in design.

By letter dated July 4, 1957, the contractor again made reference to the drilling and blasting of the previous December at which time they "found the Canadian side very hard, the United States side very soft" but that in driving their H-pile falsework in the spring they "could not possibly drive through or dig the Canadian side and the United States side". They were at a loss to explain the December conclusions and questioned if they had been properly located on the United States side. The main feature of this letter, however, was a complaint that the authority had restricted the drilling and pre-blasting on the site of the main piers to elevation 114, three feet above the elevation to which excavation was specified and in consequence of this they could not guarantee excavation to elevation 111 nor could they guarantee that the steel piling in the cofferdams would have enough penetration.

N.B.—Subsequent operations, following drilling and pre-blasting disclosed that the till on both the Canadian and United States sides was so dense that the consulting engineers agreed to the founding of the piers from one to two feet above the specified elevation 111. The nature of the material excavated from within the caissons was the same as that described on the contract plans.

CORNWALL HIGH LEVEL BRIDGE—MOVEMENT CONTROL SYSTEM

Question No. 385—**Mr. Argue:**

1. Has a control system been set up at any time since July 1, 1957, by the St. Lawrence seaway authority for the purpose of checking, shifting, rocking or movement of piers and substructure of the Cornwall high level bridge?

2. If so, (a) on what date was it set up; (b) by whom was it authorized; (c) what were the terms of reference; (d) the date of each check; (e) the results of each check; (f) the name of each engineer who carried out the checks or surveys and what were their duties and qualifications?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The St. Lawrence seaway authority advises as follows:

1. The initial survey control system for substructure construction was continued and expanded to cover the precise checking of possible movements of the piers.

2. (a) Prior to commencement of construction.

(b) Division engineer.

(c) General instructions from engineer of construction applicable to all construction work.

(d) Routine checks, as necessary, throughout the period of construction and until stability of the structure was assured.

(e) Main piers:

A comparison of elevations taken on December 20, 1957, with elevations previously taken at four points on the top of easterly shaft of pier No. 12 indicates uneven settlement with a maximum differential of about one quarter inch between two diametrically opposite sides. This would suggest tilting of the shaft which would cause a horizontal movement of the top. As there was no apparent horizontal movement of the top of the pier, and as there has been no further evidence of settlement, it has been concluded that the first observations must have been in error. There was no further suggestion of movement in this shaft or any evidence of movement in other shafts.

Cable-bent pier No. 13 (Canadian side):

Initial movement observed to be: Top of west shaft—easterly one eighth inch and southerly one half inch. Top of east shaft—westerly one half inch, and southerly one inch. There has been no vertical settlement or

further horizontal movement. It is believed that the displacements were caused by abnormal forces resulting from the temporary support of construction equipment used in placing parts of the superstructure.

North abutment (Canadian side):

Initial movement observed to be one and one half inch southerly, at the top. There has been no vertical settlement or further horizontal movement.

(f) The checks were made by a qualified instrument man under the personal supervision of G. S. Jardine, P.Eng., resident engineer or M. A. Hanson, P.Eng., division engineer.

CORNWALL HIGH LEVEL BRIDGE—INITIAL PIER DESIGN

Question No. 387—**Mr. Argue:**

1. Did the initial design for the Cornwall high level bridge by Dr. Steinman call for piers to go to bedrock?
2. If so, was the design in this respect changed?
3. For what reason, on what date, and who initiated the design change?
4. Were any substructure design changes approved by or on behalf of the St. Lawrence seaway authority?
5. If so, what were they, on what date were they made, by whom, and what were the names of the engineers consulted re the design change in each case?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The St. Lawrence seaway authority advises as follows:

1. The "Preliminary Engineering Report" by D. B. Steinman, dated July 12, 1956, prepared prior to obtaining complete information on foundation conditions, contemplated the founding of the main piers on rock but the D. B. Steinman "Design Memorandum", dated August 17, 1956, contains the following notation: "River Piers: Due to the compactness of the glacial till overlaying rock and the difficulty of driving steel sheeting to substantial depths due to such compactness and the presence of cobbles and boulders, the two main piers in the river will be founded at elevation III., ten feet below proposed channel dredged depth, instead of carried down to rock—"

2. and 3. Answered by 1.

4. Yes.

5. Seven approach girders and their piers at the northern end were eliminated and replaced by the extension, in a southerly direction, of the embankment fill. The northern abutment was changed from a U-type gravity structure to a buried pier. These changes were made by D. B. Steinman, upon instructions from A. G. Murphy following consultation with P. L. Pratley.

Questions

CORNWALL HIGH LEVEL BRIDGE—CONTRACT VARIATIONS

Question No. 388—**Mr. Argue:**

1. Were all specifications contained in the contract agreement relative to the substructure of the Cornwall high level bridge strictly adhered to?
2. If not, what variations were permitted, for what reason, and by whom were variations approved in each case?
3. Did any defects show up at any locations where the original specifications were not followed?
4. If so, what were they, at what locations, on what date did they occur?
5. Were remedial measures undertaken? If so, what were they, on what dates were they begun, and who decided on what measures to take in each case?
6. Did any defects or faults show up (a) during the remedial work; (b) subsequent to the remedial work, at locations where such work was conducted?
7. If so, (a) what was the nature of such faults and defects; (b) what further corrective measures were taken; (c) by whom were they ordered, and on what date; (d) by whom were the final results approved?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The St. Lawrence seaway authority advises as follows:

1. No.

2. The specified use of an air lift as an aid in cleaning all loose and soft material from the bottom of the excavation within each caisson of the main river piers was waived by P. L. Pratley, consulting engineer, presumably because he was satisfied that the caissons had been satisfactorily cleaned by other means.

3. Yes.

4. Test borings in each concrete shaft of the main piers disclosed the fact that at the plane of contact with the glacial till foundation there existed a shallow layer of crushed stone aggregate the interstices of which contained fine silt and sand instead of intrusive grout as intended.

5. Yes. Remedial measures, commenced early in December 1957, comprised the drilling of numerous holes through the concrete from top to bottom of each cylindrical shaft; the washing of fine silt and sand from the interestices in the stone; and the filling of the interstices with cement grout introduced through the cored holes under pressure. The remedial measures, initially proposed by P. L. Pratley, were approved by R. M. Boynton for D. B. Steinman and decided upon by the seaway authority and the U.S. army corps of engineers.

6. (a) Yes; (b) no.

7. (a) During the washing of the downstream shaft of pier 12 on December 19, 1957, the steel sheet piling of the caisson separated from the concrete of the shaft; (b) each of the four cylindrical shafts was encircled with

a 15-inch thick collar or sleeve of concrete placed within a shell of straight web steel sheet piling; (c) chief engineer upon approval by consulting engineers, December 23, 1957; (d) special board of consultants.

CORNWALL HIGH LEVEL BRIDGE—SUBSTRUCTURE FIELD NOTES

Question No. 390—**Mr. Argue:**

1. Were field notes kept by the resident, field or assistant engineer at Cornwall, in relation to the construction of the substructure of the south channel high level bridge?
2. If so, (a) to whom were they submitted; (b) on what dates; (c) by whom; (d) what was the nature of each?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The St. Lawrence seaway authority advises as follows:

1. Yes.

2. (a) (b) (c) and (d). In compliance with specific instructions relating to all construction contracts, routine notes on construction activities were submitted by field engineers to the resident engineer, daily; by the resident engineer to the division engineer, weekly; and by the division engineer to the engineer of construction, monthly. Unusual events of importance immediately were reported through the chain of responsibility to the chief engineer.

Supply—Items Passed

[The following items were passed in committee of supply]:

A—Department—

Administration services—

Departmental administration—

187. Administration, operation and maintenance, $860,962.

188. Acquisition of common-use field survey and other equipment, $198,300.

189. Explosives Act administration, $95,418.

190. Mineral resources division, $321,524.

191. Assessment for membership in the Pan-American institute of geography and history, $9,150.

Surveys and mapping branch—

192. Branch administration, including the expenses of the Canadian board on geographical names and a grant of $1,000 to the Canadian institute of surveying and photogrammetry, $172,933.

193. Geodetic survey of Canada, $862,248.

194. International boundary commission including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the United States government of the cost of binding annual reports and maintaining boundary range lights, $82,839.

Topographical surveys—

195. Administration, operation and maintenance, $1,973,430.

196. Construction or acquisition of equipment, $92,000.

Canadian hydrographic service—

197. Administration, operation and maintenance, including Canada's fee for membership in the international hydrographic bureau, $4,729,528.

198. Construction or acquisition of buildings, works, land and equipment, $6,256,995.

199. Legal surveys and aeronautical charts, $793,495.

200. Provincial and territorial boundary surveys including authority to make recoverable advances in amounts not exceeding in the aggregate the amounts of the shares of the provincial governments of the costs of the surveys, $30,500.

Map compilation and reproduction—

201. Administration, operation and maintenance, $1,484,957.

202. Construction or acquisition of equipment, $166,700.

Geological survey of Canada—

203. Administration, operation and maintenance including Canada's share of the cost of the geological liaison office, British commonwealth scientific conference, London, England, and $50,000 for grants in aid of geological research in Canadian universities, $3,769,929.

204. Construction or acquisition of equipment, $217,490.

Mines branch—

205. Administration, operation and maintenance, $3,798,711.

206. Construction or acquisition of equipment, $267,352.

Geographical branch—

207. Administration, operation and maintenance including a grant of $500 to the Canadian association of geographers and a grant of $3,500 to the university of British Columbia in aid of research in foreign geography, $399,833.

Dominion observatories—

Dominion observatory, Ottawa and field stations—

208. Administration, operation and maintenance including the expenses of the national committee for Canada of the international astronomical union, Canada's fee for membership in the international astronomical union, and a grant of $3,500 to the royal astronomical society of Canada, $1,238,231.

209. Construction or acquisition of buildings, works, land and equipment, $429,500.

Dominion astrophysical observatory, Victoria, B.C.—

210. Administration, operation and maintenance, $204,952.

211. Construction or acquisition of buildings, works, land and equipment, $170,025.

General—

212. Purchases of air photography and the expenses of the interdepartmental committee on air surveys, $1,550,000.

213. Polar continental shelf project, $1,134,400.

B—Dominion coal board—

214. Administration and investigations of the dominion coal board, $119,400.

215. Payments in connection with the movements of coal under conditions prescribed by the governor in council, $14,204,950.

216. Subventions in respect of eastern coal under agreements entered into pursuant to the Atlantic Provinces Power Development Act, $1,700,000.

A—Department—

Mines branch—

530. Construction or acquisition of equipment—to extend the purposes of vote 206 of the main estimates, 1960-61, to include the construction or acquisition of buildings and works and to provide a further amount of, $30,000.

B—Dominion coal board—

531. Payments in connection with the movements of coal under conditions prescribed by the governor in council—further amount required, $883,000.

HOUSE OF COMMONS

Monday, June 27, 1960

The house met at 11.45 a.m.

COMMITTEES OF THE HOUSE

Second report of standing committee on agriculture and colonization—Mr. Stanton.

Twelfth report of standing committee on miscellaneous private bills—Mr. McCleave.

BUSINESS OF THE HOUSE

EXTENSION OF HOURS OF SITTING UNTIL END OF SESSION

Hon. Howard C. Green (for the Prime Minister) moved:

That commencing on Monday, July 4, 1960, the hours of sitting will be from 11 a.m. to 1 p.m.; 2 to 6 p.m. and 8 to 11 p.m. on each sitting day until the end of this session, and that the provisions of standing orders 2(1) and 6(3) be suspended in relation thereto.

He said: In view of what has happened today, Monday, June 27, I am a little diffident about speaking on this resolution. However I am sure hon. members of the house will realize that this was one occurrence for which the government had absolutely no responsibility.

The proposed motion will provide for several additional hours of sitting, in the first place by cutting the luncheon hour time from one and a half hours to one hour. I do not suppose anyone will quarrel very seriously with that particular change.

Then it is proposed to add one extra hour after 10 p.m. on Mondays, Tuesdays and Thursdays. It will be recalled that frequently at this stage of the session the house sits beyond ten o'clock in the evening in any event, and I suggest that there would be no serious inconvenience to hon. members if we could make it a rule that until the end of the session the hour of adjournment should be 11 p.m. instead of 10 p.m.

Then the motion adds Wednesday and Friday evenings. Wednesday evening, throughout most of the session, is reserved for meetings of one kind or another, and there seems little reason why these could not be dispensed with in order that we may reach the end of the session that much earlier.

As for Friday evenings, I must appeal to the magnanimity or the broadmindedness of hon. members who come from Ontario and Quebec. Ever since January 14 hon. members representing the Atlantic and western provinces have been sitting here over the week ends with time wasted in so far as the house is concerned on Friday evenings, whereas for many years Friday evenings were a most useful time for the sitting of the house and resulted in the passing of quite a large number of estimates and also brought about extremely helpful discussion.

As we all know the Friday evening sittings were taken away in order that it might be possible for hon. members living within a short distance of Ottawa to get to their homes. I realize that hon. members had good reason for wishing that change made, but I suggest that at this stage of the session it would be very helpful if the house could consider estimates on Friday evenings.

No attempt has been made to provide for sittings on Saturdays. I am not sure that this may not be necessary at a later stage, but it is certainly not included in this motion.

In drafting these proposals the government has tried to consider the best interests of hon. members and also of the staff of the house, who of course carry a greatly increased load when there are additional hours added and particularly if, for example, we were to sit right through the meal hour. That, I think, would be very unwise. I have seen it done here on one or two occasions and have had my lunch brought into the lobby for fear I might miss something that was going on. It is a very demoralizing way of carrying on the business of the house, and we are not proposing that meal times be taken away. We are also trying to consider the members of the press gallery, who have a very important function to fulfil in connection with parliament.

Hon. members will realize that there is very little legislation remaining on the order paper. On today's order paper there are three measures that have been dealt with in part, and there are three minor measures being introduced. I should really withdraw that statement; the bill of rights is one of the measures being introduced, and I would not call that a minor measure. In addition there is an act to amend the Canada Shipping Act, a bill from the other place dealing with the international boundary commission, and a resolution concerning the proposed department of forestry.

Quite good progress has been made with legislation, and it is likely that additional

progress will be made during the present week. Also, quite good progress has been made with the estimates. I am advised that by the end of the week most of the committees of the house will either have finished their actual sittings or be winding them up. Of course some of them may not have brought in final reports, but the sittings of some will be concluded although there are four or five which will have to carry on next week and perhaps some of them until the end of the session.

I ask hon. members to bear these thoughts in mind. I hope it will be possible to have this motion accepted, with the result that a great deal more work may be done commencing next Monday than would otherwise be the case.

Hon. Lionel Chevrier (Laurier): Mr. Speaker, I am not rising to oppose the motion, but I am rising to bring to the attention of the Acting Prime Minister and the government some of the matters to which in my opinion consideration should be given on a motion such as this. When the advanced hours of sittings were considered on an earlier occasion I think we adopted the only attitude that could have been adopted at that time. A short time thereafter we have the present motion before us for additional hours of sitting. As I understand it, the effect of the motion will be to increase the hours of sitting by adding 11½ hours more to our sitting time during the course of one week.

Notwithstanding what the Acting Prime Minister has said, there is no doubt but that there remain on the order paper a number of serious and contentious matters. I should like to bring these to his attention, because these additional working hours are being sought now when the order paper indicates that there is substantial work for the house to do and a considerable volume of work which, if not on the order paper, is in the hands of committees.

We are being asked to do more work, about which I am not complaining, but we are being asked to do this at a time when very important business of the session is brought down at the last minute. For instance, the combines legislation was brought down only recently and is now before a committee of the house. I understand that the committee is still waiting to hear a large number of witnesses. It is not likely that that legislation will be disposed of very quickly. The bill of rights is now on the order paper for the first time this session and this will involve a debate of some length in addition, I take it, to reference to a committee where I believe a large number of associations and groups desire to be heard. That being the case I do not think it can be said that most of the important legislation has been disposed of. It is true that apart from the bill of rights the other bills on this morning's order paper, with possibly one exception, can be disposed of fairly rapidly.

I am sorry I cannot agree with the Acting Prime Minister's contention that there will be no serious inconvenience to those of us who sit on this side of the house because of this motion. It is not only inconvenient but difficult for those of us on this side, with these additional working hours, to have to sit on Friday evenings. My hope was that the house might find it possible to sit through the lunch hour instead of sitting on Friday evenings. The Acting Prime Minister seems to have disposed of that, because he said it would be unwise to do so. I remind the hon. gentleman that we have done it in the past not too unsuccessfully. It seems to me it is easier to work during the day time than at night. However, I realize that there may be some who are opposed to that view.

With that in mind I am wondering if the government would not give consideration to an alternative proposal. It has been the practice in the last few months to deal with legislation on Monday and Tuesday and to deal with estimates on Wednesday, Thursday and Friday. The alternative proposal which I should like to make for the government's consideration—I am not going to move an amendment to this motion because I ask the government to look at my proposal before it moves as indicated on the order paper—is that on days on which legislation is being considered we sit as suggested in the motion, with an hour's adjournment during the lunch hour; because when legislation is being considered an hour sometimes gives us an opportunity to consider more carefully what should be said on the legislation which still remains on the order paper some of which is very important; and that on Wednesday, Thursday and Friday, when estimates are considered, we sit through the lunch hour and adjourn at six o'clock on Friday. We would then be discussing estimates under conditions with which we have had to cope before in this house and which have not been too unsuccessful.

I suggest to the Acting Prime Minister that he give consideration to this alternative, which takes in a portion of the motion and gives to hon. members Friday evening, and of course Saturday, which this motion does not include. Therefore, in effect, the alternative proposal I make is that we accept what is now on the order paper for Monday and Tuesday, days on which legislation is generally considered, and that on the

three remaining days when estimates are considered we sit through the lunch hour instead of adopting the proposal now before the house.

Mr. D. M. Fisher (Port Arthur): Mr. Speaker, we shall vote against this motion. We recall the introduction of a similar motion last year and two or three years ago. At that time the minister who introduced something similar suggested that the function of the opposition was to be good whiners. We certainly feel like whining over this. I do not think anyone is more anxious to conclude the business of the house than are the C.C.F. members.

Some hon. Members: Oh, oh.

Mr. Fisher: I am glad to hear those cries. No party takes its duty more seriously or works harder in fulfilling it than we do. We know that the first extension of hours some three weeks ago stretched us beyond our limited resources. This motion makes our role, and we think that of the official opposition, ridiculous, and underlines the arrogance of this government in pushing the opposition around.

When electors vote in Canada they have no accurate preconception of what the make-up of the House of Commons will be, but surely they expect that there will be a function for the opposition. Hon. members recall the 1958 slogan, "Let us have another link in the Diefenbaker chain." We have 208 links in it, and now it is the missing links which beat us. We are aware that the pace for most government supporters is different from our own. We watch with envy the coming and going of the contingent out making a supplementary living at law or business, or on holiday. Between 40 and 70 are away at any one time, and the figure is even larger early in the week and at the end of the week when those fortunate fellows who live handy to the capital can junket to home and all that that means.

Those missing links defeat us. Four shifts can beat one shift at any time; and the ignominy of our position is always rubbed in. We are taunted with being repetitious, with trying to be big league and to cover everything when it is obviously beyond our means to do so. When we challenge all the rush, the forced pace of committees and the plethora of their meetings, we are told that we cannot expect to cover all such activities; that government members have some rights; that they have a job to do and wish to get it done and go home.

Then there is the more sophisticated approach to this matter. The Prime Minister, with either pious reference to his recognition of the opposition's role or jaunty phrases on his love of parliament and that he is always glad to have it sitting, apparently indicates that time is not of the essence; that consideration for the opposition is centralized in his conception of parliament.

Mr. Brunsden: On a point of order, is the hon. member reading his speech? If he is, when did he write it?

Mr. Fisher: The hon. member asks me a question. I have a few notes. I wanted to be precise—

Mr. Pearson: Why shouldn't he?

Mr. Argue: Anyway, it is not put out by Grosart.

An hon. Member: It was written by Knowles, though.

Mr. Pallett: The voice of Fisher but the hand of Knowles.

Mr. Fisher: Save all the contentious items to the end; wear away our energies and our perceptions by rounds of committee meetings, by lengthening the sittings; get parliament out of here, and give the ministers five months to draw up another session's business. Even then we are not given any definite schedule as to where they are going. We are not the only ones to complain. I noticed in this morning's paper that the Conservative members complain about the lack of liaison between cabinet ministers and the ordinary members. I do not know what goes on in those Wednesday morning pep meetings. Maybe the government members are treated with lack of consideration as well as the opposition members. I think it would be much simpler, perhaps brutally fair, if the government gave us a 12-hour closure in relation to each bill and each estimate. I do not know a single member of this party who is not anxious to get home, and I have not met any members of any other parties in this house who are not anxious to get home. We wonder whether this is the way to go about it, to fritter away the days and weeks of the session—

An hon. Member: Filibuster.

Another hon. Member: What about the divorce bills?

Mr. Fisher: Someone asks "What about the divorce bills?" I should like to point out to the hon. member who made that remark that the time consumed on those bills amounts to two hours a week, and it affects public and private bills and private members' resolutions and has nothing at all to do with government business.

Mr. Cardiff: You took two full days.

Mr. Fisher: We insist that it is time the House of Commons and the government, since the government controls the House of Commons, smartened up their way of doing business. We think the best way of doing it is by splitting the session. I personally cannot see any reason why we need to be in Ottawa for more than five and a half months in the year, if we would split the session and draw up a proper schedule and get some kind of procedure actually working.

You can classify members of this house, Mr. Speaker, in a number of ways; by parties, by regions and everything else. But I always think that one of the classifications is between the commuters and the stuck. The commuters are the ones who can always get away to their homes in a comparatively short time; the stuck are those members from distant places, referred to so kindly by the minister when he introduced this motion. The pressure on the stuck is always rather severe. They are the ones who are always here on Friday afternoon and Monday, and usually they are members from a distance. They are not in the "T-to-T" school. "T-to-T" usually means Tuesday to Thursday. I could change that to "M-to-T", Montreal to Toronto. They happen to be the lucky ones. We think it is outrageous for the opposition members from the places farther away to carry the burden of the members who spend the week ends at home throughout most of the session. I notice that this morning we could almost outvote the official opposition, but this is not unusual on a Monday morning.

This party, Mr. Speaker, has the greatest respect for members of other parties who diligently attend to the business of this house in this chamber and in committees. We feel that this government by introducing motions such as this mocks us all. If it is a rubber stamp this government wants, why not sit all night, or put us on the hours reputedly worked by the Minister of Finance? Then we would be out of here in a real hurry.

An hon. Member: Is that an invitation?

Mr. Fisher: An hon. member asks "Is that an invitation?" Certainly it is an invitation. If you want to do it this way, go ahead; you can do it.

We cannot gauge the end of the session now, Mr. Speaker. The house leader expects it to be over by mid-July. If that should happen all of us will know how cursory the examination of the work will be. The government can have its own way. The house leader and the Prime Minister certainly have the forces behind them to rub us out and push it through, but I do not see how it can look at the business that is ahead and expect to get us out of here in two or three weeks and do any kind of a decent job. If the legislation ahead is as important as the minister argues; if the bill of rights is important; if the Combines Investigation Act amendments are important; if the changes in the Canada Shipping Act are important; if the new forestry department is important, is it not a fiasco that we should be forced to work under hours of sitting of this kind?

I suggest to the members of the government on the front benches who were in the opposition that they should have a little bit of sympathy and understanding for the fact that the opposition at the present time is not even in as good a position as they were at their weakest. At least when their numbers were smallest there were other opposition groups in the house of a little more substance in numbers. I refer to the larger C.C.F. group and the Social Credit group which, whatever you may believe of them, did carry some of the opposition load. That is not the case at the present time.

We have never had a parliament which has been so unbalanced and whose representation has been so much in favour of the government. Nevertheless it seems that the government ministers play upon the sympathies and feelings of the government backbenchers in pushing down the opposition even more than is understandable in the light of its small size. It seems to me it is time the ministry gave those in the opposition a fairer deal, because we have a difficult role to play at the present time and until the next election. It is ridiculous to think that 206 or 207 men should not have their way, but surely it is understood in a democracy that that way is best exercised by recognizing some of the rights of the minority, and these extensions of the hours of sitting are nothing more than an abuse of the minority's rights.

Mr. M. W. Martin (Timmins): Mr. Speaker, the hon. member for Port Arthur (Mr. Fisher)—

Some hon. Members: Oh, oh.

An hon. Member: Read it again.

Another hon. Member: Who wrote this one?

Mr. Martin (Timmins): Mr. Speaker, I am greatly amused by remarks from the government benches about members of this group reading their speeches. I do not know of anything more amusing than to hear that kind of charge made. I suggest that if government backbenchers had been as keen in their objection to the reading of speeches at the start of the session as they are now—

Mr. Deputy Speaker: Order. The hon. member will realize that he is not discussing the motion.

Mr. Martin (Timmins): Mr. Speaker, it has always been my opinion that when there are such interjections as were made when I started my remarks the hon. member who has the floor should have the opportunity to reply. Most of the things I intended to say have been covered very well by the hon. member for Port Arthur but there is one thing that I think should be put on the record; that we are not alone in this country in our objection to this type of thing. To prove this I should like to refer to an editorial in the Toronto *Globe and Mail* of June 1, 1960 and read the first two and the last paragraphs:

> The British parliament is in session for the greater part of the year, and so is the United States congress. The Canadian parliament takes its duties less seriously; it gets tired, or maybe bored, after three or four months, and prepares to pack up.
>
> If the Canadian parliament had spent those three or four months constructively, if in that time it had debated most or all of the important subjects, appropriations, and new pieces of legislation, it might be forgiven for getting restless around the end of May. But this is rarely, if ever, the case. Parliament crawls along for week after week fruitlessly discussing secondary issues; then it looks at the calendar, realizes how much time it has wasted, and switches into high gear. The important issues, the important legislation, are crowded into a hectic series of all-day sittings and six-day weeks, the object being to clean things up and go home by dominion day.

The last paragraph is very significant.

> The imperative thing is to do away with the home stretch stampede which gives major issues hasty consideration or none at all. This is a performance which overtaxes parliament and debases parliament; which disappoints the electorate and short changes the electorate.

As the hon. member for Port Arthur said, if the Prime Minister and the government believe that the bill of rights is so important, then it should not be brought in now during the prorogation stampede. If the government does not believe that the Civil Service Act amendments—I believe there are 91 of them—are important enough to be accorded proper consideration by the house sitting during proper hours, then we certainly cannot agree with them.

It is for these reasons that we intend to vote against the motion.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, I wish to say just a word about the resolution and to make an appeal to the government at least to consider the alternative proposal that we put forward. From the point of view of the opposition, and I think even from the point of view of government members, I think the suggestion that we work during the lunch hour in respect of estimates only has something to commend it. We have done that before. We have found that while it is perhaps inconvenient or even worse to use the lunch hour for legislation, because we do not have any time in the middle of the day to discuss matters between the morning and afternoon sessions, that objection has not applied in the past to the consideration of estimates.

Therefore we would accept the proposal, as my hon. friend pointed out, in respect of legislation, and we would hope the government would perhaps accept the proposal to work through the lunch hour in respect of estimates so we could then have Friday evening off. I think that is a reasonable proposal, and I hope the government will at least consider it. If they cannot accept this compromise this morning, perhaps they could consider it during the day and we could decide tomorrow, because the new hours of sitting will not go into effect until next week in any event, so the decision would merely be postponed until tomorrow.

I feel more strongly about this matter than I otherwise might because of the remarks of the Acting Prime Minister in connection with the legislation before us. The impression he left—and he is a very optimistic member of the house, not only in respect of our business—was that we were approaching the end and therefore we could speed up in this way because there are only a few more days to go. The fact is, Mr. Speaker, that at almost the end of June the bill of rights has appeared on the order paper for the first time. That bill is going to be given a very thorough discussion on second reading and is going to be sent to a committee. There are individuals and organizations all over the country who will want to be heard and should be heard when the bill of rights goes to its committee, and that is going to take a long time.

Then we have the Combines Investigation Act, and we know what has happened before the standing committee. There are a great many organizations still to be heard. There is a great deal of interest and feeling about this bill, and it is going to take a long time before we finish consideration of this very important and controversial measure. On the order paper we also have a resolution setting up a department of forestry. Then there is also the bill to amend the Canada Elections Act, which is not yet on the order paper.

Therefore it is not a question of rushing toward an end which will be reached within a few days. The broadcasting committee has not even started its work. We have a good many weeks of work ahead of us, and I think we have to consider the extension of

the hours of sitting with that in mind. Therefore I hope the government will find it possible to give consideration to the compromise proposal which has been put before them. If, however, the proposal which we put forward is rejected and a vote is taken, then, because of our strong preference for our proposal but not because we object to extra hours of sitting, we will have to vote against the motion before the house at the present time. I hope that will not be necessary.

We have just heard some remarks from the C.C.F. party. While there were four members of the C.C.F. party in the house at that moment, we were told—

An hon. Member: Six.

Mr. Pearson: —that they could almost outvote us. There were four members in the house when that statement was made, and the member who made that statement is not now in the house. I see that he is almost in the house. However, the only group that the C.C.F. could outvote this morning or at any other time would be the Social Crediters.

So, Mr. Speaker, while we have some sympathy with some of the points made by the hon. member for Port Arthur, when he tries to speak as the conscience of the house we find, as is so often the case, that he ends up by speaking as the conscience of the C.C.F. We do not go as far as the C.C.F. in its objection to the extension of the hours of sitting at this time, but we have put forward an alternative view to which we hope the government will give consideration.

Mr. H. W. Herridge (Kootenay West): I rise to congratulate the Secretary of State for External Affairs upon his very reasonable and lucid explanation of a very poor case. His defence of the government and its views with respect to the hours of sitting nearly brought tears to my eyes.

I am not rising to repeat what has been said by my colleagues, because I am not in favour of repetition. I rise simply to bring to the attention of the house the fact that, first of all, we are rather pleased to note the shift in the position of the official opposition after two or three of our speakers expressed their point of view this morning. This is another indication of the influence the speeches of two or three of our members have on the official opposition when it comes to dealing with a problem like this.

I do want to bring to the attention of the house the fact that not only have we the legislation to deal with mentioned by the Leader of the Opposition, the bill of rights, the bill to establish a forestry department, the combines legislation and other legislation but, Mr. Speaker, we have nearly $3 billion in estimates to consider. This means that if we are going to conclude the session within the time suggested by the government we shall have to consider the spending of the people's money at the rate of about $300 million a day. We in the C.C.F. say that is not good enough.

I rise to emphasize the fact that we are protesting this procedure and will vote against this motion. I also rise to emphasize the fact that we are opposed to these unplanned sessions; and to again say that we are in favour of a split session in the future. We could then complete our work with reasonable dispatch and greater efficiency, to the advantage not only of the members of this house but of the people of Canada. When the vote is called, therefore, we will vote against the motion to emphasize our continuing protest against this unnecessary procedure. We hope also that as a result of past experience, not for the benefit of the members of the C.C.F. group in this house but for the welfare of all members, and of the country this government will learn something and improve our procedures at the next session.

Mr. Green: Mr. Speaker—

Mr. Deputy Speaker: I must inform the house that if the minister speaks now he will close the debate.

Mr. Green: Mr. Speaker, this has blown up into quite a little debate for a Monday morning. I am intrigued with the position of the official opposition. The hon. member for Laurier told us they did not like some of the terms of this resolution, but that they were going to vote for it.

Mr. Pearson: He did not say that.

Mr. Green: Then after argument by the members of the C.C.F. the Leader of the Opposition became convinced, apparently and now says they are going to vote against it.

Mr. Pearson: That is quite wrong.

Mr. Green: I must say this is very effective argument on the part of the C.C.F., and I congratulate them upon a victory of that type. However, I shall have a few words to say about them as well.

The proposal made by the hon. member for Laurier and endorsed by the Leader of the Opposition is to get around sitting on Friday nights. Apparently the Liberals have very strong objections to staying in Ottawa on Friday evenings, and they are determined that that sitting must be dropped. They suggest as an alternative that the house should sit through the lunch hour on Wednesday,

Thursday and Friday, provided that legislation is not under consideration. In order to show how amenable we are the government are willing to accept that suggestion.

Then, in so far as the C.C.F. are concerned, they are in the wonderful position of announcing to all and sundry that they are the specially chosen guardians of the House of Commons and of the constitution, in spite of the divorce bills, and that they alone represent the people; they alone are against closure, and all these sorts of hallucinations from which they suffer. Actually, when the hon. member for Port Arthur said we were pushing him around I was amazed, because if any member in this house has ever tried to push other people around it is the hon. member for Port Arthur. He not only tries to push the government around; he also tries to push around private members and members of the press gallery. He is the greatest pusher we have in the present parliament. There is no doubt that he is well able to take care of himself.

[*Editor's note: Following a disturbance in the gallery:*]

An hon. Member: That is a C.C.F. supporter.

Mr. Argue: Even the gallery turns against you.

Mr. Green: Mr. Speaker, evidently the C.C.F. have a supporter in the gallery.

Mr. Argue: No, you threw her out.

Mr. Green: Evidently the essence of their argument is that they believe there should be two sessions of parliament, one in the spring and one in the autumn. I admit at once that there is a good deal to be said for a proposal of that kind. However, that is not the issue before the house today. The question today is whether the house is going to sit these few extra hours to complete the work of the 1960 session. I do not think any member of the opposition is going to be very badly hurt by the proposal which the government is making today. I sat in opposition for 22 years, and I must admit that during that time I made speeches resembling those made today by the hon. member for Port Arthur and the hon. member for Timmins.

This is just a natural complaint that is to be expected from the opposition. I do not believe that either one of these two members or any other member of the C.C.F. party believes that the present government is being unfair with the House of Commons. Sometimes in the heat of debate we hear charges of that kind, but right down deep in their hearts the members of the C.C.F. who were here with us during some of those opposition days know very well that there is not the slightest chance of the members who now occupy the front benches doing anything that will injure parliament.

Some hon. Members: Oh, oh.

Mr. Green: I do not pay so much attention to these "Oh, oh's" I hear from the four remnants of the dictatorial Liberal government. They have nothing else to do but shout "Oh, oh" on this question, because that is the only explanation they can give for their own conduct when they formed the government.

Mr. Pickersgill: Would the hon. minister permit a question. Would he say that the speeches he made about the rights of parliament when he was over here in opposition were as insincere as he said the hon. member for Port Arthur's speech was?

Mr. Green: Mr. Speaker, the hon. member for Bonavista-Twillingate (Mr. Pickersgill) ought to be a first class judge of insincere speeches. I do suggest, Mr. Speaker, that nobody across the way is being hurt one tenth as much as the howls we have heard would indicate. As I said, we are prepared to alter the motion in order to do away with sitting on Friday night and to substitute sittings through the lunch hours on Wednesday, Thursday and Friday except when legislation is under consideration.

Mr. Deputy Speaker: Does the minister wish to move a specific amendment, or shall I ask the house to give its consent to the amendment of the motion?

Mr. Green: Mr. Speaker, perhaps the house will agree that we should vote on the proposed change, that instead of sitting Friday night we sit through the lunch hour on Wednesday, Thursday and Friday except when legislation is under consideration.

Mr. Deputy Speaker: Does the house give unanimous consent that the motion be amended as indicated by the minister?

Some hon. Members: Agreed.

Mr. Argue: No, Mr. Speaker.

Mr. Caron: Mr. Speaker, does the minister mean that on these days we will have to sit until eleven at night, or until ten?

Mr. Deputy Speaker: Is it understood that I shall put the motion as it is now?

Mr. Caron: Mr. Speaker, before we vote on an amendment we would want to know what it is.

Mr. Deputy Speaker: There is no amendment before the house at the moment. Is the house ready for the question?

Business of the House

Mr. Green: Mr. Speaker, perhaps if you could wait for a minute or two we can draft an amendment in accordance with the undertaking I gave.

Mr. Deputy Speaker: Order. I must inform the minister that unless the house gives unanimous consent to having this amendment moved formally, the question has to be put as it is. Does the house give consent to a formal amendment being moved by the minister?

Some hon. Members: Agreed.

Mr. Deputy Speaker: The motion as amended will now read as follows:

That commencing on Monday, July 4, 1960, the hours of sitting will be from 11 a.m. to 1 p.m.; 2 to 6 p.m. and 8 to 11 p.m. on each Monday, Tuesday and Wednesday; on Thursday from 11 a.m. to 6 p.m. and 8 to 11 p.m.; and on Friday from 11 a.m. to 6 p.m.—

Mr. Chevrier: Mr. Speaker, may I be allowed to make this remark. I think perhaps the suggestion of the Leader of the Opposition is a good one, and that this matter should stand until tomorrow; then perhaps we will agree on it, because this is certainly not the suggestion which was made by me. I do not want to spend another 15 minutes or so discussing it if that can be avoided, so my suggestion is that we allow this matter to stand over until tomorrow.

Mr. Green: If I understand the hon. member for Laurier correctly, he means we should put the motion tomorrow and that it stand until then?

Mr. Chevrier: Yes.

Mr. Green: Then that would be satisfactory to us, and we will get it worded properly.

Mr. Deputy Speaker: Order. I think I am more familiar with the wording now. I may be able to read it more clearly if I may be permitted to try again. The motion as amended is as follows:

That commencing on Monday, July 4, 1960, the hours of sitting will be from 11 a.m. to 1 p.m.; 2 to 6 p.m. and 8 to 11 p.m. on each Monday, and Tuesday; on Wednesday and Thursday from 11 a.m. to 6 p.m. and 8 to 11 p.m.; and on Friday from 11 a.m. to 6 p.m.

Mr. Chevrier: No, Mr. Speaker. The proposal as I made it, at least as I thought I made it, was in accordance with what you have read save that for Wednesday, Thursday and Friday we sit through the lunch hour, and that we adjourn at 10 p.m. save on Friday.

Some hon. Members: Oh, no.

[Mr. Deputy Speaker.]

Mr. Chevrier: That is certainly what was in my mind, and that is what I had understood. My suggestion is that since there is some misunderstanding, perhaps it had better stand as I proposed.

Mr. Churchill: On the point raised by the hon. member for Laurier, I think on reflection he will recall that he did not mention closing at ten o'clock. It was always 11 p.m., and the concession was that we should not sit on Friday evening in exchange for sitting through the lunch hour on Wednesday, Thursday and Friday, and that is how the motion is now drafted.

Mr. Pickersgill: I listened most attentively to the hon. member for Laurier, and my hon. friend was putting forward as an alternative that on the days when estimates were called we should sit through the lunch hour instead of sitting until eleven o'clock.

Some hon. Members: No.

Some hon. Members: Question.

The house divided on the motion as amended, which was agreed to on the following division:

YEAS

Messrs:

Aitken, Miss
Allard
Baldwin
Baskin
Beech
Bell (Carleton)
Belzile
Bigg
Brassard (Chicoutimi)
Brooks
Broome
Browne (St. John's West)
Browne (Vancouver-Kingsway)
Brunsden
Cardiff
Chambers
Charlton
Chown
Churchill
Clancy
Coates
Cooper
Creaghan
Crouse
Danforth
Dinsdale
Doucett
Drouin
Dubois
English
Fane
Fleming (Eglinton)
Fleming (Okanagan-Revelstoke)
Forbes
Fulton
Green
Grenier
Grills
Hales
Halpenny
Hamilton (Notre Dame de Grace)
Hamilton (Qu'Appelle)
Hamilton (York West)
Hanbidge
Harkness
Hees
Henderson
Hicks
Hodgson
Horner (Acadia)
Horner (Jasper-Edson)
Horner (The Battlefords)
Howe
Jones
Kennedy
Knowles
Korchinski
Lambert
Legere
Macdonnell
MacEwan
MacLean (Queens)
Macquarrie
McCleave
McFarlane
McGee
McGrath
McIntosh
McPhillips
McQuillan
Mandziuk
Martineau
Matthews
More
Morris
Morton
Muir (Cape Breton North and Victoria)
Murphy

Nesbitt	Sevigny
Nielsen	Skoreyko
Noble	Smallwood
Nowlan	Smith (Calgary South)
Nugent	Smith (Lincoln)
O'Hurley	Smith (Winnipeg North)
Ormiston	Southam
Pallett	Spencer
Parizeau	Stanton
Pascoe	Starr
Payne	Stefanson
Pearkes	Taylor
Phillips	Thomas
Pigeon	Villeneuve
Rapp	Vivian
Regnier	Webb
Ricard	Weichel
Richard (Kamouraska)	White
Robinson	Winkler
Rogers	Wratten—119.
Rynard	

NAYS

Messrs:

Argue	McMillan
Badanai	Martin (Essex East)
Boivin	Martin (Timmins)
Boulanger	Pearson
Caron	Peters
Chevrier	Pickersgill
Denis	Richard (Ottawa East)
Dupuis	Richard (St. Maurice-Lafleche)
Fisher	Roberge
Habel	Tardif
Hardie	Tucker
Herridge	Winch—25.
McIlraith	

At one o'clock the house took recess.

AFTER RECESS

The house resumed at 2.30 p.m.

Mr. Speaker: I must offer my apologies to the house, in that due to failure of transportation arrangements I was unable to be here at the time set for the sitting of the house this morning.

HUMAN RIGHTS

MEASURE PROVIDING FOR RECOGNITION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Hon. Howard C. Green (for the Prime Minister) moved for leave to introduce Bill No. C-79, for the recognition and protection of human rights and fundamental freedoms.

Mr. Martin (Essex East): Explain.

Mr. Green: Mr. Speaker, I think this bill can be best understood by reading it once it has been made available to hon. members.

Motion agreed to and bill read the first time.

Proposed Legislation

CANADA SHIPPING ACT

AMENDMENTS RESPECTING PILOTS AND PILOTAGE

Hon. George H. Hees (Minister of Transport) moved for leave to introduce Bill No. C-80, to amend the Canada Shipping Act.

Motion agreed to and bill read the first time.

INTERNATIONAL BOUNDARY COMMISSION

LEGISLATION RESPECTING INTERPRETATION, POWERS, ETC.

Hon. Howard C. Green (Secretary of State for External Affairs) moved the first reading of Bill No. S-35, from the Senate, respecting the international boundary commission.

Motion agreed to and bill read the first time.

FREIGHT RATES REDUCTION ACT

EXTENSION OF PERIOD OF APPLICATION OF REVISED RATES

Hon. George H. Hees (Minister of Transport) moved that the house go into committee at the next sitting to consider the following resolution, which has been recommended to the house by His Excellency:

That it is expedient to introduce a measure to amend the Freight Rates Reduction Act to extend for not more than nine months the period during which the revised rates under the said act shall be applicable and to increase the authorized expenditure under the act by an additional $15 million.

Motion agreed to.

DEPARTMENT OF FORESTRY

LEGISLATION PROVIDING FOR CREATION OF NEW DEPARTMENT

Hon. Howard C. Green (for the Prime Minister) moved that the house go into committee at the next sitting to consider the following resolution, which has been recommended to the house by His Excellency:

That it is expedient to present a bill to constitute a department of forestry which shall be presided over by a minister of forestry to be appointed under the great seal of Canada, to authorize the appointment of a deputy minister by the governor in council and the necessary officers, clerks and employees in the manner authorized by law, and to provide for the transfer of certain officers and employees of the Departments of Agriculture and of Northern Affairs and National Resources to the new department; that it is also expedient to bring in a consequential amendment to the Salaries Act to provide a salary for the minister.

Motion agreed to.

Inquiries of the Ministry

EXTERNAL AFFAIRS

DISARMAMENT—REQUEST FOR COMMENT ON RUSSIAN ACTION IN COMMITTEE

On the orders of the day:

Hon. Paul Martin (Essex East): Mr. Speaker, I wonder if I could ask the Secretary of State for External Affairs whether he has anything which he thinks he should say to the house at this time in view of the decision taken this morning at the 10-power disarmament talks by the Soviet union, when it refused to continue to participate in the discussions that were set up as the result of agreement among the four foreign ministers, including the foreign minister of the Soviet union.

Hon. Howard C. Green (Secretary of State for External Affairs): Yes, Mr. Speaker. I am afraid the 10-nation disarmament committee has been scuttled by the action of the eastern members this morning. I spoke to General Burns earlier in the morning, and apparently there were at least two western speakers on the list to participate in the discussions this morning. Mr. Zorin, the chairman of the Soviet delegation, had been told by Mr. Eaton, the chairman of the United States delegation, that there would be a western proposal submitted later this week. This was before the committee actually met.

When the committee did meet under the chairmanship today of Mr. Naszkowski of Poland, Mr. Zorin made a statement in which he accused the western members of the committee of refusing to negotiate, and made other charges, and said that the eastern members would be carrying their proposals to the United Nations. Then, in spite of the fact that western members were trying to get the floor, the Polish chairman refused to allow any of them to do so. Instead he called on each of the other four eastern members, and then he and the whole eastern delegation stalked out. Therefore no representative of the western nations was permitted to speak at all. When this happened Mr. Ormsby-Gore, the head of the British delegation, took the chair and Mr. Eaton tabled the United States plan. Of course that was all that could be done at this meeting.

I should like to explain to the house that the Soviet plan, as hon. members will recall, was issued with a great flourish of trumpets just a day or two before the 10-member committee resumed its sittings, which I think was on June 2. All the foreign ambassadors in Moscow were called in and given copies of the Soviet plan. In reporting to the house I said then that there were heavy propaganda overtones to the introduction of this Russian proposal.

[Mr. Green.]

Once the meetings of the committee had commenced, the western delegates endeavoured to get clarification of the various points in the eastern proposal, and made various suggestions. For example, the head of the Canadian delegation, General Burns, made a very useful speech on Friday last. I have not yet received the verbatim report of his remarks, but when I do I will probably ask for leave to table it. In addition, of course, there have been discussions going on among the four western nations concerning what reply should be made to the Soviet proposals. The Canadian reaction to the Soviet proposals was duly given to General Burns some days ago. It has been important that in the work of this committee the western nations should work together as closely as possible. Of course the eastern nations do not have that problem, because the four, apart from the Soviet, simply appear to do exactly what they are told by the Soviet.

The United States completed their reactions to the Soviet proposals late last week, and we received a copy on Thursday evening. There have been consultations in Geneva over the week end concerning the United States proposals and proposals which had been put forward by the other four western nations, including Canada, with the intent that there would be a western plan announced within the next day or two. In addition, the western plan was to have been taken before the permanent council of the North Atlantic Treaty Organization probably today or tomorrow, but certainly early this week, and then it would have been presented in the committee of ten.

I am not yet in a position to table the Canadian proposals in response to the Russian suggestions or to the United States proposals —to which, incidentally, they were very close —but in my opinion the new western proposals and the Soviet proposals of June 2, which the Soviet bloc has now refused to discuss further, could have provided a basis for detailed, businesslike and uninterrupted negotiations. It now becomes obvious that the Soviet side were not seriously interested in negotiating on the last plan they put forward. I believe that their action in stalking out of the committee as they did this morning was irresponsible, and was taken for propaganda purposes. We will now hear great talk in the United Nations general assembly about the wonderful plan the Soviets proposed, and there will be charges made that the western nations refused even to discuss it. I believe further, Mr. Speaker, that the eastern side have overplayed their hand again, just as they overplayed their hand in the breaking up of the summit conference a few weeks ago.

Canada, from the start, has been very much in earnest about the work of this disarmament committee. I believe that the Canadian government, in following that policy, has had the support of every member of the house, regardless of the party to which he or she belongs, and also the overwhelming support of the Canadian people. We shall continue to be very much in earnest and will do everything we possibly can to work out some solution to the problem. Unfortunately the problem still exists, and Canada will be willing to negotiate and, as I said, do everything she possibly can to help bring about a relaxation of tension.

Naturally these developments are a bit disturbing; but we are dealing here, I believe, with the survival of mankind. This problem we are facing is just that serious. I regret more than I can say that the Soviet and the other four members of the eastern side should have deliberately walked out of these negotiations knowing that there was a proposal to be discussed within the next day or two. Apparently they were afraid of what would be in those proposals, in so far as world public opinion is concerned. This looks like a deliberate attempt to prevent the western proposals from getting out to the nations of the world which have not been involved in the work of this committee.

I take it, of course, that there will be no opportunity now for the committee to do any further work. I understand that a message has been sent by Premier Khrushchev to the heads of government of the five western nations, but we have not actually received that. This is obviously a deliberate step taken to try to upset the west and also to gain a propaganda advantage.

I regret having to give such a report to the house, Mr. Speaker, but I am afraid that is the situation. I suggest that Canadians should not be downhearted. This is a long road that we are on now and, as I said a minute ago, it is a road which may prevent the ending of civilization. I know all Canadians will do their part in an endeavour to see that some solution is eventually found.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, in view of these discouraging and disturbing developments in a matter which, as the minister has just pointed out, is of such vital importance to us all, and having regard to the arrogant and indefensible action taken by the communist delegations, would the government put forward on support a course by which the committee should be reconvened as soon as a western member is chairman—I understand the chairmanship rotates—and at that reconvened meeting the new western proposals would be put forward to the committee and the communist delegation would be put in the position, if they insisted on staying away, of refusing to even discuss those proposals.

Mr. Green: Mr. Speaker, the United States proposal was tabled today in the committee. I believe that within the next day or two steps will be taken to make public the western proposal; that is, the proposal of the five western nations. The suggestion made by the Leader of the Opposition may be one which can be followed and I am very grateful to him for bringing it up.

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, the members of this group wish to thank the minister for his outline of these unfortunate developments, which I know concern us all. I was going to ask the minister whether it would be possible for him to outline in brief the highlights of the western proposal. My second question is this. If this matter goes to the United Nations, as I understand is suggested by the Soviet authorities, is Canada giving consideration to putting forward proposals at the United Nations to narrow this gap and get the thing back on the rails?

Mr. Green: Mr. Speaker, I will table the western position in the house as soon as it is available, and probably also the United States reaction to the Soviet proposal and the Canadian reaction to the Soviet proposal of June 2. It is still early yet to know what course will be followed in the United Nations, but I would think it is fairly clear that the Soviet and the other four will do their best to make all the propaganda possible out of their own proposals, and that the western nations will also be dealing with their western proposals. As I said a moment ago, it now appears quite obvious that the Russian proposals were put forward on June 2 with the idea of establishing a propaganda position.

Mr. Martin (Essex East): May I ask two supplementary questions. Would the Secretary of State for External Affairs say whether or not Canada supported the proposal put forward by Mr. Eaton today, a proposal which it was announced on Friday last was being supported by the United Kingdom? My second question is this. In view of the fact that the external affairs committee agreed at its last session to afford the minister an opportunity, following his return from Latin America, to appear before that committee, would the minister consider that it might be useful if he would put himself at the disposal of the committee so that he, and possibly General Burns, could report in greater detail on the events which have so sadly eventuated?

Inquiries of the Ministry

Mr. Green: Mr. Speaker, the estimates of the Department of External Affairs are set for consideration later in this week, although they may not be reached until next week. General Burns has responsibilities in Geneva for the time being, and I think it is very important that he should stay there until this whole situation is ironed out.

There was no question this morning of other western members of the 10-nation committee approving or disapproving the United States proposals. They have been under study over the week end by all five western nations, and I think the suggestions Canada has made have been accepted as alterations or additions. I do not know what attitude the United Kingdom took with regard to the proposals, but I should think that as the United States proposals are very close to our own proposals, probably the British thinking was very much like the thinking of the Canadian and United States governments.

LABOUR CONDITIONS

UNEMPLOYMENT—REPORTED REQUEST FOR FEDERAL INVESTIGATION

On the orders of the day:

Hon. Lionel Chevrier (Laurier): Mr. Speaker, may I direct a question to the Minister of Labour which is based on a news report in the Toronto *Globe and Mail*. Has the minister received the request from the Ontario association of mayors and reeves, now sitting in Cornwall, for a full investigation by the federal government into the causes and cure of unemployment? If so, what action does the minister propose to take in connection with this resolution which was passed on Saturday?

Hon. Michael Starr (Minister of Labour): No, Mr. Speaker, I have not received the communication.

Mr. Chevrier: May I ask the minister whether, when it is brought to his attention, he would be so good as to give his reaction to it to the house?

Mr. Speaker: The hon. member for Assiniboia.

Mr. Chevrier: Well, may I have an answer?

Mr. Speaker: I think the hon. member is really asking a supplementary question which is hypothetical. It depends on whether the minister receives the request.

Mr. Hazen Argue (Assiniboia): Mr. Speaker, I have a question for the Minister of Labour in view of the evidence of still high unemployment in Canada, as witness the 85,000 increase in unemployment insurance claims as compared to a year ago. Could the minister tell the house whether Mayor Phillips of Toronto was correct when he was reported in Saturday's *Globe and Mail* to have said—

Mr. Speaker: Order. The hon. member knows that is not a proper question at this stage, to ask for verification of something which appears as a report in the press.

Mr. Argue: Then, Mr. Speaker, I will put the question directly to the minister. Has the government at this time undertaken a scientific study of the unemployment problem and, if so, would the minister explain to the house what is involved?

Mr. Starr: Mr. Speaker, I do not know what the hon. member means by "what is involved", but I understand that in the other place a committee has been set up, with capable help, to undertake such a study. We in the Department of Labour are continually, through our research and economic branch, looking at the whole situation, and reports are being made from time to time.

Mr. Argue: A supplementary question. Has this government, apart from the other place, undertaken a scientific study of unemployment at the present time?

Mr. Starr: The Department of Labour, as I mentioned a moment ago, is continually making studies of the unemployment situation through the economic and research branch.

BRITISH COLUMBIA—REPORTED REQUEST FOR CONFERENCE ON UNEMPLOYMENT

On the orders of the day:

Mr. Harold E. Winch (Vancouver East): I would like to direct a question to the Acting Prime Minister, the Secretary of State for External Affairs and the hon. member for Vancouver Quadra. Can the hon. gentleman in all his capacities inform the house whether he has received a telegram from the city council of Vancouver relative to the unemployment situation in British Columbia, asking that a conference among federal, provincial and municipal governments, management and labour be held in order to deal with the most serious situation which has developed in our city and our province?

Hon. Howard C. Green (Acting Prime Minister): Mr. Speaker, I received such a wire just before the house sat this morning.

Mr. Martin (Essex East): May I ask a supplementary question. What does the government propose to do about it?

Mr. Winch: A supplementary question. May I ask the Acting Prime Minister, in view of the fact that I asked this question of the Prime Minister last Wednesday, whether he

can give us any more information as to whether such a conference will be held, or what consideration will be given to it?

Mr. Green: I think that question has been answered on several occasions within the last few weeks. I am not in a position to make any further statement with regard to it.

Hon. Paul Martin (Essex East): May I ask a supplementary question and address it to the Minister of Labour. In view of the suggestion that he himself made in Gananoque several weeks ago about a conference among management, labour and government, and in view of this new request from Vancouver, will the Minister of Labour tell the house what the government proposes to do about it?

Hon. Michael Starr (Minister of Labour): Mr. Speaker, as usual the hon. member for Essex East is misrepresenting whatever statement was made.

Hon. L. B. Pearson (Leader of the Opposition): May I ask the minister whether the government is relying for its investigation into the question of unemployment solely upon the initiative taken by the Liberal members in the other house?

Mr. Starr: I am not aware that the Liberal members in the other house proposed the resolution which set up that committee.

Mr. Martin (Essex East): An opportunity denied to us.

NATIONAL DEFENCE

NEWFOUNDLAND—REPORTED SIGHTING OF SUBMARINES AND ACTIVITIES OF RUSSIAN TRAWLERS

On the orders of the day:

Mr. J. R. Tucker (Trinity-Conception): I should like to address a question to the Minister of National Defence. Would the minister comment on the presence of submarines sighted in Placentia bay, Newfoundland, and reported also to have been seen about five miles off the shore? Second, would the minister comment on the presence of Russian trawlers along the northeast coast of Newfoundland, and advise the house whether these fishing trawlers are fishing for more than fish?

Hon. G. R. Pearkes (Minister of National Defence): Reports of sightings of submarines are received quite frequently. All such reports are investigated either by the Royal Canadian Navy or by the maritime command of the Royal Canadian Air Force. Reports of these investigations are then classified according to their degree of reliability. Regarding the fishing vessels, there is no proof that Russian trawlers operating off the coast of Newfoundland have been carrying out any operations other than legitimate fishing.

OIL

ARCTIC DEVELOPMENT PROGRAM—REPORTED WITHDRAWAL OF U.S. CAPITAL

On the orders of the day:

Mr. Hubert Badanai (Fort William): I wish to address a question to the Minister of Northern Affairs and National Resources. On May 18 I asked the minister whether the report that United States companies were withdrawing their financial support of Arctic oil exploration had any substance. The minister answered to the effect that the deadline for picking up these options was June 24. Is the minister now in a position to inform the house how many United States companies have taken up options and how many have let their applications go by default?

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): I cannot give the hon. member exact figures on the orders of the day, but I can tell the house that by four o'clock on Friday permits with respect to between 44 million and 45 million acres on the Arctic islands and the continental shelf had been taken out. The total number of applications for permits had involved 146 million acres. In the opinion of my department the number of permits taken out is very encouraging, because to have 45 million acres under exploration in the north is something which was not dreamed of two years ago.

Mr. Badanai: Would the minister deal with my question as to the number who have let their applications drop?

Mr. Hamilton (Qu'Appelle): I cannot give an exact breakdown of the number of United States companies which did not take up their options. I know that one individual who had applications in for 42 million acres did not take up any. Of those applications which were taken up, between 75 and 80 per cent were by Canadian companies.

Hon. L. B. Pearson (Leader of the Opposition): Is it a fact that applications covering over 100 million acres, which have not been completed under the terms of exploration, will lapse?

Mr. Hamilton (Qu'Appelle): There is no question of lapsing; they were never taken out. To put it in another way, the areas in which these people who had priority were interested are now open to any company which complies with the regulations. Land in respect to which these applications were

made will be made available to any person or any company at nine a.m. on July 4 or later.

Hon. J. W. Pickersgill (Bonavista-Twillingate): May I put a supplementary question so that we may understand the matter clearly. Does that mean that the previous applicants will have no preference with respect to these areas as compared with anybody else?

Mr. Hamilton (Qu'Appelle): Yes; the priorities came to an end on June 24.

NATIONAL PARKS

BRITISH COLUMBIA—REPORTED OFFER OF GARIBALDI PARK FOR OLYMPIC GAMES

On the orders of the day:

Mr. Harold E. Winch (Vancouver East): I wish to ask the Minister of Northern Affairs and National Resources whether he has yet received any official communication from the premier of British Columbia saying that the province is prepared to turn over Garibaldi as a national park if the federal government will undertake the expenditure necessary in order to prepare for the winter games a few years hence.

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): The hon. member for Kootenay East approached me this morning and told me of his intention to ask a similar question, and perhaps I may answer both questions together.

Up to noon today the department had received no official suggestion from the premier of British Columbia that the area known as Garibaldi park should be made available to the federal government for the purpose of setting up a national park. Until I do receive some official indication in answer to my letter written over a year and a half ago saying that we would be willing to consider such a request, I can make no statement as to the government's intentions.

The second part of the question, and one which has been in the minds of some hon. members, concerns the winter Olympics. As I understand the position, the government does not decide where the Olympics are to be held; that is a decision made by the Olympic games committee. The government has received representations from various areas, among them Fernie, B.C.; Manning park; Banff and Lake Louise; Garibaldi, and so on. We receive these representations and carry out studies with regard to them before making all the information we have available to the Olympic games committee.

Mr. M. L. McFarlane (Kootenay East): With regard to the question asked by the hon. member for Vancouver East, may I say that part of the question I had in mind is still not answered. I should like an assurance that no decision will be reached about preparing Garibaldi park for the Olympic games until the claims of all the other areas have been investigated by the Olympic games committee.

Mr. Pickersgill: Is that a hypothetical question?

Mr. Hamilton (Qu'Appelle): I can give no assurance of that kind, except that representations from all groups, including those from Fernie, will be made available to the Olympic games committee together with all the information the department can get together in order to help the committee to reach a proper decision.

NOVA SCOTIA—INQUIRY AS TO ESTABLISHMENT OF SECOND SITE

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): Perhaps I could take this opportunity to ask the minister whether he has yet received a communication from the premier of Nova Scotia asking for a second national park in that province?

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): This question was raised in the house some time ago and the answer was that there was a request from the province of Nova Scotia some time ago with regard to a second national park in that province. However, if the hon. member is referring to a recent request, within the last few days, the answer is no.

JUDGES ACT

PROVISION FOR ADDITIONAL JUDGES IN QUEBEC, FOR GRANTING ANNUITIES, ETC.

Hon. E. D. Fulton (Minister of Justice) moved the second reading of Bill No. C-78 to amend the Judges Act.

He said: Mr. Speaker, this bill received first reading on June 22 and, immediately prior to that, the resolution on which it was founded was before the committee of the house for discussion. At that time I gave a full explanation of the provisions of the legislation. I also answered some questions which were addressed to me in committee.

It is, therefore, I think, not necessary for me to delay the house by making any further statement on the principles of the bill at this time, because that question has been fully covered during the resolution stage. However, I shall be very glad indeed to answer any questions which may be asked when the house goes into committee on the bill itself. If hon. members have remarks to make at this stage

I will take note of them and, if necessary, will reply at the close of the debate on second reading.

Hon. Paul Martin (Essex East): In view of the statement by the minister that he proposes to reply to any general comments that we may have to make on the bill, I do not quarrel with that procedure at this stage in view of our discussion the other night. What I have to say can well be related to the various clauses of the bill as they are reached.

I am assuming, of course, that when we reach clause 3, where I believe there is an important principle involved, it will be possible to have a fairly general discussion.

Motion agreed to, bill read the second time, and the house went into committee thereon, Mr. Flynn in the chair.

On clause 1.

Mr. Martin (Essex East): Mr. Chairman, at the resolution stage the minister advised us that the government had acceded to the request of the government of Quebec to the extent of the appointment of four puisne judges out of seven judges asked for by that province. It was pointed out on this side at the time that as the matter of the constitution of the courts is something that comes within the competence of the provincial governments, the minister should explain why he had agreed to appoint only four instead of all that had been requested. I want now to ask the minister whether he has anything to add to what he has already said in this context. I would be grateful to the minister if he would explain to us the reasons which he gave to the province in turning down its request for a larger number than is actually provided for at the present time.

The minister mentioned, I believe, that this refusal on the part of the federal government, to appoint the full complement, was not unusual, that it had been exercised on other occasions by former governments. I noted what he had to say in that regard. Since the resolution stage, however, I have had an opportunity of looking up previous discussions in this house on this point, and I find that fairly comprehensive reasons were given by the minister's predecessors for the reluctance of the government of Canada to provide the full number requested. I think the committee is entitled to know the circumstances which warranted the minister in agreeing to appoint the number he has decided on, the circumstances of this fact and particularly the reasons why the federal government has not accepted the proposals made by the administration in Quebec, an administration which is no longer *functus officio*.

Mr. Fulton: Mr. Chairman, I explained briefly in the debate at the resolution stage on June 21 what was the situation in this regard, and my explanation may be found at page 5229 of *Hansard* for that date. I should like to make it clear that I cannot accept fully the words used by my friend the hon. member for Essex East in describing the situation. I have not refused to appoint the full number asked for. Rather, it was agreed in an amicable fashion between myself and the former administration of the province that it would be acceptable if we were only to appoint three judges in the Montreal district for the time being instead of the five which the provincial legislature has authorized.

There are a number of reasons for this that were in mind during the course of discussions, and perhaps I could mention two or three of them. The first is that while there is on my part a full acceptance of the statement made by the Quebec authorities that there is an extensive backlog of cases in the Montreal district, nevertheless there are, I think, other reasons that could be advanced to explain that situation besides the simple fact of lack of judges.

I speak in this area not as an expert, but I understand, for instance, that it was the intention of the previous provincial government to appoint a commission to review the civil code of procedure, and I do not know whether that commission has been appointed as yet. It has been suggested to me that one of the reasons why there are arrears of cases is that the civil code of procedure, which has not been reviewed or revised for many years, is what I might not disrespectfully describe as a complicated and technical matter, and that a great deal of the time of the judges in Quebec is taken up in hearing applications and motions which arise under the code of procedure. It was suggested to me that a revision of that code which would result in a simplification of the rules of procedure might have the result that some of the time of the judges formerly given to hearing this type of matter might be saved, because I suppose a good deal of that type of application might be heard by what we call in the common law provinces a master in chambers.

It would seem to me that if in fact we were on the eve of a review and revision of the code of procedure which might result in a saving of the time of the judges, it would be reasonable to suggest that instead of appointing the full five we appoint three and see, first, how they got along with the three extra judges and, second, how long it might take to bring in the report and also obtain some views as to whether in fact such a report might have the result I mentioned, namely

the saving of the time of the judges. For those reasons it seemed a sensible and acceptable suggestion to the provincial administration that we appoint only three for the time being.

Another reason for acting deliberately in this matter instead of precipitately by appointing all five is, again, that I understand there is a serious problem of physical congestion in the court house in Montreal, that is with respect to rooms in which the judges may hold court. For this sort of reason and because, as I explained on the last occasion when the matter was before the committee of the whole house, the appointment of five additional judges all at one time is a very far-reaching step and one which if taken you cannot undo, it seemed to us for all those reasons it was a proper and sensible thing to suggest that instead of appointing the five at once we would appoint three as a first step and then have a look at the situation as it developed, see the extent to which these extra appointments might assist in enabling the courts to catch up with the backlog of cases, review the situation in a year's time or at the next session of parliament, and then make a final decision as to whether or not two additional judges should be appointed at that time.

I say again it is not a refusal to appoint. It is merely an agreed delay in making the full number of appointments.

Mr. Chevrier: Mr. Chairman, I am sure the minister will not begrudge my entering this debate once again. The minister will remember that when the matter was up for discussion at the resolution stage, I think on Friday last, both the hon. member for Essex East and I took the position which we are now taking in connection with the appointment of the five additional judges for Montreal.

On the whole I do not think I could disagree very much with what the minister has said, but notwithstanding his statement there are one or two matters which I think should be brought to the minister's attention. It is a fact—and I think he is more familiar with it than I am—that there is a great shortage of judges in the city of Montreal. Whether or not the commission of which he speaks is established, it only emphasizes the demand for judges in that area.

Then again there is the question of the physical congestion in the court house to which he has referred. As between that on the one hand and the necessity, importance and urgency of having more judges on the other, I think it is the appointment of the additional judges which should take priority, and this might well be brought to the attention of those who are responsible for extending the quarters of the judges.

Mr. Chambers: The new court house was not in the 53 points.

Mr. Chevrier: I am sorry; I do not know what the hon. member has in mind.

Mr. Chambers: Mr. Lesage's 53 points did not contain that.

Mr. Chevrier: If my hon. friend wants to make a political interjection it is all right with me. I have no objection; I can reply to it in the same vein. I was discussing this purely from the judicial standpoint; that the approach ought to be made exclusively on that basis and not on any other basis at all.

I think it will be agreed by all the Montreal lawyers in the house that in view of the great number of cases, in view of the increase in population and in view of the backlog, as the minister himself has said, of cases in Montreal, it is important and urgent that these additional judges be appointed.

I am happy the minister has said that this is not a refusal, that it is merely a delay having regard to several circumstances. If the minister will recall, it was suggested at the resolution stage that during the period between the adoption of the resolution and the committee stage of the bill he might even find it advisable to appoint the additional judges and, of course, he could amend the bill accordingly or he could even do so before the house prorogued. I am sure he will give the proper consideration to the representations which have been made, not only by the province but I am sure by the chief justices of the various districts. With that in mind I simply ask the minister to see to it that every consideration is given to the requests that have been made for additional judges in Montreal.

Mr. Winch: Mr. Chairman, I should like to make one comment on this clause of the bill and perhaps ask the Minister of Justice a question. From what I have heard I judge that the province of Quebec is asking for the appointment of seven additional puisne judges, and that this bill provides for four additional judges for the Quebec superior courts. If the province of Quebec feels it necessary to ask for seven additional—

Mr. Fulton: May I point out that it is six, not seven. I was guilty of the error first. The first time I answered I said seven but actually it is six, five for Montreal and one for Three Rivers.

Mr. Winch: This bill authorizes the appointment of four. Before we pass this bill I should like the minister to comment on

this aspect of the request. I believe that in the past two or three years we have had similar requests from other provinces. Will the minister comment on whether the request for additional judges is in line with the increased population of the provinces, in this case the increased population of Quebec, or whether there is an increase in criminality, and whether that is the major reason for the request for six for Quebec, although the bill authorizes four.

What is the minister's view of this matter? Is it an increase in the population or increase in criminality in the various provinces? Of course in this case we are dealing with one province. What action is being taken by the minister in regard to the situation? Does the increase in population require more judges to handle the cases, or is there actually an increase in criminality?

Mr. Chevrier: That would not have anything to do with it.

Mr. Fulton: Before I reply to the hon. member for Vancouver East may I deal with the last observation of the hon. member for Laurier. I assure him we will keep this matter under review and give consideration to the representations which have been made and further representations which may be made which, as he points out, come not only from the provincial authorities but also from members of the bar and of the bench, particularly in the Montreal district. That will be done between now and the next session, and we hope the experience that may be gathered in that time will afford us a satisfactory basis to answer the question as to whether or not two further appointments will be immediately necessary.

In reply to the question asked by the hon. member for Vancouver East, I regret that even with the best will in the world I cannot give a categorical answer as to why there is this fairly steady pressure for an increase in the number of judges; whether it is simply because of the increase in population or because of the increase in population accompanied by an increase in criminality. Of course an increase in population is inevitably one of the accompanying problems that are raised by the growth and development of the nation, and one of those accompanying factors is usually an increase in the amount of litigation. Also, as the national growth of a country increases, as that of Canada has been doing substantially and markedly over the past years, the amount and size, and if you like the importance of litigation also tends to increase and the cases become perhaps more difficult, more numerous and with weightier issues involved.

I am not suggesting for a moment that the importance of an issue is measured only in terms of the actual amount of money involved. What I am suggesting is that the type of dispute, the type of litigation that arises, does tend to become weightier with an increase in population accompanied as it has been by an increase in the national wealth of the country.

With respect to the question, or that aspect of it, dealing with criminality, the best assessment that I have been able to make is that there is not an absolute increase in criminality but that there is a proportionate increase, an increase keeping pace with the increase in population, yes, and also having a relation to the increased trend toward urbanization.

The other factor which is disturbing with regard to the increase in criminality is the increased tendency toward really shocking crimes, crimes involving the use of excessive violence. That, I think, is the disturbing element about the present figures of criminality, not so much any absolute increase in numbers as the emphasis on the particularly unpleasant types of crimes of violence. These disturbing elements are present. Certainly my hon. friend must have been aware of the concern expressed about this matter in the Montreal district in the press and elsewhere. However, in saying that I must point out that the courts for which we are providing extra judges are not exclusively courts of criminal jurisdiction. They are the superior courts of the province and have jurisdiction, therefore, in both civil and criminal matters. So that again the suggestion I make with regard to criminality and its influence on the increased work load of judges must be tempered by the fact that they are not exclusively judges of criminal jurisdiction.

Really all I can say in answer to the hon. member's question is that this request for extra judges is a trend we see all across Canada. There are frequent requests for an increase in the number of judges of superior courts and these naturally are of concern to the federal authority. It has been pointed out by hon. members opposite, and I agree, that generally speaking the federal government accepts the recommendations of the provincial government with regard to the organization of the courts because they are the governments having constitutional responsibility in that field. But I am satisfied from my review of the precedents and after discussions with my officials who also served previous administrations that my predecessors never felt their consent to such requests, should be automatic, and that they did feel that a reasonable discussion should take

place between the two levels of government and that the federal approach should be, as it naturally is, to suggest a minimum increase. Quite often accommodations are reached, as is the case here, between the two governments. In this case five additional judges were asked for and authorized by the provincial legislature, but it has been agreed that it will be quite acceptable that a lesser number should be appointed, at least initially. I think that sort of attitude and exchange of views is one that has prevailed when other administrations have been in office as well as now.

Mr. Winch: Can the minister indicate whether this requirement has resulted primarily from an increase in criminal charges or has it arisen as the result of an increase in the number of civil cases? What is more important, has it resulted because of the need to relieve the backlog of cases so that persons charged can be dealt with promptly? People are not guilty until they are convicted and it is my understanding that too often accused persons have to wait many weeks or months before they are tried. Which reason applies or is it a combination of the three reasons that is responsible for this recommendation?

Mr. Fulton: The representations I have received from the provincial authorities and from the bar of Montreal as well as the bench are that the present situation has been building up over several years. It is not the case that a backlog has suddenly arisen overnight but rather that the number of cases awaiting trial was becoming increasingly greater so that the provincial government felt they had to ask the legislature of the province to authorize the appointment of more judges and that the matter could not be left any longer.

I know that associate chief justice Scott of the superior court, Montreal district, has made Herculean endeavours—I do not think that is really much of an exaggeration—and in them he has been assisted by the conscientious efforts of all the puisne judges of that court, to keep pace with the volume of litigation that comes before it. They have reported to me, however, as they reported to their own provincial government, that they could no longer keep pace and that not only were they not cleaning up the existing backlog but they were not keeping pace with the number of new cases arising and being set down for hearing. Therefore this was a cumulative difficulty which required to be dealt with by the appointment of extra judges.

With regard to the reason for the extra work load, with the best will in the world I cannot be more specific in ascribing causes than I have been in the answer I have already given, that it is a feature inevitably accompanying growth in population and an increase in national wealth.

Mr. Chevrier: Mr. Chairman, I think the committee will be grateful to the minister for the reply he has made to the hon. member for Vancouver East. I am sure the hon. member for Vancouver East, in his queries to the Minister of Justice, did not want to convey an inference of greater crime proportionately in the city of Montreal than elsewhere.

Mr. Winch: I did not.

Mr. Chevrier: I am glad the hon. member now says that he did not.

Mr. Winch: I said before that there have been inquiries across Canada of a similar nature. I asked my questions on that basis.

Mr. Chevrier: I did not understand the hon. member to say that. I simply rose to say at this time that it seems to me that the prevention of crime is not so much a matter of the appointment of judges as it is a matter of supervision by other groups of society such as police officers and the like. I am glad the hon. member for Vancouver East has made it unnecessary for me to go any further in this respect because I remember that during the sittings of the committee on railways, canals and telegraph lines in connection with crime in this country an officer of Canadian National Railways, who had had experience in both the large cities of Montreal and Toronto, made it quite clear that so far as he was concerned there was no more crime, proportionately speaking, in the city of Montreal than elsewhere.

But I take it too that the appointment of these judges will in the majority of cases mean an increase in the number of judges dealing with civil cases because that is where the backlog has accumulated. The minister referred to associate chief justice Scott. I am sure he has had conversations or perhaps correspondence with the chief justice of the Quebec district and other judges of the Montreal district, all of whom I believe have the same feeling so far as the appointment of additional judges is concerned. My only purpose in rising was to say that it seemed to me an increase in criminality, whether in one part of Canada or another, cannot be stopped by the appointment of additional judges.

Mr. Ormiston: Does a lawyer have to be over a certain age before he can be appointed to the bench? Must he be a certain age?

Mr. Fulton: At the present time the main provision is that a judge must have been a

member of the bar for 10 years. Under the new bill there will be certain factors bearing upon maximum age but perhaps discussion of that matter could be better left to the appropriate clause.

Mr. Ormiston: That would have reference to the circumstances regarding pensions and annuities, would it?

Mr. Fulton: Yes. I think it would be more appropriate to leave that discussion to clause 3 of the bill. That would be my suggestion.

Mr. Winch: Mr. Chairman, I should like to raise one more query. The minister made a statement three times, I believe, that rather intrigued me. He referred to an increase in population and also an increase in the national wealth. Do I understand it is his view that with an increase in the national wealth there will automatically be an increase in crime? The minister made that statement three times and he tied it in with the population.

Mr. Fulton: No, Mr. Chairman, may I explain at once that my hon. friend has misunderstood me. He asked me about the increase in litigation and then he asked me—

Mr. Winch: That is crime, is it not?

Mr. Fulton: No, not at all; litigation may be either civil or criminal. My hon. friend asked me how I accounted for the necessity for increasing the number of judges, was it due to an increase in the number of crimes? I said no, not exclusively to an increase in the number of crimes, but it is due to an increase in the amount of litigation; and litigation is both civil and criminal.

Then dealing with that part of it which is civil, I said that the kind of development which Canada has been going through in the last years inevitably produces more civil litigation, more complicated and weighty matters upon which to adjudicate, and weightier issues involved in that type of litigation. I was then dealing with the civil side of litigation. Then I came to the question of criminality, and I answered my hon. friend in that regard. I at no time suggested that an increase in natural wealth was inevitably accompanied by or created an increase in criminality. I suggested that the increase in criminality, if there be any, was entirely due to an increase in population. I did suggest that it was perhaps also due to an increased trend toward urbanization. The other feature of it that I mentioned was a matter which I regard as of serious concern, namely the trend toward an increase in the brutal type of crime involving violence. This was all I said with regard to criminality.

Clause agreed to.

79951-0—342½

Judges Act

On clause 2—*Travelling allowances.*

Mr. Martin (Essex East): I believe this clause will commend itself to those who are familiar with the difficulty of having a uniform rate that will apply to judges in all parts of the country. Certainly, as the explanation in the bill says, it is impossible to apply a per diem rate that will be satisfactory throughout Canada. We all know of instances of judges who have to travel, particularly to large urban centres, being unable, out of the per diem allowance provided for in the existing section 21, to meet the expenses which confront them.

This clause is intriguing for a number of reasons, one of which I should like to mention for no other purpose than mentioning it, and to invite the minister's consideration and possible action at some other time. Subsection 2 of the present act provides, by implication, that a judge is required to have a legal residence, and of course he is not entitled to expenses when he is living in that legal residence. I feel that the Minister of Justice ought to look into this matter to see whether or not this subsection, to which this clause directs our attention, is being fully observed, whether judges do live in the place which, under the law, they are supposed to live. Judges ought to be the first to observe the requirements of the law and while no great injustice possibly may be directly the consequential result the fact is that in some instances of which I am aware the law in that particular is not being observed.

What I did rise to say, however, was by way of asking the minister what is meant by clause 2, paragraph (a), "his moving or transportation expenses". It is clear what transportation expenses are. Since a judge is going to be given expenses where he attends either as a district judge in admiralty, exchequer court, superior court or county court judge, at a place which is not his legal residence, and since the law provides for his receiving transportation expenses, why should it be necessary to provide for his moving expenses? He is not entitled to expenses while in the place in which he resides. Perhaps "moving" is only a descriptive phrase. Possibly if it said "his moving and transportation expenses," there would be even stronger cogency to what I am saying. I do not understand why the word "moving" should be used here.

Mr. Fulton: Mr. Chairman, I know that it is not a sufficient defence for the use of a phrase, that it has been there right along, but I would point out that this phrase has been in the Judges Act for some time. It is in the present act which we are amending by this bill. Section 21 (a) now entitles a judge to be paid as a travelling allowance

his moving or transportation expenses. My hon. friend will appreciate that we are not changing that portion of the legislation in the amendment because we have retained that phrase exactly as it was in the former act.

Mr. Martin (Essex East): What moving expenses could there be?

Mr. Fulton: I am just coming to that. A judge who is travelling to assizes must move from his place of residence to the place where he is going to hold the assizes. I do not mean that he moves his whole household, but he moves himself by one means of transportation or another. Therefore, in order to be abundantly cautious in describing the function which the judge must undertake to get there the phrase was used, "his moving and transportation expenses".

Mr. Martin (Essex East): It says "moving or transportation expenses".

Mr. Fulton: I am sorry, that is correct. He moves himself physically from the place where he resides to the place where he is going to hold the assizes. I think the reason for the use of these words is to make it sufficiently inclusive to make it clear that by whatever means of transportation he goes his expenses incurred in moving himself from one place to the other will be covered.

Then under subclause (b) of this clause he is also now entitled, instead of a per diem allowance which is presently described as follows "for each necessary day of travel going and returning and each day during which he so attends"; instead of that sort of per diem allowance he is going to get now reasonable travelling and other expenses incurred by him in so attending. The reason the word "travel" is used again is as follows: Let us take the situation of a judge who goes to a large centre where the hotel is some distance from the court. The judge is then going to have to take taxis and incur taxi fares in getting to and from work. He is travelling while he is there, travelling by taxi. He also has his hotel bills, his meal expenses and so on. This is the reason for the words "reasonable travelling and other expenses incurred by him in so attending".

It is our intention to cover the judge's travelling and living expenses while on circuit in his official duty. First of all, he is entitled to be paid as a travelling allowance (a) his moving or transportation expenses to get from his place of residence to the place where he holds court and returning to his place of residence, and (b) reasonable travelling and other expenses incurred by him in so attending. This covers the hotel bill, his meals, his taxis and other incidental expenses while he is in the other place attending to his judicial duties. We believe that under these two headings we have now provided for the expenses to be covered.

Mr. Martin (Essex East): In a matter involving legislation that is introduced by the Minister of Justice, and particularly legislation having to do with those who are going to interpret the law, I think we would be expected to give to our language a precision at least as great as we would give to any other enactment that we were considering in this house. That is particularly so when the new deputy minister of justice, for whom we all have the greatest admiration, has a reputation of being such an exact interpreter of the language which we employ in our statutes.

The minister has not impressed me with his arguments for retaining the phrase "moving or transportation expenses". As a matter of fact, as he spoke I became convinced that the whole of (a) was entirely unnecessary and I am grateful for the interjection of the hon. member for Ottawa East for that conviction which I acquired as the minister was speaking. There can be no justification for the use of the word "moving" in view of the proposition "or" in (a). I would suggest to him that the whole of (a) could be removed notwithstanding what the language in the past has been and that (b) would cover all of the expenses which a judge expects and will now be able to receive on a per diem basis. He would be entitled under (b) to reasonable travelling expenses, and that certainly includes all that is suggested in the words "moving or transportation expenses". If there should be any doubt, then the words "and other expenses" would take care of the situation.

I suggest to the Minister of Justice that we should not keep in any section any word that is unnecessary or any words which are not of practical or necessary value. We should seek to simplify the legislation as much as possible, without of course in any way distorting the meaning or intent. That being the case I would suggest that in the interest of clarity and of saying what we really mean we should do away with this surplus wording and leave (a) out altogether. The intent would be clear and adequately covered in (b).

Mr. Winch: Mr. Chairman, may I say I am not asking for any explanation in the interests of clarity on the matter raised by the hon. member for Essex East with regard to the words "moving or transportation", but I do want to say that I am most intrigued

by this section and I would like some explanation from the minister of it.

Personally, I agree completely that the present subsections (1) and (2) of section 21 of the act most certainly are not sufficient. I defy anyone at all, especially anyone in a position of responsibility and authority, to be able to go away from his home and be able to pay his hotel expenses and meals and other expenses on what ranges I think from $8 to $15 a day; it is without doubt completely impossible. But what does intrigue me is the wording of this section. We are substituting in (b) the words "reasonable travelling and other expenses incurred by him in so attending", and I would want the minister to make clear what is the definition of the word "reasonable". I think that is a stupid thing to put in there, because what is the definition of reasonable? As a matter of fact, what is the definition of the Prime Minister's statement in the last campaign that there shall be no undue suffering in Canada? What is the definition of "undue suffering"?

Mr. Bell (Carleton): You are talking to the committee now.

Mr. Winch: Yes, I have been told that before. But what is the definition of reasonable? There will be some who would be most happy with a certain type of accommodation. There will be others who will want the tops. That applies to judges the same as to members of the House of Commons or members of royal commissions.

An hon. Member: That is why the word "reasonable" is used.

Mr. Winch: Yes; I have always been reasonable with regard to charges, but I have not had many opportunities to make any. I cannot understand what is meant by "reasonable travelling and other expenses". Why decides what is reasonable? It has to be decided according to the job and the person. Knowing some of the judges in the province of British Columbia there would be a big difference in the kind of bill they would put in for the accommodation and the meals they have. I would like some clarity, in all fairness to the taxpayers and the person concerned, of what is involved as a charge. I repeat that under the present act no judge can travel in that province without being out of pocket. At the same time if there is going to be any change we want to know what will be the basis of payment.

Mr. Fulton: Mr. Chairman, to deal first with the comments of the hon. member for Essex East. I think the hon. member is really overlooking the fact that this is not a revision of the Judges Act, it is an amendment. As I said on previous occasions, it is my intention ultimately to make a revision of the Judges Act when I am able to make what I regard as certain important revisions in other arrangements with regard to the judiciary and the method by which our judges are paid and the circumstances surrounding the provision for their payment. Until that time we will not be revising the Judges Act, just amending it.

If we were revising it then it would be our intention to go through it from the point of view of seeing whether there were words, phrases or sections which could be deleted so that we could come up with an entirely new Judges Act. However, for the purpose of an amendment the intention of which is to substitute one method of payment for another, namely payment of reasonable expenses instead of a per diem allowance, I do not think we should be making changes as to the headings under which the judge is entitled to be paid.

The present heading is that he is entitled to be paid his moving or transportation expenses. We do not intend to make any change with respect to that heading; the judge is still entitled to be paid under the heading of moving or transportation expenses, and therefore we decided not to make any change although we might have made a change in that wording if we had been revising the act instead of amending it. The change we made was to change the method of calculation of the payments the judge is entitled to receive from a per diem method to reimbursement of his reasonable expenses actually incurred. One of the headings under which he incurs expenses is moving or transportation.

With regard to the use of the word "reasonable" and the matter raised by the hon. member for Vancouver East, may I put it to him this way. You would have to have some words to ascertain what is the amount of expenses. The only other word I could think of would be "actual"—"actual travelling and other expenses". May I point out to the hon. member that in fact we would be opening the door wider to abuse by using the word "actual" than by using the word "reasonable", if there be any possibility of abuse at all. If we put the word "actual" in the statute, then a judge might spend any amount he wanted, however extravagant or unreasonable, and he would be entitled to claim it because the statute would say he is entitled to his actual expenses.

The only word I think you can use and the word which is uniformly used in statutes making provision for the reimbursement of living expenses is the word "reasonable". The judge is entitled to be reimbursed his "reasonable travelling and other expenses incurred by him in so attending".

Then the hon. member asked what is the measure of the word "reasonable". I can only say that it means reasonable having regard to the status of the judge, the circumstances of the case, the town or city in which he is sitting and where a person having the status of a judge might properly be expected to take up his quarters—the type of hotel, and so on, that he might be expected to use. It is his reasonable travelling and other expenses. I do not think the judges will have any difficulty in assessing the position or in understanding or interpreting that word. After all, one of their functions as judges is frequently to interpret and instruct juries on the problem of what "reasonable" means. When it comes to applying it to travelling or other expenses, I do not think judges will have too much difficulty in determining exactly how this applies.

Mr. Winch: In British Columbia, one judge might go into one hotel and another might go to another hotel. There would be a big difference in the charge. Which would be reasonable?

Mr. Hanbidge: I have a couple of questions to put to the minister with regard to travelling expenses. In the case of a judge who owns his own car and has to travel, say a couple of hundred miles, does the travelling allowance for the use of the car vary according to the size of the vehicle?

Mr. Fulton: I am informed that this comes under the heading of transportation expenses. The practice has been to pay a standard mileage allowance where a judges uses his own car.

Mr. Hanbidge: There is another point I wish to raise. Suppose a judge hires a taxi. In Saskatchewan at the present time, for instance, where passenger train services have been discontinued, a judge is sometimes sent to another judicial district which may be several hundred miles from his residence. Is the judge entitled in those circumstances to hire a taxi and charge the account to the government?

Mr. Fulton: The use of taxis is not an uncommon occurrence. In a case like that the actual charge would be reimbursed.

Clause agreed to.

[Mr. Fulton.]

On clause 3—*Grant of Annuities.*

Mr. Martin (Essex East): Clause 3 is in many respects one of the most important clauses in this bill and, as I said when the minister presented the measure today, I want to make a few remarks which I regard as important. There are objections which have already been stated by those of us in the Liberal opposition earlier, particularly when we were discussing what the minister referred to the other night when he said that the bill now before the committee was a companion measure to the address which this House of Commons has approved for presentation to the parliament of the United Kingdom in respect of certain matters having to do with the district courts, the superior courts and the question of compulsory retirement of judges.

As I indicated when I spoke of these matters, and as did the Leader of the Opposition and others in this party, we are in favour of the principle of the retirement of judges at the age of 75. However, with regard to judges who have already been appointed, we feel that such compulsory retirement involves a breach of contract with the judges concerned and also that it is an interference with the independence which under our system of law all of us are anxious to see our judiciary possess.

The Ontario bar association at its meeting in February of this year expressed the view that while judges should retire at 75 such retirement should not affect those now in office, and the association passed a resolution to that effect. I mention this action taken by the Ontario bar association because the minister did refer to other resolutions passed by various bar associations including the Canadian Bar Association, resolutions which I do not believe are in conflict with the one to which I have just directed the minister's attention.

I think this is a matter of very great importance. We are now taking a step with regard to pension arrangements for judges, both those now on the bench and those to be appointed. While we do not quarrel with regard to the annuity arrangements for those to be appointed we do feel that this is a serious step to take with regard to those who are now on the bench. We say this is a breach of contract, because when those judges were appointed none of them was appointed on the understanding that there would be any interference, beyond the existing statutory ones, with his period of tenure. Thus I say that we are in favour of the annuity arrangements to the extent we have indicated. A former president of the Canadian Bar Association, Mr. Arthur Kelly, said

two years ago, we expect the judges of Canada to be independent of all pressures; we expect them to be free from any distraction which would take away their minds from onerous public duties which they have to perform, and we expect, and the public expects, that they shall maintain a standard of living which is dignified and representative of what we consider the bench represents in Canada.

In so far as the annuity arrangements are concerned I suspect that what the president of the Canadian Bar Association of that day said would be met by the provision which the minister has brought forward, but with regard to the principle of maintaining the independence of the judiciary I think by this clause we in this house are now violating a provision in a way which we should be the last ones to impose on those who by their office are called upon to adjudicate on behalf of citizens in matters affecting the law of contract. What we are doing by this measure is to ask Her Majesty to sanction a bill through her representative in this country, His Excellency the Governor General, which is in violation of a contract, though it is true the contract is not one which is enforceable in the courts but is an arrangement between the state and the appointed judges which has, nevertheless, all the elements of a contract and which otherwise would be enforceable.

We have good precedents for the position we take about this matter, and these precedents have already been mentioned. The committee has been reminded of the position taken in this regard by two former distinguished members of the bar in our country, one who later became a prime minister and the other a distinguished secretary of state. I refer to the late Lord Bennett and to Mr. Cahan both of whom vehemently opposed the initiative taken by the minister of justice in 1927 on the ground that it was an interference with the contractual arrangements, which were presumed to exist between the crown on the one hand and the judge appointed on the other. In 1930 the same minister of justice recognized the soundness of the position taken by Mr. Bennett, Mr. Cahan and others, and took steps by way of annuity arrangements to seek to meet the situation.

True the point arose again in 1933 when the arguments made by Mr. Bennett in particular were cited against the action taken by his solicitor general, Mr. Dupré. It was argued that to treat judges on the bench in the way that was contemplated and, in principle as we are doing today, was to violate a contract solemnly entered into in the only way that it is possible for the crown to enter into a contract with respect to its judges.

In the United Kingdom they were confronted with a situation in 1959. There they brought in a bill providing for larger pensions for the judges. It was known as the judicial pensions bill the text of which I have before me taken from an issue of the *Times* of November 15, 1959. By the judicial pensions bill there was a radical inroad made into the principle that no high court judge should be removed except on his own initiative by providing a compulsory retiring age of 75 with the qualification that it was to apply only to those to be appointed in the future. In other words the legislation in the United Kingdom took into account the very objection which I am making to this particular provision. I say that the annuity arrangements are satisfactory and should apply only to those who are to be appointed. The provision made for compulsory retirement of judges now on the bench should be on terms and conditions that will take into account this argument of breach of contract and also the desirability of maintaining the independence of the judiciary.

The bill passed in the United Kingdom applied, I find, to the offices of the lords of appeal, in ordinary, the lords chief justices, the master of the rolls, the president of the probate, divorce and admiralty division, the lords justices of appeal and to judges of corresponding rank in Scotland and Northern Ireland, but in every case the principle of the contractual right and the principle of maintaining the integrity and independence of the judiciary were observed.

I find it difficult to understand why the government in the face of that precedent and in the face of the attitude taken by so distinguished a right hon. gentleman of this house as Mr. Bennett, a former prime minister and president of the Canadian Bar Association and a distinguished lawyer, and others, persists in its attitude with regard to this measure in so far as existing judges are concerned. To follow the course I am suggesting, the course followed by the United Kingdom, would not add seriously to the financial obligations of the crown and I believe it would satisfy a principle which I regret is not now being observed. However, I have made this argument before and I do not want to press it except in re-stating it to indicate our concern in the matter.

While discussing this clause there are a number of other points that could be made. Before dealing with them, however, I should like to ask the minister when he replies to what I have said if he would explain precisely to us what was his reasoning with regard to all that is implied in clause 23 (1) (a) and

particularly having in mind what I have said about the question of breach of contract. Clause 23 (1) (b) reads:

(b) a judge who has continued in judicial office for at least 15 years, if he resigns his office and in the opinion of the governor in council the resignation is conducive to the better administration of justice or is in the national interest.

I should like to ask the minister for more explanation about this clause. What precisely is meant by "conducive to the better administration of justice"? Is that a new phrase?

Mr. Fulton: Yes.

Mr. Martin (Essex East): I thank the minister. Does it deal with a judge who is not performing his functions satisfactorily? Exactly what is intended by those words? More particularly what is intended by the phrase "or is in the national interest"? I can surely understand that where a judge does not perform his judicial functions in a satisfactory manner his removal is in the national interest. In other words I can envisage a series of situations that could be characterized by the phrase "in the national interest" but since the minister is the author of this clause I think the committee may reasonably expect him to give a careful explanation of what is meant by "conducive to the better administration of justice or is in the national interest".

Clause 23 (1) (c) reads as follows:

(c) a judge who has become afflicted with some permanent infirmity disabling him from the due execution of his office, if he resigns his office or by reason of such infirmity is removed from office—

Then comes into operation the operational part of the clause. Suppose a judge was appointed at the age of 65 and at age of 66 became infirm to the point where he could no longer carry out the execution of his office and, on that account, because of such infirmity, had to resign. Would that judge receive two thirds of his annuity? Has the government given any consideration to a time limit with regard to this clause? One could make a strong case for not having a time limit but at the same time one can conceive of situations having in mind the age of the appointee where the indications of disability might not be as apparent. I have one such case in my mind at this very moment. Naturally I would not want to name the person or describe the situation. I believe that some further explanation about the lack of a time limit might be given by the minister or the hon. gentleman might be able to satisfy us clearly that a time limit in that clause would be wholly undesirable.

[Mr. Martin (Essex East).]

We come then to the final lettered clause, 23 (1) (d) which reads as follows:

(d) a judge who ceases to hold office by reason of his having attained the age of 75 years, if he has held judicial office for at least 10 years or if he held judicial office on the day this section came into force.

It is clear, of course, from that clause that unless a judge has been on the bench for 10 years he cannot qualify for any kind of pension whatever. I can very well understand the concern of the minister in this regard but I am wondering if he has given consideration to a pension or annuity on a basis proportionate to the period of service. There are now on the bench one or two distinguished judges of whom I can readily think who will be affected by this provision.

The minister may possibly have had in mind when he recommended this particular clause that hereafter judicial appointments should be made of persons not older than 65 years. While one can make a strong argument for that practice, I am sure we all know of cases where the state would be robbed of useful service of individuals if we were to adhere to that practice strictly. If that is the case, is it fair for a man who has been practising, let us say, up until he was 66 years of age and has then been appointed to the bench and at the end of the compulsory period of retirement, at 75 years, finds himself not able to qualify for a pension?

It will be argued by some, of course, that a man who has been practising at the bar until he is 66 years of age is likely the kind of man who has sufficient resources so as not to become disturbed when he reaches the retirement age on the bench. But there are cases—and one hesitates to mention names for fear it would bring unfair attention—there is a case in British Columbia right now; I will not give the position of the judge or the place that he occupies on the bench but the minister and other members from British Columbia are familiar with the gentleman of whom I am speaking. In this case an eminent member of the bar went on the bench very late in life. His qualifications were very high. He is now serving with great distinction. I am told that his financial resources are definitely limited, but when he retires from the bench he will not qualify for a pension. I am not now arguing I am raising—

Mr. Fulton: Does my hon. friend mean under the provisions of the present legislation?

Mr. Martin (Essex East): Under the present amendment.

Mr. Fulton: I am afraid the hon. member has missed the last two lines which read:

—or if he held judicial office on the day this section came into force.

This amendment will only apply to superior court judges appointed in the future.

Mr. Martin (Essex East): I was going to come to that. If that is clearly the interpretation that my hon. friend puts on it, it would cover the case that I have in mind. After I have listened to the minister perhaps I might ask a few questions to satisfy my concern.

I have been looking at the return which the minister made to the hon. member for Kenora-Rainy River on April 13. That hon. gentleman asked for the names, the addresses, the date of appointment, age at time of appointment, salary, date of retirement where applicable, and eventual pensions of persons appointed to the Supreme Court of Canada, the supreme courts of the provinces, appeal courts, district and county courts, since June 1, 1957. I realize that there are exceptions to every rule, and a man might be appointed to the bench at the age of 70 who might have very high qualifications which should be put at the disposal of the state. But I am wondering whether a review of the ages at the time of appointment of so many of those who were appointed warrants the general conclusion that all of those appointees come within the reach of the exception which I say must be allowed.

There are a number who were appointed at the age of 68. I do not want to refer to particular names because these men are now on the bench but if hon. members will look at pages 3216 and 3217 of *Hansard* they will find the names of the parties to whom I have reference, judges appointed at the ages of 68, 66, 67, 70, and so on. There were five at 66 and a number at 68. It seems to me that where it is possible we should see to it that younger men are appointed so that their period of service on the bench can be extended and so that they can acquire additional experience and become the ornaments to the bench and to our system of law that we are all anxious to see in our judicial appointments.

I have raised a number of points, Mr. Chairman, and I would be grateful if the Minister of Justice would comment on them. I will come back to the one to which the minister has just directed my attention after I have heard him. I make one more appeal to the minister. This provision should not apply to judges now on the bench. It is a breach of contract. We are asking the crown to sanction something which these very judges in the course of their judicial administration are called upon to adjudicate as between one citizen and another. The authority which appoints those who administer justice in our country should not be guilty of the very violation which, if it attended an arrangement between two individuals, could be rectified by judicial action. We should not put ourselves in that position.

This parliament should not be placed in that position. We should follow the course they followed in the United Kingdom. We could do that, as I say, without any serious effect on the resources of this nation. We would thereby have taken a step which this particular series of amendments does not take. These amendments depart from a principle which was recognized at least on three occasions in this parliament. These amendments are not consistent with our declared view of the independence of the judiciary. We should not ourselves be placed in a position of promoting a breach of contract.

Mr. Winch: When the Minister of Justice replies to the previous speaker I should like him to deal at some length with this question of breach of contract. I make these remarks because I listened to the discussion at the resolution stage and to a similar statement coming from the official opposition. Quite bluntly, Mr. Chairman, in view of the term of the contract, in view of the amount of salary paid to judges, which I think is quite a reasonable one, I find it most difficult to understand why, under the terms of the present amending bill to the Judges Act, a person at the age of 75 shall receive two thirds of his salary not only for himself but also under conditions whereby there is something for the widow. This is something rather extraordinary when compared with the contract conditions of other civil servants and most certainly, Mr. Chairman, it does not apply to members of the House of Commons. Just why is there differentiation between those who make the law and those who interpret it? I find this difficult to understand. There is quite a differentiation between those who make the law and those who interpret it.

Although I may be slightly out of order, when we are saying that those who interpret the law should be retired at 75 I should like to know why those who make the law in the other place should not be placed in a similar position. I know I am out of order but I want to express that view because if you cannot interpret the law at 75 I wonder how you can go on making the law after that age in the other place. I should like to know the interpretation of the breaking of a contract. In looking at the bill I can only say that it is one of the most beneficient,

benevolent and generous bills in taking care of people who have been appointed by or work under contract with the government of Canada. I should certainly like to hear from the Minister of Justice why he feels that at the age of 75 we should give a judge two thirds his salary and take care of his widow after he dies because I can assure him that we in this group do not feel that way.

Mr. Fulton: Mr. Chairman, the hon. member for Essex East asked me to reply to the points he made in dealing with clause 3 and I think I should reply to them. They were serious points and he addressed himself to each one of the subclauses of the first part of that clause. The hon. member for Vancouver East asked me to comment particularly upon the allegation that has been made and repeated that in the proposals we have made to the house for a retirement age of 75 without providing for a continuation of full salary there is somehow a breach of contract. Perhaps I should first deal with that point briefly because it was first raised.

I must ask your indulgence, Mr. Chairman, in doing so, because, of course, this bill does not provide for a retirement age at all. The bill only provides for the payment of annuities to judges who resign their office or cease to hold their office because they reach the age of 75. It was an earlier address that provided for the retirement age and I am afraid that a renewal of the discussion which took place in the debate on that address is really out of order because this bill does not provide a retirement age for judges. All the bill does is provide for an annuity to be payable to judges who will have reached what from now on will be the retirement age of 75 years. However, Mr. Chairman, you did not interrupt my hon. friend and I did not raise a point of order. I realize that the two are closely related and I am quite prepared to meet the arguments of my hon. friends in this respect.

However, I wish to point out one thing. I wish to correct something the hon. member for Essex East said, probably inadvertently. He said that this provision, referring to the provision of annuities of two thirds of their salary at age 75, should not apply to judges who will be retired. I think what he really meant was that the retirement age of 75 should not apply to judges at present holding office. Since, however, it does apply or will apply if the address passes I am quite sure my hon. friend would then want this provision now before us to apply because without it they would not be able to get any pension at all. Indeed, under the provision now before us those judges affected by the retirement age, whether they were appointed before or after the retirement age comes into effect, will have their pensions substantially increased over what they would have been without the bill now before us. They will get two thirds of their present salary instead of two thirds of the salary of which they were in receipt before 1955.

Therefore by this bill we are going a very considerable distance in the direction of taking care of any complaint that may be raised with respect to those judges previously appointed, namely that they suffer a financial loss. True they do not continue at full salary but they will retire on two-thirds of their present salary and I do not really think anyone should seriously suggest that is an unfair financial sacrifice, if it be one, to impose on judges.

Indeed I say that to make it possible for them to leave the bench at two thirds of their full salary is a very considerable improvement over what would be their position if we simply left them to retire when they felt like it or, alternatively, if they died while in office and their widows received a pension; because without what we are asking parliament to do today a judge would receive his pension or the widow her annuity based on the former salary and not on the present one.

However, to deal with the merits of the argument that there is a breach of contract in providing a retirement age applicable to judges who have been previously appointed, I do not want to deal at length with the matter but I should perhaps refer briefly to what I said about it before. I dealt with the question of breach of contract and I referred my hon. friends to the Reilly case which was a decision of the Supreme Court of Canada in 1932, affirmed by the privy council in 1934, in which it was held that action somewhat similar to the action being taken here, taken by parliament to change the circumstances of an appointment, could not be said to involve a breach of contract.

It will be remembered that in that case the government through parliamentary action abolished an office to which somebody had been appointed. That person sued for damages for breach of contract and both the Supreme Court of Canada and the privy council then held in effect that it would be strange indeed if parliament, the legislative body which had created the office and had the power to appoint to it, could not in effect change the conditions of appointment and provide that the appointment cease without being charged with breach of contract. Here we have a case where under the British North America Act it is provided that the federal government may appoint to the position of superior court judge. Jurisdiction in that field

is vested by the British North America Act jointly in the dominion and provincial fields, the provincial legislature creating the position and the dominion authority having the power to appoint.

What we are doing now by agreement of these two legislatures, the dominion parliament and the provincial legislatures, is asking the United Kingdom parliament to amend the British North America Act so that in future the statutory provision will be that the office ceases or rather that the person ceases to hold that office when he reaches 75 so that automatically on reaching 75 there is a demission of office. This is exactly on all fours with the principle enunciated by the courts in the Reilly case. Where the legislature having competence causes to be enacted a change in the statute under which appointment is made, then, when the legislature does that there is no question whatever of a breach of contract.

May I point out that the Reilly case was decided after the Right Hon. R. B. Bennett made his criticism of the government in 1927. It is true that he alleged there was a breach of contract although he, I think, used words rather more precise than the words used by the hon. member for Essex East. But I point out to you, sir, that R. B. Bennett's criticism was voiced before the Supreme Court of Canada and the privy council had dealt with this question as they dealt with it conclusively in the Reilly case.

Mr. Martin (Essex East): Will my hon. friend permit one question? To what he says about the Reilly case I have, of course, no answer. That was a judicial decision with regard to an appointment that was not judicial. Will the minister not recognize what I said, namely that the contract which I say exists between the state and the judge is not one enforceable at law? There is no doubt about that, as I have said, but it has all the attributes of a contract, and I ask the minister whether he does not agree that all that the Reilly case says is that such a contract is not enforceable at law. It does not say that it is not a contract.

Mr. Fulton: It went a little further than that because as I recall it, and I put the words on *Hansard* in the other debate, Lord Atkin in the privy council made the significant finding that under these circumstances there is not a breach of contract. He said that the contract is discharged, which he pointed out is a very different thing from a contract being breached. Whether the contract be real or implied, the situation is that the conditions are discharged by the decision of the legislature which created the power to appoint and under whose joint jurisdiction the position falls.

I pointed out further on the earlier occasion that at the present time the British North America Act, the statute under which our authority arises, says that judges may be removed from office at any time by joint address of both houses of parliament. What we have asked parliament to do, therefore, is to pass an address now saying, in effect, that at age 75 all judges shall cease to hold office, which parliament has the right to do at any time. I do not accept for a moment the suggestion that there is a breach of contract, whether the contract is said to be express or implied, because it lies within the terms of the legislative authority of this parliament, having in this case the consent of the provincial legislatures which have joint jurisdiction in this field, to do exactly what we are asking parliament to do.

May I point out that there have been numerous changes made in the conditions surrounding judicial office. My hon. friends talk about a contract, express or implied. They say that a judge is entitled to assume he will continue at the salary at which he was appointed. I never heard any objections from my hon. friends when unilateral action was taken to increase the salary of judges. No question was then raised as to a contract, and there were no arguments to the effect that a judge should be prepared to carry on at the salary which attached to his office at the time of his appointment. It would of course be an absurd argument. But if one takes my friend's argument and applies it by logical extension, or if he is going to be logical about the position he has taken, then he should say that at any time there is an increase in judicial salaries the increased salary should apply only to those who are appointed subsequently and not to those previously appointed. If his argument has any merit it means that when a judge accepted office there was an implied contract that he would continue in office at the salary attached to the office at the time he was appointed. My hon. friend has never raised that argument, and of course would not.

Mr. Martin (Essex East): This is legalistic sophistry.

Mr. Fulton: No, but if it be that it is because it is applying the argument that my hon. friend has raised. What I am doing is demonstrating the sophistry of the argument he has raised. However, I reject this argument about breach of contract altogether.

So, Mr. Chairman, I suppose it is obvious that we are not going to arrive at an *ad idem* on this point. I am sorry that my friends

will not accept the force of logic. If they will not, then I am afraid there is nothing I can do about it. I am satisfied, on the basis of the research we made, on the basis of consideration that we gave to it both before and after the discussion took place in this house, that what we are doing is eminently proper and is eminently fair. We have taken account of the financial position of those who were appointed to office before the address becomes effective by making a change with respect to the pensions on which they will retire from office.

I just conclude this section of my discussion by saying that it is my strong view there must be uniformity with respect to the provisions applying to judges' salaries, with respect to the provisions applying to judges' pensions, with respect to the provisions applying to judges during the time they hold office. It would, in my view be improper to bring in legislation now which would have the effect that one group of judges on the bench could continue in office until such time as they choose to retire, while another group of judges must retire at age 75 with the pension that parliament provides. I think it would be an entirely improper thing to create that kind of distinction between judges who are serving simultaneously on the same bench. If for no other reason, therefore, it seemed to us proper to make the retiring age universal and of immediate application and to make the change in pension policy also universal and of immediate application.

My hon. friend from Essex East dealt also with the wording of subclause (b) of this proposed clause. This provides that the governor in council may grant to a judge who has continued in judicial office for at least 15 years, if he resigns his office and in the opinion of the governor in council, the resignation is conducive to the better administration of justice or is in the national interest, an annuity not exceeding two thirds of his salary. My hon. friend asks me to explain what we mean by the words "in the national interest", and why that phrase is used. He also wants to know what we mean by the words "conducive to the better administration of justice". The reason for inserting the words "in the national interest" is based on experience with at least one case that has arisen since I assumed this portfolio, and other cases which I understand arose in the past.

At the present time the existing legislation contains a provision in section 23 for the payment of an annuity to a judge who retires or resigns from office. This provision, however, is qualified by section 30 of the present act which reads as follows:

> No annuity shall be granted under subsection (1) of section 23 or under section 25 unless the governor in council is of opinion that it is in the public interest that such judge should resign his office.

In other words, the only condition under which an annuity may now be paid to a judge who resigns other than by reason of sickness is, if in the opinion of the governor in council, the resignation is in the public interest. It has been my experience, and I believe that of my predecessors, that this provision is difficult of interpretation and application.

Let me refer to a hypothetical case in order to avoid identification, actual or potential. Let us suppose that a judge is appointed to a position, not by the federal authority but by some other authority, either public or private, and by whom it is then said to the federal government, we consider that the assumption by this judge of this alternative employment is very much in the public interest. This might be alleged and argued with considerable vehemence. It might be alleged and argued that the federal government which took the position this was not in the public interest, in the sense the words are used in the act, was being selfish and narrow.

But, Mr. Chairman, it does seem to me that when you are dealing with federal legislation and dealing with positions for which parliament provides the salaries and the annuities those words "in the public interest" should be interpreted as meaning the public interest in the sense of the national or federal aspect of the public interest. There have been cases, it is quite true, where former governments have appointed judges to offices within the disposition of the dominion government, such as ambassadors. I can think of at least one, if not more cases in this category. In those cases, the opinion was that the judge's resignation of his office in order to accept the appointment was in the public interest. It was represented in one or two cases that this was a higher or more important calling to which he was being appointed. I think there is no difficulty with the basis of that interpretation because it was an appointment by the national authority. The difficulty arises where you have the situation where the judge himself desires to go to another appointment or some other body wishes to obtain his services in some other capacity, and it is then represented that this resignation in order to enable the appointment to take place is in the public interest.

There has been misunderstanding and difficulty occasioned by this situation in the past. As I say, in my view the application to be given to the these words "is in the

public interest", is in the field for which the federal government is responsible, and we are therefore changing the words of the statute in this case to make it clear, or as clear as we can make it, that the consideration to be borne in mind is the interest within the jurisdiction, authority and control of the federal government and parliament. That is the reason for the use of the words "is in the national interest". We are using the word "national" instead of the word "public".

Mr. Martin (Essex East): Does the hon. minister think that he has dealt sufficiently with the phrases—

Mr. Fulton: No, I am coming to that now; it is another part of the problem which was raised.

The reason for the use of the words "is conducive to the better administration of justice" is closely related to the problem I have just been discussing. At the present time the only way in which an annuity can be paid to a judge who resigns his office under section 23 is either if infirmity or sickness disable him from discharging his office, or if he is resigning for some other reason, and in the opinion of the governor in council it is in the public interest that he should resign his office.

When you come to apply this to the case of a judge who has served 15 years or more and who may have reached the point really where his energy and ability on the bench have in fact been exhausted but you really cannot say he has such sickness or infirmity as to disable him from discharging his office, then it seems to us to be pretty harsh for the governor in council to have to say, "Yes, your resignation will be accepted and your annuity can be paid because it is in the public interest that you should resign".

Mr. Martin (Essex East): I agree with that.

Mr. Fulton: The reason why we use the words "is conducive to the better administration of justice" is to cover exactly that type of case.

Mr. Martin (Essex East): What about a judge whose conduct is in question?

Mr. Fulton: May I come to that in a moment; I will just complete what I was saying on this point.

In other words, this will furnish a way in which we can pay an annuity without having to go so far as to say, "It is in the public interest that you should resign your office", and actually make that as a finding of the governor in council. We can now simply say, "Yes, we agree, under all the circumstances that conditions are such that it would be conducive to the better administration of justice if you wish to resign"; and in that case an annuity can be paid.

It is perfectly true that this would also cover the case of a judge whose conduct was in question, although perhaps not misconduct of such magnitude as to warrant the submission of an address or the appointment of a commission of inquiry. Those two courses, after all, are both very far-reaching and rather terrible steps to have to take, and would only be taken in what I might call extreme cases. But there are lesser cases where a judge's conduct might have been called in question and it is perhaps his feeling that he himself has come to the conclusion that the administration of justice would be better served if he resigned. By the use of these words in the statute he could resign if he had served 15 years under circumstances where it was deemed to be conducive to the better administration of justice and he would be entitled to his full pension.

Where a judge had given faithful or valuable service for 15 or more years there is no reason why he should not be allowed to submit his resignation under such circumstances and receive his full annuity. Indeed, being practical about it, I think it is a sensible step to make this provision, because if you did not provide some such way in which he could resign and receive his annuity it would be extremely unlikely that you would get his resignation in any event. As I have said, it is rarely, if ever, that one would use the terrible provision I have mentioned which is the only other way that a judge can be removed from the bench.

The third provision which the hon. member asked me to discuss was that contained in clause 23 (1) (c), which reads:

> (c) a judge who has become afflicted with some permanent infirmity disabling him from the due execution of his office, if he resigns his office or by reason of such infirmity is removed from office—

In that case the governor in council may grant to such judge an annuity not exceeding two thirds of his salary.

The hon. member raised the question in that connection as to whether there should not be some provision providing for a minimum term of service before a judge who resigned his office by reason of sickness or infirmity still could receive full pension. May I point out to the hon. member that the present law provides exactly what we are providing here, namely section 23 (1) of the present Judges Act which is as follows:

> The governor in council may grant to a judge of a superior court who has continued in office as such for at least 15 years or is afflicted with some

permanent infirmity disabling him from the due execution of his office . . . an annuity not exceeding two thirds of—

—his salary. We are making no change in this regard, and I think that is proper because I do not think a judge who in good faith makes all these changes and sacrifices required of him, disposes of his practice and office and who makes other far-reaching financial arrangements in order to accept an appointment to the bench, who is then stricken unexpectedly with some sickness disabling him from discharging his duties, should be deprived of his right to an annuity if he resigns on account of that disability.

The final provision which the hon. member asked me to comment on—

Mr. Martin (Essex East): I am satisfied with that now.

Mr. Fulton: —was with respect to (1) (d). The hon. member says he is now satisfied with that and I am glad to hear that. However, there is one aspect of it which I might point out, and that is that at the present time the judges of the Supreme Court of Canada, the exchequer court and the territorial courts in Canada have to serve a minimum of ten years before they are entitled to a pension. We are simply extending that in effect to judges of superior and county courts by providing that future appointees must have served ten years in order to be entitled to full pension on reaching the retirement age of 75.

I think the implications will be obvious and I think they are proper. If we are providing a retirement age universally of 75 years, then I think it is quite proper to provide in effect that you must not appoint anyone over 65 to that office if he is to receive the full pension. There is no prohibition against appointment; it is merely a provision that he must have served ten years in order to retire on full pension at 75, and the assumption is that there will not be very many appointments over the age of 65. That is already the case in the highest court in the land and we see no reason for not extending it to other courts.

Mr. Broome: Mr. Chairman, I have a couple of remarks to make on this. I am not a lawyer but I am quite interested in this matter.

About a year ago on the department's estimates I asked the minister whether the government was contemplating legislation along this line. The minister said he was working on it and hoped to make an agreement with the provinces shortly. He has worked very fast in one year in order to reach agreement with all the provinces.

I have made a few fast calculations with respect to the annuities proposed for judges of county and district courts. Those receiving a salary of $10,000 were formerly entitled to a pension of $5,333 which will now be increased to $7,000, an increase of 30 per cent. Puisne judges and judges of all provincial and federal courts formerly receiving a pension of, say, $9,600 will now receive $11,266, or an increase of 17 per cent. The percentages will vary, of course. I think this represents a very substantial increase in what might be called the over-all pay, or emoluments, of judges. When a vacancy occurs on the bench the minister of justice and his officials must, of course, look for the best person to fill that vacancy and the proposals which are now being put forward will serve as an extra inducement.

I should like the minister to comment on one point and tell us whether he thinks we are likely now to have a reservoir of trained judges who will be available to act on royal commissions and boards of inquiry thus leaving the serving judges free to do the work for which they were appointed, namely to take care of the courts. I think that perhaps the increase in the number of judges is not unconnected with the fact that some of our judges are doing too much outside work. It may be that because of the extra fees, the extra income, that such work has been regarded by the judges with a favourable eye. I think we should discourage this practice and try to keep our judges working on the job they were appointed to do. The present salaries are, in my opinion, adequate. They may not be anywhere near the sums which the judges were making when they were at the bar, but they are certainly adequate, particularly in the light of the changes made in this present bill. I think we can expect that our judges should stick to the bench and keep away from outside activity, no matter how financially rewarding such activities might be.

Mr. Hanbidge: What is the position of a judge who has retired in the past four or five years? Would he be entitled to a pension at the increased rate?

Mr. Fulton: That matter will be taken care of by clause 6. The answer is yes.

With regard to the point raised by the hon. member for Vancouver South, it would certainly be my anticipation and hope that the provision of a uniform compulsory retirement age will, in effect, help establish a reserve of men who have previously been judges and who will be able to undertake work on these commissions and special inquiries to an increasing extent, thus easing

the pressure now existing for the appointment of serving judges to such commissions and inquiries.

Mr. Martin (Essex East): Would the minister care to say whether or not he feels that those who have been on the bench and who take other appointments in the service of the crown or elsewhere should continue to use the title "The Hon. Mr. Justice—"?

Mr. Fulton: I think the custom in that regard is that they should continue to use the title "The Hon." but not "The Hon. Mr. Justice". Once judges have resigned they may, by application and submission to Her Majesty, be authorized to continue using the designation "The Hon. so and so" but not "The Hon. Mr. Justice so and so".

Mr. Martin (Essex East): This is not in any way a reflection on the person concerned, because he has obviously very worth while qualities, but does that represent the practice with regard to the address of the chairman of the civil service commission?

Mr. Fulton: Certainly it does to the best of my knowledge. He asked for it only on the basis that the designation "The Hon." might be preserved as is the case with practically every judge who has resigned or retired since I assumed this portfolio.

Mr. Martin (Essex East): With great respect to the minister, I wonder if that is the case. I think that where a judge resigns he is entitled to use the prefix "The Hon." only with the concurrence of the governor in council.

Mr. Fulton: No, it is with the consent of Her Majesty. In every case the official authority has been contained in permission from Her Majesty, and whenever the matter has been raised with me we have made the appropriate recommendation through His Excellency for authority to use that title. It does not carry the right or authority to continue to use the word "judge" or "justice".

Mr. Hanbidge: I should like to inquire of the minister what is the position of a judge's widow in cases when a judge dies in office and, second, when a judge dies a year or so after he becomes eligible for retirement pension.

Mr. Fulton: In both cases the widow would receive two ninths of the salary received by the judge at the time of his resignation or death as the case may be. The elective provision is no longer in effect and it has not been since 1955. If a judge retires or resigns, the annuity works out at two thirds of his salary—we are making a change and relating that to present salary, not the old salary —and after his death, whether it occurs while in office or after retirement, his widow receives two ninths of his salary; she receives one third of the pension which itself is two thirds of the salary.

Clause agreed to.

Clauses 4, 5 and 6 inclusive agreed to.

Title agreed to.

Bill reported.

Mr. Deputy Speaker: When shall the bill be read the third time?

Some hon. Members: By leave, now.

Mr. Fulton moved the third reading of the bill.

Motion agreed to, and bill read the third time and passed.

PUBLIC SERVICE SUPERANNUATION ACT

AMENDMENTS WITH RESPECT TO CONTRIBUTIONS, PENSIONABLE SERVICE, BENEFITS, ETC.

Hon. Donald M. Fleming (Minister of Finance) moved the second reading of Bill No. C-76, to amend the Public Service Superannuation Act.

He said: I think it is clear from the course of the discussion of this matter on the resolution stage on June 20 that it has won the support and favour of the house. I infer that there is no occasion for my attempting to discuss the bill now. I reviewed the principal features of the bill in making my statement on June 20 as reported at pages 5124-6 of *Hansard* on the resolution stage. Perhaps therefore I should simply say that the bill does provide important benefits which I believe have commended themselves to the judgment of the house and which have been welcomed outside the house.

Hon. members may, however, be interested in a word about the proposed procedure. In speaking on this matter on the resolution stage on June 20 as recorded at page 5126 I said:

> It is my intention to recommend that, after second reading, the bill be referred to a special committee where it will be possible to study the amendments and the changes in the basic benefit and contribution formulas in detail.

At that time it had been expected that one committee, namely a special committee, would be set up and that there would be referred to it not only the present bill but Bill No. C-77 to amend the Civil Service Act as well. Since that time by general agreement the house has decided that Bill No. C-77 should not be proceeded with at this session. The question arose then as to whether it was worth while to set up a special committee simply to deal with this one bill, Bill No. C-76. Requests,

however, have been made by hon. members opposite that we should proceed as had been previously indicated to set up the special committee and accordingly when the bill is given second reading I shall be prepared then to offer a motion on which I understand there is general agreement. It is the motion of which I gave notice in *Votes and Proceedings* of June 16. It is to be found there immediately following page 664.

At that time the notice of motion contemplated the appointment of the special committee in order that both these measures might be referred to it. The only change in the form of the motion will be by elimination of any reference to the referral to that committee of the bill to amend the Civil Service Act.

There have been conferences already between the whips concerning the personnel of the committee. That personnel has been agreed upon and therefore we are in the happy position of being able to offer the motion today by consent and actually appoint the committee and establish its personnel. That has been agreed upon by the whips and therefore we are in a position to proceed in this matter and send it to the proposed standing committee swiftly.

Mr. McIlraith: Before the minister resumes his seat would he repeat the page reference with respect to *Votes and Proceedings*?

Mr. Fleming (Eglinton): It is the page opposite page 664 of *Votes and Proceedings* of June 16. In other words, page 1 of the appendix to *Votes and Proceedings* of June 16.

Mr. G. J. McIlraith (Ottawa West): Mr. Speaker, the bill now before the house for second reading is undoubtedly a very important one. It is important for the effects it has on large numbers of employees in the public service and important in principle but when we examine it we find it deals with different isolated points in existing legislation which I think the house generally will agree is very good legislation. That being the nature of the bill before us it raises some question as to getting the best possible legislation out of this bill by debate at this stage.

It strikes me that if one were to seek to debate a great many questions of principle affecting the subject of the superannuation of public servants no valid result will be obtained. While it is technically possible to do so under the rules—the bill being in such language—in this particular instance it is probably not desirable to do so. I believe the points dealt with in the bill can be more adequately examined in the special committee to be set up for the purpose of dealing with this legislation to which committee the bill will be referred following second reading. In the committee questions can be directed to the minister and the appropriate officials of the department having to do with the administration of the fund. Questions may be put to the actuarial authorities in the minister's department and others who may want to be present. By following the procedure outlined by the minister of giving the bill second reading now and having it referred to the special committee, when it comes back into the house if there are any questions still unanswered there will be an opportunity in the committee of the whole to discuss the points on particular clauses. I think that is a desirable course to follow on the whole.

There is one point concerning which I should like some information from the minister. If he has it readily available he may give it to the house when he replies or, if not, it could be given in committee. I refer to the whole question raised by the amendment changing the rate of contribution. I have in my hand sessional paper No. 60-B entitled "Report on actuarial examination of the superannuation account in the consolidated revenue fund as at December 31, 1957" tabled in the house on Monday, June 20, 1960. Two paragraphs which squarely deal with this point are found on page 24 of that return. The first reads as follows:

> 1. The estimated deficit in the superannuation account as at December 31, 1957, was $137.7 million. It is recommended that this deficit, together with the "unamortized portion of actuarial deficiency in the superannuation account," amounting to $139 million, be liquidated as soon as may reasonably be possible. It is also recommended that, until liquidation of the deficit has been completed, interest be credited to the account in respect of the amount of deficit remaining from time to time, to keep it from growing with interest.

The second paragraph reads in part as follows:

> 2. The average contribution rate estimated to be required to pay for the benefits provided under the act is 12.4 per cent of salary for male contributors and 9.7 per cent of salary for female contributors.

And so on. I hope that at some point we can have information provided, if it is available, as to the account up to date and that it can be made clear that the increase in the contributions being sought in the bill now before us is intended to provided adequately for the amount required to provide the benefits under the legislation and any changes in benefits that may be involved and not to provide through the increased contributions the recovery of the deficit in the fund. That is a principle which at some stage should be made clear.

Then there is a reference in the public accounts, 1957, volume 1, at page 47, to the government's contributions with respect to the superannuation account. It indicates that

the government contribution to the superannuation account was $72 million in 1956-57 compared with $31 million in 1955-56. It explains what brought about the increase, and then it goes on to say:

> In addition to the above contributions, $50 million was charged to budgetary expenditures as a reduction in the unamortized portion of the actuarial deficiency in the superannuation account reducing the balance in the account to $139 million as at March 31, 1957.

If I recall correctly, I think there have been no further contributions charged to budgetary expenditures as a reduction in the unamortized portion of the actuarial deficiency in the superannuation account, and at some point there should be an adequate explanation of whether that was not done because it was not necessary or what is the prospect in that respect in the future? That should be made clear.

There is the very important question which was covered by some other legislation last year of the whole matter of the inadequacy of the pension being paid to persons already superannuated. This is an old problem, a very difficult and complex one. There was legislation dealing with it, but there are some matters that desire to be clarified. It is a combination of things having to do with the change in salary levels over a period of years and a continuous rise over a period of years which has made the difficulty so great for certain individual retired civil servants, not a great number of them, but it is a very great problem for the ones involved; in fact, it is a severe problem.

Then, I suppose, it would be quite possible to discuss under the bill before us certain special matters that arise by reason of the reference in the bill itself in clauses 2, 3 and 17(1) to certain other legislation, namely the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act and the Canadian Forces Act and so on. There are other matters that could be discussed there. There are some real problems, particularly with reference to pensioners from the R.C.M.P., who were pensioned some years ago. There is a problem there that I think it is desirable to have something done about. These are all matters that, while they could be raised at this stage, do raise questions of principle and could be dealt with in the committee stage.

There is an amendment that involves a question of principle. I refer to the change in the provision for death benefits. In existing legislation there was some hardship by reason of the nature of the clause as it stood and a change is being made making provision for a lump sum in any event under certain circumstances. There are some other changes in the bill. I take it that the rest of the changes are mainly concerned with matters that have been shown as being required in the light of administrative experience.

Mr. Fleming (Eglinton): Improvements in administration.

Mr. McIlraith: Yes, mostly under administration.

Bearing in mind the nature of the bill, Mr. Speaker, I think we can obtain the detailed information at the committee stage. I hope the Minister of Finance (Mr. Fleming),—I make reference to him in a direct way—when we come back into the house at the committee stage will not be objecting too technically in his view of the rules should it be desired to get some information on some of these points at different times. I hope also that when the committee is set up it will be possible to arrange the actual sittings in such a way that they will not unnecessarily conflict with the other committees sitting dealing with legislation now before them. I have reference to such matters as the combines legislation now before the committee on banking and commerce. I hope that good judgment will prevail so that the committees will not be sitting at the same time. With the house sitting somewhat extended hours and the banking and commerce committee dealing with the combines legislation and having some very important witnesses before it I hope satisfactory arrangements can be made so that the committee sittings can be reconciled with each other in such a way that would enable all hon. members to give the bill a thorough examination.

Mr. Erik Nielsen (Yukon): Mr. Speaker, I shall be very brief with my remarks but I do have a situation which should be drawn to the attention of the minister and the committee which will be considering the provisions of the bill in detail. The situation which I am concerned with may be covered by subclause (4) of clause 20 but it is somewhat doubtful. It has to do with a very important question of principle, namely the question of administrative errors and the consequent hardship imposed on a civil service employee falling under the provisions of the bill. The situation I have in mind is where an administrative error is made as a result of which a civil servant may be precluded from claiming back pensionable service with some other branch of the government, for instance, previous military service and the like. The situation perhaps may rarely arise but it has arisen in my riding on two occasions. Both of these cases have been brought to the attention of the department

concerned and I believe also to the attention of the treasury board. Under the provisions of the act as it now reads, and the way I read the provisions of this bill, there appears to be no solution and no relief for the employees concerned.

Both the employees are employees of the Department of National Defence. One, Mr. C. L. Lawrence, became a contributor under the old act, the act now in existence, first in 1955. Then, of course, he was paying only 4 per cent to the retirement fund. When he was given the right to elect on July 1, 1958 he of course would pay 6 per cent. He had to make his choice with respect to claiming previous service and he had a penalty free election year until July 1, 1959. Form FA135, which provides for compilation of the estimated cost of the previous service was sent from Whitehorse to Edmonton on March 25, 1959, and then was mislaid by the district treasury office in Edmonton. It was not returned until April 12, 1960, over eight months past the penalty free date. As a result, Mr. Lawrence is denied the opportunity to elect because of this administrative error, and there is apparently under existing legislation no relief for him. Under the provisions of the amending bill, unless it can be found that there is something which covers this problem, there would still be no relief for people who find themselves in similar positions.

The other case concerns Mr. M. E. Erickson, also an employee of the Department of National Defence in the Yukon. He became a contributor under the act on November 1, 1958, and his penalty free election year ended on November 1, 1959. Form FA 135 was received by the chief personnel officer at Whitehorse and forwarded to Mr. Erickson on October 13, 1959. The letter containing form FA 135, that is, the estimate of cost of previous service, was forwarded to Mr. Erickson and addressed to box 84, Whitehorse instead of box 84, Watson Lake, where Mr. Erickson lived. Because of this clerical error Mr. Erickson did not receive form FA 135 in time to make his election before expiration of the penalty free period.

It appears that both of these people have no relief under the old legislation because, through the executive of the national defence employees association, both here and at Whitehorse, representations have been made to the department concerned and to treasury board and the association has been informed that there is nothing that can be done. As a matter of principle, Mr. Speaker, I feel that if the existing bill does not cover such situations perhaps the committee might give serious consideration to suggesting amendments which would provide for the rectification of such administrative or clerical errors so that hardship will not be worked on employees who find themselves in such circumstances.

[Mr. Nielsen.]

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, I rise to speak briefly on behalf of this group in support of the principle and purpose of this very important and somewhat complicated and technical bill. After studying the bill we think it is a definite improvement and a step forward in remedying some of the difficulties created by the present pension arrangements. As the hon. member for Ottawa West (Mr. McIlraith) dealt quite fully with several questions that we in this group had noted and intended to raise there is no necessity for me to detain the house to repeat what he has said with respect to certain matters to which he thinks consideration should be given. I simply join with him in bringing these matters to the attention of the minister with this exception, that we do want to make certain that the bill protects all classes of civil servants but particularly those who have been retired for some time.

As the hon. member for Ottawa West mentioned, I presume a good many members of the house have encountered rather distressing cases involving civil servants who have been retired for quite a number of years. We are very concerned about those persons who have suffered so long from the results of inflation and we want to see the situation remedied. This type of bill, dealing with the superannuation plan, contributions and actuarial matters, is certainly a type of bill that requires careful study by a committee. When it comes to figures and money matters, particularly legislation of this type, I am one who always likes to see the matter go before a committee and receive careful consideration because it is not a question of simply using words loosely but rather of making certain that two and two make four today and tomorrow.

We were very glad to hear the minister say that he intends to move for the establishment of a select committee to study the bill. The committee will no doubt have the opportunity to hear the minister, his officials and other persons directly concerned with this legislation. With these brief remarks, Mr. Speaker, and leaving any further criticisms until the bill has been returned to the house with any further suggestions that may come to mind as a result of the study of the measure by the committee, I end what I have to say on the bill at this time.

Mr. J. T. Richard (Ottawa East): Mr. Speaker, I only wish to say a few words on the bill to amend the Public Service Superannuation Act. In considering such matters I am always reminded of the fact that it is unfortunate we are losing so many valuable civil servants because they have reached the retirement age. While this matter does not come under the legislation before us, it is a good thing to call the attention of the house to the fact that we should look forward to the day when we will allow civil servants to remain in office longer, especially now that life expectancy is much greater. We need our good men and we should keep them as long as they can be useful to the government of the country.

I am, of course, in favour of the amendments to the act, especially the provision which makes it possible to base future pensions on the average salary received during the last six years of service rather than the last ten years. I congratulate the minister on bringing this amendment forward. It is a very popular move and I am going to take as much credit for it as I can. I can at least say that for the past 15 years I have at all times wanted to see retired civil servants receive adequate pensions. I am the son of a civil servant and if it had not been for my father's pension and what my mother received some 27 years ago when she had seven children to look after it would have been hard to educate my brothers and sisters. I am glad to see that the treatment to be accorded will be even more favourable under the new plan. True, there are some who will feel badly that they do not fall under the six-year plan and it is also true that there are many whose pensions are inadequate but I am still hopeful that the Minister of Finance (Mr. Fleming) will improve the legislation he brought in two years ago, I think—

Mr. Fleming (Eglinton): An item in the estimates was brought in two years ago and a statute last year.

Mr. Richard (Ottawa East): —and increase some of the pensions which are inadequate. With the introduction of this new amendment I imagine there will be a much greater call for the averaging of pensions of civil servants who retired some time ago. In any event, I welcome the fact that the bill will be sent to a special committee and I look forward to the opportunity to take part in passing this legislation.

Mr. O. W. Weichel (Waterloo North): Mr. Speaker, I should like to make a few remarks with respect to clause 2, paragraph 2. I understand that postmasters and assistants in receipt of salaries of $900 or more enjoy the privileges of superannuation. When the minister replies perhaps he could tell me whether the amendments will affect their privileges in any way. There is one other point with reference to clause 20, page 17 of the bill. I am particularly interested in the expression "full time" as applied to any employee.

Mr. Speaker: Order. The hon. member will have an opportunity to discuss the details of the bill when it comes before the committee if he is concerned with details only.

I must inform the house that if the minister speaks now he will close the debate.

Hon. Donald M. Fleming (Minister of Finance): Mr. Speaker, I thank hon. members for the support they have indicated for second reading of this measure and for the proposal that has been made that it then be referred to the special committee as indicated in the notice of motion in *Votes and Proceedings* of June 16. I think I can deal very briefly with some of the points that have been raised. The house would not expect me, of course, to deal with individual clauses of the bill or with individual cases. That would not be proper in the debate on second reading. In any event, there will be ample opportunity at the committee stage, whether in special committee or in committee of the whole, to deal with the various questions that have been raised in regard to details of the bill.

So far as the position of postmasters is concerned, may I just say very briefly that because of their differing conditions of service and remuneration it has been difficult to prescribe the conditions under which postmasters or assistant postmasters in revenue post offices or clerks of works meet the requirements of the act for eligibility as contributors. This amendment will therefore call for designation, as such, by the governor in council. It is proposed that all of those in these categories who are now contributors will be protected in their status by a general designation.

The hon. member for Ottawa West (Mr. McIlraith) raised several questions arising out of the actuarial report, one of three which were tabled last week. He has drawn attention particularly to the two paragraphs appearing on page 24 under the heading "Summary and recommendations". Again speaking quite briefly may I say, as I indicated before, "the average contribution rate estimated"—I am quoting from the report now—"to be required to pay for the benefits prescribed under the act is 12.4 per cent of salary for male contributors and 9.7 per cent of salary for female contributors". That is the position as of August 21, 1959.

As the house is aware, the actual contributions amounted to 12 per cent of salary for male contributors and 10 per cent of salary for female contributors, with the government and the particular civil servant each making equal and matching contributions. Up to the present time, therefore, there has been a small deficiency in the male contributions as compared with the calls upon the fund, and the female contributions have been adequate to meet the calls in that behalf on the fund. This, of course, it the position prior to this current round of substantial increases in salaries. One cannot, of course, expect that this position would continue. The increases in salaries will have an effect which, no other action being taken, would increase the deficiency in respect of the male contributions and bring the female contributions closely into complete balance with female calls upon the fund.

The increased benefits that this measure provides, and they are substantial, will cost money and that is the reason why it has become necessary to propose increases in the contributions of male contributors to 13 per cent, with the government paying half. This, of course, will be in keeping with the scheme of the other two acts, one respecting the armed services and the other respecting the Royal Canadian Mounted Police. One cannot be absolutely precise, but the best estimate that is available from the actuaries is that with the increase in male contributions we will be fairly close to balance as between income and outgo of the fund, taking account of the increase in salaries and the substantial increases in benefits. There is no thought of using this increase in the male contributions to build up the fund or to provide a surplus. It is a matter simply of trying to equate the contributions as closely as is reasonably possible with the demands upon the fund.

The other point raised by the hon. member for Ottawa West concerned whether the payments into the superannuation account were to meet the existing unamortized operations of the superannuation account or the estimated deficit in that account. The amount of the former is $139 million, and the amount of the latter is $137.7 million.

Mr. McIlraith: The figures mentioned by the minister now are as of March 31, 1957. Is there any subsequent change?

Mr. Fleming (Eglinton): There have been no contributions authorized by parliament on account of either of these sums. I think all hon. members are aware that any contribution could only be made by authorization of parliament.

[Mr. Fleming (Eglinton).]

I think, Mr. Speaker, these are the principal points that were raised, which it may be appropriate to mention in this debate on second reading. I am sure there will be points of detail to be raised in the committee. Two hon. members raised questions as to the position of civil servants who have hitherto retired on superannuation. This bill has no application to them. As I pointed out in the statement which I made at the resolution stage on June 20, their position has been dealt with and very substantially improved by, first of all, the item in the estimates that was introduced and passed two years ago and with the enactment of the Public Service Superannuation Adjustment Act which was passed by parliament one year ago and which brought substantial increases in the existing benefits to those who had retired prior to 1954.

Motion agreed to and bill read the second time.

MOTION FOR SPECIAL COMMITTEE

Hon. Donald M. Fleming (Minister of Finance): May I now ask the consent of the house to move the motion of which I gave notice as mentioned earlier in my remarks, in *Votes and Proceedings* of June 16, and which is found in the appendix opposite page 664. With the change which I mentioned in the notice when speaking on my motion for second reading, having regard to the fact that the committee now is to have referred to it only the present measure and not Bill No. C-77, an act respecting the civil service of Canada, if the house will give unanimous consent I now propose:

That a special committee be appointed to consider a bill to amend the Public Service Superannuation Act with power to send for persons, papers and records and to report from time to time;

That the committee have power to print such papers and evidence from day to day as may be deemed advisable or necessary;

That the committee shall consist of 15 members to be designated by the house;

That the committee be empowered to sit during the sittings of the house;

That standing order 66 be suspended in relation thereto.

If that motion meets with the approval of the house, I have the names of the members of the committee.

Motion agreed to.

MOTION FOR APPOINTMENT OF PERSONNEL

Hon. Donald M. Fleming (Minister of Finance) moved:

That the special committee on the Public Service Superannuation Act be composed of Mrs. Casselman and Messrs. Bell (Carleton), Campeau, Caron, Hicks, Keays, MacLellan, MacRae, McIlraith, More, Peters, Richard (Ottawa East), Rogers, Smith (Winnipeg North), and Tardif.

Motion agreed to.

MOTION FOR REFERENCE OF BILL TO SPECIAL COMMITTEE

Mr. Fleming (Eglinton): Mr. Speaker, the committee having been appointed, may I now move that Bill No. C-76 be referred to the said committee.

Motion agreed to and bill referred to special committee on the Public Service Superannuation Act.

CANADA SHIPPING ACT

AMENDMENTS RESPECTING PILOTS AND PILOTAGE

Hon. George H. Hees (Minister of Transport): Mr. Speaker, might I ask unanimous consent of the house to proceed now with the second reading of the measure which was given first reading in this house today, an act to amend the Canada Shipping Act?

Mr. Speaker: Has the minister consent of the house to proceed with second reading of Bill No. C-80?

Some hon. Members: Agreed.

Mr. Hees moved the second reading of Bill C-80, to amend the Canada Shipping Act.

He said: Mr. Speaker, the purpose of this bill is to implement an arrangement with the government of the United States to coordinate the control of marine pilotage on the great lakes in the interests of safety.

The existing part VI of the Canada Shipping Act governs marine pilotage in general. However, many of the provisions of this part are not suitable for application on the great lakes where ships must cross and recross the international boundary many times during the course of a voyage. Further, one of the main features of Part VI is that acceptance of pilotage services is optional, although in some districts the payment of pilotage dues is made compulsory whether or not a pilot is employed.

On the great lakes we have large bodies of water and connecting rivers which until the opening of the St. Lawrence seaway were cut off from the sea except for comparatively small vssels. Over the years a specialized practice of navigation has grown up in these waters. They have their own collision regulations which are different in some respects from the regulations for preventing collisions at sea. Again the operators of lake ships, both Canadian and United States, used a common language which facilitated communication by radiotelephone. In fact, the use of the radiotelephone became so common on the great lakes that practices were laid down by intergovernmental treaty and the use of voice communication between ships became an added safeguard in the avoidance of collision.

Before the opening of the seaway the number of ocean ships which entered the great lakes was comparatively small, as were the ships themselves. Their masters and officers were experienced and, where necessary, they employed local mariners to assist them. With the opening of the seaway large ocean ships entered the great lakes in considerable numbers and competent pilots were required to navigate them, particularly through the restricted portions of those waters. The need for some official control was evident and early in 1959 my department organized a staff of government employed pilots for assignment on request as pilots for the waters lying between Port Weller at the lake Ontario end of the Welland canal and Sarnia at the lake Huron end of the St. Clair river. The international portion of the St. Lawrence river from St. Regis or Cornwall to lake Ontario was already provided for, as far as the availability of pilots was concerned, by an existing pilotage district.

The Canadian attitude toward pilotage, as reflected in existing law, has been that the safety of the ship is the responsibility of the master of that ship. A prudent master invariably employs a pilot when pilots are available for the navigation of waters with which he himself is not familiar, but the responsibility is his to decide whether or not he requires a pilot. In the United States, on the other hand, the employment of pilots in ports and other restricted waters has been compulsory. This attitude was reflected in an earlier proposal from some United States sources to make pilotage compulsory in all the United States waters of the great lakes basin including the United States portions of the river St. Lawrence. In view of the congestion of traffic in the connecting waters of the great lakes, we recognized the desirability of departing from our traditional attitude and agreed to collaborate with the United States government in making pilotage compulsory in these waters. However, we did not feel that the employment of local pilots was essential from a safety point of view while the ships were on the open waters of the great lakes.

The United States administration has, as a result of our discussions with them and their own study, decided that the requirements of safety would be met if among the ships' officers there is one who has had some experience of the great lakes and has by examination established that he is familiar with the great lakes rules and has an adequate

knowledge of the English language. Congress has passed legislation to give effect to this decision.

Our bill is intended to provide the machinery whereby we can complement, in the Canadian waters of the great lakes, the provisions of the new United States legislation and regulations which may be made thereunder. We propose to do this by a new part VI-A of the Canada Shipping Act which will deal only with great lakes pilotage. We are thus leaving undisturbed, except for one small item, the existing pilotage provisions of part VI. This one exception is an additional section 356A which will provide, pursuant to a reciprocal arrangement, that in the case of a pilotage district made under part VI and which forms part of the great lakes basin a United States pilot may act as such without violating Canadian law.

The proposed Part VI-A starts by defining the terms "designated waters", "great lakes basin" and "registered pilot". I would draw to your attention that the wholly Canadian part of the St. Lawrence river east of St. Regis on the south side of the river opposite Cornwall is not affected by this legislation.

Section 375B is what might be termed the operative section of this bill. I should add, in parentheses, at this point that both Canadian and United States lakers will be exempted from these pilotage requirements. This section provides that no vessel of 250 gross tons or over shall be operated:

(a) in designated waters unless it is being piloted by a registered pilot; or
(b) in undesignated waters of the great lakes basin unless there is on board a registered pilot or an officer having the qualifications prescribed by regulation.

In practice the "designated" waters will we expect, be the river St. Lawrence from St. Regis west, the Welland canal, the waters joining lake Erie and lake Huron and those joining lake Huron and lake Superior. However, it will be possible for the President of the United States to designate other waters on the United States side, including perhaps certain ports or other congested areas, and for the governor in council to do likewise on the Canadian side if experience shows such action to be desirable. The undesignated waters will, in general be the open waters of the great lakes. Here an ocean ship will be navigated by her own master and officers, but unless one of them possesses certain qualifications prescribed by order in council there must be on board and available for call a registered pilot.

As stated in an aide memoire which was tabled on February 23, 1960, the qualifications which will be required of the master or one of the officers of a ship which may navigate the open waters without a registered pilot being on board, as presently contemplated, will be:

(1) possession of a master's certificate of competency valid for voyages in any part of the world;
(2) experience of at least two round trips within the preceding two years in the open or undesignated waters where the vessel will be operating;
(3) a working knowledge, as evidenced by examination, of the great lakes rules of the road;
(4) proficiency in the English language sufficient to make effective use of the radiotelephone;
(5) a knowledge of the practice of following separate courses on the great lakes, giving due regard to the suitability of such courses for deep draft vessels.

I might say that the certificate of competency which I have just described we propose to designate as "Great lakes-open water navigation certificate".

Section 375B also contains a clause providing for the exemption by the Minister of Transport of any ships from the above requirements. This clause will make it possible for the Minister of Transport to exempt regular lake vessels, both United States and Canadian, which obviously have no need of this requirement. There is also a clause to ensure the possibility of continued movement of vessels without violation of law when no registered pilots are available or in extraordinary circumstances which make it necessary for the master to avail himself of the best assistance that can be found at the time.

Section 375C sets out the powers of the governor in council in making regulations under this part. These provisions will enable us to make adjustments as experience may dictate and as may become desirable during consultations with our United States counterparts. As will be seen, the power to make regulations includes the designation of the waters in which registered pilots will be required; prescribing qualifications of a Canadian registered pilot and those required by a ship's officer to enable his ship to proceed without a registered pilot in the open waters; and also the fixing of fees to be charged for examinations and for the services rendered by Canadian registered pilots.

Subsection 2 of this section provides that the Minister of Transport may fix the number of Canadian pilots that may ge registered under this part. This is necessary because United States pilots are entitled to a fair share of the work and both sides have agreed to control the number of pilots in this manner.

The remaining provisions cover penalties for violations and provide that the act shall come into force on a day to be fixed by proclamation.

All these provisions are expressed or implied in the United States bill which is necessarily longer than our bill because of their

different legislative system. We believe that our proposed bill will enable us to work in co-operation with the United States authorities in establishing a safe, controlled and efficient pilotage system on the great lakes.

The United States bill will not come into force until four months after the issuance of regulations made pursuant to it. Before such regulations are made we expect that there will be further discussions between Canadian and United States officials so that the regulations on either side will have substantially the same effect.

Our bill will not be proclaimed until working regulations satisfactory to both sides have been formulated. The date of proclamation should coincide with the effective date on the United States side which is likely to be prior to the opening of the 1961 season of navigation.

Following my usual practice, I propose to refer this bill to the standing committee on railways, canals and telegraph lines.

Mr. Chevrier: May I call it six o'clock?

At six o'clock the house took recess.

AFTER RECESS

The house resumed at 8 p.m.

Hon. Lionel Chevrier (Laurier): Mr. Speaker, the measure which the Minister of Transport (Mr. Hees) discussed prior to the adjournment at six o'clock is an amendment to the Canada Shipping Act, which is of importance not only because of the opening of the St. Lawrence seaway but because of its effect on those in the great lakes area. It is also of importance to the house in general.

The main features of this legislation are somewhat different from those which were envisaged last year. At that time the minister brought before the house a bill which we on this side said we thought was premature in that an agreement had not then been reached between Canada and the United States concerning the matters that were then up for discussion between the two countries. As the minister stated earlier, there was no necessity for this kind of legislation prior to the opening of the St. Lawrence seaway but because of the seaway and for other reasons as well it became necessary to enter into discussions with the United States to ascertain if the minds of both countries were *ad idem* so far as pilotage is concerned. One important reason was the increase in the number of ships that moved inland between the lakes and Canadian ports—that is, domestic traffic—as well as ocean-going ships that moved from points on the continent of Europe and elsewhere to the inland waters of the great lakes-St. Lawrence basin.

As I have pointed out, it then became necessary to enter into discussions with the United States. When the matter was up for discussion last year I suggested to the minister and to the government that they should give consideration to the establishment of a committee on pilotage as was done with respect to the committee on tolls established for the seaway. In the case of the tolls, as the house knows, it was a matter which was quite successful. An international committee composed of I have forgotten how many Canadians and how many United States citizens—I think three on each side—after consultation with each other was able to establish a tariff of tolls and then, following consultation, had those tolls submitted to the public following hearings that took place in both Canada and the United States.

It seemed to me that if something akin thereto was followed by both countries in so far as pilotage was concerned it would be extremely helpful. While that may not have been followed to the letter I think there was a committee from the Department of Transport which dealt with an opposite committee in the United States composed of members of the coastguard and other such services.

I know that at one time the United States held very strong views with regard to pilotage because they had had some experience on the Panama canal. I think they would have liked Canada to follow the same practice on the Welland canal and in the great lakes area as was followed there. At the time the matter was up for discussion last year I made this statement which can be found at page 2337 of *Hansard* of April 7, 1959:

> It seems to me that we should not be asked to pass this kind of legislation until we know what the legislation in the United States congress is going to be. Last year there was a bill brought before congress; it did not go through. We know what the nature of that bill is; I have a copy of it here in my file. But the bill which is now before the United States congress, even if it does go through all of its stages, cannot possibly be passed until October or November of this year. So I ask the question: Are we being asked to pass this kind of legislation before we know what the concurrent legislation on the other side is likely to be? The minister a moment ago used the expression "reciprocal legislation". Well, this is not reciprocal legislation. It is unilateral legislation. It cannot be reciprocal legislation until the two parties have agreed to what they want in the legislation.

After a plea which I made at that time giving additional reasons why the bill should not be discussed at that time the minister very kindly decided to withdraw the bill and

enter into discussions with the United States with a view to reaching an agreement. Therefore the objections which we on this side of the house might have had to the bill last year no longer exist at this time in so far as this is concerned. I take it now that in effect an agreement has been reached between Canada and the United States on the subject of pilotage on the great lakes and I presume we will have the benefit of the evidence before the committee on railways, canals and telegraph lines to analyse what transpired during the course of these negotiations.

The part to which I had reference and which came before the United States congress last year and which had not been passed at that time, in fact which lapsed and died with the prorogation of the United States congress, has now been removed. I believe this year it has been approved or is about to pass the last stage of congress. Therefore, I repeat, the objections which were raised to this kind of legislation no longer obtain at this time.

There are two other matters that should be discussed. One is that the bill no longer contains those amendments to the Canada Shipping Act which were envisaged last year and which meant in effect the abolition of the pilotage districts of Montreal and Quebec. I commend the minister on having taken those clauses out of the bill. I think it would have been a mistake to abolish those districts which have been in existence now for close to 200 years, where pilots rely on navigation for their living and where over those many, many years the trade or profession of pilot has been handed down from father to son through many generations. I will not spend any time dealing with that but I think the government and the minister were well advised to withdraw those clauses which I thought at that time were objectionable.

We are now left with a part which deals exclusively with pilotage on the great lakes, and it is to known as part VI-A. It is rather difficult to comment upon the terms of this bill which, as Your Honour knows, appeared on the order paper for first reading the first time this morning and which we consented to allow to receive its second reading so that it could be discussed and then sent on to committee. It is rather difficult I say, to comment on the various clauses without having read the bill more carefully. It is not impossible but it is rather difficult to deal seriatim with the clauses which are before us. I have no intention of doing that.

During the dinner recess I had an opportunity to read the statement made by the minister earlier and I think I should like to leave the matter in this way. Since the bill will be sent to the committee on railways, canals and telegraph lines, it will be possible there to hear the evidence of the departmental officers and I presume also the evidence of anyone else who may feel affected or aggrieved or, in fact, helped by this legislation. I do hope the minister will not call the meeting too soon so that it will be possible for those who are interested in the bill to make the representations they desire to make.

In the course of his remarks the minister said nothing about the attitude of the pilots toward this legislation. In his reply perhaps he would make some reference to that. What is the attitude of the pilots in the Montreal-Ottawa-Kingston area? What is the attitude of the pilots which were established by the department in order to meet a situation which was aggravated by certain circumstances which were discussed in the house last year? What is the attitude of the pilots who will be operating in the restricted area and the designated waters under the terms of authorization by appointment through the governor in council? There have been no indications of any attitude in so far as they are concerned.

I ask these questions because last year there was considerable agitation in all fields of navigation with respect to this legislation. There was agitation among pilots in the areas extending all the way from the lower St. Lawrence right up to the head of the lakes. Representations were made by the shipping federation of Canada and also by various other groups. That is why I think the minister is well advised to send this legislation to a committee. In the committee we should find out what are the views of those various associations. There we shall have an opportunity to study the bill more carefully. I also think we should get some indication of the effect of this legislation either from our own officers in the Department of Transport or from witnesses from other places.

I do not know whether the minister has given any consideration to calling witnesses from the United States to indicate the necessity for the first clause and a subsequent clause of the bill. I do not know that when the United States legislation was brought before congress Canadian witnesses gave evidence. In fact, I think it was Canada which was responsible to a large extent for getting the United States to change its attitude on this legislation. If I remember well, the state department, the St. Lawrence seaway corporation, the United States entity which built the United States share of the seaway, and the department of commerce were all favourable

to the Canadian point of view. I think it was only the United States coastguard which held strongly to the view that the pilotage should apply to all of the great lakes areas, both restricted an open waters as well, and it was the Canadian group which was successful in getting the United States, in large part at least, to amend their views in that respect.

Perhaps I have said more than I intended to say at this time but I leave the matter with this final word. It seems to me that the first thing we should want to know about in committee and be apprised of in this house for further discussion when the bill comes up in committee of the whole is the kind of agreement which was reached with the United States.

I am pleased that the designated areas have been indicated already by the minister, so that we know now that those areas are in conformity with the views which were held by Canada during the time of the negotiations with the United States.

So, without saying more, I resume my seat confident that when we have the various witnesses before the committee we will then be able to get not only a better idea of this legislation but will also be able to ascertain what in effect will be its result upon pilotage in the great lakes-St. Lawrence basin.

Mr. D. M. Fisher (Port Arthur): Mr. Speaker, we will not keep the minister long. We know he is anxious to go out and get the good word from New Brunswick. When the bill was originally brought in a year ago we thought it was a bad bill and the evidence which was brought out in the Senate committee which investigated the matter last year was tending to substantiate this view when the minister, as a result of the request of the hon. member for Laurier (Mr. Chevrier), which I would have made had I had the opportunity to make it, withdrew the bill. We now have a much simpler and more clear-cut bill. On the face of it we are for it and it only remains to be seen what the detailed information will be in the committee.

I think it is worth making one background statement, Mr. Speaker. The reason I originally became concerned about this matter was through the great lakes pilots association, a group which was in effect, in their terms anyway, locked out by the shipping federation of Canada. It was a type of union, although the classification of the great lakes pilots association as a union brought some disagreement. Two summers ago we had in effect a lockout or strike on the lakes and the great lakes pilots association took vigorous exception to the action of the Department of Transport in failing to back them up or to require the shipping federation of Canada to act in a certain way.

There were fears expressed, largely as a result of statements by the United States C.I.O. unions that control pilotage on the United States side, that pilotage on the great lakes was going to become a wonderful example of featherbedding. There were pictures of three pilots on a large foreign ship being paid at the rate of approximately $85 a day, and naturally shipping interests both in Canada and the United States became quite concerned about this. I might say that the Canadian pilots in the great lakes pilots association also became concerned about this picture of the kind of ramp that the Americans were planning.

Last year the government, in order to head off any difficulties, made the pilots temporary civil servants and now that the minister—I remind him again that he is a great socializer—has the Canadian pilots on the great lakes in the government service it looks as though this is going to become a permanent arrangement. The stumbling block with respect to legislation last year in relation to the Americans really lay with Admiral Richmond, the head of the United States coastguard service. Admiral Richmond was strongly against the Canadian arrangement because he thought it was not strict enough in its requirements as to competence and that giving Canadians the power to give a temporary licence to foreign masters who came to Montreal and were proceeding thence up the great lakes would open the United States parts of the lakes to grave dangers.

I have a copy of the report of the United States senate committee on interstate and foreign commerce with respect to bill S.3019 which is the United States counterpart of the bill before us. It was reported out of the committee several weeks ago and I think it is of interest to have a brief review from the report. It reads in part as follows:

> Opening of the St. Lawrence seaway in 1959 has greatly complicated vessel safety problems on the great lakes by making possible entry into the lakes of ocean vessels of higher tonnage and in far larger numbers than previously was the case. In addition to the 2,206 United States and Canadian vessels operating on the lakes exclusively or in large part, some 1,033 foreign commercial vessels and 61 vessels under U.S. registry made round voyages on the lakes in 1959. All indications are that this total, of foreign vessels particularly, will increase in the years ahead.

This is the interesting point in view of Admiral Richmond's objections of last year.

> The upsurge of foreign vessels navigating U.S. waters of the great lakes, and the entry of U.S. ocean vessels into the area, present a definite

threat to safe navigation. There is presently statutory requirement for the use of qualified pilots on both U.S. and Canadian vessels navigating only on the lakes. However, operation of the ocean-going vessels, without skilled lake pilots, as evidenced by the reported accidents and near accidents during the first year's operation of the St. Lawrence seaway, presents a threat of considerable magnitude not only to the lake vessels, but also to the ocean vessels whose officers, in some cases, may not be sufficiently familiar with the great lakes rules of the road, the restricted waters, etc.

The report goes on to set out the reasons why the senate passed this bill, indicating, for example, that the shipping federation of Canada has approved it. I would construe that these paragraphs emphasizing the dangers of foreign shipping are really evidence that the Canadians, through the minister's department, must have made compromises with the Americans. It is very difficult for us to see the compromises because the bill is still in skeleton form. The interesting point that was made in both the senate and house of representatives committees in the United States was that the United States merchant marine institute and the United States pilots, as I understand it, asked that the powers as to establishing various areas and the requirement be left with congress rather than with the executive branch. This problem is examined in the report of the senate committee and it is felt that in order to have any kind of decent co-operation with the committee the executive must be in charge of the regulations in the United States.

Therefore we have a situation where the United States congress has in respect given over control in this particular matter to the executive, working through the commerce department which will handle the licensing of pilots, and the coastguard which will judge their competence. If we follow the congressional system, this is a concession on the part of congress and indicates that they are putting a great deal of faith in the negotiations and the arrangements to come with the Canadians.

But in the bill we have before us in this house we have very few details. I missed the minister's statement as to just what areas are going to be designated as restricted areas for pilotage but I am very curious and will expect details in the committee in order to know what the situation is going to be in the St. Mary's river, lakehead and Duluth areas because this bill, this report—I must not give the impression it is a bill—from the United States senate committee indicates that they expect the St. Mary's river will be a restricted area.

Mr. Hees: If the hon. member did not hear my statement I would be very glad to give him the information he is asking for.

[Mr. Fisher.]

Mr. Fisher: It was about the St. Mary's river.

Mr. Hees: I have it right here. The restricted areas are four: first of all, the St. Lawrence river between Cornwall and lake Ontario; second, the Welland canal; third, the connecting waters between lake Erie and lake Huron, the Detroit river, lake St. Clair and the St. Clair river; and, fourth, the St. Mary's river between lake Huron and lake Superior.

Mr. Fisher: That generally conforms with what the Americans expected. So it appears that the relationships after the passing of this bill, given the passing of it, depend completely so far as their amicable future is concerned upon negotiations between the Department of Transport and the United States department of commerce. We expect that this will not necessarily be easy because the Americans have an added pressure under which the minister's department does not operate.

The United States, as I pointed out to the minister before, believes in free enterprise and in trying to push it as far as possible. They are not creating a situation in which their pilots become civil servants, as the minister has done, because these pilots in the United States are organized in unions. Operating on this free enterprise basis they are always going to be, I would judge, pressing forward complaints about the ratio of pilotage as between Canadian pilots and United States pilots. As the minister knows, there have already been complaints from the New York and Ohio pilots. This indicates to me that we must expect to hear in committee what kind of continuing system is planned in order to keep this relationship balanced as fairly as possible. It would seem to me we need some kind of continuing small committee perhaps, composed of representatives from each side and a third party as a referee or arbitrator. I do not believe we should kid ourselves that this arrangement is going to work smoothly and automatically once it is passed.

At any rate, the point I wanted to make in connection with this bill which is still not crystal clear—here again we have to wait for the regulations—is what is going to be the position of the foreign masters? This is a sensitive point in so far as the United States pilots are concerned. I can only offer the minister the benefit of the experience we have had in our particular area as a result of talking to people on tugs around the elevators. They are in general agreement that the foreign "salties" as they are called are not nearly as capably handled as the lake ships. This is not because the foreign masters are not as

good as the lake masters but because of exceptional difficulties within the great lakes system and the fact these ocean ships have a higher freeboard and do not have the handy winches and controls that the lake ships have. I would suggest to the minister that he make sure when the regulations are drawn up that very tight control is kept on the giving of licences of any kind to foreign masters.

I believe he needs especially, since the United States is not going to have this right to award licences which the minister's officials are going to have, to safeguard his responsibility to make sure that the licences of Canadian pilots are respected. I hope, for that reason, he will make sure that the level of competence required from foreign masters is of such a degree that it will not demean in any way the certificates or licences that Canadian pilots hold.

I would hope also that the minister will be prepared in committee to give us some idea as to whether he plans to make this pilotage service a permanent part of his department by bringing it fully under the requirements of the Civil Service Act. I believe this about sums up the points I wanted to make in connection with this particular bill. I reiterate that we support it. We hope to hear more about it and in general our views are quite compatible with those expressed by the hon. member for Laurier. We think it is a marked improvement over what the minister presented formerly.

Mr. John Smith (Lincoln): I do not intend to say very much at this time regarding this bill. However, I should like to say that I approve, in principle, the passage of such a measure. I am looking forward to having a good look at the bill and hearing it discussed in committee. I should like also to commend the Minister of Transport (Mr. Hees) for the manner in which he has moved into this problem of pilotage on the great lakes which two years ago was in quite a muddle. Last year he took the first step which was to put the pilots more or less under the civil service by having them paid by the department. I feel that was an excellent move.

When the bill was first considered I was of the opinion that perhaps pilots should be required all the way through the great lakes. However, I believe that the way the bill is presently framed whereby it will not be necessary to have first class pilots on the open lakes but certificates to be issued to navigators, solves the problem. I feel this provision will be reasonably satisfactory to the pilots themselves.

In so far as the pilots themselves are concerned, I think they will approve of the fact it is not going to be the policy of the government to require class B or second class pilots on the open waters; that was something that the pilots did not like. I believe this new set-up under which certificates will be issued will more or less solve the problem.

As I said at the beginning, there is not too much we can say about the bill now. I am certainly going to look forward to hearing the bill discussed in committee.

Mr. Hubert Badanai (Fort William): Mr. Speaker, the completion of the St. Lawrence seaway has made changes in the shipping act imperative. With the advent of the St. Lawrence seaway we have had a demonstration of its value through the number of ships which have used this great highway of commerce during its first year of operation. The result has been that the lakehead port cities of Fort William and Port Arthur, for example, have been brought to second place in terms of tonnage. The port of Montreal shipped 17,985,975 tons; the lakehead shipped 12,900,000 tons; Vancouver gained third place with 11,845,810 tons; Hamilton was fourth with 7,488,850 tons and Toronto was fifth with only 4,798,435 tons.

I am advised that already this year 60 ocean freighters have docked at the lakehead which represents about half of last year's total. This augurs well for a substantial increase in shipping tonnage in 1960, and eventually the lakehead might overtake even the great port of Montreal. During the 1959 season there were 2,120 arrivals at the lakehead. It is, therefore, only reasonable to expect that the cities of Fort William and Port Arthur will request that the lakehead harbour be given the status of an ocean port. I ask the minister that the request of the joint transportation committee of the Fort William-Port Arthur chamber of commerce and the lakehead port association be given serious consideration.

We are pleased with the government's decision to proceed with the construction of the seaway terminal.

Mr. Speaker: Order, unfortunately this bill, as I understand it, relates exclusively to pilotage, and I hope the hon. member is coming to that subject.

Mr. Badanai: Mr. Speaker, during the 1959 session of parliament, in anticipation that a change in the Canada Shipping Act was about to be considered by parliament, several organizations such as the St. Lawrence river pilots association and others submitted briefs, copies of which were furnished to hon. members, urging the government to consider the safety factor in the seaway in the light of greatly increased traffic advocating compulsory pilotage. These submissions have no

doubt been studied and every suggestion considered carefully by the government. The reason for delaying any action at that time, according to the statement of the minister, was because similar legislation was being studied by the United States congress. Our government decided to wait and to introduce amendments to the act which would correspond to changes approved by the United States congress, and that is what appears to be the case now.

This concern over pilotage is shared by the board of marine underwriters. It appears now that a compromise has been adopted to the effect that a pilot is required to be on duty in the narrow channels, as outlined by the minister a moment ago, and in congested areas but not on the long stretches of open water.

With regard to foreign ships, there is an objection to the granting of a B licence to masters and officers of these ships, some of which may present a distinct hazard especially if there happens to be a language barrier. The United States have solved their pilotage problem. Their solution is to leave it to the president to decide what parts of the lakes and the St. Lawrence seaway within the territorial waters of the United States require the use of pilots on foreign ships. I am not suggesting that the minister should assume the power to make these decisions. As pilots would be required in the narrow waters and not on the open lakes, a special licence granted to a ship's captain certifying that he is familiar with the rules of navigation on the great lakes should be sufficient.

Suggestions have been made that Canada should enact legislation to govern the movement of trade within Canadian waters. This idea is a good one because British and United States ships move bulk and general cargo between one Canadian port to another. Canadian ships cannot go to the lakehead, pick up a cargo and deliver it to any other port in the United States, but a United States registered ship can go to the lakehead, pick up a cargo and deliver it to any port in Canada. If that is so, then I submit that there are other amendments to this act which would be quite in order.

It is generally conceded that the greater proportion of world commerce is still being carried by sea going ships. Notwithstanding all other means of modern transportation, nothing can touch them in efficiency, low costs and dependability. Canada owes a great deal to the power of the merchant marine in the development of natural resources, and our industries thrive and prosper because millions of tons of goods and materials move in and out of Canadian ports every year.

[Mr. Badanai.]

We are fortunate in having a few shipping companies operating under Canadian registry whose owners happily are men of patriotism, vision and faith and courage in the future of our country. These men were chiefly responsible for retaining for Canada a semblance of a national merchant marine. One of these companies is the Paterson Steamship Lines which was founded by Senator N. M. Paterson with its head office Fort William.

Mr. Speaker: I am afraid the hon. member is getting away from the substance again. I am sorry to interrupt him but the subject before the house is not very broad and I think hon. members would prefer that we discuss it and that it be sent to the committee rather than our dealing with transportation problems generally.

Mr. Badanai: Mr. Speaker, I accept your ruling. It is not my intention to do anything but to accede to your wise counsel. I shall reserve the remarks I intended to make with regard to the future of our merchant marine to the appropriate time when we discuss the estimates of the Department of Transport.

Mr. Speaker: I must inform the house that if the minister speaks now he will close the debate.

Hon. George H. Hees (Minister of Transport): Mr. Speaker, there are just two or three questions I would like to answer. The hon. member for Laurier (Mr. Chevrier) asked when this matter would go before the committee. I have talked with the chairman of the committee on railways, canals and telegraph lines today and I told him I was proposing to the house that this bill should be referred to his committee. I understand from him that he will suggest to the steering committee and to the committee itself that this matter be brought before it a week from tomorrow. If that is satisfactory to the committee then that will be done, but as the house knows it is up to the committee.

The hon. member for Laurier also asked if I could give him some advice regarding the attitude of the pilots on this matter. I have not talked to them myself or to the pilots association, but it is my understanding from my officials that the pilots are reasonably satisfied with this measure. The hon. member also asked about the attitude of the United satisfied with our bill which is very close States government, and it is also my information from my officials that they are quite in intent to theirs.

The hon. member for Port Arthur (Mr. Fisher) expressed concern that we would perhaps be giving fairly freely a pilotage certificate or licence to foreign masters. I am glad to assure him and the house that

that is not the case. In my opening remarks on this matter when I introduced second reading just before the supper recess I mentioned that the certificates which would be given to those who might qualify on foreign ships to navigate them in the open waters of the great lakes would be known as great lakes—open water navigation certificates. The purpose of that designation is to make it very clear to our own registered pilots that this is not in any way a second class or B class pilotage certificate; it is simply a certificate which will enable that member of the staff of the foreign freighter to navigate the ship in the open waters of the great lakes. It is in no sense of the term a pilotage certificate.

The hon. member for Port Arthur also asked when we intended to bring all of our pilots into the civil service. As I think I have explained to the house on one or two occasions, we like the set-up which exists now between ourselves and the pilots on the great lakes where they are civil servants. I have indicated to all pilotage districts that at any time they wish to enter into that kind of relationship with the government we will be very glad to have them as civil servants. It is up to the pilots themselves to indicate to us when they would wish to change their present status and become civil servants of the government.

Mr. Speaker, I think they are the principal questions which were asked. As hon. members who have spoken have indicated, there will be plenty of opportunity in the committee on railways, canals and telegraph lines when it meets to ask any questions which they would like to ask. My officials will be there; they are well acquainted with all the details of this important matter and will be only too glad to answer any questions which may be put to them.

Motion agreed to, bill read the second time and referred to the standing committee on railways, canals and telegraph lines.

SUPPLY

Mr. Churchill: It is the understanding—and this is by agreement—that we should now proceed with a continuation of the study of the estimates of the Department of Transport.

The house in committee of supply, Mr. Flynn in the chair.

DEPARTMENT OF TRANSPORT

555. Departmental administration—further amount required, $68,350.

Mr. Badanai: A few moments ago I was trying to point out the importance of having a Canadian merchant marine. The Canadian great lakes shipping industry could provide the foundation upon which to build an international commercial fleet worthy of a major trading nation. During the war, Canada built training and fighting ships. Some of these were built at the Port Arthur shipbuilding yard which at present is not doing much. However, this yard has the experience in both management and personnel to build ships for any purpose. It is regrettable that many ships of Canadian registry were built in foreign shipyards and that many more are being built abroad. The federal government could bolster dwindling employment in Canadian shipyards by encouraging shipbuilding in every possible way.

The Canadian shipbuilding and ship repairing association in one of its letters had this to say, and I quote:

> Building ships or manufacturing goods in Canada benefits the national economy as a whole. A large percentage of the price of a ship, probably 40 per cent, finds its way into public treasuries as taxes on income, on profits, on real estate, on the sale of goods bought with the incomes created by the total operations in the building of a ship in Canada. In the case of a foreign-built ship, all such taxes go to another country.
>
> Other considerations which apply particularly to shipbuilding are:
>
> 1. Employment: Shipbuilding not only provides jobs for highly skilled men in the shipyards but also provides jobs for a great variety of types of labour in widely dispersed small communities and big cities of Canada where mines, mills, and manufacturing plants, producing ships' components and materials, are located.
>
> 2. Security: Ships are of vital importance to Canada. A country which lives on its ability to transport goods by water cannot afford to depend on other countries for ships. In emergencies they may not be available. Canada needs its own shipbuilding industry to maintain its economic independence and political sovereignty just as much as it needs its own defence forces. Indeed its navy could not operate in troubled times without Canadian shipyards.

I commend those sentiments to the minister and to the government. We are subsidizing wheat growers, hog producers, egg producers, coal mines, gold mines and railways; why not give a little help to the shipbuilding industry? Why not re-establish the Canadian merchant marine which was allowed to disappear so ingloriously a couple of years ago? Whatever the circumstances surrounding the disposal of those ships, the action taken at that time has not added to the stature of our nation. If a mistake was made—and I submit that the sale of those eight ships to Cuba was a mistake—let us admit it and renew our efforts with the vigour which is the characteristic of everything Canadian.

I realize that enthusiasm for the idea of a subsidized merchant fleet would probably be challenged on the ground that it would result in additional taxes, but I submit that the benefits resulting from a policy of assistance

to shipbuilding and the development of a merchant fleet would more than offset the cost of such a program.

Not long ago I saw a report in a newspaper to the effect that Greece intends to spend more than $10 million to build a fleet of six freighters for the great lakes-Mediterranean trade. This means that the Hellenic lines will be entering the St. Lawrence seaway for the first time. These ships will bear cargoes to and from such ports as Naples, Istanbul and Beirut, and they are expected to be put into service by the summer of 1961.

Where will these freighters be built? Not in Canada. Our exports and imports will be carried through the great lakes by vessels of other countries.

Canada builds fewer ships than Finland. Our deep-sea fleet which ten years ago numbered some 200 vessels, is now less than a dozen and these are mainly oil tankers sailing between the United States and Canadian ports.

Our shores front on three great oceans, the Atlantic, the Pacific and the Arctic. I especially want to underline the reference to the Arctic ocean. If the Prime Minister's vision ever comes to fruition and we witness an increased development of the north the Arctic ocean will become a great sea lane. In addition we have the great lakes system which in itself could be classed as another ocean.

Despite all this other nations build ships for us. Other nations operate ships for us. All this is true because we say we cannot possibly afford to build and operate ships ourselves. Then we wonder why we have so many unemployed. The time has surely come to sound a clarion call for the reconstruction and expansion of a national merchant marine. I commend the suggestion to the minister and to the government. They have the power to initiate a movement to bring back our merchant marine and establish our nation in the forefront of seafaring nations of the world. We are the third largest trading nation of the world but so far as shipping is concerned our position is not much superior to that of Switzerland. I sincerely trust that the government will take action as quickly as possible.

I feel strongly about this, Mr. Chairman, because as Canadians we are often prone to boast of our national resources. We boast about what we have under the ground and above it but we say little about the exploitation of what we have in our own country for the benefit of Canadians and for the benefit of those who will come to our shores in the years ahead. I commend to the government consideration of this great challenge that faces us from coast to coast.

I know that objections will be raised. Some will say that this is all nonsense and that it would cost millions of dollars. It probably would represent a large expenditure but it would be worth it. It would be a Canadian enterprise of which we would be proud and in years to come we could look back upon it as something worth while. Let this 24th parliament take action.

Mr. Argue: Mr. Chairman, I should like the minister to comment as to what is the attitude of the government toward the policies now being followed by the railroads with respect to curtailing important services at an exceedingly rapid rate and discharging in large numbers men who have had many years' service, thus causing untold hardship to employees of long standing. I should like to know what is the attitude of this government Is it one of saying that the railroads' business is their own, we do not concern ourselves with the policies of either of the railways, if they lay off men with 25 or 30 years of service and put them out on the street and these men are unable to obtain a pension it is no concern of ours; or does the government believe this is a serious matter? If so, what is the attitude of the minister and of the government in respect to this situation?

Already this session I have mentioned the lay-offs that took place at Moncton and those that took place at London because of the pending transfer of the Canadian National Railways car shops from that city. The minister and the government seemed to take the attitude that this is really no concern of the Department of Transport or the government, that it is purely a question of C.N.R. or C.P.R. policy. The minister and the government appear to take the position that they are above and aloof from these situations.

I have frequently travelled by railroad across Canada. I am absolutely appalled by the number of railway employees who have sat with me and told me the same story. Although they have had 20, 25 or 30 years' service they are in danger of being laid off. They tell me that some of their fellow workers in similar occupations have already been laid off and that there seems to be no concern for their future on the part of the minister, the government or the railway companies.

I believe in progress and I believe that railways must be run on a business like basis. At the same time I do not think profits should come so far above the question of the

welfare and livelihood of people whose whole working lives have been devoted to railway service. The railroads today seem to be bent on a policy of curtailing many of the services provided in the past and this is being done as rapidly as possible. Not only are they hurting their own employees of long standing for whom they apparently have no concern whatever but in my opinion they are unduly curtailing services in many parts of Canada. They are curtailing passenger service on all but the main lines and this is being done even on some of the important lines. They appear determined to curtail passenger service even further. They are closing railway stations all across the country on a large scale. Every time a station is closed railway revenues fall off, the communities affected have fewer services and more communities are placed in a difficult position with respect to maintaining their normal operation.

Sectionmen are being laid off. Sections are being combined with fewer men. I am wondering if this does not contribute to the great increase of railway accidents? Perhaps a lack of proper maintenance help has contributed to the increased number of accidents.

The services I have mentioned are being curtailed all across Canada. Once a station has been closed for a few years the next move by the company is to remove the caretaker engaged to provide minimum services at that point.

There has been a great deal of discussion as to whether or not the Crowsnest pass rates are in jeopardy. I do not think they are. I do not think that all the propaganda that can be commanded by the C.N.R. or C.P.R. against the rates will result in moving any public minded person who has a knowledge both of this country and its railways or in moving this or any other government to dispense with the Crowsnest pass rates. If I had been making these remarks a week or so ago I would have said the same thing. In the light of recent political events in two provinces I am even more certain that this government will have nothing whatever to do with any abandonment of the Crowsnest pass rates.

I am pleased that I have that conviction because I think the Crowsnest pass rates in this country were part and parcel of an agreement of long standing. One part of the agreement had to do with these particular rates, but another part of the agreement gave very substantial advantages to the railways of this country. What I an wondering is whether there is some kind of back room agreement whereby the railway companies will not be allowed to get higher freight rates on grain but where, in return for having to accept the Crowsnest pass rates in the future, they will be given the green light for a further and an even more rapid curtailment of railway services. I think this is what is happening. I think that for all practical purposes today the board of transport commissioners have shut their eyes to the public demand that minimum services be maintained. For all practical purposes today the board of transport commissioners are acting purely and simply as agents of the railway companies of this country and are doing their bidding when it comes to curtailment of services, the closing of stations and the reduction of train services of all kinds.

This is being pushed even a step farther. Now we see a number of instances where the railway companies are applying to the board of transport commissioners for permission to abandon railway lines. Then they will be pulling up the tracks. As a matter of fact, they are already pulling up one set —that is, the C.P.R.—of the double tracks between Moose Jaw and Swift Current. They argue that the double trackage is not needed there. The railways are determined to pull up a large part of the railway branch lines in this country. I do not think it is confined to any one area, but certainly the railways are bent and determined on tearing up a very substantial mileage of trackage on the prairies and on the abandonment of a very large number of branch lines.

The people of this country have an economic interest in the maintenance of the Crowsnest pass rates. They need to watch that what is being saved on the one hand by the maintenance of the Crowsnest pass rates is not lost on the other by the abandonment of railway lines. I notice that the minister thinks this is all very amusing, but it is not amusing for the people to have their railway lines abandoned.

Mr. Hees: I do not find it amusing at all. I was not smiling at what the hon. member was saying; I was listening to what he was saying.

Mr. Argue: The minister was not; he was talking to his officials.

Mr. Hees: I happened to ask one of my officials a question. Something he said amused me. It was not what the hon. member was saying. I find these matters very serious, as he knows perfectly well, just as this government does. I feel just as keenly about these matters as he does.

Mr. Argue: If the minister feels as keenly as he now suggests, it is a strange thing that he pays no attention and that he giggles with his officials.

Mr. Pallett: That is a complete distortion and the hon. member knows it.

Mr. Hees: If I may say so, I was not giggling; I happened to smile. Perhaps the hon. member and his party do not know what such a thing is.

Mr. Argue: Mr. Chairman, I would ask the minister to pay some attention if he can.

Mr. Hees: I have paid plenty of attention; I am listening very attentively.

Mr. Argue: This is a very serious matter to the producers and to the communities that are being faced with an abandonment of their railway lines, perhaps the tearing up of railway lines and the complete disintegration of ther communities.

The producers of western Canada are very much concerned that the Crowsnest pass rates be maintained, but it will be of little advantage if in the maintenance of those rates the railway lines going to their marketing points in many instances are removed so that the saving, whatever it may be, of 10 cents or 15 cents a bushel that is brought about by the maintenance of the Crowsnest pass rates —and nobody knows what the saving is because nobody knows what the railways would get if the board of transport commissioners and the government decided that those rates were not to be maintained—is eaten up by a loss of the trackage to their local marketing points, and they are forced to haul their products a much longer distance. If a person who has been accustomed to hauling his grain a distance of six or eight miles is forced by the subsequent abandonment of railway lines to haul his grain 15 or 20 miles he will find there is a very substantial increase in his costs.

I would ask the minister to tell the committee what attention the government gives to the necessity of the maintenance of railway services in this country, and whether the government has given any thought whatsoever to the policies of the railway companies in endeavouring to have branch lines abandoned in the country. I would ask the minister also to tell the committee whether the government has given any consideration to the plight of the thousands of railway workers who are being displaced, and whether any study is going on in the department of the minister, or in the Department of Labour, on the plight of those people and what their job opportunities may be in the future. I do not think it is in keeping with a modern society that we should cast off on the labour market after 25 or 30 years of diligent service those people who have been employees of the railway companies and have provided excellent service to the people of this country without any consideration whatsoever for their future.

The firemen, because of a very strong union, have been able to make an agreement which to some extent at any rate has protected the livelihood of men in that occupation. As I understand it, the agreement they now have does not prevent modernization. It merely means that the people who are in that occupation at the present time cannot be summarily dismissed without any consideration for their future. I do not know that that is the kind of pattern that could or should be applied to other sections of the railways, but I do feel that the railways of this country have some obligation to employees who have invested their lives in the occupation of railroading. I think the government should tell this committee very frankly what consideration it has given to the very serious situation in which many railroaders now find themselves, and also what consideration the government is giving to the maintenance of a minimum railway service in this country.

As I now see it, in the headlong rush toward so-called modernization with the sole objective of making profits both the employees of the railway companies and the public as a whole are likely to suffer. Last night I was at the new Ottawa airport terminal building and as a Canadian I was exceedingly proud of this magnificent building. It has been placed there because governments of this country have believed it was a good investment. The air lines are able to make use of the services provided by this very substantial public investment.

The only reason I point this out is to say that in the field of transportation there must be a yardstick applied which is not purely the yardstick of profit. There must be a yardstick applied which takes into account the well-being and welfare of the employees and the welfare of and services available to the general public.

Mr. Hees: Could I answer the hon. member as we go along? I should like to answer some of the comments he has made. The hon. member for Assiniboia brought up the question of the relationship between the government and the management of the railway in the day to day management of the affairs of the railway. I should like to point out to him something which I feel sure he knows. Many years ago parliament decided that the management of the C.N.R. should be 100 per cent in the hands of the railway management. The act passed at that time specifically prohibited the government from interfering in the day to day management of the railway. That is the law.

As to the concern of the government with regard to the service provided by Canadian National Railways, I want to assure the hon. member that the government is very much interested in and concerned about the service that the C.N.R. provides to the people of Canada. It is a vital service and the government is very much concerned about it. It pays a great deal of attention to it and discusses it with the management.

This government and this ministry are also very vitally concerned about lay-offs, any lay-offs. As I have pointed out to the house on many occasions, I and the government are very much disturbed at even one lay-off. It is a dreadful thing when even one man has to be deprived of a job. We feel the situation very sincerely and acutely because not only is the man deprived of employment but there is also an effect on his morale and that of his family. We understand that. We have talked over this matter many times with the management of the C.N.R. They also feel the same way about it and they have assured me over and over and over again on the many occasions I have discussed the matter with them that they do everything possible to keep the employee on the job as long as he possibly can be employed, as long as there is work for him to do. But they have pointed out that because of changes in the nature of the work, because of technological improvements and things of that kind they simply cannot employ a man to do nothing when there is literally no work for him to do.

I feel sure the hon. member will agree that that it is sensible, undesirable though it is that the man should be without a job. When it becomes necessary to deprive men of work because there is no work for them to do the management have assured me that they take every possible step to see that these people are put in some other job in every possible case. I have discussed these matters on many occasions with the management and they have assured me, and I believe them, that this is so. The men concerned with management with whom I have talked are sincere men who mean what they say.

Mr. Chevrier: Mr. Chairman, I have listened with great care to what has been said by the hon. member for Fort William in his discussion of ship construction, navigation and a merchant marine for Canada, and I find myself in agreement with what he had to say. I have also listened carefully to what was said by the hon. member for Assiniboia. I must tell the Minister of Transport that I am sure that he, like all other members of the house, must of necessity feel badly when men employed by Canadian National Railways are laid off, and the Canadian Pacific railway too for that matter. But feeling badly about a situation does not remedy it. It is not enough for the minister to say what he has said this evening and has repeated on a number of other occasions, that he is convinced in his own mind that Canadian National Railways, and the Canadian Pacific railway for that matter, do not lay off men unless they are convinced there is no further work for them. That may be so but that does not help the situation.

Notwithstanding that, I understand the fact is that some 7,000 or 8,000 men have been laid off by Canadian National Railways. I have on my desk a letter that reached me during the course of last week from certain interests indicating that there are many lay-offs on the Canadian Pacific railway. While I know that the minister is not responsible for the Canadian Pacific railway, nevertheless I also know that he is interested in railway operations from one end of the country to the other, and today the operations of railways are perhaps more difficult not only in Canada but in the United States than they have been in many years.

While I find myself in general agreement with what was said by the hon. member for Assiniboia with respect to lay-offs on the railways, I must say that I cannot support his rather severe criticism of the board of transport commissioners. I do not believe that the board of transport commissioners is an instrument or tool of Canadian National Railways or any other railway. The board of transport commissioners was established by act of parliament and they put into effect the sections of the Railway Act under which the railways make applications. If we in this parliament want to meet the situation which the hon. member for Assiniboia has raised, and there is a great deal to be said for what he has advanced; if we want to change the position we must change the act because as the law now stands Canadian National Railways and the Canadian Pacific railway have the right under the act to proceed as they do.

Mr. Argue: With the approval of the board.

Mr. Chevrier: The hon. member was not listening to me. He was talking to his friends.

Mr. Argue: That is not true.

Mr. Chevrier: I said that the board of transport commissioners is bound by the Railway Act and must apply the Railway Act when an application is made, unfortunate as this may be. I know that when I held the position now held by the Minister of Transport a similar situation occurred in my own riding and there was absolutely nothing I

could do about it except to explain the position to those affected thereby. I am talking now about the New York Central railway which ran from one end of my former riding of Stormont to the other. The board of transport commissioners was bound by the Railway Act. Let the hon. member not misunderstand me. I am sympathetic to those people who live along a railway line and find themselves deprived of railway services but I think the remedy perhaps lies in another direction by way of amendment to the act.

However, I did not rise for that purpose but for another. It may be that the minister may not like the purpose of this discussion, but nevertheless I hope he will listen to it because I intend to discuss this matter with the sole object of being constructive in the criticism I have to offer of the minister, his officials and those of the Department of Public Works.

I speak now of the joint team which has been established by the two departments in connection with port facilities along the St. Lawrence. The minister may find this annoying, but even if he does smile I will not be offended because I know that on occasions I have found myself in the same circumstances as the minister does.

I made a motion many weeks ago asking for the production in this house of documents which the minister had discussed, namely the 29 reports that were made on ports extending from the lower St. Lawrence in the province of Quebec to, I believe, within the metropolitan area of Toronto at Oshawa. This motion was defeated. The government, with its huge majority, voted it down. I want to deal with the manner in which that was done as compared with what was done in former years.

The minister, in the discussion in the house and in the committee, ridiculed the idea of an economic survey of the St. Lawrence seaway as I had suggested. I hold in my hand a document prepared by the Department of Trade and Commerce, economic research division, in January, 1951 on the effect of the St. Lawrence seaway upon the Canadian economy. This is a very important and fairly lengthy document containing 144 pages and it deals, amongst other things, with the case for the St. Lawrence seaway; the case for the St. Lawrence power development; the potential water traffic upon the seaway; the minimum estimate of water benefits; the capital costs and carrying charges; and last, but not least, about 25 pages dealing with the effect upon regional and special economic interests of Canada, particularly the prairie provinces, Ontario, Quebec, Newfoundland, the maritimes and British Columbia, Canadian ports, Canadian railways, lake shipping and shipbuilding. This document is a public document which anyone can obtain and it was made public by the then minister of trade and commerce.

When I made the motion in the committee on railways, canals and telegraph lines in 1958, I believe two years ago, asking that the St. Lawrence seaway authority undertake an economic survey of the effect of the seaway upon the various regions of Canada, I felt that there should be an up-to-date document similar to this which would indicate to the various regions of Canada the beneficial or adverse, if any, effects of this project upon the economy of our country. The committee on railways, canals and telegraph lines voted unanimously in its recommendation for the adoption of that economic survey. The minister saw fit not to accede to this recommendation and I believe in the course of his statement, either in the committee or in the house, he said he thought that it was ridiculous.

I want to say that I believe the team which the minister has set up may be a good thing in individual cases but it is not what is required when one must consider the overall position of the various ports. You cannot have a study of a local situation unless you know what the effect of this power and navigation project, both in Ontario and Quebec, is likely to be upon the rest of Canada. You cannot know that unless a statement of its effect, such as this one, is brought up to date or a new one, having regard to new circumstances, is prepared. It seemed to me at that time that that was essential, and I believe that what has happened since has proved that what I suggested to the committee was right.

The team which was established by the Department of Public Works and the Department of Transport has taken officials in the Department of Transport and in the Department of Public Works to do what? They have considered a plan in each individual port, 29 of which have been mentioned, and the information upon which was refused to the House of Commons. Do you know what this team does? Notwithstanding the fact that it considers information from both departments, there is no one from the St. Lawrence seaway authority on this team of experts. How in the world, I ask the minister and the government, is this team going to do the kind of job that is expected of it if it does not get information from those who possess it, namely the St. Lawrence seaway authority who in turn have the information possessed by the St. Lawrence Seaway Development Corporation of the United States? I said earlier that this information in the United States is being

compiled. There should be a representative from the seaway authority on this team.

I hold in my hand now a study made by the New York Central railway system, showing industrial sites all along the United States side of the seaway from Rooseveltown, New York, to Oswego, New York. There is a map of each port; there is a description of the facilities; there is the cost and value of the land; there is the assessment, the taxation, the water rates, everything is contained in this study with respect to even the smallest of these sites. Has the Department of Transport or the Department of Public Works published anything of this nature? If they have, we have not been able to see it.

I think the government must begin now to try to find secondary industries which will establish themselves along both shores of the St. Lawrence seaway. I use that expression with regard to Canada and not with regard to the United States. By "both shores", I mean both the north and south shore of the lower St. Lawrence as well as the north shore of the upper St. Lawrence. I would be glad to send this document over to the minister so that he may see how well it has been prepared. Copies of this document have been sent to thousands of industrial plants not only in the United States but on the continent of Europe, with the result that secondary industry is establishing itself on the United States side of the line but not on the Canadian side.

Here at Rooseveltown in New York state and alongside of it there are two large industries which have established themselves there. One is Reynolds Aluminum and the other is Chevrolet branch of General Motors. I believe they employ about 7,000 people between them. It seems to me that some consideration should be given by the government to what has been done on the other side of the line.

Mr. Bell (Carleton): May I ask the hon. gentleman a question?

Mr. Chevrier: Yes.

Mr. Bell (Carleton): Is it not true that the two industries were built during the time when the hon. gentleman was president of the St. Lawrence seaway?

Mr. Chevrier: I do not know that that makes any difference.

Mr. Bell (Carleton): But is it true?

Mr. Chevrier: It is quite possible that they were established while I was the president. However, I can tell you why they were established.

Mr. Bell (Carleton): Because the hon. gentleman was there.

Mr. Chevrier: I thank my friend for that compliment, but I do not believe it is the reason. I tell him, frankly, I think the reason was that the New York state power authority allocated blocks of power for development in the area, whereas Ontario hydro fed the power into a grid for central Ontario and southern Ontario leaving no blocks of power for the St. Lawrence and Ottawa valleys to develop secondary industries there. I think that is a serious mistake. I do not want to deal with it unduly, but I see the hon. member wants to rise again and ask a question, and if he wishes he may go ahead.

Mr. Bell (Carleton): I do not disagree with the hon. member, but I want to make clear to the committee that he is the one who had the opportunity during a long period of time when he had responsibilities to do something about that which he is now discussing.

Mr. Chevrier: Oh, no. When I was in the seaway authority, the job of the authority was to build a channel 27 feet in depth from Montreal to the foot of lake Erie and to expropriate land for that purpose. The second job was to establish tolls, not to establish industry. That is not the job of the St. Lawrence seaway at all; that is the job of the government as a whole, and the government of this country is not doing a thing to establish secondary industry along the seaway.

But I do not want to get away from what I intended to say. I want to come now to another public document, a document prepared by Canadian National Railways dealing with the proposed St. Lawrence deep waterways project affecting the city of Cornwall and the surrounding country. Here in my hand is a report by Canadian National Railways which has also been made public. It contains a series of maps and some 70 or 80 pages of material on the area. The point I am trying to make is that these reports were made public to the municipality. We in this committee and those ports which are affected know all about these plans but we cannot find out a thing in so far as the plans of the Department of Public Works and the Department of Transport are concerned.

The other evening we discussed this matter in the house, and the purpose of my rising to discuss it now is that I think the ports of Seven Islands, Baie Comeau, the new port which is being established upstream from Seven Islands and Rimouski. Matane and all those ports in the province of Quebec not under the national harbours board; Cornwall, Brockville, and I believe Belleville,

have all been studied, from Dorion right up to Oshawa. I think the committee should get some idea what the officials have in mind. The hon. member for Essex East mentioned Windsor and Sarnia and the other ports which were mentioned by the minister during the course of his discussions.

I do not think these men are able to tell us what is likely to happen in one particular area, for example Cornwall, unless there is an over-all plan and unless someone has studied the effect of this power and navigation project upon the various regions of Canada. Have they studied the McGill report on metropolitan Montreal? Have they studied the effect of the seaway upon grain, perhaps one of the finest reports which have been made on the subject by the Chicago board of trade in conjunction with the University of Indiana? Have they studied this report of Canadian National Railways to which I have referred and which deals with the whole international section but more particularly with Cornwall? If they have not, they should.

What have they come down with? They have come down with a report which involves an expenditure of $80,000 in the city of Cornwall. Let me tell the minister what this team actually did when they went to the city of Cornwall. They went to the city of Cornwall and they examined the west end and came to the conclusion that that is where the wharf facilities should go. It was suggested to them that they should look at the facilities that existed opposite the city of Cornwall and they said "No". This is what I want to bring to the attention of the minister. They said, "Oh, no, the water is too swift there; you could not think of establishing a wharf there because the velocity is about eight feet per second". These experts of the Departments of Transport and Public Works did not even know that the St. Lawrence seaway was carrying on works to broaden the cross-sectional area and reduce the velocity of the water from eight to less than four feet per second in order to establish the entrance to a canal, a future canal with 27-foot facilities on the Canadian side of the line.

It was not until after that had been pointed out to their attention that they went back there. And what did they do? They changed their plans from the west end of Cornwall and they went down to the east end and said, "Here is a place which we think is ideal". It is not hard to see when one looks at the map included in the Canadian National Railways report that the amount of water varies in depth all along the eastern front of Cornwall extending from Grays creek to Courtaulds on the west. The map indicates the water is at every point greater than 27 feet in depth. When you get close to this wharf which has been recommended by the team for extension you have 31 feet, 35 feet and 41 feet. So that a small extension only of the wharf will reach deep water.

I am not complaining about the decision. The decision is probably a good one but it should have been taken twelve months earlier. Furthermore the decision to spend $80,000 is not nearly enough. Far more than that is required in this particular instance, and I add—and I emphasize this to those who sit on the other side of the house—that if the government really wants to deal with the cyclical and the technological unemployment situation in Canada it must of necessity do something toward the establishment of secondary industry. This is the time because here you have in the first year of the seaway six million tons of traffic coming from overseas as compared with less than one million tons prior to the opening of the seaway last year.

Where is that six million tons going to go? It is the business and the duty not so much of this committee to ascertain that but of a committee which would study the effect upon Canada as a whole then allow the team that the minister speaks of with the information that it has in hand to come forward and deal with a particular and a local situation.

Then there is the tremendous amount of domestic traffic. Who would have thought four or five years ago that the traffic on the St. Lawrence canals would amount to 20 million tons and on the Welland canal to 27 million tons? The figures which the minister's department has published for 1960 up until May indicate now a new trend which is a trend away from the smaller ship in favour of the larger ship, which means that there should be greater and greater tonnage. That means tonnage not only for domestic traffic but also, I presume, for ocean traffic. That is why I think that a great deal more can be done for the establishment of secondary industry in this whole great lakes-St. Lawrence basin from the lower St. Lawrence right up to the head of the lakes than is being done now.

I said earlier that the United States is giving consideration to this, and I do not think we are doing enough. I am not saying that the team is incompetent. Certainly I would not make a statement such as that. But I do not think the team which the minister has set up is the kind of team required to do the job.

An hon. Member: How would the hon. gentleman change it?

Mr. Chevrier: I said earlier—if the hon. member had been here he would know—that the report made in 1951 by the economics branch of the Department of Trade and Commerce should be brought up to date. That in effect was the recommendation I made in the committee on railways, canals and telegraph lines which was approved unanimously but which the minister thought should not be put into effect. I will not use the term which he used, because I do not want to be involved in an argument with the hon. gentleman so late in the evening. In any event, the minister could not find himself able to give favourable consideration to the recommendation. If a report of that kind which was made public in 1951, and which was an extremely well prepared document, were prepared with reference to the new situation—because when that report was drafted it was not possible to envisage the conditions as they were found in 1956 and 1957, and even today—if a report such as this was given to parliament, plus the work done by the team established by the Department of Transport and the Department of Public Works, I think you would have great co-ordination and liaison one with another. As it is, I do not think we have that, and I hope the minister will take these remarks which I have made in good part, because they are meant to be constructive and are not offered in any other way.

Mr. Martin (Timmins): I should like to deal with a subject which has been causing me and I am sure a number of other Canadians a great deal of concern, that is, the very inefficient transport system we have developed across the country. I am not saying this in criticism of the present minister. I think this is a situation which has developed from coast to coast largely without our being conscious of it. Year after year we have to subsidize our railway systems to an increasing extent. In addition to subsidizing the railways as such, we subsidize as individuals who have to travel on the railways; we subsidize fares because the fares have been increasing all the time, and we subsidize meals because the price of meals has been going up all the time until one has to pay about three times as much on a train as what a comparable or better meal would cost elsewhere. We subsidize freight, we subsidize express, we subsidize everything.

Not long ago I was going to visit my brother in the province of Quebec. I can recall that when I was a lad one of the big events of the day was going down to meet the train when it came through. I wanted to stop at Scotstown, but in order to meet this particular train my brother would have to go either to Megantic, 40 miles away, or to Sherbrooke, 40 miles in the other direction, because the train does not stop at Scotstown any longer. That, when I come to think of it, is another kind of subsidy. It is little wonder that more and more people are turning to air travel where one does not have to pay three times as much as a meal would normally cost; the meal is provided free, and it is served by an attractive hostess in the bargain. If people do not fly, they go back to the highways and drive, to avoid the inconvenience which they might otherwise encounter. This in turn means that trains are running empty and the subsidy has to be increased.

The railways have made every effort to economize. They have used every device of modern technique and automation to this end. They have even, in my opinion, carried this process to extremes, because as some hon. members have mentioned the length of track allotted to repair gangs has been increased, while the number of men at work has been cut down. More and more wrecks have resulted, but, thank heavens, there has been so far no great loss of life. Any of us who travel a great deal on the railways have noticed that the roads are getting rougher and rougher all the time; it has come to the point on some tracks where it is best to tie yourself in the bunk if you do not want to end up on the floor.

Because of considerations such as I have mentioned people are shipping their freight and express to an increasing extent by road transport. Road transportation is taking over much of the work which was formerly done by the railways. What do we do in this respect? Again we subsidize. We subsidize the transportation interests by building the roads over which their vehicles travel, whereas the railways have to build and maintain their own roads. Thus motor transport is increasing the difficulties of the railways and at the same time it is pounding our highways to pieces and increasing our highway costs; highways which would last for years if travelled only by private motor traffic are being broken up in a year or two by these huge vehicles.

With this increased traffic by both passenger and transport vehicles problems such as the question of safety at level crossings are bound to arise. We have reached the stage where all level crossings will have to be abolished. We seldom hear of a week end passing without one or more fatal accidents caused by a motor vehicle colliding with a train at a level crossing.

May I call it ten o'clock?

Progress reported.

BUSINESS OF THE HOUSE

Mr. Chevrier: May I inquire what the leader of the house intends to do tomorrow and for the rest of the week, if possible?

Mr. Churchill: For tomorrow we have three legislative items. We shall begin with Bill No. S-35, an act respecting the international boundary commission, followed by a resolution in the name of the Minister of Transport dealing with the Freight Rates Reduction Act. The third item is the resolution in the name of the Prime Minister concerning the setting up of a department of forestry.

It may be we shall complete those three items tomorrow, making similar progress to that we have made today. If so, I would ask the indulgence of the house to proceed with the estimates of the Department of Transport. On Wednesday, if the estimates of the department are not concluded, we shall carry on with those estimates. Then we have the estimates of the departments of justice and fisheries which by arrangement with hon. gentlemen opposite we can take in whatever order is satisfactory.

Friday being Dominion day I am not sure what the house will want to do on this occasion but last year the house met at eleven o'clock and rose at one. That may be what will be done this year as well. In any case on Friday we will start with the bill which the Prime Minister will introduce, an act for the recognition and protection of human rights and fundamental freedoms and we will continue the debate on that subject matter the following week.

It being two minutes after ten o'clock, the house adjourned, without question put, pursuant to standing order.

ANSWER TO QUESTION

The following answer, deposited with the Clerk of the house, is printed in the official report of debates pursuant to standing order 39:

JUDGES' SALARIES AND PENSIONS

Question No. 416—**Mr. Broome:**

Question

1. What are the salaries paid to judges in the various provincial and federal courts?

2. What are the pensions paid to judges in the various provincial and federal courts and how are these computed?

Answer by: **Hon. E. D. Fulton (Minister of Justice):**

1. and 2.

	1	2
The chief justice of Canada	$ 27,500.00	$16,666.67
Puisne judges of the Supreme Court of Canada	22,500.00	13,333.33
President of the Exchequer Court of Canada	18,500.00	10,666.67
Puisne judges of the Exchequer Court of Canada	16,900.00	9,600.00
Judges of the territorial courts (Yukon and Northwest Territories)	16,900.00	9,600.00
The district judges of the admiralty districts of Quebec, Nova Scotia, New Brunswick, British Columbia	1,000.00	666.67
The district judge of the admiralty district of Prince Edward Island	800.00	533.33
The district judge of the Ontario admiralty district	600.00	400.00
Three district judges of the admiralty district of Newfoundland, each	333.33	222.22
The chief justices of all provincial superior courts	18,500.00	10,666.67
Puisne judges of all provincial superior courts	16,900.00	9,600.00
Judges of county and district courts	10,500.00	5,333.33

The annuities are two thirds of the salary annexed to the office immediately before the last increase in salary was provided for all judges on July 11, 1955. In other words, the increase in salary is not considered for the purpose of computing the annuities.

HOUSE OF COMMONS

Tuesday, June 28, 1960

The house met at 11 a.m.

HOUSE OF COMMONS

PRESENCE IN GALLERY OF PRESIDENT OF NATO PARLIAMENTARY ASSOCIATION

Mr. Speaker: By leave, may I express on behalf of the house a welcome to a very distinguished visitor, Senator A. Bethouart of France, who is visiting Canada as president of the NATO parliamentary association.

MINES, FORESTS AND WATERS

Second report of standing committee on mines, forests and waters—Mr. McQuillan.

MINING

REVISED REGULATIONS RESPECTING NORTHWEST TERRITORIES AND LAND UNDER TERRITORIAL WATERS

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): Mr. Speaker, I should like at this time to announce the promulgation of revised mining regulations for the Northwest Territories, which are designed to ensure maximum benefit to Canadian interests and to make these regulations applicable to lands underlying territorial waters which are in federal jurisdiction.

The government's purpose in revising the Northwest Territories quartz mining regulations, which are now called the Canada mining regulations, is the same as in the case of the recently promulgated regulations applying to oil and gas. First, the revised regulations make provision for the disposition of mining exploration and development rights on federal land underlying territorial waters of Canada. Regulations covering lands not forming part of any province or territory have not existed in the past, presumably because the exploitation of offshore deposits has not been considered technically or economically feasible. Further, a convention adopted in Geneva in 1958 gave Canada the right to exploit the resources of its continental shelf. There are at the present time Canadian companies who want the right to explore on these lands. In this respect the present regulations do for minerals what the Canada oil and gas regulations do for the fossil fuels.

The second purpose of the revised regulations is to embody another step which the government is taking to ensure Canadians a full opportunity to participate in resource development. In the case of the oil and gas regulations the Canadian participation clauses become operative at the time an explorer for oil and gas converts a permit into a lease. This was the best time to apply this principle in the case of oil and gas, because in the permit stage a permit holder's rights are limited to the exploration and delineation of oil and gas resources. In order to exploit them he must have a lease.

However, in the case of minerals, the pattern of activity under the regulations which have been in force practically without change since 1932 allows not only exploration but also exploitation to be carried on before a lease is taken out. Under the regulations no one can acquire claims either by staking or assignment without holding a miner's licence. In order to be effective, therefore, the new Canadian participation clauses as applied to the present regulations must be applied from the outset as a requirement for obtaining a miner's licence. However, licences held by persons and corporations which cannot meet the Canadian participation requirement will remain valid until March 31, 1961.

I think I should make it clear that this requirement for Canadian participation at the exploration stage in mining is intended to be of interim application only. Officers of my department have for a considerable time been working on a general revision of the mining regulations with the objective of bringing them into line with modern prospecting and development techniques. During the next few months I will be holding conferences with representatives of the mining industry. Before the end of the present fiscal year I expect to formulate a completely new set of regulations suitable for modern times.

It is my intention to provide in the new regulations for a system similar to that now obtaining under the recently revised oil and gas regulations. This will make a clear distinction between the exploration and exploitation phases of mineral development, and will protect the right of Canadians to have an opportunity to participate at the ownership stage. Any person or corporation will be able to acquire a mining licence and to stake and develop mining claims. However, it will be necessary to take out a mining lease before a mine can be brought into

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production, and it is at this stage that the Canadian participation clauses will apply.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, the house will have listened with interest to the minister's statement to the effect that new mining regulations have been promulgated. In due course, during the minister's estimates, we shall have an opportunity of questioning him on these regulations. Meanwhile, perhaps I may be permitted to say it is to be hoped that they are somewhat clearer than the oil and gas regulations were when they were first issued. I believe the minister himself indicated that they caused some confusion in his mind. I think he said that a good lawyer could drive a coach and four through them.

The minister has mentioned that these regulations will apply to land under offshore waters. This is a very important aspect of the regulations, especially as they extend the offshore waters out to the limit of the continental shelf. This is a matter that is of very great interest to the provinces, and I can only express the hope at this time that the provinces have been consulted in regard to this aspect of the regulations and accept this extension of the right of the federal government to the land under those waters.

Mr. Harold E. Winch (Vancouver East): Mr. Speaker, we have listened with a great deal of interest to the statement of the minister which in our view deals with a matter of the utmost importance to all of Canada, the development of resources on the continental shelf. On the basis of the statement of the minister it is most difficult to go into details at the moment, but we do want to say, so important is the matter and so great our interest in it, that we hope to go into it in more detail and have a full discussion when the minister's estimates are before us, after having had an opportunity to study the statement the minister has made.

Mr. Hamilton (Qu'Appelle): I should like to ask permission to clear up a possible misunderstanding arising out of a statement by the Leader of the Opposition, to the effect that this action will have a bearing on the provinces. These regulations only apply to lands under federal jurisdiction.

BUSINESS OF THE HOUSE

PLANS FOR DOMINION DAY—PROCEDURE RESPECTING BILL OF RIGHTS

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker—

Some hon. Members: Hear, hear.

Mr. Pearson: Mr. Speaker, the Prime Minister will be delighted to realize from the applause that his return is welcomed; perhaps I should add, Mr. Speaker, his return from Cutback. My question is, can he tell the house what are the plans with respect to parliament working on Dominion day?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, first I must express my deep appreciation to the opposition for the applause. This is one of those occasions when parliament is at its best, one of those occasions when, since the Leader of the Opposition has said that the applause was meant for me, I can say that it was well justified.

Having said that, may I say that on Dominion day there will be, as the Leader of the Opposition knows, a public function for the purpose of underlining and emphasizing Canada's confederation. So far as the house is concerned, discussion will be held through the house leader concerning the actual proceedings for the day, but having regard to all the circumstances I would think that if it is generally acceptable we might sit in the morning, because in the afternoon there are those functions designed to make Canadians as a whole more cognizant of the tremendous contribution of the English, French and other races to Canada, which can be done most appropriately on Dominion day.

Mr. Pearson: Does the Prime Minister not agree that every opportunity should be given to all members of the house as Canadians to celebrate our national holiday? If it is planned to have the house meet only from eleven to one perhaps it would be better not to meet at all rather than for just a couple of hours, especially if during that short time very important legislation may be introduced concerning which other members might not have an opportunity to speak on the day of its introduction.

Mr. Diefenbaker: I can think of no better day to bring about the preservation and maintenance—

Mr. Habel: Window dressing.

Mr. Diefenbaker: —of fundamental freedoms within federal jurisdiction than July 1. The hon. gentleman will recall that at the time of confederation it was generally believed that never again would there be the possibility, certainly within the federal realm, of any invasion of parliamentary freedoms. I offer no criticism of any party in the house, but in the intervening years it has been found that the aspirations and anticipations of the fathers of confederation have not always been met in that regard.

I can assure the Leader of the Opposition, believing that this day is one upon which it would most be expected that a bill of rights

should be introduced, that my remarks will be kept within that compass that will permit him and anyone else who chooses to speak on behalf of any group in the house the opportunity to have their views placed before the people at the same time, to the end that in a community of counsel, as it were, we shall do our part to assure the maintenance of those freedoms for generations to come.

Mr. Hazen Argue (Assiniboia): I agree with the Prime Minister that July 1 is the appropriate occasion to begin strengthening human rights and fundamental freedoms in this country. I agree also that it is time that was done, and I hope this will be an important step taken in that direction.

What I wanted to ask the Prime Minister was whether he could tell us what are the government's intentions as to the procedure that will be followed with regard to the discussion and consideration of the bill of rights. We were told by the Prime Minister in this house last year and again earlier this year that it was the intention to send the bill to a committee, to have witnesses called and organizations given an opportunity to present briefs. I am just wondering if the Prime Minister could say whether it is the intention to rush this bill through in the dying days of the session, or will an opportunity be given to organizations to present their views before a committee?

Mr. Diefenbaker: It is not the government's intention to rush anything through. Hon. gentlemen will have every opportunity of voicing their views. I think it is very necessary that this question should receive the fullest consideration, and so far as the government are concerned we are prepared to stay here however long in order to properly discharge this responsibility in connection with a matter which, in my view, is one of the most important pieces of legislation to come before this house.

Mr. Argue: Can the Prime Minister say whether it is the intention of the government to have the bill referred to a committee? And could he explain why it is being brought in now when it could have been introduced earlier this session?

Mr. Diefenbaker: I do not want to get into a controversial mood this morning, but I would say to the hon. gentleman that the legislation is being introduced almost as soon as it would have been possible to introduce it. If the hon. gentleman would speak to some of those who, to some extent, acknowledge his leadership, he might be able to bring about extra time that could be made available for discussion. In any event, whatever course is followed in that connection, we have lots of time. There is going to be no rush, and full opportunity will be assured so that when this measure does go on the statute books it will represent the consensus, within of course the limitations of the constitution.

In so far as a committee is concerned, there has been no change from what was expressed earlier.

Hon. Paul Martin (Essex East): May I ask a supplementary question. In view of the fact that the bill will be sent to a committee, and in view of the desirability of giving all those in the country who have strong views on the inadequacy of this particular measure an opportunity to be heard, will the Prime Minister use his good offices to see that the committee is set up as quickly as possible after the general debate in this house, so these people outside parliament may be given adequate notice in order that they may, during this holiday period, attend here to express their views with regard to this measure?

Mr. Diefenbaker: Mr. Speaker, naturally the government is anxious to have an expression of view from all those organizations which have a particular interest in this measure. I am glad to note from the words used by the hon. gentleman that it is those outside the house who believe the bill will be inadequate, because I seem to recall during the years that when any reference was made to a bill of rights for Canada, some of the hon. gentlemen opposite were among those who said we did not need it at all. Now that the measure is coming before parliament it is the people outside who say it does not go far enough.

Mr. Martin (Essex East): Since the Prime Minister observes so carefully the rules of parliament, does he not recall that the complaints were registered against the inadequate measure that he is introducing and not the more substantive measure?

Mr. Diefenbaker: That is a matter of debate. I think a reading of what has been said not only in this house but outside of it would indicate that I am maintaining the traditions of parliament, and would not substantiate the hon. gentlemen's suggestion.

Hon. Lionel Chevrier (Laurier): I should like to ask the Prime Minister a supplementary question. When he was unavoidably absent yesterday, we had a discussion on the motion with reference to additional sittings of the house. As reported at page 5408 of

Hansard the Acting Prime Minister (Mr. Green) stated as follows:

> I am advised that by the end of the week most of the committees of the house will either have finished their actual sittings or be winding them up. Of course some of them may not have brought in final reports, but the sittings of some will be concluded although there are four or five which will have to carry on next week and perhaps some of them until the end of the session.

In view of that statement the question that arises is this. Does the Prime Minister think that the kind of consideration which should be given to the important legislation on civil rights which he intends to discuss on Friday is possible in the light of the statement made by his colleague?

Mr. Diefenbaker: The statement to which the hon. gentleman alluded was this:

> I am advised that by the end of the week most of the committees of the house will either have finished their actual sittings or be winding them up. Of course some of them may not have brought in final reports, but the sittings of some will be concluded although there are four or five which will have to carry on next week and perhaps some of them until the end of the session.

I see nothing there inconsistent with the statement I made a moment ago that this matter will indeed be submitted to a committee which as yet has not been set up. Therefore the words of my colleague are adequate.

LABOUR CONDITIONS

BRITISH COLUMBIA—REPORTED REQUEST FOR CONFERENCE ON UNEMPLOYMENT

On the orders of the day:

Mr. Harold E. Winch (Vancouver East): I should like to ask the Prime Minister whether he is now in a position to answer the question I asked last Wednesday, and to make any comment on the report that the Vancouver city council had asked him to convene a conference on unemployment?

Right Hon. J. G. Diefenbaker (Prime Minister): I will give an answer to that question tomorrow, and I think it will meet the needs of the hon. gentleman.

UNEMPLOYMENT—REPORTED REQUEST FOR FEDERAL INVESTIGATION

On the orders of the day:

Hon. Lionel Chevrier (Laurier): I wish to direct a question to the Minister of Labour. Has he now received the request of the Ontario association of mayors and reeves asking for a full investigation by the federal government into the causes of and cure for unemployment in Canada? If so, what action does the minister intend to take with reference to it?

[Mr. Chevrier.]

Hon. Michael Starr (Minister of Labour): No, Mr. Speaker.

TRANSPORT

CHIGNECTO CANAL—REQUEST FOR INTERIM REPORT ON FEASIBILITY STUDY

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I should like to ask the Minister of Public Works whether he could give the house an interim progress report on the feasibility study of the Chignecto canal.

Hon. D. J. Walker (Minister of Public Works): In due course, Mr. Speaker, we will do so. That is something which will be quite a departure from anything ever done by the previous government.

Mr. Pickersgill: I have a supplementary question. In view of the circumstances, does the minister not think that the federal government might be generous enough to pay the whole cost of this study?

Mr. Speaker: Order. The hon. member is asking about a matter of policy.

MINING

YUKON—INQUIRY AS TO EFFECT OF NEW REGULATIONS

On the orders of the day:

Mr. Erik Nielsen (Yukon): Concerning the announcement by the Minister of Northern Affairs and National Resources as to the promulgation of the new Canadian mining regulations, can the minister give me his assurance that these regulations do not affect the provisions of the Yukon Quartz Mining Act and that those provisions will still apply to the staking of mineral claims in Yukon, and similarly with regard to the Yukon Placer Mining Act? Can the minister further give me his assurance that the regulations in fact do not apply in the Yukon Territory?

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): Yes, Mr. Speaker, I think that assurance can be given. The Canada mining regulations deal only with the Northwest Territories and the continental shelf off the shores of Canada.

FINANCE

INQUIRY AS TO GUARANTEED LOANS TO SMALL BUSINESSES AND MUNICIPAL LOAN FUND

On the orders of the day:

Mr. Hubert Badanai (Fort William): I wish to address a question to the Prime Minister arising out of a statement reported to have been made by the president of the Retail Merchants Association of Canada, to the effect that the federal government would take steps

to guarantee bank loans to small businesses. Can the Prime Minister inform the house whether the substance of the statement is correct? Is it also the government's intention to create a municipal loan fund from which municipalities may borrow money to finance essential municipal projects?

Right Hon. J. G. Diefenbaker (Prime Minister): I do not intend to comment on a statement made outside the house. In any event, these matters are questions of government policy and will be announced in the house if and when it is decided to do so.

TELEVISION

REQUEST FOR STATEMENT ON LICENSING POLICY IN SMALLER CITIES

On the orders of the day:

Mr. D. M. Fisher (Port Arthur): I wish to address a question to the Minister of National Revenue. In view of the fact that the board of broadcast governors has completed its round of television licence hearings in the major Canadian cities, could the minister bring us up to date on the government's views regarding additional television station licensing in smaller cities which already have one station, such as Port Arthur, Sudbury or London?

Hon. George C. Nowlan (Minister of National Revenue): I think that this is a matter for the board of broadcast governors. After the Department of Transport had considered from a technical point of view any applications which may be submitted to it, the board of broadcast governors would deal with them.

PUBLIC SERVICE

PATRONAGE—REPORTED STATEMENT BY HON. MEMBER FOR STORMONT

On the orders of the day:

Hon. Lionel Chevrier (Laurier): I should like to address a question to the Prime Minister and ask him whether he has seen a statement made by one of his colleagues in the house while he was absent; a statement by a Progressive Conservative member of parliament in which a return was urged of the old-time political patronage under which members of parliament could appoint civil servants in their own constituencies.

This is a statement which was made by the distinguished member for Stormont (Mr. Campbell), who added that while the civil service commission makes appointments on the merit system, individual members of parliament are entitled to be consulted. My question is, has the Prime Minister any comment to make on this? Second, is this the policy of the government?

An hon. Member: He wants to go back to the Liberal days.

Right Hon. J. G. Diefenbaker (Prime Minister): May I say that my absence yesterday was noted by hon. gentlemen opposite—

An hon. Member: And in the gallery.

Mr. Diefenbaker: —and by one of the hon. gentleman's friends. I was speaking to the conference of United States governors, one of the best opportunities that could come to a Canadian and the first to come to a prime minister of Canada, to place before the people of the United States the views of Canada respecting certain phases of United States-Canadian relations.

With respect to the question itself, I do not intend to make any observations on the statements alleged to have been made. I have not had the opportunity of looking into them. But I may say this; I can understand how shocked the hon. gentleman must be. I in no way approve of any such suggestion as apparently was made, if the quotation be correct, but I am sure that any such suggestion would have shocked the finer sensibilities of the hon. member for Laurier.

Mr. Chevrier: I am sure the Prime Minister did not want to reflect on me—

Mr. Diefenbaker: Oh, no.

Mr. Chevrier: —when he referred to his absence from the house in the earlier part of his reply, but I think all of us will be pleased to know that the Prime Minister goes to the United States from time to time and makes speeches about increasing the amount of goods that should be bought by the United States citizens from Canada—

Some hon. Members: Order.

Mr. Speaker: Order. Is the hon. member rising on a question of privilege, or is he about to ask a supplementary question?

Mr. Chevrier: I was exercising the same latitude as the Prime Minister, and I was coming to the supplementary question. I was simply going to say that those sentiments were expressed by Right Hon. C. D. Howe many years ago, and it is not at all new that the Prime Minister should express them.

Mr. Fleming (Eglinton): But how ineffectively.

Mr. Chevrier: Certainly far more effectively than is happening at the present time.

Mr. Speaker: Has the hon. member a question to ask supplementary to the one he

originally asked? If he has, perhaps I may suggest that it is a question which is more properly one for debate than for the orders of the day.

Mr. Chevrier: It is a supplementary question, and I hope I shall be allowed to ask it. I have been interrupted continually.

An hon. Member: No.

Mr. Speaker: If the hon. member will put his question—

Mr. Chevrier: Is the Prime Minister aware of the additional statement made by the hon. member for Stormont that the civil service commission are irresponsible—

Mr. Speaker: I am sorry, but I must interrupt the hon. member. It is not in accordance with our practice to use the guise of a question in order to make a statement in the house. I am afraid it is not in order.

Mr. Chevrier: On a point of order, Mr. Speaker, have you not ruled on more than one occasion that while it is improper to use newspaper articles on orders of the day, this does not apply to statements made by members of our own house? That is the position I was taking. If it had been a statement by someone outside the house I know, of course, that I could not have put the question, but this is a statement by somebody within the house, and it seems to me that I am entitled in these circumstances to ask the supplementary question.

Mr. Speaker: Perhaps I have not made myself clear. My point is this, that to quote someone for the purpose of putting his views before the house is only regular if out of that there arises a question of administrative responsibility. If it raises a matter of the minister's responsibility the question arising may be asked.

Hon. Paul Martin (Essex East): May I ask a supplementary question arising out of the statement by the Prime Minister that he is the first prime minister to be asked to address the United States governors' conference.

Mr. Diefenbaker: To have spoken—

Mr. Martin (Essex East): To have spoken to the governors' conference. I am sure all of us in this house are pleased that the Prime Minister was extended this invitation, but is he not aware that the Leader of the Opposition, when secretary of state for external affairs several years ago, was invited to speak to the governors' conference, and did speak there and made a great impression?

[Mr. Speaker.]

DOMINION-PROVINCIAL CONFERENCE

INQUIRY AS TO REPORTED POSTPONEMENT

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I should like to ask the Minister of Finance a question. Would it be possible for the minister to dispel the rumour which has been current since about 8 p.m. last evening that the federal-provincial conference is being indefinitely postponed?

Hon. Donald M. Fleming (Minister of Finance): This rumour has not reached my ear. It must have started somewhere much closer to the ear of the hon. member, apparently. As far as I am aware there has been no request from any party for the postponement of the conference, and I hope the hon. member is not going to sponsor, either directly or indirectly, a request for a postponement.

Mr. Pickersgill: I was asking, as I properly should, not for the intention of someone else but for the intention of the government. Can the minister assure us that the government has no intention of postponing the conference?

Mr. Fleming (Eglinton): The government has invited the provinces to come to this proposed conference and there is no thought in the mind of the government other than to proceed with it. I pointed out that the provinces had accepted the invitation, and I am quite sure we are going to have a very useful conference.

Hon. Paul Martin (Essex East): A supplementary question, Mr. Speaker. In view of this assurance by the Minister of Finance, perhaps on his trip to Newfoundland tomorrow he might wish to call in at Fredericton and see his namesake and perhaps speak to him about the situation—

Some hon. Members: Question.

Mr. Martin (Essex East): —and generally make an impression and seek to impress upon him—

Some hon. Members: Order.

Mr. Speaker: Order. The hon. member may have had a legitimate question somewhere in the back of his mind, but he was coming to it rather slowly. I should like to remind the house that all the provincial elections of which I know are now over.

CANADIAN BROADCASTING CORPORATION

"CLOSE UP"—REQUEST OF ONTARIO ATTORNEY GENERAL FOR NAME OF PARTICIPANT

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I wonder if I could ask

the Minister of National Revenue in his capacity as reporter to the house on broadcasting whether he has received a request from the attorney general of Ontario to divulge the name of the person who appeared as a professional corespondent on the C.B.C. program "Close Up".

Hon. George C. Nowlan (Minister of National Revenue): Mr. Speaker, I received a letter from the attorney general of Ontario on that matter, asking that we give the information requested. I turned the letter over to the corporation. I have not been in touch with the president in the last few days because he has been attending meetings, but he assured me the information would be sent on to the attorney general.

INTERNATIONAL BOUNDARY COMMISSION

LEGISLATION RESPECTING INTERPRETATION, POWERS, ETC.

Hon. Howard C. Green (Secretary of State for External Affairs) moved the second reading of Bill No. S-35, respecting the international boundary commission.

He said: Mr. Speaker, this is a short bill respecting the international boundary commission. It was introduced in the other place and there was given very careful consideration in a committee which proved to be unanimous. I do not intend to go back beyond the international boundary treaty of 1908, but those hon. members who are interested in the story of the various treaties under which the boundary between Canada and the United States was established will find the speech made in the other place by Senator Blois extremely informative and interesting.

The international boundary treaty of 1908 established the international boundary commission which is composed of two sections, a Canadian section and a United States section. By a further treaty in 1925, described as being to "define and complete the international boundary between Canada and the United States", the commissioners appointed under the 1908 treaty are responsible for continuous maintenance of the international boundary line, the boundary monuments and a cleared sky line vista along the line. The vista which of course is easily noticed when it runs through wooded areas is a strip 20 feet wide made up of 10 feet on the Canadian side of the boundary line and 10 feet on the United States side. Probably most hon. members will have seen portions of this boundary line in one part of Canada or another.

As hon. members are aware, treaties to which the United States is signatory are submitted to the United States Senate, and when passed they become self-implementing; that is to say, they become the law of the land. In Canada the situation is different. Here, specific legislation is required if necessary in order to implement the treaty. This is the reason the present bill has been introduced. It will ensure that Canada is fully able to implement the 1925 treaty.

Hon. members may ask why it is necessary now, 35 years after Canada signed the international treaty, for it to receive implementing legislation. The fact is that during this period the Canadian international boundary commissioner has been able to carry out the 1925 treaty obligations because permission was asked before entering private land in the immediate boundary area, and because Canadian land owners were prepared to co-operate with him in carrying out his functions.

I should like to say at this point that the Canadian international boundary commissioner is an official of the Department of Mines and Technical Surveys. The annual expenses which represent Canada's share of the maintenance of the international boundary are included in the annual estimates of that department.

The increasing development and use of land near the international boundary from coast to coast has led with increasing frequency to proposed encroachments upon the boundary area by buildings and other structures. For example, the Great Northern railway proposed in 1954 that they would build a station right on the boundary line between White Rock, British Columbia, and Blaine, Washington, with half of the station on the Canadian side and half on the United States side. This proposal was objected to by the departments concerned at that time and nothing was done about it. Last autumn, however, there was a renewal of the suggestion that this station should be built straddling the boundary line.

The legislation now before the house seeks in no way to expropriate or remove buildings and structures now existing within 10 feet of the boundary line. There are some buildings already up which do stand on this 10 feet. On the contrary, this legislation seeks only to prevent enlargements of existing buildings and structures, and to avoid having new buildings and structures erected in the future.

We believe that this legislation is desirable in order that Canada may fulfill her treaty obligations, and also to provide adequate protection for the system of monuments. The commissioner is responsible for repairing and replacing monuments. For example, if the bank of a river were to fall in and carry a

monument with it, replacement would be the responsibility of the commissioner. The legislation is also necessary in order to give the boundary commissioner legal access to the boundary area; to prevent unauthorized encroachments in this boundary area, and to facilitate the application of customs regulations. I am sure the Minister of Finance will be pleased to know that the bill involves no additional financial obligations.

That is a brief summary of the bill. We believe that under present day conditions it is essential that the Canadian member of the international boundary commission be given the powers which are set out in the bill.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, this is a short, straightforward and, I think, non-contentious bill, and we on this side intend to support it. The bill itself and the remarks just made by the minister remind us that it deals with the boundary between Canada and the United States, the boundary to which it is essential to refer in every after-dinner speech as an undefended boundary; undefended, of course, in the sense that there are no fortifications on the border, but certainly not undefended when you try to get across it if you are evading customs, immigration or security regulations.

It reminds us, Mr. Speaker, that in the bad old days relations between the two countries were such that there was fear and hostility on the boundary and which in those days twice resulted in war. We Canadians with, of course, help from the mother country were more successful in defending our boundary in war than we have been successful since in defending it in peacetime against arrangements, agreements and arbitrations made by the mother country which at that time had responsibility for our foreign policy. In some cases the result of those arbitrations—and I do not know whether we could have done any better ourselves if we had been independent—so far as the boundary is concerned is obvious, if you take one glance at the map. It is obvious in British Columbia; it is obvious in New Brunswick and Quebec.

The boundary has been established by three major treaties; the treaty of Paris, which I think was made in 1784 and which brought to an end the war with the colonies; the treaty of 1818, which extended the boundary of that day to the Lake of the Woods, and the treaty of 1846 which I think completed the process of boundary delineation in a major sense to the Pacific ocean. But in addition to these three major treaties there have been a good many other treaty arrangements, as the minister pointed out. They were dealt with in a very interesting way in a debate on this matter in the other house. It was shown in that debate, as indeed it is clear from our reading of history, that in subsequent arrangements and arbitrations, especially the arbitration referred to the emperor of Germany in connection with Pacific boundary matters, I think in the early part of this century that Canada did not come out very well. The Alaska boundary award of 1903 is one example in our history of an unfortunate boundary dispute with the United States; because, as hon. members I am sure will recall, that arbitration and the award from it which established the present boundary between Alaska and British Columbia was very much at the expense of Canada. As the records also make clear, if that award had not been accepted by the negotiators on the Canadian and British side, the president of the United States in those days, the redoubtable Theodore Roosevelt, was going to establish his own boundary. Perhaps if that contingency had arisen he would have been a little more reasonable, but it does remind us that we have not always been too successful in our boundary negotiations with the United States.

Perhaps the Panhandle may one day be, if not returned to Canada, but surely one of those days we shall be able to get access to the Pacific coast through it. As I understand it there is now no complaint between the two countries in respect of major boundary matters. For many years now there have been only minor differences, and they have all been settled peacefully. Indeed no question arises in our country as it might indeed have arisen in other countries in other parts of the world, of a terra uredenta.

This bill will facilitate the work of the international boundary commission and that, of course, is all to the good. Sometimes we forget—indeed we should remember—that while there have been complications as there has been work required in marking the land boundary between the two countries, a great deal of our boundary is through the middle of streams or lakes. That has its own difficulty and has brought about its own complications in our relations with the United States. There is no better illustration of that than in the negotiations leading up to the building of the St. Lawrence seaway. Hon. members know that in some parts of the country the boundary goes down the middle of a stream. That has had a very important effect on how the St. Lawrence seaway had to be built.

A good many Canadians—indeed, I have heard the statement made in this house, and I heard it made on television the other night by a professor of history and a great authority on United States-Canadian relations—have said that it would have been much better

if Canada had built the seaway alone, and that it was too bad we were not able to do so. The reason that could not be done without the approval of the United States lies in the nature of the boundary at that spot because the boundary runs right down the middle of the St. Lawrence. Because of that boundary line it would have been quite impossible to have built a purely Canadian seaway which included a power dam, because you could not very well have built a power dam half way across. The location of the boundary, quite apart from the effect of the treaty of 1908, made it impossible to build a seaway by ourselves alone, if the United States objected to it, as a national seaway by Canada, even without power development, if that work had any effect on the boundary water levels. Therefore, because of the nature of our boundary, it would have been impossible to build a St. Lawrence seaway alone if it had any serious effect on the boundary waters or if we wished to have a power development at the same time.

The minister has indicated that the boundary commission has been working since 1925, and indeed since 1908, without the necessity for this kind of legislation, and I think working very effectively. Perhaps I may pay my tribute to the work done on both sides by the commission. The United States side and the Canadian side have worked quite effectively together and have not for that purpose required legislation. But the nature of developments on the boundary, as the commission has pointed out, certainly makes it desirable now to facilitate that work, to make it easier and indeed in some cases I think perhaps to make it possible by establishing a legislative basis for it, by even at this late date, implementing the treaty of 1925. We on this side are very glad to support the bill for these reasons.

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, I wish to say first of all that I think the practice which has been established recently of introducing bills of this type in the other place is a good one. This is the type of legislation that the other place can discuss and deal with possibly to greater advantage than we can, and I think the minister is quite correct in referring, and wisely perhaps, in this house to the speeches made in the other place when this bill was under discussion. The information that one can gather from a reading of those speeches is such that he will obtain an historical background of the international boundary commission.

This is a strictly non-contentious bill as we see it in this group. It simply provides for administrative procedures on the part of the Canadian section of the international boundary commission.

The international boundary, particularly in the mountains, has always been an interesting subject to me. In the mountains one can see the 20-foot strip running up and down the hills, and I have followed the international boundary over one peak after the other in British Columbia. I have also read with great interest all the material I could get on the question of establishing the boundary as decided by the Oregon treaty of 1846.

Some years ago a very interesting thing happened in my constituency. A trunk was opened in a bank in Rossland. The trunk had been left there for 50 years, and in it were found copies of the original maps made by the surveyor who surveyed the international boundary according to the treaty of 1846. Apparently the other copies had been sent to the colonial office in Great Britain. Someone had left the trunk in the bank at Rossland in the early days of this century, and it was stored by the son of the original surveyor who did the work after 1846. Although the maps in question were quite correctly and properly sent to the archives of British Columbia, I was able to obtain photostatic copies. When one reads the notes in connection with the surveys made at that time it is a very interesting story indeed. I recommend it to anyone who wants a little relaxation from, shall I say, the whirlpool of the present. I am quite sure that the Secretary of State for External Affairs on occasion would find relaxation in literature of that type.

In listening to the minister I understood him to say that up to the present the commission has experienced quite satisfactory co-operation with the owners of property within the 20 feet along the international boundary from the point of view of administration for the purposes of the commission, and that this legislation provides for leaving present properties in place. There will be no removal of structures now in place, but the commission will have the authority to prevent any further encroachment or building on the Canadian side of the 20-foot strip which provides for the protection of the markers and monuments already erected and under the care of the commission. I am not quite clear whether the minister said that the legislation also provides for certain administrative practices in connection with customs.

Mr. Green: No; the work of the department will be facilitated. For example, if somebody is trying to cross the line a mile

away the officers will be able to see him because the trees will be cut down and the 20-foot strip will be clear.

Mr. Herridge: I thank the minister for his explanation. I was not quite clear on that point. I can well understand the necessity for that in mountainous and forested country. I know that on occasions even very law-abiding constituents of mine are inclined to go back and forth across the line. I have heard a very prominent Liberal express his sympathy with that practice, so I can well understand why the customs officials want to be able to look in every direction at certain points. Generally speaking, however, the arrangements are very satisfactory, and certain local inconveniences resulting from the geographical nature of the constituency I have the honour to represent are recognized by the Department of National Revenue which co-operates with the local people so as to prevent any unnecessary hardship or inconvenience.

Before taking my seat, Mr. Speaker, I wish to say that I think it is a very good practice on the part of the international boundary commission to establish plaques or markers on roads at the point where they cross the international boundary. All I can suggest in that respect is that I hope the practice is continued and even extended, and that in some cases the plaques or markers may be of such a type as to be more easily noticed and recognized. I find that people are very interested in that sort of thing. I have travelled the road that enters the United States south of Rossland and on occasion I have noticed a dozen cars stopped because people wished to read the plaque near the boundary monument. These plaques or markers are of interest to both United States and Canadian citizens and to others, and I hope the practice is not only continued but extended. With these few remarks I will resume my seat.

Mr. W. G. Dinsdale (Parliamentary Secretary to the Minister of Veterans Affairs): Mr. Speaker, it is interesting to me to see this legislation come before the house today for the purpose of putting in statutory form provisions respecting the work carried on in connection with the international boundary between Canada and the United States since the year 1908. It seems to me it is rather unusual that we should have delayed until the present time the enacting of formal provisions respecting the activities of the international boundary commission, but I heartily endorse the procedure that is being followed in presenting this legislation this morning.

This is an occasion when we could indulge in speeches such as we often hear regarding the unique position of the Canada-United States international boundary. Because of the nature of the relationships that have existed between the two countries down through the years there have been many interesting expressions with respect to those relationships and developments along the international boundary. I am delighted to see that arrangements are made in the bill to preserve the monuments and sites already established along the border.

In my own constituency a unique development took place in the 1920's which was spontaneously supported by people on both sides of the border, and has resulted today in a rather outstanding example of international co-operation. During the 1920's members of the national gardeners' association of the United States prompted by Dr. Henry Moore of Islington, Ontario, began to discuss the possibility of making use of the international boundary to emphasize the desire for peace that was felt so strongly following world war I. A decision was made to establish on the international border an international peace garden dedicated to the ideals felt so strongly at that time. In 1932, on the Manitoba-North Dakota boundary, the official opening took place of what has become known today as the international peace garden.

Very substantial areas of land in the Turtle mountain region were set aside in perpetuity by the Canadian government, the United States government and the state and provincial governments concerned, and the area has been marked by a monument suitably inscribed with these words:

> We two nations dedicate this garden and pledge ourselves that as long as men shall live we will not take up arms against one another.

This is the kind of development, springing spontaneously from the hearts of the people themselves, which indicates that the work of the international boundary commission had sooner or later to become embodied in formal legislative form. Since 1932 there have been developments of many kinds on this significant site, which is strategically located. From the geographical standpoint it stands halfway between the Atlantic and the Pacific. It is also almost directly on the geographic centre of the North American continent.

Since 1932, in addition to the original cairn erected to commemorate the desire and striving for peace, a formalized botanical garden has been developed. A park area has been established with a very interesting arboretum. At the present time there is activity on foot to establish a peace chapel which will be erected on the highest point of the Turtle mountain area. It is reassuring to note that all these developments will be protected and preserved in the future by the passage of this legislation.

The government of Canada has expressed its interest in this development by financial support, as has the United States government, but I want to underline the fact that this support is incidental to the development of the gardens; because the chief support, both financial and in personal interest, has arisen largely from the voluntary efforts of organizations on both sides of the border. In recent years the daughters of the empire, service clubs on both sides of the border, women's institutes, the homemakers of America and others have all taken an interest in this development. During the past three years considerable cultural activity has emerged on the site of the international peace gardens, and it promises in the immediate future to develop into another school for fine arts located on the border. We have an international music camp, for example, that meets there every summer. Various international organizations are tending to concentrate their activities there, such as conventions and so on. We have a very fine international student discussion group which conducts a student seminar each fall on some aspect of international problems.

This is a subject on which I could spend some time this morning but I thought, Mr. Speaker, that the occasion of the introduction of this legislation in respect to the international boundary commission provided an opportunity to bring to the attention of the members of this house, as well as the people of Canada, the sort of work that has been going on spontaneously and voluntarily for two years and is now being recognized in this formalized way.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Flynn in the chair.

Clauses 1 and 2 agreed to.

On clause 3—*Commission's powers.*

Mr. Pearson: Clause 3 deals with the powers of the commission. I take it that these are all powers that the commission has been exercising under the treaty. There are no new powers?

Mr. Green: The commission has never been given the legal power to do these acts. Under the treaty there are certain obligations undertaken such as, for example, to keep boundary vistas open; to move boundary monuments to new sites, and to maintain at all times an effective boundary line between Canada and the United States and between Canada and Alaska. This work has been carried on without having any legislative sanction in so far as Canada is concerned. I understand that under United States law the very fact that the United States implements a treaty means that the power to carry out what the treaty calls for is given. However, this is not the case in Canada. This clause 3, therefore, is designed to give the commission the power to carry out the acts which, under the treaty, it is set up to carry out.

Mr. Herridge: Could the minister tell us who are the present Canadian commissioners?

Mr. Green: There is only one commissioner, Mr. Lambert. I should like to join in the tribute paid by the Leader of the Opposition to the commissioners who have carried out the work under this treaty, both the present commissioner and his predecessors, as well as their staffs. The very fact that there has been no friction or trouble arising between the two countries as a result of the work being done speaks volumes for the efficient way in which this commission has carried out its work.

Clause agreed to.

Clause 4 agreed to.

On clause 5—*Permission required to construct or enlarge work near boundary.*

Mr. Pearson: This clause establishes certain offences and provides for penalties. May I ask the minister how the commission operated from 1925 to the present without these prohibitions and penalties? What happened under the earlier arrangements if these things were done?

Mr. Green: I presume the commission has been able to work by persuasion rather than being in a position to impose a decision on anyone. The Leader of the Opposition will have noticed that the bill is not made retroactive, and the restrictions do not apply to any buildings which have been erected at the time the bill becomes law. They apply only, for example, to a building which will be erected after the bill becomes law.

Mr. Pearson: I take it what is happening now is that, in addition to persuasion, which has been effective in the past, we now have a $500 fine or six months' imprisonment.

Mr. Green: Yes, that is right. I pointed out, Mr. Chairman, one case which could be very worrisome; that is the proposal of the Great Northern railway to erect a station straddling the border. It might be a little more difficult to persuade the railway company without having a law which would give the commission the power to prevent such action.

Mr. Pearson: It might be difficult to put them in jail, too.

Clause agreed to.

Clauses 6 to 8, inclusive, agreed to.

International Boundary Commission

On clause 9—*Claims in tort against Canadian commissioner.*

Mr. Herridge: For the benefit of a layman like me, will the minister explain exactly what this clause means?

Mr. Green: This clause is designed to protect the commissioner against damage suits. In other words he would not have to meet a judgment for any trespass committed or any damage done of a similar nature. It really puts the crown behind the acts the commissioner may do.

Mr. Chevrier: While I think the clause is perhaps a good one and should go in for the protection of the servant of the crown, the situation as it appears at the moment is this. I have no recollection of having seen this provision in any other statute, although it may be in other acts. I am thinking now only of the acts for which I had some responsibility in years gone by, and in them I never saw a similar clause. Does it not follow by the ordinary common law and, I take it, by the civil law also, that if a servant of the crown commits a tort while in the performance of his duty, the legal responsibility is with the crown if he is a crown employee? My question is this. Why has it been found necessary to put this clause in the act?

Mr. Green: I have not gone into that particular question myself. I would have thought the situation was as the hon. member for Laurier has suggested. Perhaps I had better get the officials down here on the floor and get that information from them.

The Chairman: Shall clause 9 carry?

Mr. Chevrier: Just a minute, please.

Mr. Green: Perhaps the clause could stand.

Mr. Pearson: I think the matter is somewhat important. Perhaps we ought to have this information. We are now creating new offences for which a penalty can be inflicted. A commissioner has these new offences to face in coming years. I am not criticizing in any way the introduction of the legislation, because the minister has shown that conditions have now changed and that it is required. Nevertheless it is an important change to create offences which did not exist before this legislation was passed. We therefore perhaps ought to have this information.

Mr. Green: Of course this particular clause does not create any new offences.

Mr. Pearson: No.

Mr. Green: It is merely protecting the commissioner. It is the other clauses which deal with offences.

[Mr. Pearson.]

Mr. Pearson: I appreciate that fact. I am not a lawyer, and perhaps I should not be talking about this matter, but does the fact that we have created new offences now make it necessary to give additional protection to the commissioner? I do not know.

Mr. Green: May that clause stand, and may we take clause 10?

The Chairman: Shall clause 9 stand?

Some hon. Members: Agreed.

Clause 9 stands.

Clause 10 agreed to.

On clause 9—*Claims in tort against Canadian commissioner.*

Mr. Green: Apparently the need for this clause arises out of the fact that it is not necessary for the commissioner to be a civil servant. For that reason this protection must be provided. Of course there would be few similar situations. My officers cannot tell me at the moment of any provision of this type in any other legislation. However, that is the purpose of this legislation.

Mr. Chevrier: It looks as though this is a new clause and this is one of the first times, if not the first, that it has been included in any legislation. I am therefore prompted to ask this question. At the present time are there any commissioners who are not servants of the crown?

Mr. Green: There is another complication, namely that a civil servant may be appointed as a commissioner in addition to his ordinary duties and may not receive any pay for doing the work as commissioner. In a case of that kind he would not be protected against damage suits.

Mr. Chevrier: The minister did not answer my question, which was this. Are there now any commissioners who are not servants of the crown?

Mr. Green: I do not know of any.

Mr. Chevrier: Are these commissioners not appointed by the minister or by the governor in council? Are they so numerous that the information is not available? That is the point.

Mr. Green: No. The commissioner under the treaty would be appointed by order in council. In many cases commissioners do not have executive functions—for example, the members of the international joint commission—so that this problem would not arise in their case.

I understand that the clause in question has been drafted by the Department of Justice, or that it originates with them. As the

hon. member knows, that is practically always the case. I do not think he needs to worry about this clause giving protection where there is not a need for protection. The most likely situation would be for example, where someone in the Department of Mines and Technical Surveys happened to be appointed a commissioner under this treaty but would receive his pay for his job in the department. Under those conditions he would not be protected against a damage suit unless there was a provision of this kind.

Mr. Chevrier: In the case of a commissioner who is not a civil servant, or who is a perfect outsider, does not the common law in most of the provinces and the civil law in the province of Quebec apply to protect him while he is acting within the scope of his employment in pursuance of instructions received from his employer? Is he not protected from liability notwithstanding the inclusion of this clause?

Mr. Green: Evidently the law officers of the crown considered that protection was not adequate in this case.

Clause agreed to.

Title agreed to.

Bill reported, read the third time and passed.

FREIGHT RATES REDUCTION ACT

EXTENSION OF PERIOD OF APPLICATION OF REVISED RATES

Hon. George H. Hees (Minister of Transport) moved that the house go into committee to consider the following resolution:

That it is expedient to introduce a measure to amend the Freight Rates Reduction Act to extend for not more than nine months the period during which the revised rates under the said act shall be applicable and to increase the authorized expenditure under the act by an additional fifteen million dollars.

Motion agreed to and the house went into committee thereon, Mr. Flynn in the chair.

Mr. Chevrier: Will the minister make a statement on this?

Mr. Hees: The Freight Rates Reduction Act was passed last year, as hon. members will recall. Its purpose was to alleviate the burden of the 17 per cent freight rate increase that had been authorized in November, 1958. The act made provision for the board of transport commissioners to require reductions, during a period not exceeding one year, in the class and commodity rates, other than competitive rates, that were in effect and taking the 17 per cent increase when the act came into force on July 8, 1959. It also made provision for payments to the companies not to exceed in the aggregate $20 million, as reimbursement for the resulting reductions in their revenues.

The committee will be interested to know what reductions in freight rates were accomplished under the legislation. The board required the companies to reduce, effective August 1, 1959, the 17 per cent freight rate increase by seven percentage points, that is to make it 10 per cent instead of 17 per cent on the rates affected. As figures of traffic actually carried during the year became known, the board determined that it could make a further reduction of two percentage points, bringing the 17 per cent down to 8 per cent, and this reduction was made effective on May 6 on traffic carried thereafter.

The freight rate reductions will expire on July 31 next, unless provision is made to continue them; and as the royal commission is still engaged in its inquiry respecting the railway situation the government has concluded that the benefits of the Freight Rates Reduction Act should be continued for a further period not exceeding nine months from July 31 next. The proposed amendments are for that purpose.

As the committee knows, last year's bill was considered very fully by parliament and was examined thoroughly by the standing committee on railways, canals and telegraph lines of this house and also by the standing committee on transport and communications of the Senate. The proposed amendments will, as I said, extend the benefits of the act for a further period beyond July 31 next.

Mr. Chairman, at the conclusion of the debate on second reading of this bill I propose to move that the bill be referred to the standing committee on railways, canals and telegraph lines for examination. Certain members of the committee have intimated to me that they would like this to be done, and I have concurred in their request.

Hon. Lionel Chevrier (Laurier): My remarks on this resolution will be brief. The minister will remember that last year we on this side supported the bill which was submitted to parliament, the Freight Rates Reduction Act, and there is no reason why we should not give this measure also our fullest support. That we intend to do.

As the minister has stated, this provides for a reduction in freight rates over a period of nine months. The resolution reads:

That it is expedient to introduce a measure to amend the Freight Rates Reduction Act to extend for not more than nine months the period during which the revised rates under the said act shall be applicable and to increase the authorized expenditure under the act by an additional fifteen million dollars.

The two questions which come to my mind on reading this resolution are, first of all, why there should be this period of nine months and, next, why the sum of $15 million. I presume the $15 million is the proportionate part of the $20 million which would be required for the full 12 months.

Then there is another question which arises. This other question is that by virtue of the statement made by both the Prime Minister and Minister of Transport, freight rates have now become frozen in this country. I think the present position of the application for a general increase in freight rates made by the railway association of Canada is as follows, and if I am incorrect I take it the minister will correct me. The order of the board of transport commissioners was, I believe, dated January 13, 1959 setting a date for the hearing for final relief requested in the application of the association, which application was dated September 16, 1958. The date of the hearing was set by order for May 19, 1959, and April 10, 1959 was the date set for filing the supplement to the application specifying the amount of increase sought by way of final relief.

On April 8, 1959 the railway association, in compliance with the above order of the board, filed a supplement to their application seeking authority for a general increase of 12 per cent in the level of freight rates and 20 cents per ton on coal and coke. The railway association on April 10 applied for postponement of the hearing of the supplementary application and the board postponed the hearing sine die.

The question which arises is this. Does the statement made by both the Prime Minister and the Minister of Transport with reference to the freezing of freight rates apply to the application which was made for an additional general increase of 12 per cent? I think it would be important for us to know what the position is in that respect. If it does, does it apply during the period of nine months only?

Mr. Hees: May I answer that question now? The answer is yes.

Mr. Chevrier: Thank you. The other question that comes to mind is that of the royal commission on transportation. The minister should give us some information when he replies or on second reading, if it is not available now, on the progress that is being made by the royal commission on transportation. I believe this can be done without discussing a matter that is sub judice. It is not my intention nor have I any right to go into matters that are under discussion by the royal commission on transportation headed, I believe, by Mr. MacPherson, but the committee would be happy to have an idea of the work that is being done.

When the Freight Rates Reduction Act was discussed last year the Prime Minister was under the impression that within less than a year the royal commission could report. Of course I questioned that because of the experience I had had with the Turgeon commission, which certainly took more than two years to report upon a matter of this scope and importance.

I believe the committee is entitled to know (1) what the commission has done thus far; (2) where the commission has held its public hearings; (3) whether any additional hearings of a public nature will be held, and (4) when it is expected that the commission will hand down its report. I do not think I should go any further than that. Certainly I cannot discuss the briefs that were submitted to the commission on a number of matters that are important to all of us who deal with these questions, and I have no intention of so doing.

The order of the board No. 98424 which came into effect on July 10, 1959 referred to the statute, chapter 27, 7-8 Elizabeth II, an act to make provision for the reduction of certain class and commodity rates on freight traffic. It made operative the terms of the statute. By virtue of this order it then became possible for the railways to file amended tariffs with respect to which the act came into effect.

The question that comes to my mind now is this. Will this bill, when it is passed, become effective in the same way as did the bill last year under chapter 27, 7-8 Elizabeth II? Will the board of transport commissioners be required to pass a similar order to put this into effect?

Of course the main questions that come to mind are these. How has the act operated during the 12 months? What has been the effect of it? The minister has given one effect, where the reduction has been down to 8 per cent, which is all to the good and, I am sure, helpful all across Canada. I believe we should be given additional information as to how the act has operated in general. What has been the effect of these reductions on class and commodity rates? As the committee knows, there is no reduction whatever in so far as competitive rates are concerned. What has been the effect on the uniformity of the reductions? I believe the minister was well advised to tell us that in due course he will move that this matter be referred to the committee on railways, canals and telegraph lines so that we can obtain this information.

The minister was occupied with the whip and could not pay attention when I asked several questions earlier. I will simply repeat them quickly at this time. Why the nine months in the resolution, and why the $15 million? Again I say we are in full support of this legislation. We think it is good legislation, and that it will substantially assist those who are moving goods across Canada.

Mr. Hees: Mr. Chairman, perhaps I could be permitted to answer the hon. member at this time.

Mr. Argue: I do not wish to be rude to the minister, but he is a member of long standing and knows it is the practice to wait until all opposition members have spoken before replying. I want to be helpful to the hon. gentleman so we can get along with the business.

This resolution is made necessary because the royal commission has not yet reported on its inquiry into the freight rate structure and the question of equalization. Although the resolution will lead to the expenditure of another $15 million it will not mean any gain for the public by way of lower freight rates. It will merely mean that the present freight rate structure will be maintained for a nine-month period, presumably in the expectation that the royal commission will have reported by that time. Because this will prevent any increase in freight rates at this time we are pleased to support the motion.

This government has a varying record with respect to freight rates. It came into office on the definite commitment that under this administration freight rates would not be increased but would be equalized. I say that because of the repeated statements made by the Prime Minister and because of the action of the government before the 1958 election in disallowing a general 3.6 per cent increase in freight rates.

This resolution will continue the reduction by approximately 50 per cent in the last 17 per cent horizontal increase in freight rates. Even under the policy of this administration there has been an increase in freight rates. I have examined the result of general increases in freight rates since the end of the war, and have calculated that there has been a general increase of some 157 per cent.

Mr. Brunsden: Which bureau did you use?

Mr. Argue: I did not use the Martin bureau. I find the dominion bureau of statistics the most accurate. Failing that I would much rather rely on my own simple arithmetic.

Mr. Brunsden: Simple minded?

Mr. Argue: I would rather do that than take a chance on relying on the distinguished hon. member for Essex East. Since the Minister of Transport is himself a good mathematician and has the further advantage of learned advice from important officials, I am sure he will correct me if my figures are too modest or if I have forgotten to take into account one of the many increases that have occurred over the years.

This resolution maintains the status quo with respect to freight rates, and presumably will enable the commission to make its report before any change in rates occurs. The people on the prairies and I think also those in the maritimes are fed up with so many horizontal increases in freight rates. They have spoken out very strongly in favour of equalization and in support of all legislation which will prevent further increases in freight rates.

A royal commission has been set up to inquire into the freight rate structure of this country. After this royal commission completes its work I believe the government should consider an inquiry into the railway services that are being provided in this country. Only time will tell whether railway freight rates in this country will in fact be equalized or at least made more nearly equal than they are now. If we as a parliament do everything we can by way of legislation, by way of a royal commission, by way of subsequent prevention of freight rate increases, and at the same time allow railway services to deteriorate, we may find that we have railway rates equalized or frozen and are in fact losing the railway services so essential to the country.

This may or may not, Mr. Chairman, be the most appropriate place to make this statement, but I feel the time has now come when there should be an exhaustive inquiry into railway services in this country with the object of maintaining services essential for the growth and development of this nation. As I see it today, railway services are getting into a terrible mess. Services are being curtailed at an alarming rate.

While it is exceedingly necessary to take this kind of action, which we in the C.C.F. support, we feel that other action to maintain the services of the railways is now urgently required. I would hope that when he replies the minister will be able to give the committee some indication of when the royal commission will be making its report. I should like him to tell the committee if he can what the royal commission is doing at the moment. Has it adjourned? Are its hearings being continued at this time? Can he give the committee some rather firm indication—I know this is always subject to further experience—of when, within what period, parliament can expect to receive this long awaited and much needed report?

Mr. Horner (Jasper-Edson): Mr. Chairman, there are a few brief remarks I should like to make on this resolution. First of all I should like to point out to the hon. member that the 157 per cent increase was the figure given by one of the associations in our committee a year ago. There were a number of us who did not accept the figure because of the way it had been calculated.

Mr. Argue: It was my own figure.

Mr. Horner (Jasper-Edson): In any case, one of the associations had the same figure. They arrived at it by taking one of the figures as zero, and I did not think they worked it out equitably.

I want to commend the minister, as do those of us who live in western Canada and who are dependent upon the freight rate structure of this country, on his action in this regard. We are dependent upon the freight rate structure for all the goods we use; we in the agricultural industry and in the basic industries of the west are dependent on it. We appreciate the fact that this is the first time any government in Canada has done something about freight rates. We were very pleased when in May last a further reduction was made, after last year's legislation, lowering by a further 2 per cent the class and commodity rates. We hope this legislation will enable the board of transport commissioners to maintain the same rate for the remaining nine months period.

As the hon. member for Assiniboia stated—and I agree with him—transportation is of vital importance to us in western Canada, and we are watching with a great deal of interest the proceedings of the royal commission. We have great hopes in western Canada from the results of that commission.

When we speak of subsidies on freight rates generally, we in the west sometimes get the impression that a great many people in Canada feel that any subsidy paid to the railways is paid on behalf of the western Canadian farmers. We in the Conservative party from the west do not accept this premise at all. There is just as much reason for a subsidy to be paid on behalf of western farmers as for a subsidy to be paid on account of competitive rates in central Canada. We feel that any subsidy such as this one is of benefit to all Canadians, to the manufacturers in eastern Canada and in central Canada, to the people who are in business on both our coasts, to material and grain going east, and to the products of Canada's economy generally. We feel very strongly on this matter. We feel that any such subsidy should not be considered as a subsidy to the farmer of western Canada.

Unfortunately, as far as I can see this was the position of the hon. member for Laurier a year ago when we discussed this matter quite fully in committee. While he expressed some pious hopes that the Crowsnest pass rates would not be affected, he felt that the objective could be attained by a subsidy of some kind or another. We do not accept this at all. We do not accept the premise that a subsidy is paid on our behalf alone.

The other important thing about the reduction in the class and commodity rates is the beneficial effect it will have on our pulp and paper industry, on our feed grain going east and on a great amount of material coming out to western Canada. Certainly at a time when we are trying to do everything we can to meet the cost-price squeeze of the western farmer this is going to help along that line. It will also help to prevent the machinery companies from having any further excuse to raise their prices because of freight rates.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

Mr. Horner (Jasper-Edson): Mr. Chairman, prior to one o'clock I had been trying to emphasize the importance of freight rates and transportation generally in western Canada. Perhaps one of the better examples of how freight rates affect us is the recent disappointing decision of the board of transport commissioners with regard to rapeseed. We hope that the appeal to the supreme court will be successful or, if not, that the cabinet will reverse the decision. Certainly here is an instance where the agricultural economy of western Canada can be diversified if we can have reasonable freight rates on the particular product. When a country like Canada is importing over $100 million worth of oilseeds yearly it behooves us to consider this problem very seriously.

Finally I should like to make one or two remarks about the railways themselves. It seems to me that they do themselves no credit if the only way they can economize is by discontinuing services. They are going into the trucking industry, and before they go into it they are determined to give away any business they did have. I refer to the recent action of the Northern Alberta Railways, which discontinued services that were important to the people there and failed to supply an alternative service. I am talking about cream cans and mail going into the Peace river country, and into my home area. The

railways tell us they are going into the trucking business and, as I say, they seem intent on giving away express and other business before they get into the trucking business.

I think the management of both major railways should have a very close look at some of the policies they are now following. With all their potential and the money they have behind them, they should certainly be able to find other ways of increasing their efficiency and economizing, if necessary, rather than just throwing up their hands and discontinuing services to people in various parts of the country. Again, sir, may I say we are very happy that the government is bringing in this measure to maintain the present freight rates which are so important to the people of Alberta and the rest of western Canada.

Mr. Rapp: Mr. Chairman, I have been waiting patiently for the opportunity to speak on freight rates in general and freight charges on rapeseed in particular. I do not have anything to add to what I have said already on the subject, but I should like to bring to the attention of the Minister of Transport the fact that the situation has deteriorated much more and is worse than it was a few months ago.

Within the last month the board of transport commissioners found it wise, for reasons best known to themselves, to not classify rapeseed as a grain. The best authorities on agriculture and the best scientists having to do with grain and cereal plants testified at the hearing that rapeseed is a grain. However, the situation being what it is, the rapeseed industry of the west is faced with a serious problem. This year more than ever the rapeseed grower will be faced with unfair freight charges of 80 cents per hundredweight while his counterparts, the producers of other grains, will have to pay only 22 cents or 23 cents per hundredweight.

This year we will see the rapeseed crop increased from half a million to a million or a million and a half acres because of the fact that the farmers could not harvest their crops last fall and had to wait until spring to harvest them before planting new crops. The farmers were very late in harvesting their crops, and the only thing they could plant at that time was rapeseed, because it only takes about 60 to 70 days for the crop to mature. As I stated before, all indications are that we will be faced with a million or a million and a half acres of rapeseed.

I should like to emphasize most emphatically that unless the government undertakes measures to alleviate the situation, this young industry may suffer a blow from which it will never recover. Since this is the second time that the board of transport commissioners has refused to classify rapeseed as a grain, the only hope this young industry now has is that the Minister of Transport and the government will reverse the decision or will implement other measures whereby higher freight rates will not be charged on rapeseed than are charged on wheat, oats or barley. As the spokesman for a constituency in which half of all the rapeseed grown in Saskatchewan is produced. I should like to bring this point to the minister's attention again and appeal on behalf of the growers that action be taken to alleviate this serious situation.

Mr. Fisher: Mr. Chairman, we are strongly in favour of the bill. I want to take this opportunity to speak in order to correct the record. As the result of remarks on this issue that I made previously this session I have been accused by several union representatives of advocating compulsory arbitration in labour matters, because of my suggestion that ultimately the stage is going to be reached when a new formula will have to be found in order to take the railway wage problem out of the present jackpot in which it seems to be. In many people's minds, I think certainly in the minds of the western farmers, the reason for the Freight Rate Assistance Act and the problems that brought it about, was the result of the wage negotiations, the wage increase given to railway employees. This attitude is an understandable one in an economy such as ours, where groups tend to recognize their own interests and be critical of others.

This situation is very apparent, Mr. Chairman, in the negotiations that are now under way between the railways and the unions, with no one having any clear-cut idea how to solve the problem of this particular type of collective bargaining. I think it is going to be a long time coming, but sooner or later we must find a formula that will enable railway workers to have their legitimate bargain struck and at the same time put both the railways and the users of the railways in some position of understanding and appreciating just how much leeway should be given to railway management in making concessions to the unions in the bargaining process. I believe this situation will be a long time in coming, but we certainly need some kind of formula or standard.

There have been arguments in the past, Mr. Chairman, that the wage set-up in the white goods industry should be the standard; that has been the suggestion put forward quite often by dominion representatives. Recently the argument has been put forward by the company that there should be a completely

new basis. Sooner or later, because of the interest that the government and the very large government railroad have in this matter, and the way freight rates touch upon so many political, regional and industrial considerations, we have to find a way out of this dilemma.

The royal commission on transportation, as I have said before, needs our sympathies. I do not know what kind of recommendations it is going to make. This measure is a stopgap to give them a bit more time, which I know they need from being at some of their hearings and from reading reports. I suggest to the minister that he and his officials should be very much concerned with adumbrating now in their own minds a policy for the railways even before the royal commission report is in their hands, because it strikes me that the royal commission is quite limited in the scope of the recommendations it can make. The royal commission, in itself, is an interim measure. What we need is a long range or long term solution to this whole question of the position of the railways and their relationship to the treasury.

It is said that transport expenditures are beginning to shift more and more markedly in volume to the air rather than the rail field. We seem to have quite a bit of tidying up to do in the railway transportation field. We have a very large government railway with a substantial debt, and interest is not paid on that debt except in years in which the railway has a surplus. However, it does not appear as though that particular railway is going to reach a surplus position for some time. It seems to me it is the government's responsibility to arrive at a transportation policy that will enable the railways to go ahead. I cannot see how the royal commission is going to be able to do much more than make recommendations in so far as the Crowsnest pass rates are concerned.

I do not know whether the minister has noticed that the counsel for Manitoba, Mr. Morrow, has been going about to farm union groups and other groups on the prairies foreshadowing the solution to be arrived at by the royal commission. This seems to be that the Crowsnest pass rates will remain as they are but that the railways will be given a much freer hand in so far as the abandonment of lines may be concerned. There is a suggestion also that the railways should be given more scope in abandoning passenger services and other losing services of that nature. This procedure may commend itself to many members, just as the bill does, as a short-run solution to the problem, but it seems to me we have to arrive at something more substantial. In so far as abandonment is concerned, we have to consider the plight of the people who are living along the lines that are to be abandoned.

The other question that is fundamental to the railway problem, and again it is tied up with this Freight Rate Assistance Act because here is where much of the pressures generate, is automation and the capitalization for mechanical improvements on the railways. Then there is the whole question of unemployment created by the railways because of these modern methods. The problem needs a bit of a Solomon, and I do not know whether the minister is that Solomon or whether his officials can be. Certainly a very great responsibility rests upon the cabinet in connection with this matter. The royal commission and this particular measure we are about to pass are both, by their very nature, interim measures for the railways.

It is apparent from the hearings that have been held by the royal commission and the number of considerations being taken into account that this problem affects every part of the country in some way or another. I only hope the minister is not taking it easy, hoping for the royal commission report to enable the government to make its next moves in this field. It certainly seems to me this is one field in which we need the very best contributions we can get from management, from labour and from the agricultural industry in particular, which finds railway transportation still so fundamental in bringing its goods to market.

Mr. Hees: Mr. Chairman, during the debate so far we have had very good contributions and a number of questions have been asked. I shall answer them as best I can. The hon. member for Laurier and the hon. member for Assiniboia asked some questions about the operations of the royal commission. One question was, what is the commission doing at the present time? The answer is that there is an interval between public hearings. The commission is continuing its investigations, separate and apart from public hearings, and is considering the very voluminous submissions and opinions which have been received to date. Approximately 110 briefs have been received.

Another question was what further hearings, if any, are scheduled by the commission, and where will they be held? The answer is that the commission has held hearings covering 80 days at Fredericton, Charlottetown, Halifax, St. John's, Newfoundland, Winnipeg, Regina, Edmonton, Victoria, Vancouver, Port Arthur, Quebec city, Toronto and Ottawa. The commission will hold further hearings at Montreal commencing on July 7 and at Ottawa commencing on September 12. Hearings will be held thereafter as may be

necessary, but the Ottawa hearings are intended to be the final hearings.

The third question was, when does the royal commission expect to complete its work and make its report to the government? The answer is that the commission has not indicated to me how soon it expects to complete its work and make its report. I do know it is carrying on its investigations just as quickly as it can, and I hope there will be no cause for any undue delay in the completion of the investigation. It is my hope the work of the commission may be completed by the end of the year, and that I may receive a report very soon after that.

The hon. member for Laurier asked how the act has operated during the 12-month period which will end on July 31. Between August 1, 1959 and March 31, 1960, the first eight months of operation under the act, $11,349,362 was expended. If operations in the remaining four months were the same as the first eight months, that would require a further expenditure of $5,674,684 or a total of $17,024,044.

It became evident to the board of transport commissioners several months ago that the $20 million was not being used up at the rate that had been anticipated because of the fall off in freight traffic, and that a further reduction in the 17 per cent freight rate increase could be made for the last four months of the term. Hence this is how the money is expected to be spent during the last four months of operation. The overlap of July payments into August at the reduced rates, that is shipments made in July not reaching their destination until August, is expected to use up $900,000. The increase in reduction from 7 per cent to 9 per cent from May 1 to July 31 is expected to use up $1,277,400; and the addition of lake and rail traffic, that is the payments to steamship lines which all occur from April 1 to July 31, is expected to use up another $300,000, for a total of $2,477,400. This will leave a balance of approximately half a million dollars, it is expected, at the end of the 12-month period.

Mr. Chevrier: May I ask a question there?

Mr. Hees: Yes.

Mr. Chevrier: While the board cannot go beyond the $20 million, apparently from what the minister says they can spend less than the $20 million. Is there a carry-over of the half million dollars he has mentioned?

Mr. Hees: Yes, I believe that amount can be carried over into the following year. As I think I indicated earlier, the board is intending to carry on the reduction at 9 per cent rather than the original 7 per cent for several months after July 31; for just how many months is something that will remain to be seen, depending on the volume of freight traffic.

The hon. member for Laurier asked why this bill covers a term of nine months instead of twelve months. The answer is that we hope the commission will have completed its hearings by the end of the year, that the report will be received by the government shortly after that time, and that the government will have been able to formulate a plan for the future before April 1.

The hon. member for Laurier asked why the amount was $15 million instead of $20 million. I think the answer is obvious. The amount mentioned last year was $20 million for twelve months. At the same rate it would be $15 for nine months.

The hon. member for Jasper-Edson and the hon. member for Humboldt-Melfort made useful contributions pointing out the position of those who grow rapeseed. I am pleased to tell them that I have taken careful note of the useful contributions they made in this debate.

I think I have answered the questions that have been asked. I want to thank the hon. members who have spoken for the useful contributions they have made.

If I may do so, I should now like to make the following suggestion to the committee. As I have indicated, I propose to move that this bill, after receiving second reading, should go to the standing committee on railways, canals and telegraph lines, where it will be thoroughly discussed. My officials and the officials of the board of transport commissioners will be there to answer detailed questions. Inasmuch as the bill, both in French and in English, is available at the present time, I wonder whether hon. members would agree to give unanimous consent to second reading to the bill and then to refer the matter to the standing committee in order that we might expedite the business of the house. I am in the hands of the committee; it is for hon. members to say just whatever they wish to do.

Mr. Chevrier: We on this side of the chamber have no objection to that procedure, on condition that the meeting of the committee on railways, canals and telegraph lines be not called until one week from today so that those groups, associations or individuals who want to make representations may have plenty of time in which to do so.

Mr. Hees: I can assure the committee that will be the case. As I indicated yesterday, the chairman of the committee on railways, canals and telegraph lines will be asking his steering committee and the full committee to meet, if they consider it desirable to do so, a week from today in order to

consider the amendments to the shipping act. This bill could not be considered until after that business had been disposed of. I do not know whether the business before the committee will permit this bill to be heard on that date, but it would not be heard before that date. However, I am sure it will be heard as soon as possible.

Mr. Argue: I expect the bill will be a simple one along the lines of the one a year ago, and in keeping with the resolution and the statement made by the minister. That being the case we are quite agreeable to going along with second reading of the bill today after it has been introduced. In keeping with the kind of co-operation the minister is now receiving from opposition parties, I hope he will be prepared to make one or two comments in reply to a couple of questions that I should like to put to him.

The royal commission has full authority to inquire into every aspect of railway operation affected by freight rates, and it has authority to inquire into the Crowsnest rates and how, if in any way, these rates have adversely the railway income. As far as I know, I think it is fair to say that the opposition of every political party in this chamber is that the Crowsnest rates should not be tampered with and that, no matter what the report may be, the producers who today receive the advantages of the Crowsnest rates shall not be adversely affected.

There may or may not be some alternative method decided upon to relieve any burden the royal commission may find flows from the Crowsnest rates. I am not suggesting in any way that the Crowsnest rates are a burden. I do not believe they are a burden. But this government is on record in the past as being not only fully in support of the Crowsnest rates but determined, as a matter of government policy, that these rates shall not be tampered with. Every time a railway company goes before the royal commission and attacks the Crowsnest rates there is a feeling of uneasiness on the prairies; and this bogey of interference with the Crowsnest rates is raised from time to time.

I think the minister would be doing a real service to Canadians in general and to the people of western Canada in particular if he were prepared at this time to reaffirm the policy and attitude of the government as far as the Crowsnest rates are concerned. I am not endeavouring in any way to imply that the government's position in this regard is weakening, or that the position of the government is not clear. But because of these persistent and consistent attacks in the press by railway companies and by others who have their own axes to grind with regard to the Crowsnest rates I think it would be a service to parliament if the minister would reaffirm the government's position in connection with these rates.

There is a second question I should like to ask the minister, and that has to do with the recent decision of the board of transport commissioners with regard to rapeseed. I agree with the remarks made by the hon. member for Jasper-Edson in his reference to the way the railway companies have been allowed to reduce services with very little thought, in his opinion and also in mine, to the loss of revenue to the railway companies themselves and certainly without any consideration for the communities involved. We feel that the board of transport commissioners has been somewhat lax in allowing this wholesale reduction of railway services.

With regard to the freight rates affecting rapeseed, it has been contended, and I think rightly so, that rape should be considered a grain for the purpose of freight rates. This has not been agreed to by the board of transport commissioners. In other words the board has made an adverse decision on this point. As has already been stated, the government has it within its power to set aside, alter or change in any way any ruling of the board. I believe that power is contained in section 53 of the Railway Act. I would ask the minister whether the government is in fact considering the possibility of making any change in the ruling, either by setting it aside or by amending it. This government—and I give it full credit—has on at least one occasion found it desirable to set aside a ruling of the board of transport commissioners. That precedent is at hand. I hope it will be followed in connection with rapeseed so that producers of rapeseed may be on the same basis as producers of other grains in the province.

I have, then, two questions to ask the minister; first, whether he will reaffirm the government's position with regard to the Crowsnest rate, and second, whether or not the government has under consideration this decision of the board of transport commissioners concerning rapeseed, and when an announcement may be made as to whether the government is upholding this decision or taking action to set it aside.

Mr. Brunsden: Would the hon. member permit a question? Was the hon. member in the house some weeks ago when the Prime Minister made a declaration with respect to the Crowsnest rates, in the course of which he said that those rates would be held inviolate? Perhaps if the hon. member was not in the house he has read the statement in *Hansard*.

Mr. Hees: I think that very well answers the question. That was the answer I was about to give. I believe that when this bill was introduced last year the Prime Minister was asked the very same question. He gave the house an assurance that the Crowsnest pass rates would not be tampered with, and when the Prime Minister gives an assurance that assurance stands.

Mr. Argue: This session?

Mr. Hees: When the Prime Minister gives an assurance that assurance stands.

Mr. Argue: It did not with regard to the introduction of the bill of rights.

Mr. Chevrier: What about unemployment?

An hon. Member: "No one will suffer".

Mr. Hees: I think I have made myself clear. The Prime Minister said no one would suffer, and no one has—

Some hon. Members: Oh, oh.

Mr. Argue: I asked two questions. I think the minister sidestepped the first.

Mr. Hees: I got decoyed.

Mr. Chevrier: You certainly were decoyed, all right.

Mr. Argue: I am certainly disappointed that the hon. gentleman did not make a definite statement at this time to the effect that it was the government's attitude that the Crowsnest rates would not be interfered with. Instead, he has taken the course of saying that the Prime Minister had stated at one time that it was the government's policy that they should not be interfered with, and letting the matter go.

My second question was whether the government had under consideration the decision of the board of transport commissioners with regard to rapeseed, and whether there is any possibility that producers of rape may have the same freight rates applied to their product as producers of other grains.

Mr. Hees: To come back to the first question, I think the hon member for Assiniboia is just trying not to understand what I said. I said that a year ago the Prime Minister stated in this house that the Crowsnest rates would not be tampered with, and when the leader of this party makes a statement, that statement stands.

Mr. Chevrier: That is not correct.

Mr. Hees: That is exactly the way the situation stands at the present time. The Prime Minister said they will not be tampered with, and they will not be tampered with.

Mr. Argue: That is a little better.

Mr. Hees: Regarding the question of rapeseed, I have listened very carefully on numerous occasions to constructive views put forward to me by the hon. member for Humboldt-Melfort. I listened this afternoon to the views put forward by the hon. member for Jasper-Edson and other hon. members who have brought this matter to my attention, and I can assure the hon. member for Assiniboia that I have the matter under careful consideration.

Mr. Argue: My question was, has the government under consideration the decision of the board excepting rapeseed from the benefits of the Crowsnest pass agreement? It was not whether the government has under consideration the whole general question of rape and the freight rate structure.

Mr. Hees: I think I have given a clear answer. I have said that the question which has been brought to my attention by hon. members who have spoken in the house is under my consideration at the present time. I cannot make it much clearer than that.

Mr. Argue: Since I take it from the minister's statement that the government has under consideration the setting aside of this order —and that must be what the answer means, because the question I asked was in those terms—may I further ask, if the government has under consideration this question of whether or not the decision is to be set aside, whether the minister can say when a decision may be reached in this regard?

Mr. Hees: I am also advised that this rapeseed case is at the present time on appeal to the Supreme Court of Canada.

Mr. Argue: Will the minister state whether the government has the setting aside of this order under consideration?

Mr. Hees: I have made the position very clear, I believe. I have stated that we have this whole question under consideration at the present time as put forward to me by a number of hon. members. I am giving it consideration. I do not think I can make it much clearer than that.

Mr. Chevrier: The minister said in answer to a question by the hon. member for Assiniboia that the matter was under consideration. How can it be under consideration when it is under appeal from the board to the Supreme Court of Canada?

Mr. Hees: I said that the question as put forward to me and put forward so well by the hon. member for Humboldt-Melfort, the hon. member for Jasper-Edson and other

people has for some time been under consideration by myself as Minister of Transport, the responsible minister.

Mr. Chevrier: What can the minister do with a matter, even if he considers it for a week or a month or more if it is on appeal to the Supreme Court of Canada, before the ruling is handed down by the Supreme Court of Canada?

Mr. Hees: Would the hon. member mind explaining to me if there is any law against any minister giving consideration and study to an important matter? We on this side of the house in this government are constantly studying all important matters that affect the welfare of Canadians. I do not know whether the government of which the hon. member for Laurier was a member did so, but I doubt it, judging from the way it acted. I can assure the hon. member that the present government gives study and careful consideration to all important matters at all times.

Mr. Chevrier: Mr. Chairman, the minister has asked me a question and I think he is entitled to a reply. Yes, I will tell the minister how I think a matter can be considered. A matter like this can be considered under section 52 of the Railway Act. Under that section an appeal may be made to the governor in council. I take it that that has not been done. The other manner of handling it is by appeal from the board of transport commissioners to the Supreme Court of Canada.

The minister, after having said he has given it consideration, rose and announced that an appeal was pending before the Supreme Court of Canada. For the life of me I do not see how both appeals could have been launched at the same time. One is a judicial matter.

Mr. Hees: Perhaps I can clarify this in the mind of the hon. member for Laurier. You see, Mr. Chairman, there is a great deal more closeness between our members of parliament and our members of the cabinet. Our members of parliament come to us very often and put propositions to us and explain situations in their ridings to which we give a great deal of careful study. It is a very simple procedure. The hon. member sits down in a chair and explains the situation. You sit across from him in your chair and listen very carefully to what he has to say. Then we give his proposal a lot of study, both by ourselves and with our officials, and do the very best job we can in terms of solving his problem. That is how this government works, and I believe that is the way any government should work. That is what I am doing in this case.

Mr. Chevrier: That is a weak answer to my question.

[Mr. Hees.]

Mr. Argue: The hon. member for Laurier referred to section 52 of the Railway Act. I do not wish to disagree with him, but I believe he had section 53 in mind. I have the revised statutes before me. Section 53 has to do with the powers of the governor in council. As I read the section the governor in council may act upon a petition, but one is not necessary if he wishes to act on his own motion. Section 53 reads as follows:

> 53. (1) The governor in council may at any time, in his discretion either upon petition of any party, person or company interested, or of his own motion, and without any petition or application, vary, or rescind any order, decision, rule or regulation of the board, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order that the governor in council may make with respect thereto is binding upon the board and upon all parties.

I asked if the government was considering setting aside this ruling. The minister may or may not argue that it cannot be done because there is an appeal to the supreme court.

I want to make my position clear. The government should act under this section. It should set aside what in my opinion was a wrong decision of the board of transport commissioners. The people who grow rapeseed are perfectly justified in asking this government to take appropriate steps to place them on the same basis as other producers of grain. I do not use the general phrases that have been used by others who have spoken in this debate. I do not ask the minister for general consideration, for his benevolent smile or pat on the back. I ask for action to correct what in my opinion is a serious wrong now being done to the growers of rapeseed.

Resolution reported and concurred in.

Mr. Hees thereupon moved for leave to introduce Bill No. C-81, to amend the Freight Rates Reduction Act.

Motion agreed to, bill read the first and second times, and referred to the standing committee on railways, canals and telegraph lines.

DEPARTMENT OF FORESTRY

LEGISLATION PROVIDING FOR CREATION OF NEW DEPARTMENT

Right Hon. J. G. Diefenbaker (Prime Minister) moved that the house go into committee to consider the following resolution:

> That it is expedient to present a bill to constitute a Department of Forestry which shall be presided over by a Minister of Forestry to be appointed under the Great Seal of Canada, to authorize the appointment of a deputy minister by the governor in council and the necessary officers, clerks and employees in the manner authorized by law, and to provide for the transfer of certain officers and

employees of the Departments of Agriculture and of Northern Affairs and National Resources to the new department; that it is also expedient to bring in a consequential amendment to the Salaries Act to provide a salary for the Minister.

Motion agreed to and the house went into committee, Mr. Flynn in the chair.

Mr. Diefenbaker: Mr. Chairman, this resolution is preliminary to the introduction of a bill to set up a department of government. Possibly I might begin by referring particularly to the report of the standing committee on mines, forests and waters. I think this report deserves study on the part of all hon. members. It represents the results of a very intensive consideration of the problem of our forests, and is indicative of the favourable results which can be secured through the medium of committees which give to the consideration of the problems they have placed before them that care, acumen and attention which marked the investigation, hearing of evidence and recommendations of this committee.

I refer particularly to two of the recommendations in the third report to the house dated July 4, 1959. In paragraph 57 at page 1175 of the committee proceedings the following appears:

> Your committee strongly recommends consideration of steps which would widen the scope of the forestry branch, increasing its status in such a way that a deputy minister would be in direct charge. The fact that such a status, comparable to that of a department does not exist now reflects a lack of appreciation of the importance of the forest industries to Canada, in the past, now, and in the future. Other departments of government are considered essential to serve industries or aspects of our national economy which are of much lesser economic consequence.

Then at page 1176 we find the following:

> Your committee recommends that the entomological and plant pathology research relating to trees and forests, now under the Department of Agriculture, be transferred to and co-ordinated directly with the recommended and expanded forestry department.

Again, at page 1177 we find the following in paragraph 70:

> Your committee feels that Canada cannot afford to ignore a potential so great for lumber and pulp sales as is offered in the Orient and, therefore, it recommends that these markets be approached on an open minded basis. Study should be made of our changing share of traditional markets in the United Kingdom and the United States of America. A marketing section should be created within the proposed department of forestry to aid the Department of Trade and Commerce in the merchandising of our wood products.

These were several of the recommendations which at least formed the basis for the introduction of this resolution, following the passage of which the bill in question will be introduced.

While all the recommendations cannot necessarily be accepted at this time, and while in no way suggesting that the Department of Trade and Commerce has not carried out fully its responsibilities in connection with the marketing of lumber and such products, I thought I should place these various recommendations before the committee so that the comprehensive consideration given by the committee to this matter would be within the knowledge of hon. members.

The present function of the federal government with respect to forestry consists of providing for good management of the forests under its direct control, the extending of financial assistance to enable the provinces to intensify their efforts in specified phases of forest management, and the conduct of research relating to forest management and the utilization of forest products. During past years and at the present time research activities relating to forestry have been divided between two departments. The forestry branch of the Department of Northern Affairs and National Resources is responsible for all aspects of forest management research except forest entomology and forest pathology, which are the responsibility of the research branch of the Department of Agriculture.

I might digress for a moment to say that this afternoon, by reason of my position, I am introducing this resolution, but the discussion and consideration thereof will be placed mainly upon the shoulders of the Minister of Northern Affairs and National Resources under whose department this matter has been administered in the past.

A major reason for the establishment of the proposed new department is to bring together the research activities now conducted by two departments and thus to provide for better integrated and more effective research programs. In the past three years several of the provinces and many organizations representing various branches of the wood using industries have made urgent representations to the effect that the support being given to forestry and forest products research by the dominion government has not been commensurate with the significance of the forest industries to the national economy. When I mention the last three years I also know as a fact that similar representations were made prior thereto. From these representations and from other sources of information available to it, the government has concluded that the time has come when the dominion interests in forestry should be brought together in the hands of one minister.

I think I might commence by placing before the committee in summary form a few pertinent facts regarding the importance of

the forest industry to Canada. More than 40 per cent of the land area of the 10 provinces consists of productive forest land. This area, by way of comparison, is almost four times as great as the area devoted to agriculture, which in capsule form reveals the extent of our forest resources. The pulp and paper industry is Canada's largest manufacturing industry; the lumber industry still stands high on the list. These industries are distributed throughout the country from coast to coast, and in addition to producing products of great value they are among the major sources of employment. External trade in wood, wood products and paper yields a balance in Canada's favour far larger than that contributed by any of the other major commodity groups recognized in national statistics form. Furthermore, a very large proportion of that favourable balance becomes available in United States funds.

In the past two or three years there have been studies of the demands for paper products and various other products in general which have been projected for a period of from 10 to 15 years and beyond. These projections and forecasts indicate radical increases within the period of time mentioned. Further expansion of Canada's forest industry is certainly possible. We have the raw material resources, and given a sufficiently good standard of forest management, the expansion can be maintained on a continuing basis. However, if the drain on the forest is to be radically increased and, at the same time, forest devastation is to be avoided, there are serious problems in forest management and forest protection which must be overcome. All of this emphasizes the increasing need for research the aim of which would be the improvement in management and utilization of forest products. Such programs must be accompanied by more economic research in order to help ensure that Canadian products can be placed on world markets at acceptable costs.

The conduct of forest and forest products research has been for many years a function of the dominion government, which now has unusually well developed research facilities in this field, by a wide margin the strongest of those facilities. The research function is not the exclusive prerogative of the federal government but is shared by some of the provinces, the university forestry schools and the industry itself. I hope the new department will be able not only to intensify the efficiency of federal forest research but also help to bring about co-ordination of research programs conducted by other agencies. I believe this objective is necessary if Canada is to meet the challenge which expanding world markets for forest products will present in the coming years.

I might point out that in September, 1959, the food and agriculture organization brought out a report dealing with paper and paper products which stated in summary form that while world demand for paper and paper products in 1955 amounted to 56 million metric tons, in 1965 it will amount to 88 million metric tons and by 1975 to 134 million metric tons. At the present time Canada supplies about 16 per cent of the world market. If we are to maintain this percentage it will be necessary to supply 14 million metric tons by 1965 or a 50 per cent increase over the basic year 1955. By 1975 Canada will have to supply 21 million metric tons or a 123 per cent increase over the basic year. Even though there is some unused capacity at present in this country there would seem to be good prospects for the Canadian paper industry to more than double its present production in 15 years.

I am not going to go into details as to the net value of the products of the forest and forest industries. I simply point to the general position of these industries as outlined in my remarks earlier. I think it will be generally agreed that these are industries which have inherent in them the possibility of vast developments over their situation today.

We now come to the question of responsibility. In no way is the government, having at all times stood solidly behind the need of preserving the constitution in its entirety, desirous of interfering nor would it for a moment countenance any interference or invasion of the constitutional responsibility of the provinces in this connection or in any other. We believe it is the duty of the federal government to provide for the best practical management of forests under its direct control, but the greater part of Canada's forests are administered by the governments of the provinces in which they are located. Section 92, subsection 5 of the British North America Act provides that the legislature of each province may exclusively make laws respecting "the management and sale of the public lands belonging to the province and of the timber and wood thereon". As I said a moment ago, this in effect gives to each province the exclusive right to manage publicly owned forests within its boundaries as it sees fit, and I reiterate and make it explicitly clear that the new department will in no way infringe upon or impinge on any of the rights and jurisdiction of provincial governments.

On the other hand, those federal activities relating to forest and forest products research

and the financial assistance offered to the provinces to help to improve the management of their forests are carried on primarily for the benefit of the provinces themselves and to help the forest industries. More specifically, research findings of the dominion government are made available to provincial forest administrators and industrial forest operators so that they may make such use thereof as they deem fit and proper.

The proposal to establish a department of forestry reflects the realization of the importance of the forest industries and the resource on which they depend for raw materials. It will provide for more effective use of the resources available for promoting better forest protection and management and better use of the wood that the forests grow, without in any way affecting the right and jurisdiction of the individual provinces to administer their own forests in whatever manner they deem fit.

So far as the bill is concerned, I, of course, am denied the opportunity to go into any particulars now, but I would say in summary that the purpose the government has in mind in introducing this resolution on which the bill will be founded is to provide for the conduct of research relating to the protection, management and utilization of the forest resources of Canada and the better utilization of forest products. To that end it will require the establishment and maintenance of laboratories and other necessary facilities for the attainment of these purposes.

We believe too that the federal government will thereby be able to undertake to promote and recommend measures for the encouragement of public co-operation in the protection and wise use of forest resources. We believe that provision should also be made so that the federal government may enter into agreements with the government of any province or with any person for forest protection and management or forest utilization and also for the conduct of research relating thereto, or for forestry publicity or education.

We believe too that there is a field for the federal government in the making of forestry surveys and providing advice relating to the protection and management of forests on lands administered by any department or agency of the government of Canada. Also, where any province desires the co-operation of the federal authorities and requests it, agreements may be arrived at for the protection and management of any of our forests in so far as research is concerned to the end that in co-operation we will be able to provide new opportunities for private enterprise to develop and expand, with the government assuming its responsibility to provide the opportunity through research to bring about utilization in the most beneficial manner and to the maximum extent of these resources which constitute for our country one of its basic strengths and which, if properly conserved in a scientific manner, will permit and assure the perpetuation of this resource for all time to come.

That in summary is the basis upon which I present to the committee, and I trust it will be acceptable, a measure which I feel sure will enable a greater and more diverse use and utilization of these resources which are of such importance to the national economy and to the standard of living of our country.

Mr. Chevrier: Mr. Chairman, with some of the things that the Prime Minister has just stated I find myself in complete agreement. With respect to others I will have to reserve my opinion until such time as I have seen the bill. When one looks at the resolution—perhaps I had better put it on *Hansard* since it is relatively short—one finds that it says:

> That it is expedient to present a bill to constitute a department of forestry which shall be presided over by a minister of forestry to be appointed under the Great Seal of Canada, to authorize the appointment of a deputy minister by the governor in council and the necessary officers, clerks and employees in the manner authorized by law, and to provide for the transfer of certain officers and employees of the Departments of Agriculture and of Northern Affairs and National Resources to the new department; that it is also expedient to bring in a consequential amendment to the Salaries Act to provide a salary for the minister.

What I think are the governing words in this resolution, as the Prime Minister himself has indicated because of the stress which he has laid upon them in the early part of his remarks, are that this new department is to provide for the transfer of certain responsibilities now in the Department of Agriculture and in the Department of Northern Affairs and National Resources to the new department.

Before I discuss that, there are one or two things that come to my mind. The Prime Minister stated that this resolution is the result of a recommendation that came out of a standing committee of the house, which I believe was mines, forests and waters. He took advantage of the opportunity to speak in highly favourable terms of the work of that and other committees. While I am not a member of the committee in question, and while I cannot speak with authority about it, I must bring to the attention of the Prime Minister the fact that his over-all statement does not apply in any way to all the committees of this house. While all of the committees of this house have received work from here, either by way of bills or other matters, I do not believe it can safely be

said that the idea which the Prime Minister has always had that committees could do a great deal of the work of parliament has worked out to the end which he had in mind when he made the statement earlier.

Mr. Diefenbaker: If the hon. gentleman will allow me to correct him, I did not say do a great deal of the work of parliament, but do a great deal of the work of investigations to assist the work of parliament.

Mr. Chevrier: If the Prime Minister wants it that way, I have no objection. The point I am making is that when most of the work or a large portion of the work is assigned to these committees in the dying days of the session it is impossible to carry out what the Prime Minister had in mind, as has been the case and as is the case now. Here we have been sitting now for approximately three weeks since eleven o'clock in the morning and beginning next week we will be sitting practically continuously from 11 in the morning until 11 at night, with an hour's adjournment at lunch, and I say this is not the time nor are these the circumstances under which the work which the Prime Minister and many of us on this side of the house had in mind can be properly conducted. However, that was not the purpose of my rising, that was by way of an aside.

Mr. Fulton: And out of order, too.

Mr. Chevrier: When my hon. friend, the Minister of Justice, says I was out of order, let me remind him that the Prime Minister was also out of order because he discussed this in the opening part of his speech. I felt I could make some reply to it.

The matter that is being discussed now is whether or not it is advisable for this house to consider the setting up of a new department. As I said at the outset, I am not rising to approve of the legislation, neither am I rising to oppose it.

Some hon. Members: Oh, oh.

Mr. Fulton: You must be in a very awkward position, then.

Mr. Chevrier: My friends laugh; they are accustomed to laughing at everything that is said from this side of the house. They have laughed about a number of things that have happened elsewhere in this country, but now they are laughing on the other side of their faces.

Let me go on. As I said earlier, we would like to reserve our position until such time as we see the bill. When we have seen the bill the Leader of the Opposition will make our position known on second reading. There is nothing the matter with that position. Our friends have followed that procedure when they were on this side of the house, why should they laugh at me when I make that statement?

Mr. Pearson: They were not around then.

Mr. Chevrier: Of course they were not. They are so numerous now that they think themselves infallible in making the statements that they make. It seems to me I should suggest to my hon. friends, with all the emphasis I am able to muster, that it would be much better for them if they gave those of us who rise on this side of the house to deal with matters of this nature an opportunity to be heard.

There are some questions that come to my mind in the course of the discussion concerning this new department. One of them is this: Why is it necessary to set up a new department for this purpose? I have looked at the division of the Department of Agriculture which deals with forest biology, and it does not seem to be a very large section of the Department of Agriculture. I have before me a listing of the division of forestry within the Department of Northern Affairs and National Resources, and that division does not seem to be a very large one, either. It would strike me, at first blush, that there may be a better method—perhaps there is not—of bringing these two important branches of two departments within either the Department of Northern Affairs and National Resources or some other department without establishing a new department.

I agree, as I said earlier, with what the Prime Minister has said with respect to the importance of the forest products industry. There is no one on this side of the house or, I believe, in any other part of the house, who will not be willing to admit that here is an industry which has taken on more and more importance as the years have passed. While it is desirable, I believe, and while we support the unification of such services as are to be found in the Department of Agriculture, represented by forest biology, and in the department of northern affairs, represented by the forestry branch, and that this will facilitate more effective co-ordination and prevent undue duplication, I wonder about the forest products division in the Department of Trade and Commerce. Has any consideration been given to taking that branch of trade and commerce and putting it within the new service in order to unify and strengthen them without, for that matter, establishing a department?

Mr. Chairman, I should like to say to you here that it is extremely difficult for me to carry on under these circumstances when on

my left is a continual mumbling and bumbling. I do not know what the hon. member is saying, but if he wants to ask a question, let him do so. It is extremely difficult for me to carry on under these circumstances.

Mr. Ricard: To whom is the hon. member referring?

Mr. Chevrier: I am referring to the hon. member for St. Hyacinthe-Bagot.

Mr. Ricard: Pardon me, I have not said anything.

Mr. Chevrier: You have not said anything but you have been mumbling and bumbling during the whole course of my remarks.

Mr. Ricard: I have not done any mumbling or bumbling.

Mr. Chevrier: I call upon you, Mr. Chairman, to have the rules of this committee upheld under the circumstances.

Mr. Ricard: I rise on a point of order, Mr. Chairman. I have never opened my mouth all afternoon. I have been listening to the hon. gentleman. I have said nothing at all. I apologize to the hon. member, but I have said nothing at all.

Mr. Fulton: He is confused with the mumbling and bumbling coming from his own mouth.

Mr. Chevrier: We get some from the Minister of Justice.

Mr. Fulton: Don't lose your temper.

The Chairman: May I ask for the co-operation of all hon. members in order to give the hon. member who has the floor a chance to say what he wishes to say.

Mr. Chevrier: I have stated that we felt that consideration should also be given to the inclusion of the forest products division in the Department of Agriculture. We also support the idea of giving to forestry and forest products more prominence in the federal set-up in order to attract more attention to the forest industries which are so vital to Canadian prosperity and development.

Mr. Diefenbaker: I do not want to interrupt the hon. member but he is following an interesting line and I should like to ask him to explain just what he meant by that last sentence.

Mr. Chevrier: I thank the Prime Minister for the interruption and I shall be glad to do as he asks. I was going on to say that in this connection I thought the government should do much more than it has been doing recently with reference to the marketing of our forest products abroad. That consideration leads me to the point that I had arrived at, namely, as the Prime Minister has said, that the forest products industry area has extended tremendously, that the pulp and paper industry is one of Canada's largest industries, and that the timber industry is taking on greater and greater importance. There could be no greater agreement with the Prime Minister on that statement.

However, it seems to me that these forest products industries which have to export their products are in a difficult position having regard to what is happening on the continent of Europe. I refer, of course, to the great regional areas like the common market, the outer seven, the soviet bloc and the others that are being established there with a view to bringing about lower tariffs within their own confines where services, persons and capital can move as if there were no international boundary at all, with the danger—perhaps not clear-cut at the moment but to be foreseen in the future—of a tariff being established against those who live outside the boundaries of those areas.

The point I am trying to make is that everything should be done in that respect to assist that industry. I said—and I repeat it with deference—that I did not think enough was being done. For instance, what has been done by the Minister of Finance and announced in the House of Commons here on one occasion at least, if not more than one, with reference to liaison being established between Canada and the United States and these groups is not enough. It seems to me that is not enough. I think that a great deal more must be done. Particular proof that it is not enough lies in the fact that the attempt to bring the outer seven and the common market closer together in recent weeks has not been too successful.

We are opposed, however, to any move by the federal government designed to take over the jurisdiction the provinces have in this field according to our constitutional provisions. In that connection the Prime Minister has made the position, in so far as the government is concerned, quite clear, I believe. After having referred to the section of the British North America Act which gives to the provinces legislative authority with reference to public lands and the sale of timber thereon, the Prime Minister stated that there was no intention to countenance any invasion of the constitutional responsibility of the provinces. Those are the words he used, as I have taken them down. Again, at a later point he said that the new department will in no way impinge upon the rights of provincial governments.

That statement, of course, is a welcome and timely one, and it leads me to ask this question. Notwithstanding the statement made by

the Prime Minister, has there been any discussion with the provinces in connection with this matter? It may be that the government, before introducing this legislation, should have waited to ascertain the outcome of the federal-provincial conference on natural resources. The Prime Minister said nothing in respect of that matter. When he closes the debate perhaps he would be good enough to deal with that problem. It seems to me that the government would then have been in a much better position to see what it could conveniently and properly do in this field in conjunction with the provinces.

The department, of course, will be an important one, because it will deal with one of the basic problems of the Canadian economy. However, it is bound to be a relatively small one if it does not invade the jurisdiction of the provinces; and the Prime Minister has indicated, of course, that there was no intention in that respect. It is for that reason that we are wondering whether it would not be better, more profitable or more practical to bring this new research service together with a similar one under the authority of only one minister. Under the circumstances which the Prime Minister has explained, that this department will have to do with a great deal of research, is it wise to establish a new department? Would it not be better to bring under one minister these three various elements which have to do with the problem?

I am sure that I will offend no one when I say that we have the Department of Mines and Technical Surveys, for instance, which is an important department in its own right. Would that not be the logical place in which to bring together all these research facilities and all of these various divisions which are being taken from other departments? It might well be that the department could be called the department of mines, forests and technical surveys. This suggestion may not be agreeable to the government but it seems to me that it is something which is logical. It is certainly something which could be indicative of the saving of large sums of money. I say that subject, of course, to what is contained in the bill which I have not yet seen, but if there is a logical place for all these forestry division to go, that would appear to me to be an excellent solution.

May I say to the Prime Minister that it appears to me that the number of ministers is already too high. In that connection a redistribution of functions and responsibilities between these departments would be highly desirable, and that would be met by the suggestion which I have just made.

Mr. Diefenbaker: Would the hon. gentleman, with the wide experience he has had as a minister, tell the committee what would be the proper size? He says there are already too many ministers. It would be interesting to hear someone of his experience give the committee the benefit of his views in that respect, because we have not increased the size up to this time.

Mr. Chevrier: The Prime Minister has stated that he intends to set up a new department. I have said that I believe there are too many departments.

Mr. Diefenbaker: Too many ministers.

Mr. Chevrier: Too many ministers at the present time. Could that be met by the suggestion which I made earlier that these two services, which are going to be small divisions of this department, should be brought within the Department of Mines and Technical Surveys giving that department the responsibility for the research that you have in mind?

Mr. Diefenbaker: I do not wish to interrupt the hon. gentleman—

Mr. Chevrier: I have no objection to this kind of interruption; I welcome it.

Mr. Diefenbaker: —but the opinions of a former minister can be very helpful. We have not increased the number of ministers up to now, and the hon. gentleman, who sat from 1945 until his appointment to the St. Lawrence seaway authority and who, after the conclusion of his services to that authority was again a minister, might perhaps be able to tell the committee to what degree and in what number there are too many ministers, because he is speaking of his experience when the number was the same as it is today.

Mr. Chevrier: It is obvious that all the ministers in existence today are not needed. I say that to the Prime Minister with deference, because it has been stated here by our members on this side, and in other places; and I do not want to reflect on any private individual; that is why I am very hesitant about replying to the Prime Minister, other than to deal with the question in a general way and say that surely the right hon. gentleman knows there are ministers who are not charged with sufficient duties or sufficient responsibilities. I do not want to go further than that. I do not want to offend any individual.

However, if this situation exists, I ask the question: why add another minister? I have put forward a suggestion for a solution. The Prime Minister may perhaps want to place these divisions under some other department, but it would strike me that mines, forests and technical surveys would be an ideal

place, because if a new ministry is to be established I doubt whether there is sufficient work in that context to justify the appointment of a new minister. If that is the case, why not expand within the department, within the department of northern affairs, if that would be thought advisable, within the Department of Agriculture, if that be thought advisable, or along the lines that I suggested earlier?

The Prime Minister said that the purpose of the bill is to provide for the conduct of research relating to the production and management of the various projects, including agreements with the provinces, for research relating thereto, and also for various surveys. All that is important, and I do not think anyone on this side would criticize the importance of those duties, responsibilities and purposes. What is, I think, the subject of criticism is the fact that a new ministry is considered necessary for these purposes. Everything is contained within one or two or three ministries at most to centralize this research in connection with forests, lumber and other products. Those were the ideas I had in mind to express when I rose to discuss the resolution.

Again, I say it is difficult until the bill is before us to know exactly what is contained in it and to deal positively with it. With that end in mind, as I said earlier, the views of the opposition will be made known upon second reading of the bill when we have had an opportunity to consider it. What I have said is indicative of what we feel at the moment and can be summed up in a few words: there is unquestionably a necessity for greater expansion in the field of research, but I doubt very much whether there is a necessity to establish a new portfolio with that end in view, and it would strike me that the solution is to add the services which exist in other departments to those of the Department of Mines and Technical Surveys and call it the department of mines, forests and technical surveys.

Mr. Herridge: I listened with interest to the statement made on this resolution by the Prime Minister, and I was also interested to note that for the first time for some weeks there are ten or eleven cabinet ministers in the house in addition to the Prime Minister. So I judge that this matter is considered to be of great importance.

I listened carefully to the remarks of the hon. member for Laurier and I must say that I was somewhat disappointed in his negative approach to this question and his waffling around, shall I say, with the federal-provincial rights question. Also, I think the hon. member lost a tremendous opportunity to score for his own province. Here is a department being established—a new department of forestry—in which his own province is greatly interested. This is of great concern to the province of Quebec. Here is a new minister to be appointed, yet I judge from the remarks made by the hon. member for Laurier that he is willing to lock the door, according to his remarks, to the opportunity to get annother cabinet minister from Quebec into this government.

I was surprised, also, to hear the hon. gentleman rise and say that at this stage of the proceedings he and his supporters were neither for the measure nor against it. One of the functions of parliament in my opinion is to convert the forest fires of ideas and discontent into a central heating unit of effective legislation. We in this group have supported for years the idea of the establishment of a department of forestry.

Mr. Bigg: There were too many clinkers around.

Mr. Herridge: There has been considerable discontent among some employers and employees in the forest industry that this important segment of the Canadian economy was not recognized by a separate department in the federal government with a minister in charge. Therefore we view this measure as a legislative heating unit to which we give whole-hearted support.

For years various organizations and persons representing the industry have urged the necessity for a federal-provincial conference to establish a national policy with respect to principles for the administration of our forests and the need for a federal department. This was stressed by the Canadian forestry association in representations to the government, at conferences and so on. It was strongly and unitedly urged by representatives of the British Columbia forest industry. I expect we will hear from the hon. member for Comox-Alberni on this subject. The hon. gentleman is eminently qualified to speak about the forest industry with knowledge and experience. It has been urged by universities and I have read many editorials across Canada urging this proposal. Last year the report of the committee on mines, forests and waters included the recommendation to which the Prime Minister drew attention. I must say if there is one place I feel at home it is on this subject and I will probably get lost in the woods for 20 minutes.

Mr. Hees: Oh, no.

Mr. Herridge: I love being lost in the woods at times. I was a student of forestry in 1909. Although very young I owned a timber holding which I still own. I am proud to

say I have more timber on the same land than I had 50 years ago with an average rate of growth of 500 board feet per acre.

Mr. Bigg: You are a capitalist.

Mr. Herridge: I say this because when I rise to speak hon. members on the other side sometimes look at me as though I did not know what I was talking about. However, I speak with confidence on this resolution. I have been interested in this subject since I was a young man. In my own way I have always done what I could, as have all hon. members of this group, to urge upon the federal and provincial governments the need for the policy I have mentioned.

There have been many resolutions from organizations across the country urging the very course indicated in this resolution. We were pleased to hear the Minister of Northern Affairs and National Resources announce a federal-provincial conference on resources for tomorrow or for the future, whatever the term is.

The previous federal ministers concerned have hesitated to take action in this field because of fear of transgressing on provincial rights. From our point of view there was no necessity for this fear. We all recognize provincial rights in this field. What will be done under this legislation and as a result of a dominion-provincial conference will be done through agreement.

I will briefly outline the evolution of ideas in connection with the motion before us. Progress has been slow both in Canada and the United States. These ideas have been brought before the public only as the result of the action of a few devoted organizations and individuals. Here are the highlights. The former United States president Teddy Roosevelt sparked the development of conservation policies in that country. The first evidence of action was the establishment of a school of forestry at Yale in 1900. These growing interests developed in Canada. The first forestry congress was called in 1906 by the governor general of the day and the then prime minister the late Sir Wilfrid Laurier. In 1907 we saw the establishment of a school of forestry in Toronto. In 1907 there was established a royal commission on conservation the reports of which may be found in the library. The chairman was the Hon. Clifford Sifton. A member was the father of the present Minister of Justice, the Hon. Frederick Fulton, formerly commissioner of lands in British Columbia, if I remember correctly.

In 1949 we witnessed the introduction of the Canadian Forestry Act as the result of activity on the part of various organizations. Good work has been done under the act with respect to grants to the provinces for forest inventories which are essential and with respect to the approach to the insect pest question and so on. In 1954 a resources conference was held in Ottawa sponsored by the Canadian forestry association, the agricultural institute of Canada and other organizations. In 1955 the commonwealth conference on resources was held in Canada. Meetings were held in various places in the country and the operation of the industry in various provinces were visited. In 1956 a second resources conference sponsored by the Canadian forestry association and others was held in Winnipeg. In 1959 we had the announcement of the plan for a federal-provincial conference on resources for the future. Today we have before us a resolution to establish a department of forestry.

I hope I am not too boastful but I am proud of the part the people of British Columbia played in the development of public opinion and climate with respect to the value of our forests and the need for their conservation and development.

Mr. Brooks: Mr. Chairman, could I interrupt the hon. member for just a moment. In outlining the history of the development of forestry in Canada the hon. gentleman neglected to mention the fact that the first forestry school in Canada was established at the University of New Brunswick in 1906.

Mr. Herridge: I apologize for that oversight. Now that the minister has drawn it to my attention I remember it. I drew up these notes rather hastily. I am not in the habit of thinking in terms of maritime history and I must apologize for my oversight. Anyway, in British Columbia we had the first royal commission established in Canada to examine into all aspects of the British Columbia forest industry. British Columbia was the first to establish a forest management and sustained yield policy. While we in this group differ with some aspects of the terms of tenure that are being given effect on a large scale in British Columbia, we do wholeheartedly support the sustained yield principle.

British Columbia was the first province to establish and hold an annual conference on natural resources, which was organized as a result of co-operation among the industry, universities, labour organizations, and the officials of the government department directly concerned. The industry in British Columbia was the first one in Canada by resolution to urge the necessity for a federal-provincial conference to establish a national policy for the conservation of natural resources and it was the first to make representations to the federal government urging the establishment of a department of forestry.

I am very happy to say that last year the first lady to graduate in forestry graduated from the University of British Columbia. I mention this just to indicate that the industry, employees and the people in British Columbia in general have taken a very progressive approach to this problem.

I cannot leave this question without saying that the party to which I belong has also taken a very active part in promoting those ideas and in promoting the general acceptance of the policies that I spoke about previously. From the time the C.C.F. elected members to the legislature in British Columbia—and the hon. member from Vancouver East can tell you all about that—one of the first major policies presented to the legislature on behalf of the C.C.F. was the need for a sustained management policy in the forests of British Columbia and that is our policy today. We all know also that the government of Saskatchewan has done a magnificent job in dealing with the forest resources of that province which, when they took office, were being depleted at a rate which would have meant the disappearance of the major forest resources within the foreseeable future.

Private industry in Canada has also played a very important part in the development of the ideas that are being put forward this afternoon and in the development of research, particularly the pulp and paper industry of this country, and other industry organizations.

For a moment I wish to draw to the attention of the committee the position of Canada in relation to the present world situation so far as the forests are concerned, and to indicate that this is a world problem, and we are dealing with a segment of it in a very intelligent way this afternoon. I intend to quote from a recent report of the food and agriculture organization which indicates how world-wide this problem is and what a responsibility we have not only to the people in Canada but to the world as a whole to conserve our forests. The dispatch is from Rome, dated June 5, 1960, and reads as follows:

> Mankind is felling the world's forests dangerously fast, according to the United Nations food and agriculture organization here.
>
> Sixty per cent of forests under exploitation, 3,620,000 acres, are being felled in such a way as to make the future of the world's present timber supply uncertain, declares the FAO's third world forest inventory. And, it adds, because man is not replacing what he takes from nature, the future of about 25 per cent of the forests in use today is in doubt.
>
> The probability of reaping a new crop of timber from a further 35 per cent of the forests now in use is "only reasonably favourable", the FAO says, adding that only 40 per cent of the world's forests under exploitation have an assured future through reafforestation.

I just quote from this dispatch to indicate that this is a serious problem for mankind as a whole. We in this group think that Canada is at the turning point. It requires action on the part of the government to give leadership, which I trust the establishment of this department will facilitate, and more co-operation between governments, between conservation minded organizations, between the industry and the people, including the young people in the universities and schools across this country.

In our opinion this new department will face vast and urgent tasks. It also faces a glorious opportunity to do something very substantial and concrete for this industry. It is going to take a dynamic and imaginative approach on the part of the minister who is concerned with the problem and dedication to the cause of the conservation of natural resources and the development of the forest industry.

I suggest there are four major tasks that the new minister will face in this new department. The first will be to promote a successful federal-provincial conference on resources for tomorrow. I think that is necessary in order to make this new department successful and, shall I say, show to the provinces that the result of this department's work will be brought about by co-operation with them without any transgression of their jurisdictions.

The second task is the promotion of the establishment of national principles and policies for the conservation of land, forest, water and other renewable natural resources.

I think the third task is going to be the expansion of research related to the forest industry. I might say at this point that, I was glad to hear that the research work being done by the Department of Agriculture for the forest branch will now be transferred from the Department of Agriculture and come under the jurisdiction of the new ministry. I pay every tribute to the good work being done under the science branch of the Department of Agriculture in this respect. However I and the members of this group for years have contended that it was a somewhat illogical division of responsibility, and we are quite pleased to see this work being brought under the jurisdiction of the new department.

We recognize the excellent work of the forest products laboratory on which I understand we spend approximately $1 million a year at the present time.

Mr. Hamilton (Qu'Appelle): About $2,500,000.

Mr. Herridge: About $2,500,000 a year while at the same time—and I am glad we do—we spend about $30 million a year on research in agriculture. We need the research in agriculture but I mention these figures to illustrate the gap between the amount spent on research in connection with these two fundamental industries. We recognize the good work being done in research on insect infestation and plant diseases that affect forests. What is required at the present time are more funds for the forest products laboratory to begin with because there is a need for expansion of research owing to the change in the types of equipment and in the type of logging and mechanical operations in the woods. This is the type of research that the forest products laboratory has not had the opportunity to go into to the extent required at the present time because of lack of funds.

In this connection I must mention to the committee that we should not consider ourselves right in the forefront in connection with research so far as the forest industry is concerned. We had a delegation which went to Russia in 1958. It consisted of persons interested in the forest industry and some officials of the forest branch of the Department of Northern Affairs and National Resources. They had an opportunity to see the operations of the forest industry in the Soviet union with respect to logging operations, milling operations, manufacturing aspects and also with respect to research. I have in my hand a small booklet which was issued by the forest products laboratory of Canada in 1958. It is entitled, "A Canadian's Impressions of Russia's Forest Industries", and is written by J. H. Jenkins who is head of the forest products laboratory and whose good work we all recognize.

I am not going to read extracts from the booklet but it clearly indicates that the Russians are looking forward and are well up with us so far as manufacturing is concerned and possibly with regard to woods operations. However, I have also learned from other sources that they are far ahead of us with respect to the amount of money spent for research in connection with the forest industry. I am not quite sure what the figure is but I understand that they spend several times as many dollars per unit of production on research in the forest industry compared with the amount of money spent by us. I understand they spend close to ten times as much in relation to total production compared with the expenditure by the government of Canada.

In view of the present situation with respect to world markets and the developments in techniques of production I suggest it would be a very good investment for the federal government to spend much larger sums on research related to the forest industry. In addition to expansion of the forest products laboratories we believe there is need for even greater expansion in several very important fields related to forest management into which fields we have not entered to any great extent up to the present time. There should be greatly expanded research into forest management, tree seed production and collection, the development of strains of trees best suited to geographic climate and soil conditions, the suitability of species to site, plant ecology and methods of fire protection.

These are not just my ideas, they are a composite of ideas put forward to the committee by representatives of the forest industry in the various provinces and suggested by various authorities in the universities, by the Canadian forestry association and the Canadian institute of forestry. Therefore I want to stress the need of establishing a program for a great expansion of forest research that immediately envisages the doubling of the professional staff engaged in forest research within the next few years. We think that would be a good investment for the federal government on behalf of all the people of Canada.

Finally, we suggest there is a great opportunity for the federal department of forestry and the minister in charge of the department—a great deal depends on the activity of the minister and his interest in the matter—in the direction of education and publicity. An informed public opinion is required to support a policy of sound forest management. It is very necessary and to a great extent it is now lacking. There are probably few undertakings that have so many amateur advisers whose opinions are often based on sentiment without any knowledge and with little experience. We have got to get the truth and the facts before the Canadian people.

On the other hand, a public consciouness must be developed that the protection of the forests from fire is everyone's responsibility. In that respect I think that in some sections of Canada, particularly the urban areas, the understanding is far less than it should be. The federal government, through its own actions and through the subsidization of properly constituted public information organizations, can help to correct this apparent lack of appreciation on the part of the public of the need for sound, economic management of the forest resource and of the great hazards of forest fires.

In concluding my remarks at this stage I say that co-operation and co-ordination in the development of educational and publicity programs between the federal government, the provincial governments, industry, interested organizations and the schools is one of the tasks that the new minister and department should undertake. Let us mobilize all the people, all the governments, all the agencies, all the organizations that are interested in this problem in support of a national forest policy for Canada, for as the old scripture writer said in Deuteronomy, chapter 20, verse 19, "The tree of the field is man's life".

Mr. McQuillan: Mr. Chairman, it is not too often that I find myself on the same side of a question as the hon. member for Kootenay West, but I certainly appreciate the fact that he is supporting the resolution. There is an old saying that birds of a feather flock together and there is a certain similarity between our feathers. He said something a few moments ago about the wonderful sustained yield operation he had in the Kootenays involving 500 board feet per acre per year natural increment. I added this up and I think he has quite a few thousand acres. It comes to quite a tidy little sum and I think the hon. member has a very nice little interest in forestry.

To use British Columbia coastal logging parlance, I am sure glad to hear that the Prime Minister is going to open another side. This step is one that has been advocated for many years by the forest industry and by those who appreciate the present and future economic potential of our forests. I must say that when the hon. member for Laurier was speaking I began to realize why there was so much frustration and disappointment among those connected with the forest industry at their failure to be able to impress the federal government for so many years with the importance of their industry and the need for attention to their problems. But after listening to him this afternoon I began to understand why we made no progress in the industry over those many years.

Considering the importance to Canada of its heritage of forests and productive forest land, it is a sad reflection that in forestry research and forest management we lag far behind many of the countries with which we have to compete for world markets. This sad situation can probably be attributed to the fact that, except for a small section of the prairie provinces and the barren lands, our country is a forested area. Many take the attitude that we have plenty of trees so why worry? This has probably been the reason why we have been so slow in approaching the problem in its proper light. It is probably the reason for the lethargy that has been displayed by the general public and, in some cases, by senior levels of government toward facing the reality that there is a challenge in the field of forest conservation and in preserving the economic solvency of one of our greatest revenue producing basic industries.

Torrents of words are spoken in this house each session about matters that are of infinitesimal importance compared to forestry problems. If one looks through the *Hansard* for previous years he finds few references to our forest resources and their problems. Agriculture seems to be the predominant interest at all times, and yet the two resources have many common problems and are closely comparative in their economic importance. Canadians seem to be a race of farmers at heart. Certainly one cannot help but come to this conclusion if our parliamentarians represent the thoughts and interests of the people.

I was looking through the proceedings of the 1959 committee of the other place on land use, and it is informative to note that one meeting only was devoted to land use for forestry purposes, despite the fact that for every acre of land in Canada suitable for agriculture there are many acres that could be used for forest production.

I should like to suggest now a few fields to which I feel the new department should give its attention immediately. First among these is the need for greater efforts toward forest fire prevention and control. This is a problem with which we will always be faced. Great efforts and great strides have been made by both provincial and federal forest fire prevention agencies, but there is much to be done yet. Of course, forest fire prevention is largely a matter of public education so far as man-made fires are concerned. However, as long as we have man he will be responsible for a number of forest fires. In addition, of course, we will always have the problem of lightning fires. These often occur in the remote and inaccessible areas and have been responsible for terrific losses. Two years ago we had a terrific loss in the northern part of British Columbia in a very inaccessible area. It was almost impossible to get men and materials in there to control that fire.

The greatest hope for controlling and extinguishing forest fires seems to be in the development and use of aircraft fire control techniques and, perhaps, the development of chemical aids. Much promising technical information is already available, but the cost of experimenting to adapt this information to a practical use is often too high for individual companies and, in many cases, for provinces.

Department of Forestry

A number of companies recently banded together in British Columbia to purchase surplus Mars flying boats for use in forest fire fighting. It is an interesting experiment and is being closely watched by everyone all over the world interested in forest fire prevention. These aircraft are capable of carrying several thousand gallons of water and have been equipped for fast reloading. The project is an expensive one, and the companies involved are to be commended for embarking on this venture. Of course, the companies concerned are going to give priority to their own forest holdings. However, if the experiment is successful or shows merit, I suggest that a national aerial forest fire fighting force, adequately equipped and with highly trained personnel, should be an objective of this new department. Such a force could be of material help to the provinces in attaining an objective of a minimum of forest losses through fire.

Emergency fire danger conditions, as a rule, do not extend through all provinces at the same time, and the cost of equipping and maintaining an efficient aerial fire protection unit is beyond the means of most provinces. The federal government derives large amounts of revenue from our forests. It is only right that they should accept a fair share of the cost of their protection.

There is also the question of insect infestation, an ever present threat to our forests. Efforts toward the control of this threat have thus far been directed toward meeting emergency situations only. As a rule a dangerous situation is allowed to build up and become a real emergency before concerted efforts are made to control the threat. I think prevention, in this case, is the sensible course to pursue and I say that should be the policy of this new department. Of course we all know of the work that has been going on for many, many years in the forest products research laboratory, which has made tremendous contributions in the field of forest products design and production.

I believe that one of the primary fields and the field that offers the greatest promise for this department is the field of forestry silvacultural research. We spend annually many millions of dollars on our agricultural experimental stations across Canada. Of course this is as it should be. However, a comparison between these expenditures and those made in forest research is, to say the least, discouraging to anyone who recognizes the importance of the forest industry to our economy.

I think I can best sum up the need for forestry research with a few quotations from eminent authorities. I am going to read a paragraph from the 1959 annual report of Resources for the Future, Inc., which is a United States organization. Many of the resource problems in the United States are similar to our problems. This report states:

By 2000 our forest lands—

They are referring of course to United States forest lands.

—might well be producing double their present output. New strains of trees can be selected or bred, just as new varieties of crops have been bred, which will be much more productive than the usual "wild" strains. Quicker replanting, to obtain a full stand of trees when natural reseeding methods fail or are slow, will speed up output. All sorts of cultural measures are possible; fertilization of forest lands may well become feasible at some future date. Adequate road systems, continuously maintained, will facilitate not only fire control but also disease and insect control. The possibilities of intensive forestry have scarcely begun to be tapped.

Then again in the final report of the royal commission on Canada's economic prospects reference was made to the same subject. I should like to read a bit of it. Speaking of forestry research, they say:

The logical starting point for such research activities is at the source of the raw material and comes under the heading of "forest management". Stated most simply, it is the object of such management to increase yields in the best and most accessible locations, thus to make possible more intensive operations without impairment of—indeed with improvements to—the preferred stands. The advantages are obvious: reduction of the onerous transportation costs associated with long hauls, and reduction of high labour costs associated with high labour turnover and low productivity. Year-round logging from permanent campsites or townsites and increased mechanization are the means toward these ends. Control and reduction of forest losses, already referred to, are also a vital part of the management function. Encouragement should be given to tree farming. The farm woodlot generally has the advantages of good location and in addition has a ready labour supply in the farmers themselves. We are not yet at the stage in Canada where we can say simply, "All our forests should be brought under management". The areas involved are too large and much of the area is too remote; the cost burden too high. In order to obtain ample returns for the costs involved, intensive management should be concentrated on the proximate forest areas; in the more remote areas, the emphasis should be on protection with preservation as the primary objective.

There were further references by witnesses before the mines, forests and waters committee in 1958 and Mr. Mahood from British Columbia explained the importance of this type of research. It was also stressed by Professor Love, associate professor of forestry of the University of Toronto at the mines, forests and waters committee meeting last year.

I think this is a most important field of endeavour and one on which the new department should lay the greatest possible emphasis because I think our ability to maintain

our position in world markets in the sale of our forest products will depend to a great extent on forestry research.

Once again may I offer my congratulations to the Prime Minister for the introduction of this motion and assure him that to date I have heard only one person question the advisability of setting up the new department of forestry and that was in the house this afternoon.

Mr. Fleming (Okanagan-Revelstoke): Unlike the hon. member for Comox-Alberni and the hon. member for Kootenay West, I cannot speak on this resolution with the degree of expert knowledge they possess. I speak in the light of the important place that the forest industry occupies in the economy of my own riding and that of the province of British Columbia as a whole. It was only necessary to hear the delegation that came before the standing committee on mines, forests and waters last year to realize the pre-eminent position the forest industry holds in the economic life of Canada. It is inherent in this resolution that the government recognizes that place and is prepared to take action that will be of benefit to an industry that sustains so much of the economy of the country and that provides a livelihood for so many Canadians.

Because of the large contribution the forest industry makes to the welfare of the Canadian people I was astonished at the extraordinarily indecisive approach of the hon. member for Laurier this afternoon. I could not help feeling that by taking that indecisive point of view and perhaps, in speaking for his party he had failed to recognize to what degree so much of Canada is entirely dependent on a prosperous and developing forest industry.

In British Columbia there is no need to remind any citizen of his debt to the forest industries or of how much he is dependent on them. If anyone has any doubts he need only refer back to the testimony the British Columbia forest industry gave to the standing committee on mines, forests and waters last year. In the final report of the committee, in paragraph 55, there is an extract from the representations made by the forest industry which, in order to emphasize its case for increased federal government action, states four points:

(1) The production of forest products is, by a wide margin, Canada's largest industry.

(2) It is an export industry vital to the national welfare which must meet highly competitive conditions in price and quality on the world market.

(3) As a natural resource industry it is an industry in which government policies have a decisive role.

(4) It is an industry with a high employment potential, capable of substantial expansion.

Of those four points there are two in particular which emphasize the importance of the establishment of a department of forestry in the federal government. First, it is a national resource industry in which government policies have a decisive role. This is not just an observation made by somebody who has come in off the street. It is an observation made by some of the most qualified and highly competent men in the forest industry in Canada.

Second, it is an industry with a high employment potential. In view of the debates that have taken place in the House of Commons during this session and in view of the interest which the hon. member for Laurier and others have taken in this subject of unemployment, here is a justification for the federal government's decision that this industry requires and deserves a department of government to create policies and to give leadership for the development and benefit of an industry with a high employment potential. Not only is it now employing one in every twelve Canadians employed in the production of goods, but there is a further potential that can be exploited. This matter is of the greatest consequence to Canada at the present time. The information I am using is available in the minutes of the mines, forests and waters committee of last year. All of it is available to members of the House of Commons. But my own particular interest lies in the fact that of the forest production in my own riding, and in so many ridings surrounding it, 70 to 75 per cent of it goes into the export market, very largely to the United States. This is a very high proportion of the production of any single industry to be going into the export market and it is a very high proportion of our people who are dependent on the health of our export position for their livelihood. Therefore, when the Prime Minister in his opening remarks mentioned the emphasis of the committee on the requirement for a marketing section, I realize what value could be derived from the creation of this department by the section of the country which I represent and where the export market is of such immense value to an industry that is sustaining a large proportion of the population.

It was also impressive to me to recall that in the testimony before the committee on mines, forests and waters last year submissions of the British Columbia forest industry indicated that Canada's share of the export market had been declining. They pointed out that while the physical volume of sales, particularly in pulp and paper, have been increasing and that the physical volume of

sales proportionately in lumber have been increasing, our percentage share of the available market had decreased.

The Chairman: Order. It being five o'clock it is my duty to leave the chair in order to permit the house to proceed with the consideration of private and public bills in pursuance of section 3 of standing order 15.

PRIVATE BILLS

Mr. Speaker: Order. It being five o'clock, the house will now proceed to the consideration of private and public bills, the former having precedence, pursuant to section 3 of standing order 15.

Mr. McCleave: I think there is agreement among the parties that second reading be given to certain divorce bills, with the exception of one standing for second reading on which there has been an amendment, and that the house then would be agreeable to resuming the debate on this resolution. The only point that arises—and I have just found out about it—is that it is possible that the debate on the resolution will conclude before six o'clock and that the Minister of Transport would not be ready to proceed with his estimates until eight o'clock, so that it may be necessary to return to divorce bills.

Mr. Churchill: He will be ready.

Mr. Speaker: Does the house give its consent to the proposed proceedings which are to deal only in this appointed hour with the divorce bills standing for second reading, excluding Bill No. SD-320? Is that agreed?

Some hon. Members: Agreed.

Mr. McCleave: I move that the bills all be considered en bloc. I refer to order No. 434 to No. 447 inclusive.

Mr. Speaker: Is it agreed that all the said bills be taken in one motion?

Some hon. Members: Agreed.

SECOND READINGS—SENATE BILLS

Bill No. SD-456, for the relief of Raymond Faucher.—Mr. McCleave.

Bill No. SD-457, for the relief of Alexander Bleziotis.—Mr. McCleave.

Bill No. SD-458, for the relief of Ralph Gatis.—Mr. McCleave.

Bill No. SD-459, for the relief of Diana Elizabeth Wilson Ronalds.—Mr. McCleave.

Bill No. SD-460, for the relief of Parthenope Eftichidou Economou.—Mr. McCleave.

Bill No. SD-461, for the relief of John Edward Anderson.—Mr. McCleave.

Bill No. SD-462, for the relief of Claire Viger Marcil.—Mr. McCleave.

Bill No. SD-463, for the relief of Denise Claire Lescarbeau Sarroino.—Mr. McCleave.

Bill No. SD-464, for the relief of Carolyn Louise Atwood Leslie.—Mr. McCleave.

Bill No. SD-465, for the relief of Sophia Kaloutsky Kachur.—Mr. McCleave.

Bill No. SD-466, for the relief of Rosaire Armand Falardeau.—Mr. McCleave.

Bill No. SD-467, for the relief of Philippa Osler Day.—Mr. McCleave.

Bill No. SD-468, for the relief of Mary Rebecca Pittman Lawrence.—Mr. McCleave.

Bill No. SD-469, for the relief of Frances Cohen Salsky.—Mr. McCleave.

DEPARTMENT OF FORESTRY

LEGISLATION PROVIDING FOR CREATION OF NEW DEPARTMENT

The house resumed consideration of the following resolution—Mr. Diefenbaker—Mr. Rea in the chair:

That it is expedient to present a bill to constitute a department of forestry which shall be presided over by a minister of forestry to be appointed under the Great Seal of Canada, to authorize the appointment of a deputy minister by the governor in council and the necessary officers, clerks and employees in the manner authorized by law, and to provide for the transfer of certain officers and employees of the Departments of Agriculture and of Northern Affairs and National Resources to the new department; that it is also expedient to bring in a consequential amendment to the Salaries Act to provide a salary for the minister.

Mr. Fleming (Okanagan-Revelstoke): To resume the comments I was making, may I point out that the percentage of the Canadian share of the world market has been declining despite the increase in the physical volume of exports, and that this decline has been taking place as world markets have been increasing. We are losing our position, not through a decline in the volume of exports but through a decline in the percentage of the market we have retained.

If such a situation as this exists, and if measures are to be found to assist the industry in Canada to overcome the present difficulties, then a department of government charged with responsibility in this connection seems to me to be the logical and best method of achieving the result desired. I gather that over the years, beyond my experience in this house, requests for government intervention have been made, requests for leadership in the adoption of policies which would provide the Canadian forest industry with an ever-increasing opportunity of expansion and an ever increasing opportunity to make greater employment available so that these greater opportunities might contribute to the general economic welfare of the country.

The contributions made by, among others, the hon. member for Comox-Alberni and the hon. member for Kootenay West fully recognize the value of the step which the government proposes to take. This is something which has long been needed. If this department is created, if there is imaginative leadership, and if it can bring about the co-ordination of the best work that is being done in the provinces and in industry to contribute to the general welfare of the forest industries of Canada, the benefits which will finally accrue to the people of Canada will be beyond measure.

Mr. Fisher: Mr. Chairman, there are only two measures which have been introduced by the government this session which in my opinion have been completely acceptable. One is the measure by which they managed to reach agreement to bring grants to the universities of Quebec, and the other is this present measure. I approve of them both from the party and from a personal point of view.

My constituency probably creates more revenue from forestry than any in Canada since from its watershed come products enough to keep 11 pulp and paper mills going, almost all of whose production goes to the United States market. I know from my own experience of forestry that the industry has looked forward for a long while to a move of this kind in the hope that it may lead to a consolidation and invigoration of our policies in this field.

The qualification mentioned by the previous speaker with regard to imaginative leadership raises one of the most important questions. We all know that cabinet ministers vary in the impact that they make, and I can only appeal to the Prime Minister, since it is within his province to lead in making the selection, that he should give this new department to a minister who can make a real impact upon the industry and upon the country as a whole, including the trade side, the marketing side, the research work and the relationship with the provincial authorities. We need a diplomat; we need a hard driver; we need someone who knows something about the industry, or, if he does not, a man who can get on top of the job in a short time.

I think this is probably going to be one of the fundamental departments in the next decade. If hon. members will look at the report of the royal commission on Canada's production prospects, or at other publications or books on the Canadian economy, they will see that the fundamental factor in our whole future is the forest industry. For that reason I think the government is to be commended on the move it proposes.

I do not want to go on any further into the nature of the bill. I will just say this; that in so far as the administration of the department is concerned I suggest to the minister, whoever takes over this portfolio, that he will very quickly need to establish at the head of his civil service a number of young, aggressive people. I say this in no criticism of the members of the present forestry branch, but in general they are not too far away from retirement in so far as both the forestry branch and the forest products laboratory are concerned. I hope this will be one of the young and interesting departments to be in, and I hope that some one will go out and recruit staff if necessary outside the present service to make sure that we have a young, go-ahead group at the head of affairs.

I should also like to suggest that the sooner this department is set up the better, in view of the conservation conference we are holding next year. I think that conference will give the first opportunity for us to judge what the calibre of this department is going to be and what conception this government has of its operations, because if the conference is to be as wide-ranging as has been suggested by the Minister of Northern Affairs and National Resources, then the federal department must play a very large part. That conference, it seems to me, will be a proving ground, and I hope by the time it meets next year we shall have a vigorous and, I hope, a young minister in charge of the department and that there will be a relatively new and dedicated civil service leadership.

We are very happy about the bill, and we hope it presages great things for the forest industry in Canada.

Mr. Brunsden: Those of us who live on the Alberta prairies are supposed to know very little about trees, but we do know that if we wish to raise a tree on the prairie we have to carry water to it. Those of us who have been here since 1958 as new members have gained some appreciation of the importance of the timber industry in Canada through our association with hon. members from other provinces, and on that basis it seems to me that the introduction of this resolution is most commendable and that the Prime Minister is to be congratulated.

It is not my intention to take the time of the committee except to express one thought —that trees and water, as I indicated in my introductory remarks, are very closely related. We who live in Alberta know something about the east slope of the Rockies and the waters that come from that east slope. We know of the inter-relationship between forestry and irrigation, and between domestic

water supplies and power development; we know of the problems of irrigation extension, which go back to water, and I would hope that in the next few years—not initially, perhaps, but in the next few years—there may be a widening of the work of the committee of the house in which the new minister will be particularly interested until it becomes what I might term a conservation committee rather than a forestry committee. Although I admit the predominant position of forestry, and the importance of the industry, I feel there could be interrelated in this department the questions of land use, water development, power development, irrigation extension, and so on.

The hon. member for Laurier this afternoon expressed criticism of this resolution. The hon. gentleman expressed the view that he was for it and that he was against it. As a signature tune he concluded on the note that this could be worked into the Department of Agriculture.

Mr. Chevrier: No, I suggested that it could be worked into the Department of Mines and Technical Surveys.

Mr. Brunsden: I understood the hon. member to say something about agriculture. In any event let me say this. This nation is emerging as one of the leading powers of the world. Our greatest assets are our national resources and our people. It seems to me that a department without the pressures of executive work each day, considering dispassionately the development and expansion of our resources including our forests and waters and taking into account the growth of our populous areas will have a tremendous task before it.

My only thought in rising was to commend the government for introducing this resolution. I heartily endorse it. On behalf of those who come from the prairie provinces I express the hope that the field of service of this department may widen in the very near future.

Mr. Winch: Mr. Chairman, politics is a weird and wonderful thing. This has been demonstrated in the past few weeks in the provincial elections held in Saskatchewan, Quebec, Nova Scotia and New Brunswick. Politics bears some relationship to the last heavyweight championship bout in that you can never tell what is going to happen. You may be elected once or many times.

I am very happy to be a member of this committee today and present in this chamber to witness the introduction of this resolution to establish a department of forestry. This is one of the happiest days I have had during the 27 years in which I have been an elected member. I say that as one coming from British Columbia, to the economy of which province forestry means a great deal and where vast difficulties are being faced. I believe had a department been established heretofore some of those difficulties might have been averted.

I have spent 20 years in British Columbia and could speak at considerable length on this subject but I will not do so. In the operation of the department many difficulties will be encountered with respect to jurisdiction, jurisprudence and administration.

I have severely criticized this government in many fields but this resolution in my opinion represents one of the finest forward steps ever taken by a federal government. I welcome the establishment of this new department and wish it every success.

Mr. Payne: Mr. Chairman, I rise to express my hearty approval of the resolution before the committee at this time. I do not propose to speak in detail because many hon. members have already done so and, frankly, I took advantage of the throne speech debate earlier this year to discuss in detail and substance the question of forestry.

It is with a certain amount of regret that I draw to the attention of the committee the fact that so few hon. members from the provinces of Quebec and Ontario have participated in this debate. With so many hon. members from the west coast addressing themselves to this question the impression could be created that this department will serve primarily, if not solely, the needs and requirements of the forest industry of British Columbia. Nothing could be further from the truth. This industry is first in terms of employment in the whole of our national economy. It represents the greatest volume of export dollars to the nation and has for many years. The well being of forestry generally depends on complete co-operation and understanding between all levels of government and certainly requires, on the federal level, a department which can undertake many programs such as those of a long range scientific research nature which cannot be undertaken by the industry or the provinces at this time.

In stating the importance of this industry to the nations economy I wish to impress most strongly upon hon. members that, while the contribution of the forests to the economy of British Columbia is greater in percentage terms than the contribution our forests make to the economy of the other provinces, it nevertheless represents the greatest earning and employment factor in the economies of Ontario and Quebec as well.

The need for this department is amply demonstrated by the dependence of our lumber markets today on exports to the United States. Many Canadians are not aware of the standards now established by our neighbour to the south with respect to federal housing authority requirements in relation to the standardization of lumber. No agency exists today in Canada which can, in a co-operative way, establish in the Canadian industry national standards which will meet those demanded by our great southern neighbour. Should anything happen to that export potential Canada will dearly suffer.

I was somewhat appalled to hear the distinguished hon. member for Laurier suggest that the forest industry, which is Canada's greatest single employer and export dollar earner, should be dependent upon a federal department such as mines and technical surveys. In saying this I am not in any way being critical of the Department of Mines and Technical Surveys. For the last three sessions I have had the honour to serve on the committee of mines, forests and waters along with many of my colleagues from British Columbia. It is a self-evident fact that the hon. member for Laurier did not serve on this committee for had he, he would not overlook so many basic requirements of the forestry industry.

It is a fact that forestry operations are far different from mining operations. In the one case you have Canada's greatest recurring, renewable resource. The forests, if forestry is properly practised, with proper scientific guidance, the resource will renew itself. With mining you have an intrinsically different problem. In mining you are extracting a depreciating resource. The basic, fundamental thinking in the operation of the mines department is completely and utterly divorced from the thinking required for the function of a properly constituted forestry department.

I wish to congratulate the Prime Minister on this most worth while measure. I will further say that so far as the economy of this dominion of ours is concerned, if during the term of office of this government no other measure is brought forward, this measure alone will justify the accolade and the support for years to come of the people of Canada.

Mr. Peters: Mr. Chairman, I, too, am very pleased and wish to congratulate the government upon the setting up of this forestry department. However, I should like to express a fear that I have. I hope that this department will do more for forestry than the mines branch has done for mining. If it does not, I think probably we should leave it the way it is.

The forest industry is different from other industries. Hon. members from the west have raised one problem. We in the east have a different problem entirely. We are not so concerned with the renewal of our forests. I keep thinking of the years that I spent in that industry where we were continually told how much reforestation was being done by the companies that were doing the reforestation. Yet as you went through the country you were continually faced with the problem of mills closing down and mills with only a life span of another five or ten years, and no more trees to replace those that had been cut down.

I was very surprised in negotiating with management of particular companies in the white pine industry to find out during the negotiations that they were not particularly interested even in continuing their operations at that time because they said that in another five years they would no longer be operating their mill anyway; that their limits were completely exhausted. I, being naive, as the Canadian people are in many instances, suggested that it only meant starting back where they had originally cut on the old part of their limits. I said that since they had been on the limits for 40 or 50 years the trees in the old areas would have grown up and be ready for cutting. I was informed that it would be 90 or 100 years before there were any trees of commercial value on those limits.

Therefore, I have some doubts when I hear people in this house tell us that reforestation has taken place, or reforestation is being done at a satisfactory rate. That may be true in some sections of the industry but it is certainly not true in the Ottawa valley and in the upper Ottawa. I keep thinking of the Swedish scientist who came out here many years ago. He looked at the white pine industry in the Ottawa valley. He travelled throughout the valley and inspected the industry. When he returned to Sweden he told his people that there was no point in their continuing their lumbering operations; there was no point in their continuing to build toward the future in the lumbering field and in the field of wood products because in Canada we had enough timber to supply the needs of the world in perpetuity.

Well, Mr. Chairman, on the Ontario side of the Ottawa river at the present time you can count the white pine trees growing naturally in the Ottawa valley. Any reforestation that has taken place has been done in the main in areas where one would not expect to see any reforestation at all. The Ottawa valley is denuded completely of the white pine industry which gave to Ontario and to all of Canada the early impetus and

assisted in the growth that has taken place in this area. The industries that are now in existence are not cutting white pine logs; they are operating mostly in provincial parks or in Quebec where the rate of cut has not been as great as it has been on the Ontario side of the river.

This department can assist in setting up reforestation. It is all well and good to say that regeneration takes place naturally. These things can be accepted but when you go out into the forests you find that many of the species which are supposed to regenerate themselves do not do so. In Ontario, and particularly in northern Ontario, you can check this at any time. You will fly over vast areas, mile after mile after mile, where there is no green foliage at all and where a tree does not exist.

We shall have to give consideration to the policies which have been in vogue in the last 50 years in relation to our forestry industry. I wish to congratulate the Prime Minister on making this division in the department and setting up this new forestry branch because it has a role to play in Ontario as it has in other parts of Canada. It has a role to play which can only be played if we get started and do something to solve the problems connected with forestry.

In the main, in northern Ontario no reforestation is taking place. Some of the companies do spasmodic replanting, but this is only of recent date. So far as I know, even a company the size of Abitibi does such little reforestation that you can count on your fingers all the trees that they planted 20 years ago. I know of only one small piece of reforestation on the Abitibi limits. There may be more; I may be wrong in saying there are not. To my knowledge the only reforestation is taking place behind a small mill of Abitibi. There is an island behind the mill and 40 or 50 years ago reforestation was practised there as a hobby, and a number of trees of fairly good size are growing, and some are ready for cutting. In the main, mile after mile after mile of the area of Abitibi, an area as large as the British isles, is in this position.

For years and years they cut the trees and did no worrying about the future generations who were to depend on those areas. Over 50 years ago, and probably a few years before that, when the early lumbering industry, the early sawmills and loggers, went into Timiskaming, the area was covered with white pine, and beautiful stands of timber they were. Because this was a profitable enterprise, because it had something that the west did not, you could go into northern Ontario and homestead for the first years. You cut the trees, you sold the lumber off the land, you sold the pulpwood, and you as a homesteader were able to make a living in those areas by utilizing the trees in that way. Many homesteaders did that. They cut all through northern Ontario; they cut over land that had been logged by large logging operators previously. They cut the lumber and they cut the pulpwood that had been left and they were able to open up the land and to clear a great deal of the area.

This operation was carried out in years gone by, especially north of Cochrane and up through the great clay belt of that area. It was found afterwards that much of the land that had been cleared, after they had taken off the first few crops, was not suitable for agriculture and should not have been turned into agricultural land. Now areas such as these lie abandoned. No trees are growing on them except tag alders and willows. It has no commercial value and no value as agricultural land. In a small way the Ontario government has gone into that area and established a survey group to ascertain what should be done with the land. It would seem to me that they will probably finally decide to put it back into forest by planting the type of trees that were originally there and that we will grow trees like we grow grain and other products. At the end of the year we will know how much we have for the years to come and how much reforestation must be done to take care of the growing markets we will have.

Only last week end we had a flash flood in Timiskaming. I am informed that creeks and farm lands were flooded where there is never any water except in the spring. Some of these little creeks, which are completely dry all summer and have hay growing in them that is used for pasture purposes, had seven to eight feet of water in them. I understand that the water crossed the road in front of my house and took out a six foot culvert. It cut a 20-foot path through the roadway and carried a steel culvert, not corrugated iron, over a wire fence and down the creek. Flash floods of this type usually do not bother us. I do not remember such flood conditions even in the spring.

This department is going to have to give consideration to the problems that have been caused by the elimination of the forests. In lake Timiskaming and the Ottawa river not only in my area but right outside the parliament buildings we are continually having flood problems and later in the year there is not enough water power to operate our industrial and hydro installations. It seems to me that one thing this department must concern itself with is reforestation in order

to protect the watersheds because we depend on the water being available for commercial, hydro and pleasure uses.

The provincial governments have done something along this line, as have the municipalities, but so far the federal government has done very little. I was surprised to find there is a survey team in the Department of Northern Affairs and National Resources. I had the opportunity of flying to the maritimes with one of the officials and he told me about the work that is being done in the maritimes with respect to assessing the potentialities of the watersheds in that area. I think the Canadian people generally should be told that this service is available and it is time that people like those I represent in northern Ontario found out what the potentiality is, what reforestation is necessary to protect the watersheds and how we can overcome some of the problems we have created for ourselves by eliminating forests completely, particularly in those areas where we have no trees and have not been able to make any use of the land.

Reforestation in order to serve the purpose will have to be planned to meet the needs of the particular area. I am sure that these needs will be assessed and leadership will be given by this department. In my opinion the reforestation that has taken place on the provincial level has been spasmodic. I have seen better reforestation that has been done by some of the old municipalities that decided 20, 30 or 40 years ago to plant trees on land that had been repossessed for non-payment of taxes. Around Kemptville and in Dufferin, Wellington and other communities you can see much better reforestation programs than anywhere in northern Ontario where it is natural for the people to assume that reforestation is an industry and not just a pastime.

I am told that reforestation will pay off if governments go into it and that there are municipalities adjacent to New York where the citizens live free of taxes because of the revenue received through reforestation done on a continuous basis over the years. I think the Canadian people want to leave their children, not with the heritage in the forest industry that was left to us but with the same situation that prevailed when our grandfathers and great-grandfathers came to this country. The forests are a renewable resource. They are not like mines where the natural resource is taken out of the ground and can never be replaced. If we use common sense we can have more trees and a bigger forest industry in Canada in the future than we have today.

I think this department will give great leadership with respect to a problem that also plagues us in relationship to pollution and other ills suffered, not only because of waste dumped into waters by sawmills and paper companies but other pollution. I think this matter will certainly have some relationship to the department of forestry if it is going to be successful and fulfil the needs of the Canadian people.

In setting up the department I hope the government also has in mind the problem of research into the forest industry and the marketing problem. I have represented for a number of years workers in the lumber industry and I am well aware of the problems facing the workers and those that face the industry with relation to markets over which they have no control. We in Canada have a limited opportunity to expand our markets beyond those that are traditional. When our traditional markets in England and on the continent were affected by stiff competition from Russia we were forced to send our products to eastern Canada and to the south. They entered markets that were highly competitive and in many cases we were not able to compete. We also found great difficulty when western producers undertook a crash program whereby they shipped lumber billed to Chapleau, for example, and other points in northern Ontario without any sales having been made. They shipped this lumber in bankrupt lots and it had to be cleared out at any price to meet the demurrage costs at the distribution point. Eastern producers had to compete with this bankrupt stock and this in turn created havoc in our traditional markets in eastern Canada.

The western producers are not to be blamed to any extent because they were faced with a difficult problem in the face of imports from Japan and other countries that were competing on a basis that we could not meet. They had the ability and the research knowledge to develop veneers 10 to 20 times as effective as ours. They had the methods and the machinery to cut veneers 10 to 20 times as thin as ours. They were able to import not only from other countries but from Canada the logs they required, particularly birdseye maple, and to return the veneers to Canada at a price with which our producers were not able to complete.

Therefore I hope the department will give serious consideration to doing research on an industry-wide basis so that all segments of the industry will be able to take advantage of the latest developments in technology. Many of our small mills and plants are not able to compete because of the advances in technology today and they are going to have to have assistance to modernize their mills

and to develop procedures and methods of production which they are not now capable of undertaking.

In closing, I should like to point out that many of our mills are operating at a very low rate of efficiency. They are operating on an efficiency of 35 per cent to 40 per cent. These mills are in competition with mills in countries like Sweden and Norway which are operating on an efficiency of 80 per cent or 90 per cent. While many of our mills are only taking the choice cuts from sawmill logs and the choice grades of lumber, the mills in these other countries are bringing in the whole tree and processing everything but the leaves. We are operating in a manner that leaves waste wood in the forest and have not been taking full advantage of the abundant growth we have had in this natural resource.

I believe this is a very opportune time for this government to set up the new department. I feel that a great deal of co-operation can be obtained from labour, from management and from conservationists throughout the country to the end that every year Canada will become richer in these various products and our forest industry will contribute more and more to our general economy.

Mr. Murphy: I wish to make a few observations on this resolution, inasmuch as I happened to have the honour of chairing the committee which brought in the report about which we have heard so much today. We have heard representations from many hon. members of that particular committee who contributed a great deal to the preparation of the final report and who knew a great deal more about the problems of the forest industry than the chairman. I was very pleased today to hear the remarks made by the hon. member for Kootenay West and others in his party who are supporting this resolution. I am going to have something to say before I close about the remarks made by one of the Liberal speakers who did not happen to be a member of that committee.

I do appreciate—and I am sure the members who were on that committee and who contributed so much to the final report must be gratified—the commendation that has been given the work of this particular committee. I do not recall, during my experience in this house even as an opposition member, when a resolution received so much commendation on such a high level. It is not often that the setting up of a new department of government receives the support that this move has received today. It does involve the necessary expenditures connected with a new department and its staff.

I believe, that as chairman of that particular committee I am expressing the opinion

of every member of the committee when I commend the government for taking action so quickly, less than eight months after the report was submitted. I am sure that the reaction throughout the country will be most favourable to the government because of the importance of the forest industry to the economy of Canada. I should like to say to hon. members who were not members of that committee that all they need to do to become impressed with the work of the committee is, for instance, to read the list of witnesses who appeared before the committee. It is no wonder that those who were members of the committee spoke so effectively. We did not take one glance at the problems of the forest industry. We had some 40 or 50 representations made to the committee and the various witnesses were given all the time they required to make those representations. In the main, they were all sound and very effective.

I do not intend to repeat what has been said today by other speakers on this resolution. Needless to say, this is one of the most important industries in the Dominion of Canada, and I think it will continue to be so in spite of the increased demand for our oil and gas. It is a renewable industry. It is not like mining. In 1958 the total exports of wood products were close to $1.5 billion or about 29.36 per cent of our exports in that year. The thing that amazed me was that the previous government, with all their administrative staffs of technicians and advisers, did not realize the importance of the forest industry to this country. The industry was allowed to wobble along like a lame duck for many years without proper guidance. In my opinion the press of this country will react favourably to the establishment of a forestry department because of the importance of this industry. There are other matters which I believe could be incorporated within this department, but I will not deal with those at the moment.

As I said a moment ago, I do not intend to repeat what was said earlier. Many of the briefs presented to the committee came from British Columbia because the forest industry is of great importance to that particular province. We did receive some representations from Quebec and Ontario as well as other parts of Canada. I should like now to quote from page 1175 of the committee report where it states:

> Your committee strongly recommends consideration of steps which would widen the scope of the forestry branch, increasing its status in such a way that a deputy minister would be in direct charge. The fact that such a status, comparable to that of a department does not exist now reflects a lack of appreciation of the importance of the forest industries to Canada, in the past, now, and in the future.

I suggest that is a very important conclusion to be drawn by any committee. When we made this report we made it in the way we thought it should be made. We were given an assignment and this is the report that was tabled in this house. The report contains other recommendations to which I could refer, but I shall not do so at this time.

I must say, in conclusion, that this particular industry is so important to our economy, and will continue to be so important that I am highly appreciative of the government's move to establish a separate administration to take care of the forest industry in this country. As I recall, there were 27 Conservatives on that committee, seven Liberals and one C.C.F. The C.C.F. member made an excellent contribution without any doubt. When we made our report it was unanimously adopted. In view of the fact that many of the witnesses who appeared before the committee suggested that a new department of forestry should be established, and in view of the fact that every member of the committee wanted the forestry branch to have a higher status, I was amazed this afternoon to hear a most distinguished Liberal member, one who is recognized all over this country—I refer to the hon. member for Laurier—

Mr. Hodgson: Oh, he does not know anything about the lumber business or about forestry either.

Mr. Murphy: He did not happen to be on our committee, unfortunately, although I would have welcomed him. However, without any hesitation he seems to disagree with the Liberals on the committee. We had a good representation of Liberals on that committee and they were unanimous in the report. I wonder where the logic comes in when the hon. member for Laurier seems to hesitate about the need for or the requirements of this new department. Just because the previous government, of which he was a member, did not see fit to have a new department or even to have a deputy minister in charge of this important industry is no reason why today he could not revise his thinking and at least agree with the members of his own party on that particular matter.

The Deputy Chairman: Shall the resolution carry?

Some hon. Members: Carried.

The Deputy Chairman: Shall I report the resolution?

Mr. Chevrier: Is the Prime Minister going to reply to some of the questions?

Mr. Diefenbaker: I really see nothing to reply to, except to thank hon. members for the contributions they have made. It has been a helpful discussion which has been marked by contributions by hon. members who knew what they were talking about from personal experience. They placed their views before the committee and gave it the benefit of them. As to the hon. member for Laurier, he has asked for an opportunity of seeing the bill. After the bill had been seen and, when we come to second reading, I think there may be a discussion on these matters that have arisen.

Mr. Chevrier: Will the Prime Minister permit a question?

Mr. Diefenbaker: Surely.

Mr. Chevrier: Can the Prime Minister tell us whether the new department will take over all of the forestry and forest products activities now under the other departments of government?

Mr. Diefenbaker: I think that question had better be answered in the manner in which the hon. gentleman approached the whole situation. He said, "I want to see the bill". When he sees the bill, he will have an answer to all the questions he has raised.

Resolution reported and concurred in.

Mr. Diefenbaker thereupon moved for leave to introduce Bill No. C-82, to constitute a department of forestry.

Motion agreed to and bill read the first time.

Mr. Speaker: Pursuant to the consent given earlier today the house will now resolve itself into committee of supply.

SUPPLY

House again in committee of supply, Mr. Rea in the chair.

DEPARTMENT OF TRANSPORT

555. Departmental administration—further amount required, $68,350.

The Deputy Chairman: This item will be found on page 8 of the supplementary estimates for 1960-61, the details on page 19.

Mr. Martin (Timmins): It appears that I am always able to get the floor about five minutes prior to the time for adjournment. With that consideration in mind, Mr. Chairman, I wonder whether I could call it six o'clock.

The Deputy Chairman: It being six o'clock, I do now leave the chair.

At six o'clock the committee took recess.

Supply—Transport

AFTER RECESS

The committee resumed at 8 p.m.

Mr. Martin (Timmins): When the committee rose last night I was just warming up in my description of the mess we had got ourselves into on a national basis with regard to our transportation, a position where we are subsidizing our railways in almost every way possible while at the same time subsidizing transport on our highway.

A further point we must take into consideration is the terrific loss of life we experience on our railroad crossings. I realize that efforts have been made to overcome this danger, particularly in the past number of years, and that millions of dollars have been spent recently in an effort to eliminate some of the hazards which present themselves in connection with railroad crossings over our highways. Unfortunately as fast as we eliminate some of these dangerous crossings our efforts are offset by the increase in road traffic and we find that the situation is no better than it was in spite of the millions of dollars which have been spent.

Another thing we have to take into account is the terrific loss of life caused by the presence of big transports on our highways cluttering our roads. Any motorist who has had the experience of driving over roads where these big boxcars block the traffic, travelling at high speeds downhill and at very slow speeds uphill, will understand what I have in mind. A frustrated driver in a desperate effort to get by takes a chance, pulls out and another fatal accident occurs. This is no criticism of the drivers of the transports because I think that but for the ability and courtesy of transport drivers in general the toll of human life would be greater than it is. However, the present situation emphasizes the fact that our highways are no place for boxcars.

Today we see another situation developing. The railway companies are getting into this field of transport. They are buying out the transport companies and then they find themselves in the fortunate position of being able to make a profit on their road operations and obtain a subsidy with respect to their railroads. As I pointed out the other day, the only reason why they can make a profit on their transport undertakings is because we are subsidizing transport also by building the roads for them.

It is no use hon. members who support the government pointing out, as they have done before, what a wonderful example of private enterprise the C.P.R. represents and comparing it favourably with the C.N.R. Looking back at the history we find that the story does not stand up to examination because the Canadian taxpayers have subsidized the C.P.R. in the way of grants, land grants and so on far more than they have subsidized the C.N.R.

What we need in this country, and what we need more urgently every day is an overall transport policy, something we have not had up to the present time. We must have some leadership from the federal government in order that we may be able to make the best use of our railways and our air and road services.

Today we find that men are being laid off by the railways by the thousand after having 30 or 35 years of experience. They have no training which would fit them for any other job but despite this they are just being turned out on the labour market. Many of these men are in no position to afford to train themselves for other jobs because they have to look after families and cannot spare the money necessary to train themselves to take up other occupations. They find that after 20, 25 or 30 years of service there is no more use for their skills and they have no qualifications to take other jobs.

We have proof in the past that the government can do a job. At the end of the last war hundreds of thousands of ex-servicemen were trained to fit themselves into society on their return from the services. But hon. members must realize that some provision was made for the families of these men, if they had families, so they themselves could obtain the training which was necessary before they could become re-adapted to the needs of society. The result was that not only did they benefit by equipping themselves with new skills but the country as a whole benefited by the training they had received.

I suggest that the time has come when the government should take a close look to determine whether it should not take over both the transcontinental railroads and whether it might not be in the interest of all concerned for them to find out in which areas it is most economical to use rail and which areas it might be more successful and more economical to tear up those tracks and turn them into transport roads, thus taking the heavy transport vehicles off our highways. There is one thing that should be kept in mind: if the government should begin such a program it must accept its responsibility for training people to make the necessary change, and avoid the dislodgement which is occurring today across the country from coast to coast. Let us think for one moment of the savings which could be made in connection with the upkeep and maintenance of our highways once

these big transports have been taken off the road and put on a road which they maintain and look after themselves.

I recall talking not too long ago to an old foreman from the town of Foleyet which at one time was a railway centre of considerable importance. As time went on and automation took over the job this man had was discontinued, but he had enough seniority; he was able to bump into another job. He bumped right up to yard foreman, and then they abolished the yard, and after 32 years he was turned out on the street with a very small pittance of a pension. After 32 years he was considered of no use in the line of work which he had carried on all his life.

If this over-all transport policy is undertaken and put into effect it may not mean the dislodgement that some people fear it would mean. The car shops could be converted into transport garages. The express and freight people could transfer to handling the freight and express now handled by the railways. There would be no need for a change in the personnel we have in this field. This is something the government should take into consideration. It is time for bold leadership in this field. The government should take the lead in studying this field and implementing policies that would lead to greater efficiency and economies. The government could create order out of the chaos that now exists. Perhaps most important of all it could give those employed in this field some idea of what is ahead and not leave them waiting as they are now from day to day to see when the axe is going to fall.

Mr. Argue: Mr. Chairman—

Mr. Broome: Oh, no, not again. Lay off, old boy.

Mr. Argue: I see that the hon. member for Vancouver South is interrupting. I thought I would have had the pleasure of hearing from him at this time. I heard it rumoured that his name was on the list. Since it is not, I am forced to speak on this item because my remarks would probably be out of order on a detailed item.

I do not intend to cover the ground I covered last night but I wish to elaborate on what I said last evening.

For all practical purposes the railway companies have become a law unto themselves in their operations and in their abandonment and curtailment of essential services. I said last night that the board of transport commissioners have shut their eyes to the needs of the public and are passing in a wholesale manner the applications of the railways for reductions of service. Our railway facilities are in great danger of being torn down by the very people who are managing the companies. It is a shame that thousands of railway employees are being summarily dismissed after 25 or 30 years of service with no visible means of support. The minister may not consider this a serious matter. I do not think he does. The hon. gentleman has done nothing to relieve the situation. I feel it is a blot on the record of our country that thousands of employees are being put out on the street after a lifetime of service in their occupations.

We have asked the government to take action but the minister pleads that he is powerless, that the management of the C.N.R. is beyond his control or influence. The minister alleges that he has consideration for the hardship that results to these employees but states that after having discussed the question with the C.N.R. nothing has happened. The hon. gentleman alleges, too, that the C.N.R. management is sympathetic to the situation of these employees. They have a strange way of showing sympathy. I think the management has one object in mind and that is to curtail services, bring about so-called modernization as rapidly as possible and to look solely at the balance sheet of the company without any thought whatever to the welfare and suffering of the people who worked for the railway company.

If the minister did not agree with the policy he would change the management of the C.N.R. If the minister disagrees with the policy that is what should be done. The minister, of course, agrees with the policy. The president of the C.P.R., the president of the C.N.R. and the minister are co-operating in what is taking place.

Earlier this day we took steps to continue the freeze on freight rates. This is interference with the railways and the way in which they receive part of their revenue. The government has gone so far in its interference with the railway companies that it has announced a policy to the effect that there will be no further increases in freight rates pending the report of the royal commission. When it comes to a question of freight rates the government interferes directly but when it comes to the welfare of the employees the government refuses to interfere and allows this deplorable condition to continue. The minister and the government take a cruel and callous attitude toward the employees of the railway companies.

I suggest to the minister that for a period of time there should be a freeze in the staff of the railways. There should be a halt to the dismissals now taking place. I believe there are good arguments for putting this forward at this time. We have decided as

a parliament that there shall be a freeze on freight rates pending the report of the royal commission inquiring into this question. I suggest there is need now for a royal commission to inquire into the operations of the railway companies as they affect the livelihood and welfare of their employees. The present royal commission investigating freight rates could be reconstituted on completion of its task and be instructed to inquire into the operations of the railway companies as they affect their employees and the public services. We are witnessing wholesale dismissals of employees and a sharp curtailment of services. The public have a right to a full inquiry into what is being done.

Rumour has had it—and the rumour has found its way into the public press—that there is likely to be a curtailment in the present transcontinental passenger service of the two major railways. This kind of rumour going around further demoralizes the employees. This kind of rumour does nothing to build passenger confidence in those railway services. If the railway companies of this country had embarked on a deliberate policy of curtailing and discontinuing further passenger service in this country, then they would have been following their policy very successfully in recent years because apparently this must be what is in their minds when they talk of the discontinuance of those main transcontinental passenger runs.

With all these problems it is important that a halt be called to any further curtailment of service and any further dismissal of employees. In the light of the current unemployment situation in Canada I say it is of no help to our nation to dismiss countless employees of railway companies merely to have them added to the unemployed rolls in our nation. Until such time as this whole situation is clarified I feel that such a freeze in employment levels on the railways is a just thing. I would ask the minister to give consideration to this proposal; I would ask him to make some comment on it and say whether the government would consider the suggestions that I have put forward, to consider a royal commission or some other appropriate study into the policy being followed by the railway companies in this country with particular emphasis on the need to maintain essential railway services for the public and to protect the welfare of company employees.

With respect to a freeze as far as the present personnel of the railways is concerned, I do not have in mind an arbitrary rule that would force the railway companies to maintain their employment levels at the current rate. Such an order, in my opinion, should allow for normal retirement of employees and, therefore, for a normal or a regular reduction in staff at this rate if this seems desirable from the standpoint of the railway companies. This would be a brake on the wholesale dismissal of employees.

Every few days members of parliament get communications from sections of railway workers across this country, telegraph operators, workers in the car shops, whether they be in Winnipeg, Montreal, London or in some other part of the nation, complaining that their jobs are in jeopardy, that there have been wholesale dismissals and that they are in a very uncertain state of employment because they do not know from one day to the next when their jobs may end. I ask the minister to make some further comment on this question and to hold out, if he can, some hope to the railway employees of this country that these wholesale dismissals will not be continued, and that the type of agreement which has given some stability of employment to the firemen for a period of time may be considered for other sections of railway employees.

Some members may argue that what I am saying would increase or maintain the cost of railway operations, therefore it is a disservice to the users. I do not think we need to play one off against the other. Parliament has acted to protect the public against further increases in freight rates at this time. I think that parliamentary action to protect employees who have spent their lives working for those companies would be an appropriate parallel action at this time.

Mr. Campbell (Stormont): Mr. Chairman, when the committee was discussing this vote on Friday, June 10, I spoke of the injury which had been inflicted on my home town of Cornwall through the closing of the Cornwall canal, and the hon. member for Laurier immediately rose to reply to me and directed his reply almost entirely to the question of pollution. His reply contained a number of errors and I feel I must rise again to offer my reply to him. He cited certain legislation and certain treaties which I have subsequently taken a hard, long look at, and I wish to inform the committee at the outset that it is not for any personal reason that I rise on this occasion but because, as I shall presently show, expenditures of large sums of money without any justification in either substance or law were made at that time.

First, let me refer to another matter which I should like to correct. Last night the minister commented, I believe, that the report of January, 1951, of the St. Lawrence seaway authority on the economic prospects was laid before the house by Mr. Howe. I can find no evidence of that report having been

made public. In fact, Mr. T. M. Bell filed a notice of motion for the production of this report on June 2, 1954, and as far as I can determine, that was refused.

To get back to the other matter of legislation, may I call the attention of the committee to two sentences in the speech by the hon. member for Laurier. He said, and I quote from page 4785 of *Hansard* of June 10:

> In 1951 an application was made by the government of Canada and the government of the United States to the international joint commission for the development of power in the international section at Cornwall. At that time the Canadian government agreed to build all the canals on the Canadian side of the line.

Now those applications to the international joint commission were not made in 1951; they were made on June 30, 1952. It is important to get that date correct. The hon. member for Laurier should remember it quite well. He was the minister of transport at that time, and he went down to Washington in order to be present at the signing of that application and also at the signing of the note of the Canadian government by the Canadian ambassador to the United States, Mr. Hume Wrong, to the United States government on the very same day.

The Deputy Chairman: I wonder whether we might have a little quiet in the committee so that hon. members will be able to hear the hon. member who is speaking.

Mr. Campbell (Stormont): The hon. member for Laurier may have had some share in the completion of those negotiations which led to the signing of those Canadian documents, I do not know, I was not there. He has never told the house a single word about those negotiations; he has never offered any explanation of the extraordinary character of this Canadian note. A few moments later the hon. member for Laurier went on to say:

> At that time there was an agreement—

By which he obviously meant July and August, 1954. I continue:

> —between Canada and the province of Ontario whereby Ontario was to build and maintain 14-foot navigation facilities. When this agreement was brought about there was, therefore,—

He is speaking here of an agreement between Canada and the United States dated August, 1954. I continue:

> —no longer any obligation on the part of the province of Ontario to fulfil that covenant.

The hon. member for Laurier is also a member of the legal profession and perhaps for this reason I should be very careful to refer to him as the hon. and learned member for Laurier. I have always understood it to be a most binding obligation on the part of members of the legal profession when making reference to a statute to make such reference complete and accurate.

What did the hon. and learned member for Laurier do? He referred to the Canada-Ontario agreement of December 3, 1951, and here again I emphasize the date. That agreement related to the development of the power in the international rapids section of the St. Lawrence river. That agreement was ratified by the International Rapids Power Development Act which was passed and made law before the end of the same month, December 1951, and the full text of that agreement is appended as a schedule to the provisions of this act. The hon. and learned member for Laurier should be well acquainted with the terms of both the agreement and the act because as minister of transport at that time he introduced the bill and piloted it through this house. I shall now read article II of that agreement, omitting some incidental words. It reads:

> Canada will do all in its power ... to obtain the approval of the international joint commission ... of works to develop the power resources of the international rapids section of the St. Lawrence river to be undertaken by Ontario concurrently with the undertaking of complementary works by an appropriate authority in the United States of America, in accordance with the plan known as the "Controlled Single Stage Project ...", containing the features described in the annex to this agreement with such modifications as may be agreed upon herein or by Canada and Ontario.

Now I come to the annex of the agreement in which the main features of the project for power development are recited. I find as feature number (7) the following:

> The necessary works to permit the continuance of 14-foot navigation on the Canadian side around the control dam and from the pool above the Long Sault dam to connect with the existing Cornwall canal.

Thus far the hon. and learned member for Laurier and I are in complete agreement, I trust. I am especially grateful to him for his acknowledgement in his speech of June 10 which I have just quoted that this obligation on the part of Ontario to make provision for the continuance of 14-foot navigation was still binding upon Ontario in August, 1954.

Now let me go further into the Canada-Ontario agreement of December 1951, much further than the hon. and learned member for Laurier went. In article XI of the agreement, which is quite a lengthy article, Ontario undertook to give all necessary assistance to the government of Canada toward the construction of a deep waterway on the Canadian side of the international rapids section. Article XII of the agreement I must, however, quote in full.

> If the construction by Canada of the locks and works mentioned in article XI—

That is to say, the locks and works of a deep waterway on the Canadian side of the river.

—renders unnecessary the construction by Ontario of the works required to permit the continuance of 14-foot navigation as described in paragraph seven of the annex to this agreement, Ontario will pay to Canada a part of the cost of such locks and works equivalent to the cost of the works that would have been required to be constructed by Ontario to permit the continuance of such 14-foot navigation.

Upon the basis of the unit cost levels of December 1950, the cost of new provision for the continuance of 14-foot navigation around the control dam at Iroquois would be about $1 million, and the cost of similar provision at Cornwall of about $16 million, a sum total of a little more than $17 million in all.

Now I come to a point about which I am considerably perplexed. Section 2 of the International Rapids Power Development Act, 1951, reads as follows:

The agreement dated the 3rd day of December, 1951, between the government of Canada and the government of the province of Ontario is approved on behalf of and is binding on the government of Canada and all things to be done by virtue thereof are approved and authorized.

Section 5 reads:

This act shall come into force on a day to be fixed by proclamation.

The necessary proclamation to bring the act into force was not in fact issued until May 18, 1953, and it brought the act into force on May 20, 1953.

Can we say, then, that the act was in force on that most important day to which I have already called attention, June 30, 1952, the day of signature of the Canadian application to the international joint commission and of a Canadian note to the United States government, the day of one of the felicitous visits to Washington of the minister of transport? I find it hard to say whether the act was in force at that time. Yet since it had never been amended before it was proclaimed I find it even harder, very much harder, to say that it was not.

Now I come to the documents that were signed on June 30, 1952, four in all, two by the government of Canada and two by the government of the United States. Two of these documents were applications to the international joint commission by the two governments, on behalf of their power developing entities, for permission to develop the power of the international rapids section in accordance with the controlled single stage project. The Canadian application further declared that the government of Canada would construct, maintain and operate all such works as might be necessary to provide and maintain a deep waterway between the port of Montreal and lake Erie, and that such a deep waterway would be provided as nearly as possible concurrently with the completion of the power development works. The application from the government of the United States declared that it was filed with the understanding on the part of the United States that the government of Canada would engage in this work.

Here we have, then, an undertaking by Canada and an understanding by the United States that the deep waterway would be carried through the international rapids section on the Canadian side. And upon that undertaking and that understanding, the recital in each application of the main features of the work included the following provision:

(g) Navigation facilities—provision will be made for the continuance of 14-foot navigation throughout the international rapids section during the construction period.

That is to say, that upon the completion of a 27-foot deep waterway on the Canadian side, this provision of 14-foot navigation would cease. That would seem sensible enough. I think the hon. and learned member for Laurier will agree with me in this. Then, under the terms of the Canada-Ontario agreement of December 3, 1951, which the hon. and learned member for Laurier in his then incapacity as minister of transport helped to negotiate, the provision of article XII, which pledged Ontario to pay to the government of Canada the sum of $17 million dollars or more, would come into effect. That is what the agreement, which was ratified by acts both of parliament and of the legislature of Ontario would seem to require as a simple, straightforward matter of law.

Now I come to the substance, the astonishing substance, of the note that was signed on behalf of the government of Canada in Washington on June 30, 1952, and was presented to the government of the United States on the very same day. The note first stated that it appeared impossible to obtain congressional approval in the near future for United States participation in the construction of deepwater navigation facilities in the international rapids section and that, in consequence, the Canadian government has, with parliamentary approval, committed itself to provide and maintain whatever additional works may be required to allow uninterrupted 27-foot navigation between lake Erie and the port of Montreal. It then proceeded to inform the United States government of two points on which, so it stated, the Canadian government is now prepared to agree. These are points of such cardinal importance that, for

the sake of the record, I find myself compelled to quote them in full. They read:

(a) that the amount to be paid to Canada, as specified in the agreement of December 3, 1951, between Canada and Ontario, in lieu of the construction by the power developing entities of facilities required for the continuance of 14-foot navigation, be excluded from the total cost of the power project to be divided between the Canadian and the United States power developing entities, in consideration of the fact that the actual replacement of 14-foot navigation facilities will be rendered unnecessary by reason of the concurrent construction of the deep waterway in Canada, and

(b) that the authority to be established pursuant to the provisions of the St. Lawrence Seaway Authority Act, chapter 24 of the Statutes of Canada, 1951 (second session), contribute $15 million towards the cost of the channel enlargement which the power developing entities must undertake in the St. Lawrence river, as set out in paragraph 4 of the annex to the Canada-Ontario agreement of December 3, 1951, and in section 8 of the applications to the international joint commission, in consideration of the benefits which will accrue to navigation through such channel enlargement.

In short, the Canadian government, by these two concessions, surrendered an asset, an obligation due to it, of at least $17 million and accepted an obligation of $15 million. This was a sacrifice without any authorization or justification, of a sum of more than $28 million, a sum that would be more than sufficient to erect two new government printing bureaus on top of the one that is already there.

A note in reply, signed by the secretary of state of the United States and delivered to the Canadian ambassador in Washington on June 30, stated, first, that, and I quote:

My government approves the arrangement set forth in your note—

That is to say, Canadian construction of the deep waterway on the Canadian side of the international rapids section, and agreed to the two financial concessions offered in the Canadian note, repeating them in the identical words which I have read. According to the significant word in the International Rapids Power Development Act, 1951, an agreement between Canada and Ontario was already in effect and was binding on the government of Canada, and all things to be done by virtue thereof are approved and authorized. Upon a reading of the act, the national government was bound by that very law to hold Ontario to its obligation of payment. Since the act did not, perhaps, take effect in any way until it had been proclaimed, it might be argued that the national government was still free in June, 1952 to come to any terms with the United States government that it might like. The act was, as I mentioned before, proclaimed in force on May 18, 1953.

It would, of course, have been possible for the government to regularize this agreement with the United States either before or after the date of proclamation by the passage of an appropriate amendment to the act. But nothing of the sort was ever done and, accordingly, I submit to the committee that the obligation of Ontario to provide for the continuance of 14-foot navigation through the dikes at Cornwall and to pay the cost of construction of a lock for 14-foot navigation at Iroquois is still in force. The legislation creating this obligation has never been rescinded or modified.

I would go even further than this, by reminding the committee that there exists a common law public right of navigation of the waters of the St. Lawrence river and, by the Department of Transport Act, a statutory right of navigation of the Cornwall canal, with a specific duty laid upon the Minister of Transport to make provision for the exercise of that right.

I come now to the other obligation that Canada assumed, the obligation to be carried by the seaway authority to pay $15 million to the power developing entities as a contribution to the costs of channel enlargement. First let me call attention to the exact words of the undertaking. They are that the authority shall contribute $15 million toward the cost of channel enlargement which the power developing entities must undertake. It is not a payment for any additional channel enlargements, it is a payment for some part of the work that would have to be done anyway to ensure the development of power, no matter whether the deep waterway would be built or not.

I know it may be argued that in spite of the wording of this second Canadian concession the provision of deep water navigation would in fact necessitate some additional channel enlargement at additional expense. I propose, therefore, to meet this argument in advance. The international joint commission held hearings on the Canadian and United States applications in various places. At the hearing in Albany, New York, on September 3, 1952 a representative of the United States corps of engineers presented an estimate for the cost of the channel enlargements required for a development for power alone, without any provision for deep-water navigation, at $71,867,000. This was on the basis of unit cost levels of December, 1950. A corresponding Canadian estimate put the cost of the appropriate channel enlargements at the still higher figure of over $82 million. I challenge anyone who is acquainted with the details of the estimates for the cost of an all-Canadian seaway to put the costs of the necessary

channel enlargements in the international rapids section at any higher figure than that.

Thus far I have tried to show just this, that the first of these two concessions by Canada was a contravention of a national law, and the second unwarranted in fact. But what should be said about them as obligations binding upon Canada in relation to the United States? The Canada of June 30, 1952, informed the United States of its intention to proceed to the construction of the deep waterway all by itself, and the reply of the United States declared its agreement with that intention. As I said before, there was a Canadian undertaking and a United States understanding, and both the Canadian concessions rested upon this reciprocal proffer and acceptance. In fact, however, Canada has not by itself constructed an all-Canadian seaway. In consequence these two concessions, as formal commitments to the United States, simply fall to the ground. It is possible, since Canada did build one lock in the international rapids section at Iroquois that some alternative concessions to the United States, on a very much smaller scale, might be negotiated instead. Certainly, for my own part, I see not the slightest reason even for this.

The hon. and learned member for Laurier seems to take some pride in the fact that a concrete structure has been inserted in the line of dikes at Cornwall in preparation, as he put it, for future 27-foot facilities on the Canadian side. I have described that structure as a concrete wall 80 feet high. This is exactly what it is. I think the hon. and learned member for Laurier, who seems anxious to claim at least a share of the credit for it, should actually feel nothing but shame. In fact, he is entitled to all the credit for it. He was born and brought up in Cornwall. He has been trained as a lawyer; he has practised in Cornwall and surely he, of all people in this house, should be most keenly aware of the statutory right of navigation through the Cornwall canal. He, of all members in this house, should be the very last to procure the destruction of that right by even thoroughly legal means, yet he, in fact, of all people has deliberately approved of such destruction and that by wrongful means.

Mr. Chevrier: May I ask the hon. gentleman from Stormont a question?

Mr. Campbell (Stormont): Yes.

Mr. Chevrier: May I ask him if he is correctly quoted in the *Globe and Mail* of June 27 as having said during a panel discussion at Manotick, Ontario—

Mr. Campbell (Stormont): This is not the subject matter with which I was dealing.

[Mr. Campbell (Stormont).]

Mr. Chevrier: You have allowed me to ask you a question. Did he state, "There is insufficient liaison between cabinet ministers and the backbenchers"?

Mr. Campbell (Stormont): And also insufficient liaison between members and their constituents. If the hon. member wishes to ask a question regarding the matter I have already brought up, I will be pleased to do what I can to discuss it with him.

Mr. Chevrier: I do not intend to delay the estimates, but after this harangue that we have had from the hon. member for Stormont I think it is quite clear that the statement which he made in Manotick is accurate. It is evident from the manner in which his constituents have been treated and the manner in which his constituents are suffering that there is not the slightest liaison beween the cabinet and the backbencher that he is. Proof of that lies in the statement which he has just made to this committee. Apparently he is not conversant with many of the things that he has affirmed in the statement which he has just—

An hon. Member: Read.

Mr. Chevrier: Read, yes.

Mr. Lambert: What about your own speeches?

Mr. Chevrier: My hon. friend says, what about my own speeches? Let me say this to him, most of my own speeches are not read in this house. All he has to do is sit in the house from time to time and he will discover that.

Mr. Lambert: Watch the big typewriter.

Mr. Chevrier: Again in answer to the hon. and learned parliamentary secretary who rises at times to interrupt, let me draw his attention to the fact that many ministers as it is their right, very often read at great length from statements in the house.

Mr. Martineau: May I ask the hon. member a question?

Mr. Chevrier: Yes, of course.

Mr. Martineau: I just want to know whether the hon. member is asking a question or making a speech.

Mr. Chevrier: I was answering the parliamentary secretary. But since I have been interrupted by the parliamentary secretary to the Prime Minister perhaps I can ask him a question to which he refused to reply not so very long ago.

Mr. Martineau: I should like the hon. member to answer my question.

Mr. Chevrier: It is in connection with a matter that affects the St. Lawrence seaway indirectly in which he advocated at great length the deepening of the Ottawa river as a project which would connect with the St. Lawrence seaway. My question is this: Does he think that with locks at the Carillon dam of nine feet depth that will provide navigation facilities that will look after 14-foot ships on the Ottawa river?

Mr. Lambert: That is no worse than your provision for the Welland canal.

Mr. Chevrier: Apparently my hon. friend is not answering the question so I will now return—

Mr. Martineau: I rise on a point of order, Mr. Chairman. I asked the hon. member a question and he has not replied in a satisfactory manner.

An hon. Member: Not satisfactory to you.

Mr. Martineau: I am not engaged in a debate. I think we should get back to the order of business before the committee, namely the estimates of the Department of Transport.

Mr. Winch: I rise on a point of order Mr. Chairman, and it is this. After this quarrel between the three hon. members, may we now get back to the consideration of the estimates of the Department of Transport?

Mr. Martineau: I agree.

Mr. Chevrier: Not before I have had an opportunity of making some comment on the nonsense which has been given to the committee by the hon. member for Stormont who knows very little about the circumstances surrounding the power development and the navigation facilities in his own section of the river.

Mr. Campbell (Stormont): I was not there at the time.

Mr. Chevrier: It is evident he was not there at the time, and it is evident that he is not there now; because if he were there he would deal with the subject in a far more enlightened manner than that in which he dealt with it during the course of his remarks.

I wish to say just one or two things. The first is that the negotiations are covered by agreement between the two countries. They are there for anyone to see, and I put them on record the other evening. Next, there is an agreement between the province of Ontario and the federal government which, I repeat, in so far as the maintenance of 14-foot navigation is concerned, has lapsed because of the fact that it was impossible for Ontario Hydro to abide by the terms of that covenant at that time. Instead of that, they built a structure in the dike. That structure in the dike, as the premier of the province of Ontario has said on more than one occasion —and he has taken credit on more than one occasion for its construction—will provide for future 27-foot navigation facilities on the Canadian side of the line.

However, my hon. friend, in many of his statements, has been attacking not only the Ontario government but also Ontario Hydro. In that respect I do not imagine he can expect many favours from that body, particularly in the constituency from which he comes, when he takes issue with Ontario Hydro as he has done from time to time. But there is one other thing of which my hon. friend apparently is not aware and it is this. All you have to do is to look at a map of the international section in order to see that right in front of the city of Cornwall there are 27-foot navigation facilities. If my hon. friend does not want to look at the map and if he insists that these facilities are not there, then all I need to say is that it is hard to make to see those who will not see.

However, he has had confirmation of that fact by the application which was made by his own constituents the other day to the Minister of Public Works to extend the dike at the east end of the city of Cornwall a few hundred feet—I believe it is for 500 feet—into deep water, something which indicates that deep water facilities are right at the door of his constituency. If he had only taken the trouble to look not so much at the agreement as at what is being done by the federal government—and I refer to the previous government as well as the present government—he would see that 27-foot facilities lie right at the door of the city of Cornwall. The industrial development body which has been established—the official corporate name of which I forget at the moment—deserves a tremendous amount of credit and should be commended for, and congratulated upon the efforts they have made with regard to extending this wharf to deep water. My only hope is that the Minister of Public Works will go far beyond what he has already done in an effort to give these people the port facilities that are required for industrial development in that area.

Mr. Winch: We have in the House of Commons a simultaneous translation system. On my desk I have a switch. I want to say that no matter how I worked that switch I could not understand what was being said by the hon. member for Stormont either in English or in French.

Mr. Pickersgill: You are not unique.

Mr. Winch: Nor can I understand the incensed remarks of the hon. member for Laurier.

An hon. Member: You are in a bad way.

Mr. Winch: If I might be given the privilege of doing so, I should like to come back to the item under discussion, namely the matter of item No. 1 of the estimates of the minister and briefly ask him whether he can give me an explanation as to what is the policy of his department having regard to statements made by those in control of harbours. Under date of June 17 I understand the Minister of Transport received a telegram from the Canadian director, E. C. Sims, with regard to a stoppage of box car deliveries of grain to the port of Vancouver.

I asked a question on that matter and I want to thank the Minister of Transport for his co-operation. He asked me to see him in his office to discuss the matter and he made an appointment for me with the chairman of the board of transport commissioners. I want to say that the co-operation I have received on this most important matter from the minister and from the board of transport commissioners is something for which I am grateful. It is the greatest co-operation I have ever received during any of my time here in Ottawa. Of course, as you know, Mr. Chairman, the best way in which to get things done is to give compliment where compliment is due. I want to say that I have received from the minister and from the chairman of the board of transport commissioners the finest of co-operation. I understand that everything is now functioning very well and that grain is now going through the port of Vancouver.

However, the point I want to raise is this. This entire story is an intriguing one in that it appears that there was a stoppage in the shipping of grain to Vancouver because of reports that there was an impending strike in Vancouver. All my information shows that there could not have been an impending strike in Vancouver because the two unions concerned had gone to federal conciliation. To the best of my knowledge no federal conciliation award has yet been made. Therefore up to the present moment under the law both federally and provincially there is no impending strike.

The point I want to raise with the Minister of Transport is this: I have here a photostatic copy of a column published in the Vancouver *Sun* on June 8. The Minister of Transport did not know of this situation until he received a wire on June 17, and I know, because of the courtesy granted to me by the chairman of the board of transport commissioners, that they did not know about that on June 21, and yet I read in this photostatic copy from the Vancouver *Sun* the headline: "Strike Threatens Grain Shipments. Port Manager says danger of Losses through Labour Tied Up." And then the report goes on to say:

> Threat of strikes by two waterfront unions is causing concern in the continuing drop off in grain shipments through British Columbia ports, Vancouver port manager Captain B. D. L. Johnson said today.

Then there are a number of statements which are not in quotation marks. I want to draw the attention of the minister to the last paragraph in this report from the Vancouver *Sun* which says:

> Captain B. D. L. Johnson summed up the situation this way: "There can be no doubt that the threat of a labour tie-up along the Vancouver waterfront and at other British Columbia ports is having the effect of diverting grain to eastern ports for overseas shipment.
>
> Nobody wants to store grain here that they may not be able to sell or remove.

Mr. Chairman, I say through you to the Minister of Transport that that is in the Vancouver *Sun* of June 8 a statement in quotation marks by the manager of the port of Vancouver. Yet the minister himself I know to my own knowledge was not aware of any trouble until he received a wire on June 17, and the board of transport did not know anything about it until the hon. gentleman made an appointment for me to see the chairman on June 21. As I have said, I want to thank the Minister of Transport for the co-operation he showed me. I also want to thank the chairman of the board of transport commissioners for the co-operation he extended to me. I want, further, to thank the board for the speed with which they got results. Grain is moving to Vancouver.

However, I do want to ask the minister in view of what I have said—and I would be glad to give him the entire file—to tell the committee what is the policy and what are the orders of his department when we read that on June 8 the Vancouver port manager issues a press release in quotes saying there is going to be a tie-up of grain because of a threatened strike in Vancouver when there is in fact no strike in Vancouver and no threatened strike in Vancouver because the conciliation awards have not yet come down for consideration.

Mr. Hees: In answer to the hon. member for Vancouver East may I say I have been very interested to hear what the hon. member said about this telegram. I am not aware of the telegram or of the press release which the gentleman in question is said to have made and if the hon. member will send the file over to me I can assure him I will look into it thoroughly and right away.

With regard to the question which was put to me by the hon. member for Assiniboia, I have listened very carefully to what he has suggested and I will give the matter serious consideration. I am afraid I cannot give him a more definite reply than that, though he would probably like one. But I can assure him I will give this matter serious attention.

Mr. Argue: I thank the minister very much for his answer and I am sure railway employees will be glad to note that the minister has undertaken to give this difficult subject his earnest consideration. They will also look forward to the results of that consideration.

I wonder if the minister could tell the committee whether or not the Department of Labour in co-operation with the Department of Transport has looked into this problem at all? As I see it it is a very serious problem, and I hope that if some kind of special study is not yet under way, some such study, either in the minister's department or in the Department of Labour, will be undertaken prior to opening the kind of thorough inquiry of which I have spoken.

Mr. Hees: I feel sure that the Department of Labour has given consideration to this matter, but I shall be glad to discuss it with my colleague the Minister of Labour.

Mr. Chevrier: It seems to me that it is the disposition of the committee to get on with this item which has been pending for some time, and since the minister is in such a good mood I, too, would like to thank him in anticipation of what I am going to ask him now. It is this: I have raised on a number of occasions during consideration of the estimates, both of the Minister of Mines and Technical Surveys and of the Minister of Transport, the question of the Autair Helicopter Services and I have no intention of repeating what I said on those occasions. But since the minister is in such a good frame of mind I wonder if, having regard to what has already been put on record in *Hansard* and having regard to the fact that when I did raise the question the minister did not have the opportunity to reply, the hon. minister would not consent to ask the air transport board to make an investigation into, not only the complaints and the charges which were made in so far as the Department of Transport is concerned but also in so far as the Department of Mines and Technical Surveys is concerned. If the hon. gentleman accedes to that request I will be the first to thank him.

Mr. Hees: I shall be very glad to look into the question which the hon. member for Laurier has brought up. We shall be very glad to look into these matters.

Mr. Chevrier: I want to thank the minister for that reply.

Mr. Winch: Can I ask the minister if he is now in a position to give an answer to the question I raised as to whether or not the national harbours board designs its structures according to local building bylaws? I heard unofficially that the minister took the matter very seriously and sent someone to Vancouver to investigate and explain the situation to the authorities in Vancouver. Could the minister give an answer?

Mr. Hees: I shall be glad to, Mr. Chairman. The answer is that the national harbours board designs the structures for the various harbours according to the latest national codes and standards and, in most cases, local building bylaws conform to these codes. In a few cases the local building bylaws might not agree with the national standards and, in such cases, if the local authorities present objections these are thoroughly investigated and if they appear reasonable steps are taken to conform to the local bylaws.

The designs used by the national harbours board are more or less standard and have been developed by the board's engineers from many years of experience on harbour works from coast to coast. On all important works there is a qualified resident engineer and inspection of materials is usually carried out by private inspection companies.

It is the board's practice to have all services installed to the satisfaction of the local authorities and as an example of this the following clauses were contained in the specification covering the construction of transit shed No. 2, centennial pier, Vancouver harbour:

> Workmanship (re plumbing). The workmanship and method of installation shall conform to the best standard practice, to the entire approval of the engineer and shall be in accordance with local plumbing bylaws.
>
> Inspection and Testing. All work included in the sprinkler system layout throughout the transit shed will be inspected and tested by and shall meet with the approval of the British Columbia underwriters association in all respects.

I trust that answers the hon. gentleman's query.

Mr. Herridge: Mr. Chairman, I shall read a resolution sent to me by the Trail chamber of commerce and ask one question. The resolution reads:

> Whereas the federal government has stated as one of its policies the development of the northern part of Canada and the construction of a railway, and
>
> Whereas the Hon. E. D. Fulton has recently reiterated the government's promise of such a railroad, and

Whereas the construction of such a railroad would speed the development of the northern part of Canada and add a substantial direct and indirect increase in the gross national product of Canada by the development of the vast lead-zinc deposits at Pine Point, together with other natural resource developments in the Northwest Territories.

Therefore be it resolved that the Trail chamber of commerce urge the federal government to make an immediate start on the promised construction of a northern development railroad to connect Pine Point in the Northwest Territories with a presently constructed railway system, and

Be it further resolved that copies of this resolution be forwarded to the Right Hon. John Diefenbaker, Prime Minister; the Hon. E. D. Fulton, the Hon. George Hees and Mr. H. W. Herridge, M.P.

In view of this understandable concern will the minister indicate what the government proposes to do?

Mr. Hees: Perhaps the hon. member was not in the house approximately two days ago when the Prime Minister was asked a question by, I believe, the hon. member for Mackenzie River. The Prime Minister replied that he had not as yet received the report from the royal commission investigating the routes. The hon. member for Kootenay West will of course realize that until the report of the royal commission is received by the Prime Minister no study can be made and no decision taken. The hon. gentleman will realize that the Prime Minister works on these reports very rapidly once they are received. When the report is received it will be given serious study by the government and as soon as possible a decision will be made. I can well understand the hon. member's interest in and anxiety about this and the interest and anxiety of those he represents. I can assure him that no time will be lost in giving this matter serious study as soon as the report is received from the royal commission.

Mr. Pickersgill: Can the minister give us an assurance that the promise made by the Prime Minister in St. John's, Newfoundland, in 1957 that there would be a standard gauge railway across that province will be implemented in 1961?

Mr. Hees: Mr. Chairman, I was not there. I did not hear the promise nor have I heard that such a promise was made but I can assure the committee, and as the hon. member for Bonavista-Twillingate knows very well, that when the present Prime Minister of Canada gives a promise he keeps that promise.

Mr. Pickersgill: I will be happy to send the minister clippings from several newspapers. At least the newspapermen who were with the Prime Minister thought he gave that promise and the minister surely should have studied it by this time.

[Mr. Herridge.]

Mr. Hees: Mr. Chairman, as always when I receive anything from the hon. member for Bonavista-Twillingate I will give it close and serious study.

Mr. Argue: In answer to the question posed by the hon. member for Kootenay West the minister mentioned a question I asked the Prime Minister the other day to which I received an answer. I am wondering if there is any possibility that the Minister of Transport has received the recommendations of the commission studying the routes?

Mr. Hees: The answer is, no.

Mr. Hardie: I am also wondering whether or not the Consolidated Mining and Smelting Company of Trail, British Columbia, has made recent representations to him concerning the building of this railroad?

Mr. Hees: The answer again is no.

Item agreed to.

Marine services—
Aids to navigation—

411. Construction or acquisition of buildings, works, land and equipment, $2,844,830.

Mr. Howard: On page 521 of the details there is shown a total sum of money for construction or acquisition of buildings, works, lands and equipment. Would the minister consider in the preparation of this and similar items relating to airport construction and other things including a more complete break-down as it done in the case of the estimates of the Department of Public Works?

Mr. Hees: The answer is no, because the items are too small and too numerous. This year we have commenced tabling the items of $100,000 and more and giving details with respect to the larger items.

Mr. Howard: I do not ask for complete details of every project but for a break-down on major undertakings in the preparation of future estimates.

Mr. Hees: As I mentioned, we have given much greater detail this year than formerly and we shall be very glad to discuss this possibility with treasury board, and if it can be agreed with them to have a further break-down of those items in the future we shall endeavour to do so. We have considerable detail here and if the hon. member wishes to come over—I have the books here showing a great deal of detail regarding the particular area with which he is concerned—I shall be very glad to show him all the information we have. If there is anything that he wants information about that we have not in the books at this table I shall be glad to give it to him tomorrow.

Mr. Howard: I appreciate the minister's offer. I have not had any difficulty in the past in obtaining such information from the department or from the minister about specific items. I was thinking about a further explanation and clarification of some of these things for the general public and for other hon. members who may obtain these estimates, so that they could use the information to better advantage. The minister might take this under consideration and if he could give us some more detail it would be advantageous to everybody.

Mr. Hees: I should be very glad to look into it.

Mr. Pickersgill: Before this item passes may I make an appeal to the minister to have a look at the rock outside Wesleyville harbour and see if a light could not be put on it.

Mr. Hees: Yes, I shall be glad to, Mr. Chairman.

Item agreed to.

412. Nautical services including Canada's share of the cost of the North Atlantic ice patrol; grants and contributions as detailed in the estimates; rewards for saving life from vessels in distress; subsidy to a salvage company; and the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in section 306 of the Canada Shipping Act, $604,524.

Mr. Winch: I do not wish to hold up the estimates but this is the only item that I can think of on which I can ask the minister what is the policy of the government as regards a coastguard service in British Columbia. This is, I think, one of the most intriguing and important points on our entire coast. It means very much to the fishermen and the entire services on that coast. Can the minister give us a complete picture of its status?

Mr. Hees: Yes, Mr. Chairman. We have appointed two co-ordinators, one on the west coast and one on the east coast, and we are in the process of appointing a co-ordinator for the central region of Canada. The co-ordinator has been appointed on the west coast and has taken office. He is now in the process of interviewing various groups on the west coast, the purpose of which is to find out how all of the marine services in that area at the present time can be best co-ordinated and used in the same way as the coastguard is used in the United States. We believe that with the equipment that is available, the ships and planes that are available, the main thing is now to have training and co-ordination. The working of all those groups in operation will, we feel sure, produce the equivalent of the United States coastguard.

I quite agree with the hon. member and with other hon. members who have brought this matter up in the house and have talked with me personally that there is tremendous need for such a co-ordinated service in our waters, whether they be coastal or inland.

Mr. Chevrier: May I say one word in connection with this and a brief one at that. I have read the press release issued by the Minister of Transport in connection with the coastguard service and the appointment of Captain Brand as director of marine operations. I think that was an excellent appointment but the minister will not mind my saying that I do not think a great deal has been added to the co-ordination as it existed prior to his press release. I say that because the significant point in the release is that there seems to have been no co-ordination in the Canadian coastal marine services of any vessels other than those operated by the Department of Transport. In other words, no new elements have been added. All that seems to have happened is a change in the name. It is a step in the right direction, of course, to co-ordinate the establishments of the Department of Transport; but if there is to be a proper rescue service and coastguard operation from one end of the country to the other, particularly on both coasts, this should be co-ordinated with the Canadian coastal marine services.

The minister will probably recall that the hon. member for Oxford was very keen about this from time to time and repeatedly complained that there was no suitable service on the great lakes. From the press release it did appear to me that there was really not much of a change in the search and rescue operations on both coasts. However, I may be mistaken here. I bring it to the attention of the minister because I think proper co-ordination should take place not only within the department but also outside of it.

Mr. Winch: I know the minister realizes how important this is to us on the west coast. He said that a co-ordinator had been appointed on each coast. He also said he thinks there will be on the coast of British Columbia a service similar to and as good as the coastguard service of the United States. What is the authority of the co-ordinator? If you are to have a coastguard service on the coast you must gave co-ordination and the co-operation of fishing boats, of the navy, of the R.C.A.F., of all weather, radio and other stations. What is the authority of the co-ordinator to bring them all together? Who has the say?

Mr. Hees: Under our direction the co-ordinator will have the authority to co-ordinate those various groups in search and rescue efforts. His job at the present time is to make a survey of the situation and report

to us what he considers is needed and then we will proceed to work on plans for training and co-ordinating the various vessels, government vessels and private vessels, so that they can be used in search and rescue work, which is the main objective of this exercise.

Mr. Howard: I have one small question I would like to ask the minister. It relates to the information in the details on page 523 under "nautical services". On this page are listed grants and contributions to mariners' or seamen's institutions, such as the navy league of Canada, Sydney, Nova Scotia, the seamen's mission society, Saint John, New Brunswick, and so on. Can the minister indicate what is the basis for these grants and what these particular missions, sailors' clubs or institutions do in so far as their assistance, if that is the proper name to give it, to seamen is concerned?

Then, there is an item "British Columbia towboat owners' association", toward which a grant is not required this year. The sum of $15,000 was granted to this association last year. Can the minister indicate what the $15,000 was for, and also what is the $75,000 item which is called a salvage subsidy to Foundation Maritime Limited, Montreal, Quebec? These amounts all come under the same item.

Mr. Hees: I am advised that the grants to institutions are for welfare work with sailors and maintaining hostels and things in ports where these sailors can go to. The $15,000 is to pay an adviser, one of the representatives of the tugboat owners, who co-ordinated certain rescue operations last year; and the $75,000 is to maintain a stand-by salvage tug in the gulf of St. Lawrence and the Atlantic waters area.

Mr. Howard: Just one other point. I understood the minister to say with respect to the $15,000 to the British Columbia towboat owners' association that this was a payment to a member or someone within that association who co-ordinated with or did some co-ordination work on search and rescue operations. Did he do somewhat similar work as will now be performed by the person the hon. minister referred to a while ago who will be appointed as co-ordinator?

Mr. Hees: In a much more limited field; only in regard to his own association.

Mr. Howard: Could the minister indicate what the results of this co-ordination were? Was the $15,000 well spent; did we get value for our money; and did anything concrete come out of it so far as sea rescue is concerned?

[Mr. Hees.]

Mr. Hees: I am advised that the work done by the person was quite helpful but we considered it was not enough. That is why we have gone in for our own co-ordinator and embarked on this new plan.

Mr. Winch: I understand that money is paid for a standby tug for sea rescue work on the Atlantic coast, but there is no stand-by tug on the Pacific coast; is that correct?

Mr. Hees: It is a salvage tug on the Atlantic coast.

Mr. Winch: But not on the Pacific coast?

Mr. Hees: We did pay a similar subsidy for a salvage tug on the west coast, but I am advised that this was discontinued because there are a large number of salvage tugs on the west coast who perform this same function.

Item agreed to.

415. Steamship inspection service including the carrying out of the provisions of the conventions for the safety of life at sea and load lines, and contributions as detailed in the estimates, $1,099,578.

Mr. Chevrier: Mr. Chairman, may I ask what is the present position of the conference on the safety of life at sea and load lines. I understand there are meetings from time to time outside of Canada and that the department sends representatives. If I may say just another word about it, how much of this vote is assigned for that purpose and what is the present position of the convention? Is there any intention of amending it and bringing it before parliament at a future date?

Mr. Hees: I am advised that the convention is over. Our representatives have just returned and we have not yet received their report, so I am afraid I cannot answer that.

Mr. Howard: Mr. Chairman, while dealing with the steamship inspection service I wonder if I could ask the minister what has been the experience of this service in inspecting ships of Northland Navigation Company on the west coast? Are any of the ships of Northland Navigation Company restricted from entering into certain waters, or are they sufficiently well built and in sufficiently good shape to travel to any point on the west coast? Are there any restrictions against any of the ships, and, if so, which ones?

Mr. Hees: I am afraid this is a question which calls for a little more detail than we have available, but I will be glad to get the answer for the hon. member and give it to him as soon as possible. I would be glad to give it to him tomorrow.

Mr. Howard: If I may be permitted to clear this up, there are some ships which are not able to travel to certain parts of the coast of

British Columbia. If such is the case—I do not know whether it is or not—under a subsequent vote, namely the Canadian maritime commission vote for subventions, depending of course upon the information which I receive from the minister, perhaps I could relate this to the subventions which are paid. In that case I would not ask that this particular vote stand, but if we do get to the Canadian maritime commission vote before the hour of ten o'clock, I wonder if at that time the minister might allow that particular vote to stand?

Mr. Hees: Mr. Chairman, much as I would like to get to the maritime commission vote before ten o'clock, I am afraid there is not one chance in a thousand that we will. If we did, I would certainly hold it up, but I can assure the hon. member I will get the information for him and I will answer the question when the maritime commission vote comes up.

Item agreed to.

418. Contract dredging including acquisition of land for ship channel improvements, $3,272,903.

Mr. Villeneuve: Mr. Chairman, I will not be very long. The year 1908 was when the last survey was made of the Ottawa river for navigation purposes, and the associated boards of trade in eastern Ontario are very much interested in this question. First of all it is necessary to have the survey completed, and in the face of that survey being made and the economics of the situation, I wonder if this could possibly be done. As the minister is well aware, the Carillon power development dam is building a lock, as I understand it, in the face of the dam and one of the first essentials is to see that it is of the proper dimensions to meet present day demands.

Mr. Martineau: Mr. Chairman, just on this item, I think the hon. member for Laurier asked a question concerning that and, as I recall it, when I mentioned this in the house some time ago he was the first member to congratulate me on the project.

Mr. Hees: Mr. Chairman, I am advised by my officials that the key to this whole plan is the bridge at Ste. Anne. I am advised that there is no object in devising a plan for changing the lock until there is a plan for changing this bridge. But the lock is designed so that it can be enlarged.

Mr. Chevrier: May I ask the minister this question. But first, has the hon. member for Glengarry-Prescott finished?

Mr. Villeneuve: Yes.

Mr. Chevrier: What I was going to ask the minister was this, and it was apropos of the interruption I received from the parliamentary secretary to the Prime Minister when he referred to his speech in connection with the development of the Ottawa waterway. I think that is a very commendable project, but at the time it was not known what the depth of the locks over the sills would be. I put a question on the order paper, which I have here some place, and the answer given was that the depth over the sills would be nine feet. This means that the navigation depth is nine feet.

I do not see how the project of the hon. member, laudable as it might be and which I would be quite willing to support to the fullest extent, would be practical if ships of nine-foot draft only could be moved up and down the Ottawa river.

Mr. Hees: The nine-foot sill is correct, but the lock is constructed so that it can be deepened.

Mr. Bell (Carleton): I should like to say a word or two in relation to this matter. I agree with the minister that the bridge at Ste. Anne's is the key to the whole situation. I would hope that resulting from the discussions, which will have to take place between the government of Canada and the government of Quebec in connection with a new bridge which will leave the west end of the island of Montreal, there would be assurance that the bridge would be a high level bridge to make it possible for the Ottawa deep waterway to be constructed. I think it would be most unfortunate if we were to permit a new low level bridge to be built at the west end of the island of Montreal which would in any way prevent the future development of the waterway.

My understanding of what has taken place at Carillon in respect to the present construction is that while there are presently nine-foot sills to be put in, none the less the plans do call for the eventual deepening of these to 14 feet, and that there is no problem in relation to that being done under the existing plans, and that in the present power development there is by no means foreclosure of the eventual, and I hope fairly soon, achievement of the Ottawa deep waterway.

Mr. Chevrier: I should like to add one comment. I am glad the hon. member for Carleton did make the interjection which he has. I have seen the plans on two occasions, and they are extremely interesting and intricate. Following the viewing of these plans and discussions of them with certain engineers I put a question on the order paper for the Minister of Public Works which, unfortunately, I have not got with me now.

However, the plans as they now stand provide for nine-foot navigation. It may be that in the future it will be possible to deepen the sills to 14 feet, but at increased cost because if there is to be 14-foot navigation the plans should be drawn now for that purpose. The plans are complete for the elevation of the bridges from the Ottawa-Hull area right down to the outflow of the Ottawa river into the St. Lawrence at Cascades. There can be no doubt from what I have seen that unless these plans are altered they provide at the moment for nine-foot navigation. Let me tell my hon. friend that in his anxiety to see the Ottawa waterway developed he will find support for it from this side of the house because I think it will be all to the good if there is an additional 14-foot waterway which flows into the St. Lawrence. But if that is to be done the plans will have to be altered.

Mr. Hees: Before the item carries I should like to assure the hon. member for Carleton that I agree with him in principle. If a new bridge is to be built, it should be a high level bridge.

Item agreed to.

Railway and steamship services—

419. Repairs and expenses in connection with the operation and maintenance of official railway cars under the jurisdiction of the department, $59,800.

Mr. Chevrier: I am not rising at this time to complain about the railway cars. This would be the last thing in the world which I would do, notwithstanding the fact that the minister's colleague, the present Secretary of State for External Affairs, used to complain repeatedly about these amounts and once voted to remove one of these cars. Be that as it may, I am perfectly happy with this arrangement and I think it should remain as it is.

I rise to inquire about the Pelee island ferry service which comes under the steamship services. I asked this question on the supplementary estimates at the beginning of a session and the Minister of Finance, when he was dealing with the supplementaries, replied as follows, as reported at page 2114 of *Hansard* for 1959:

> This is the way the operation was carried on previously. The ship had been operated before under just such an arrangement in the hon. gentleman's time when he was minister of transport.

I have since learned that statement is entirely inaccurate. The ship that is now being operated in the Pelee island service is not being operated by way of subsidy. This is a new ship and a departure has been made from the ordinary contract and policy of the department whereby instead of paying a steamship subvention a new ship is being purchased and turned over under certain terms and conditions to the company. Furthermore there has been a curtailment of the service. Whereas, in the first place, the S.S. *Pelee* operated not only between the mainland and Pelee island but also made daily calls at Sandusky, Ohio, in the United States, the United States portion of the trip has been cancelled. This was, I understand, the profitable part, the operation into the United States, and the other part was unprofitable.

I should like to say at once that nothing I have said is to be construed as criticism of the charming sponsor of the ship who I note, according to a press release, was the spouse of the hon. member for Essex South.

Mr. Hees: Mr. Chairman, I am advised, and I remember it well now because I think it was the first item I dealt with in the department when I took over in 1957, that the decision to build this ship was taken by the previous administration. It was to replace a ship that had worn out which, I believe, had been built in 1912 and had been classed as unsafe. It had been decided by the previous administration to build a new ship and that decision was carried out by this administration. The ship was for island-mainland service only and not for the United States and that decision, I am advised, was taken by the former administration and was carried out by this administration.

Mr. Chevrier: Was the decision made earlier for the new ship as well?

Mr. Hees: Yes, it was made in 1956.

Mr. Chevrier: I am not contesting the minister's statement, but I should like to look into it. Perhaps I will have more to say when we come to the item of the maritime commission.

Mr. Hees: Yes, Mr. Chairman.

Mr. Howard: I just followed what the hon. member for Laurier had to say about these official railway cars. Undoubtedly an explanation has been given a number of times in the past, perhaps by the present minister, as to what these official railway cars are for and who uses them.

Mr. Hees: Two of these cars are used by the Governor General and three are for general use by the government, including ministers and the board of transport commissioners. The number in use has been decreased by two from the number previously in use when this government took office. At the present time I am considering making a study to see if one more of these cars can be eliminated.

Mr. Howard: It seems to me that perhaps there should be a reduction in the number

of railway cars. From what I can gather they are not used very often and consequently sit there perhaps as museum pieces more than anything else. With the advent of air transportation and it being increasingly more available to society and also to the cabinet perhaps in the near future we might not have such an item listed in the estimates.

Mr. Hees: The Governor General uses his two cars a great deal. The board of transport commissioners use one of the three remaining cars a great deal. As I say, I am now studying the possibility of eliminating another of the cars at present in use. As I mentioned earlier, we have reduced by two the number of cars that were previously in use.

I now have the answer to the question asked a few moments ago by the hon. member for Skeena. The answer is this. All ships of the Northland Navigation Company have been certified for service on the west coast as requested by the owner, with the exception of one passenger conveying vessel which was restricted to the number of passengers permitted on the certificate because its subdivision—that is the number of transfer bulkheads fitted—is below regulation standards.

Mr. Howard: That is for service on the west coast?

Mr. Hees: Yes; coastal waters.

Mr. Chevrier: I do not want to argue with the minister but my recollection is that when I held the position which the minister now holds there were five private cars and no more, namely two used by His Excellency the Governor General which were in constant use; one to the board of transport commissioners; one which was assigned to the minister of transport and one which was assigned to all the other ministers. That is the recollection I have. I may be in error.

Mr. Hees: I am glad the hon. member for Laurier has corrected me. We have eliminated not two cars but one car and at present are studying the elimination of another.

Item agreed to.

420. Prince Edward Island car ferry and terminals, $2,299,000.

Mr. Pickersgill: Can the minister tell us something about the Prince Edward Island car ferry and what the present situation is?

Mr. Hees: Yes. We are at present building a new car ferry to supplement the three at present in use. We are marking time on further consideration pending the decision on the Prince Edward Island causeway.

Mr. Pickersgill: Can the minister give us any confirmation as to when that progress report will be turned into an actual report on the causeway?

Mr. Hees: No. I am afraid I cannot do that. However, I know my colleague the Minister of Public Works is working night and day on the matter.

Mr. Pickersgill: Is he working on it personally?

Mr. Hees: I am sure he is doing so because all of the ministers in this government work on these problems personally.

Mr. Pickersgill: That answer does not give me much hope.

Mr. Howard: I have just one question to pose to the hard working minister on item 420, although I think perhaps I shall be obliged to make reference, for the sake of comparison, to one of the other items, namely item 427. I notice that on page 75, item 427 relates to an amount of $209,000 and it is listed as "deficit, 1960". However, in the details of the estimates both item 420 and item 421 are listed as deficits but not so on the first page. I wonder what this means? Why is this listed as a deficit?

Mr. Hees: This represents an operating loss on the service.

Mr. Howard: Apart from that matter I have some other thoughts to express on this item. It seems that there is a total—and this is only rough figuring—of some $15 million represented in a number of votes for car ferries and terminals, strait of Canso transportation improvements and facilities and so on, all of which relate to the east coast. I wonder whether the minister could explain the reason for these amounts being listed here under the federal department. Is it because they relate in some cases to interprovincial travel? Why are the provincial governments—or in this instance Prince Edward Island particularly—not involved in building terminals or car ferries?

I ask this question as a result of comparing the situation with that in British Columbia where we also have ferry systems in operation between the mainland and Vancouver island and in some cases between points on the mainland. In so far as I know, all of them are operated under provincial government auspices. I wonder what the reason is for the difference there. Can the minister explain that matter to me?

Mr. Hees: Yes. These subsidies result from either the terms of union or confederation agreements between ourselves and these different provinces. They are of long standing,

with the exception of the agreement with Newfoundland which of course extends back only about 10 years. These services are operated on our behalf by Canadian National Railways.

Mr. McQuillan: Are all these votes in accordance with the terms of confederation? Are they all interprovincial services or are not some of them just within the province itself? I notice one or two here that are within a particular province. It is not often that I agree with the hon. member for Skeena but one thing that puzzles me is why the Department of Transport will provide certain services in the maritimes or the eastern provinces and will not provide them in the west.

Mr. Hees: These ferries are all the result of confederation terms with the exception of the Yarmouth-Bar Harbor ferry.

Mr. McQuillan: There is one with respect to Pelee island. Is that one of the terms of confederation?

Mr. Hees: Will the hon. member tell me what item he was talking about? I thought he was referring to the Prince Edward Island and Newfoundland ferry service.

Mr. McQuillan: I was speaking generally of these items, but I saw it some place. As a matter of fact, every time I look through these items I get a little bit annoyed; it is not that I am not in favour of their having these services down in the maritimes and in the east, but as a matter of comparison, the situation annoys me. I saw an item some place with regard to a ferry to Pelee island. Is that an interprovincial ferry?

Mr. Hees: This new Pelee island ferry was an arrangement entered into in 1956 by the previous administration and carried on by this government.

The Chairman: Shall vote 420 carry?

Some hon. Members: Carried.

Mr. Howard: Perhaps we might call it ten o'clock.

Mr. Churchill: Could we not go on for a few minutes?

Mr. Pickersgill: What item are we on?

The Chairman: Does the committee give unanimous consent to continuing after ten o'clock?

Some hon. Members: Agreed.

Mr. Howard: I think we should call it ten o'clock, Mr. Chairman.

Mr. Pickersgill: Before you leave the chair, could you tell us what item we are on?

The Chairman: Item 420.

Resolutions adopted in committee of supply this day reported and concurred in.

BUSINESS OF THE HOUSE

Mr. Chevrier: May I ask the leader of the house if we can take it for granted that during the next three days we shall be considering estimates and if so will he tell us what those estimates will be?

Mr. Churchill: Tomorrow being Wednesday we shall begin with the Department of Fisheries followed by the Department of Justice, and if those estimates are completed we will, I hope, complete those of the Department of Transport. I announced the business for Friday the other night.

It being four minutes after ten o'clock the house adjourned, without question put, pursuant to standing order.

ANSWERS TO QUESTIONS

The following answers, deposited with the Clerk of the house, are printed in the official report of debates pursuant to standing order 39:

CORNWALL HIGH LEVEL BRIDGE—PIER SILT ANALYSIS

Question No. 382—**Mr. Argue:**

1. Were the piers of the substructure of the Cornwall high level bridge washed to obtain an analysis of silt content prior to remedial measures being carried out?
2. If so, (a) who conducted the washing operations; (b) on what dates; (c) how many washings were carried out; (d) why were each considered necessary?
3. Was a copy of the analysis of silt content of the piers asked for by the contractor undertaking the remedial work?
4. If so, (a) was it given to him, and on what date; (b) what was the date of the request and its nature?
5. If not, why was his request refused by the St. Lawrence seaway authority?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The St. Lawrence seaway authority advises as follows:

1. No; the washing was performed as part of the remedial measures.

Questions

2. (a) Prepakt Concrete Company Limited; (b) commenced December 19, 1957, and continued intermittently until April 30, 1958, with a major interruption during the winter high water stage from January 24, 1958 until April 14, 1958; (c) not known but, in each cylindrical shaft, until the water ran clear; (d) to remove from the crushed stone aggregate all loose sand, silt or other substance which might interfere with the proper flow and adhesion of cement grout subsequently introduced under pressure to consolidate the aggregate.

3, 4 and 5. Information as to the findings was requested by letter dated January 29, 1958 and was given orally by A. G. Murphy to J. H. Christman, the date not being recorded.

DEFICITS OR SURPLUSES, NON-MERCHANDISE TRANSACTIONS ABROAD

Question No. 418—**Mr. Broome:**

For each of the last five years and for the latest period available in 1960, what was the Canadian deficit or surplus for non-merchandise transaction with: (a) United States; (b) United Kingdom; (c) other countries?

Answer by: **Hon. Gordon Churchill (Minister of Trade and Commerce):**

Net balance from non-merchandise transactions (including official contributions) between Canada and the United States, the United Kingdom and other countries, calendar years 1955–1959 and first quarters 1959 and 1960

(Millions of dollars)

	Transactions with the United States	Transactions with the United Kingdom	Transactions with other countries
Calendar year 1955	−350	− 36	−101
" " 1956	−472	− 73	− 93
" " 1957	−621	− 91	−133
" " 1958	−606	−122	−187
" " 1959	−718	−130	−226
First quarter 1959	−177	− 41	− 43
" " 1960	−169	− 41	− 62

NOTE:—This sign indicates a deficit.

Figures from 1957 on are subject to revision.

IMPORTS OF MOTOR VEHICLES AND PARTS

Question No. 419—**Mr. Broome:**

1. What is the total value of all new trucks and automobiles imported into Canada in each of the last five years from: (a) United States; (b) United Kingdom; (c) others?
2. What is the total value of all automotive parts imported into Canada in each of the last five years from: (a) United States; (b) United Kingdom; (c) others?
3. What is the total value of all automotive parts imported into Canada in each of the last five years from the United States on a duty free basis, as being either of a class or kind not made in Canada, such as automatic transmissions, or on a drawback basis for incorporation on Canadian assembled vehicles under the commonwealth content formula based on total units produced per year?

Answer by: **Hon. Gordon Churchill (Minister of Trade and Commerce):**

Questions

1. Total value of new trucks and automobiles (classes 5641, 5642, 5643, 5644) imported into Canada:

Year	(a) United States	(b) United Kingdom	(c) Other countries
	$	$	$
1955	87,521,263	15,821,635	6,035,097
1956	125,834,286	24,040,995	15,428,693
1957	75,928,338	32,474,486	20,879,939
1958	66,688,585	55,988,712	36,734,448
1959	78,645,983	88,085,539	54,890,180

2. Total value of all automotive parts (classes 1729, 5242, 5245, 5646, 5648, 5650, 7002, 7004) imported into Canada:

Year	(a) United States	(b) United Kingdom	(c) Other countries
	$	$	$
1955	272,748,650	3,861,852	433,157
1956	310,818,212	4,699,387	1,201,518
1957	278,236,318	5,292,650	1,987,740
1958	255,069,406	5,623,248	2,538,821
1959	306,370,175	7,377,394	3,591,798

3. Total value of all automotive parts (classes 1729, 5242, 5245, 5646, 5648, 5650, 7002, 7004) imported into Canada from the United States on a duty free basis:

Year	Duty free imports
	$
1955	138,465,375
1956	153,488,848
1957	148,139,706
1958	150,995,036
1959	not available.

Information on imports of a class or kind not made in Canada, is not available.
Information on imports on a drawback basis, is not available.

OIL IMPORTS AND EXPORTS

Question No. 420—**Mr. Broome:**

1. What was the total value of crude oil imports in each of the last five years from: (a) near and Middle East; (b) Trinidad; (c) Venezuela; (d) United States?
2. What was the total value of crude oil exports in the same periods?
3. What was the total value of refined oil products imported from the United States in each of the last five years?
4. What was the total value of refined oil products exported to the United States in each of the last five years?

Answer by: **Hon. Gordon Churchill (Minister of Trade and Commerce):**

1. Total value of crude oil imports (classes 7153, 7154, 7165):

Year	(a) Near and Middle East	(b) Trinidad	(c) Venezuela	(d) United States
	$	$	$	$
1955	26,607,608	6,704,169	172,883,246	22,803,325
1956	46,496,261	7,386,860	196,559,596	19,062,542
1957	34,464,354	3,490,513	241,629,303	26,096,058
1958	68,901,968	5,045,104	199,909,243	4,684,405
1959	81,771,228	7,470,592	187,584,171	669,200

Total value of crude oil exports (class 7280)

Year	Value
	$
1955	36,253,134
1956	103,923,155
1957	140,974,837
1958	73,043,757
1959	74,541,292

Questions

3. Total value of refined oil products (classes 7151, 7156, 7161, 7162, 7163, 7164, 7166, 7167, 7168, 7171, 7172, 7173, 7174, 7181, 7182, 7183, 7184, 7185, 7186, 7187) imported from the United States:

Year	Value
	$
1955	94,839,702
1956	97,817,120
1957	99,007,379
1958	71,439,321
1959	71,168,405

4. Total value of refined oil products (classes 7290, 7300, 7310, 7315, 7320, 7330) exported to the United States:

Year	Value
	$
1955	3,237,602
1956	8,134,278
1957	8,873,084
1958	2,788,326
1959	5,085,619

EXPORTS AND IMPORTS, CANADA-VENEZUELA

Question No. 421—**Mr. Broome:**

1. What were total Canadian imports from Venezuela in each of the last five years, and what is the latest available figure for 1960?

2. What were total Canadian exports to Venezuela in each of the last five years, and what is the latest available figure for 1960?

3. What were our principal exports to Venezuela in each of these periods, and the dollar value of each class of exports?

Answer by: **Hon. Gordon Churchill (Minister of Trade and Commerce):**

1. Canadian imports from Venezuela:

Year 1955	$ 187,277,463
1956	208,401,325
1957	248,144,971
1958	209,590,086
1959	204,697,170
January-February 1960	32,207,967

2. Canadian exports (domestic produce plus re-exports) to Venezuela:

Year 1955	$ 30,802,268
1956	34,417,263
1957	40,184,192
1958	43,866,795
1959	46,384,817
January-May 1960	15,832,790

3. Principal exports (domestic produce) to Venezuela:

Commodity	1955	1956	1957	1958	1959	Jan.-May 1960
	(Thousands of Dollars)					
Milk, powdered, condensed, evaporated	5,117	5,482	5,344	7,129	7,901	3,007
Wheat	187	119	162	3,068	5,310	2,584
Eggs in the shell (for food)	699	796	2,614	4,105	4,601	1,066
Newsprint paper	1,261	1,910	2,461	2,242	2,358	897
Electrical apparatus, n.o.p.	557	915	953	1,970	2,255	752
Synthetic plastics, primary forms	1,565	968	1,619	1,786	2,090	1,059
Machinery (non-farm) and parts	1,573	1,988	2,855	1,914	1,853	787
Wood pulp	0	222	12	223	1,685	177
Automobiles, passenger	100	1,057	1,061	1,101	1,624	564
Copper wire and copper manufactures	1,037	1,430	1,091	805	1,171	214
Lumber and timber	558	1,288	2,113	805	997	256
Potatoes, certified seed	372	1,024	813	695	749	347
Wheat flour	10,007	8,395	5,613	6,386	661	4
Pipes, tubes and fittings (iron and steel)	68	196	2,616	829	374	2

NOTE: Commodities ranked according to value of exports in 1959.

Supply—Items Passed

[The following items were passed in committee of supply]:

DEPARTMENT OF TRANSPORT

411. Construction or acquisition of buildings, works, land and equipment, $2,844,830.

412. Nautical services including Canada's share of the cost of the North Atlantic ice patrol; grants and contributions as detailed in the estimates; rewards for saving life from vessels in distress; subsidy to a salvage company; and the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in section 306 of the Canada Shipping Act, $604,524.

Pilotage service—

413. Administration, operation and maintenance, $1,571,976.

414. Construction or acquisition of buildings, works, land and equipment, $235,000.

415. Steamship inpection service including the carrying out of the provisions of the conventions for the safety of life at sea and load lines, and contributions as detailed in the estimates, $1,099,578.

416. Marine reporting service, $157,918.

Ship channel service—St. Lawrence and Saguenay rivers—

417. Administration, operation and maintenance, $1,370,414.

418. Contract dredging including acquisition of land for ship channel improvements, $3,272,903.

Railway and steamship services—

419. Repairs and expenses in connection with the operation and maintenance of official railway cars under the jurisdiction of the department, $59,800.

Transport—

A—Department—

555. Departmental administration—further amount required, $68,350.

Canal services—

556. Construction or acquisition of buildings, works, land and equipment—further amount required, $65,700.

557. Operating deficit and capital requirements of canals and works entrusted to the St. Lawrence seaway authority with the approval of the governor in council—further amount required, $497,000.

558. Payment to the Canada Starch Company Limited (hereinafter called the company) on condition that the company execute and deliver to Her Majesty a release in a form satisfactory to the Minister of Transport, in lieu of compensation payable to the company on cancellation of a lease between Her Majesty and the company in respect of certain lands along the Galops canal that are affected by the St. Lawrence seaway and power development, $930,000.

Marine services—

Marine service steamers—

559. Administration, operation and maintenance —further amount required, $333,845.

561. Construction or acquisition of buildings, works, land and equipment—further amount required, $198,000.

Pilotage service—

562. Administration, operation and maintenance —further amount required, $135,960.

563. Construction or acquisition of buildings, works, land and equipment—further amount required, $29,000.

HOUSE OF COMMONS

Wednesday, June 29, 1960

The house met at 11 a.m.

RAILWAYS, CANALS AND TELEGRAPH LINES

ELEVENTH AND TWELFTH REPORTS OF STANDING COMMITTEE—CONCURRENCE IN TWELFTH REPORT

Mr. W. M. Howe (Wellington-Huron) presented the eleventh and twelfth reports of the standing committee on railways, canals and telegraph lines, and moved that the twelfth report be concurred in.

Motion agreed to.

HEALTH INSURANCE

YUKON—ANNOUNCEMENT OF SIGNING OF AGREEMENT

Hon. J. W. Monteith (Minister of National Health and Welfare): Mr. Speaker, I would like to inform the house that I have today signed an agreement with the commissioner of the Yukon under the Hospital Insurance and Diagnostic Services Act. This is the eleventh such agreement to be completed, and will permit the commencement of operations on July 1, 1960. By assuring residents of the territories access to hospital and diagnostic services on the same basis as other Canadians, the program should be of tremendous value to the Yukon in achieving full partnership in the nation's progress.

Hon. Paul Martin (Essex East): May I ask the minister if he will take notice of the announcement by the premier-designate of Quebec that he proposes not to delay action in this matter? I hope the federal government will likewise be ready to meet him and discuss the matter without delay.

Mr. Monteith (Perth): I should like to point out that the federal government has been most co-operative with all provinces ever since the Hospital Insurance and Diagnostic Services Act was enacted.

Mr. Hazen Argue (Assiniboia): Mr. Speaker, this is a welcome announcement which demonstrates that very soon all Canadians will have the advantages of the provisions of the national hospitalization act. Now that this agreement has been completed I hope the government will lose no time in expanding its health benefits in the direction of a full national health insurance program by providing legislation, in co-operation with the provinces, for prepaid medical care for all citizens.

79951-0—349

STARRED QUESTIONS

CHLORATHIOZIDE DRUG PURCHASES

Question No. 165—**Mr. Howard:**

1. Since January 1, 1958, has any medical doctor attached to, or working under the jurisdiction of, any department of government made a special request that the Department of Veterans Affairs purchase a pharmaceutical known as chlorathiozide from Merck Sharpe and Dohme?

2. If so, what is (a) the name of each such doctor; (b) the reasons for each such request; (c) the date upon which each such request was made; (d) the amounts for each such pharmaceutical purchased upon such request?

Hon. A. J. Brooks (Minister of Veterans Affairs): Mr. Speaker, I notice that the hon. member is not present. The answer to this question has entailed a lot of extra work and correspondence, and I apologize to the hon. member for having taken so long in obtaining the information. I might also point out that the answer is quite detailed and of considerable length. Therefore I feel I should request permission to hand it in and have it appear in *Hansard*.

Mr. Speaker: Has the minister leave to have the answer appear in *Hansard*?

Some hon. Members: Agreed.

[*Editor's Note: The answer referred to above is as follows:*]

1. Yes, under the trade name "Diuril".

2. (a) All drugs of this nature are requisitioned by the various chiefs of service, medicine, in each departmental district. Chiefs of service, medicine, are: Newfoundland, Roberts, Dr. J. B.; Halifax, MacDonald, Dr. R. M.; Saint John, Tonning, Dr. H. O.; Quebec, Morin, Dr. J. Eus.; Montreal, Halpenny, Dr. G. W.; Ottawa, Mirsky, Dr. S.; Kingston subdistrict, Brown, Dr. Malcolm; Toronto, Macdonald, Dr. R. I.; Hamilton, Peacock, Dr. H. A.; London, Lewis, Dr. J. A.; Winnipeg, Kilgour, Dr. J. M.; Regina, Rodger, Dr. D. E; Saskatoon, Hilliard, Dr. I. M.; Calgary, Tuttle, Dr. M. J.; Edmonton, Hamilton, Dr. K. A.; Vancouver, Baird, Dr. M. M.; Victoria, Kenning, Dr. S. G.

(b) Chiefs of service, medicine, of this department have the responsibility of requisitioning the particular drugs which in their medical judgment are required for the treatment of departmental patients under their medical control. This is the reason that these doctors requisitioned diuril.

(c) Since January 1, 1958 there have been 100 such requests. Of these, there were 71 made during the year 1958 and 29 during the

year 1959. During the first five months of 1960 no such requests have been made.

(d) The total quantities purchased as a result of the above requests since January 1, 1958 have been 815,400 tablets, of which 541,400 tablets were purchased during 1958 and 274,000 during 1959. There were, as previously mentioned, no purchases during the first five months of 1960.

Note: Until December, 1958, chlorothiazide was manufactured only by Merck, Sharpe and Dohme under the trade name of diuril. Since then other firms have manufactured chlorothiazide and, following a period of trial during which these other products were proved to be satisfactory, this drug has been purchased by tender under its generic name.

IVANHOE LAKE, ONT., DAM

Question No. 188—**Mr. Godin:**

1. Did the federal government assist financially in the construction of the dam on Ivanhoe lake near Foleyet, Ontario in 1931? If so, to what extent?
2. Was permission required under the Navigable Waters Protection Act for the construction of the dam? If so, did the Department of Public Works satisfy itself that the structure was safe?
3. Has the federal government received any request for assistance in replacing the dam? If so, what reply has been made to such request?

Hon. D. J. Walker (Minister of Public Works): Mr. Speaker, in reply to the hon. member for Nickel Belt the answer to the first question is yes. At the request of the Ontario government the federal government contributed one third of the cost, which was divided among the provincial government, the Acme Lumber Company Limited and the federal government, each on a one third basis. The federal share was not to exceed $13,300, approximately.

The answer to the second question is yes. It is assumed the Department of Public Works was satisfied with the design of the structure, because of the federal contribution.

The answer to the third question is no.

SALE OF HUNTING AND FISHING LICENCES, CUSTOMS OFFICES, B.C.

Question No. 189—**Mr. Macnaughton:**

1. Are employees of the customs offices in British Columbia authorized to sell provincial hunting and fishing licences?
2. If so, has any arrangement been worked out between the federal and provincial governments by which federal employees are engaged and remunerated for providing this service?

Hon. George C. Nowlan (Minister of National Revenue): Mr. Speaker, the answers are as follows:

1. Yes.

2. My department, at the request of the department of recreation and conservation, province of British Columbia, has for several years permitted the sale by customs officers at several ports of entry in that province of provincial hunting and fishing licences, for which service these officers are paid on a commission basis.

AGRICULTURE

MEETING WITH WESTERN FARM LIAISON COMMITTEE—MOTION FOR ADJOURNMENT UNDER STANDING ORDER 26

Hon. Paul Martin (Essex East): Mr. Speaker, I ask leave to move the adjournment of the house under standing order 26 for the purpose of discussing a definite matter of urgent public importance, namely the necessity of an early meeting between the government and the western farm liaison committee.

Mr. Speaker: The urgent matter of public importance, for which the hon. member for Essex East asks leave to move the adjournment of the house so that it may be discussed, is the necessity of an early meeting between the government and the western farm liaison committee. I recall that references to such meetings have been made from time to time in the house, and before exercising the duty which is mine initially I would appreciate it if there were some representative views expressed as to whether this subject is one on which the rule can be invoked at this time. I will hear the hon. member who makes the motion.

Mr. Martin (Essex East): Thank you, Mr. Speaker. Your Honour is correct in saying that you have heard some references to this matter in this house during the course of the present session. It is true that questions have been put by hon. members to the Prime Minister and the Minister of Agriculture with regard to the possibility of such a meeting. Your Honour will recall that the replies given to those questions were always of an indefinite character, and indicated no definite arrangement in so far as the declared policy of the government is concerned.

It cannot be argued that there is any other procedure open to us in order to urge the government to arrange a meeting with the farmers of western Canada, because the agriculture estimates have been disposed of. It is true that while those estimates were before the house I took advantage of the opportunity to raise this matter, but the replies of the Minister of Agriculture were of the same order as the replies given to the members of this house by the Prime Minister to questions put on the orders of the day. The matter cannot be dealt

with on the next supply motion, because a supply motion dealing with agriculture has already been disposed of this session. This matter, therefore, that is now well over a year and a half old and that has not been finally dealt with, surely should be discussed in this house at this time, particularly when we are about to prorogue.

Your Honour will recall that this matter arose a year ago last May, when a delegation of some 1,000 farmers from western Canada came to see the government concerning a solution which they proposed for the distressed agricultural situation. The government, after carefully listening to the representations that were made by those farmers, said the matter would receive careful consideration. We were told, indeed, by the Prime Minister several days before the conclusion of the last session of parliament that the matter was still engaging the attention of the government, and that before the session terminated we would receive a definite indication of government policy.

Mr. Speaker: May I ask a question of the hon. member in order to bring my problem into clear focus. Reference is made to a western farm liaison committee. I should like to know whether that is an ascertainable group. I would also suggest to the hon. member that he confine his remarks to the urgency arising since the last time this matter was discussed in the house, because any events prior to the supply motion to which the hon. member referred, if they dealt with this subject—and I presume they did—would in my view not be relevant to the point.

Mr. Martin (Essex East): Perhaps Your Honour would consider it relevant only because I was seeking to establish an answer to the very question which Your Honour put to me a moment ago, as to the identification of the western farm liaison committee. It was after this meeting with this group that the western farm liaison committee was established, and the results I have indicated attended questions put to the government in this matter by hon. members in this house, the same response that was received to the main representations made by the larger group. We have persisted in trying to get some indication as to when the government would meet with this western farm liaison committee. I have before me the *Leader-Post* of June—

Mr. Diefenbaker: May I rise at this point, Mr. Speaker, and say that usually the courtesy is shown of giving a copy of any such motion to the leader of the government or to one of the ministers. That has not been done in this instance.

Mr. Martin (Essex East): I thank the Prime Minister for what he has said. I thought a copy of the motion had gone over to him. I am sorry that it had not.

Mr. Diefenbaker: Oh, surely. Thank you.

Mr. Martin (Essex East): If the Prime Minister feels that he has been in any way aggrieved I shall be glad to take a moment off in order to allow him to read it.

Mr. Diefenbaker: Lack of courtesy has been shown.

Mr. Martin (Essex East): The Prime Minister speaks of courtesy. I have said that I regretted that it was not sent over to him. I want the Prime Minister to know that if we are to have lessons in courtesy, I am not going to take them from the Prime Minister.

An hon. Member: You have to learn from somebody.

Mr. Speaker: Order.

Mr. Martin (Essex East): I have before me a statement which appears in the Regina *Leader-Post* of June 23 and which I think points up the urgency of the matter. This is a Canadian Press story which reads as follows:

> Roy Atkinson, vice president of the Saskatchewan farmers' union said Tuesday that Prime Minister Diefenbaker and his government are "stalling an early meeting with the western farm liaison committee" to discuss farm problems. He told the S.F.U. district 13 meeting here that stalling seemed to have become the Prime Minister's favourite dodge in the last two years.

Mr. Speaker: Order. I think the hon. member realizes that he should not debate the matter which would be under debate if the motion were allowed. I think he has satisfied the point which I raised, and I should like to hear any contrary opinion, if there is any.

Mr. Martin (Essex East): You were asking about urgency, Mr. Speaker, and I am pointing out the statement made—

Some hon. Members: Sit down.

Mr. Martin (Essex East): I know hon. gentlemen do not like it when we champion the cause of the farmers.

Mr. Speaker: In my view the hon. member has dealt with the point which it is necessary to have dealt with for a decision to be reached, and that other discussion would simply be anticipation of debate. I would ask him to allow me to hear some contrary view on this matter. I will hear the Minister of Justice.

Government Meeting with Western Farmers

Hon. E. D. Fulton (Minister of Justice): I think there are three grounds upon which the propriety of the motion can be questioned. The first two relate to the matter of urgency, that is to say whether it is of that urgency which entitles it to be moved at this time as a matter requiring immediate debate.

In that connection I should like to point out the first of the two grounds on which I suggest it is not urgent, namely that it could be discussed on a supply motion. I understand that there have been some discussions with regard to the final supply motion that remains to be introduced. I also understand that it was indicated that that motion would be called on Monday if desired. That being the case, if my hon. friend wished we could discuss this matter on Monday on a supply motion.

In that connection I will just refer Your Honour to page 90 of Beauchesne's fourth edition, where paragraph 4 reads as follows:

(4) A motion to adjourn the house under standing order 26, for the purpose of discussing "the serious situation in which farmers of Manitoba are at the present time, on account of lack of feed for cattle and seed grain and no satisfactory result can be obtained from the government for relief", was ruled out of order, because the subject matter thereof could be discussed either on the motion for the house to go into committee of supply or on a certain bill then on the order paper—

The second of those grounds does not apply here, but the first does apply.

This matter could also be discussed on a motion for the house to go into committee of supply, which I understand will be coming up on Monday. If hon. members wish it to be discussed then, they could indicate that they wish to change the plans for dealing with the supply motion and this matter could be discussed on Monday. Therefore I submit that the urgency of debate is not of sufficient measure to warrant setting aside the present day's appointed business to debate this matter, since it could be debated on Monday.

Second, on this question of urgency, I would like to stress what Your Honour has already pointed out, namely that the matter has been discussed on a number of occasions during this session. There was opportunity for discussion on the estimates of the Department of Agriculture and nothing has been said yet, I submit, which indicates that it has acquired that sufficient extra degree of urgency since it was last discussed which would warrant an interruption of the business appointed for this day. So on those two grounds I submit that the motion does not meet the requirements of urgency of debate which is a prerequisite for the allowing of the motion.

The third ground is one which I raise with some reservations, but I think it should be put forward although in my submission the first two grounds are adequate. The third ground is the question of whether the matter raised by this motion in the form in which it has been presented is within the administrative responsibility of the government. As I recall the motion it simply said "to discuss the urgent matter of the desirability of meeting with the members of the farm liaison committee". It makes no suggestion as to what action within its administrative responsibility the government should take. It seems to me that in order to meet this requirement of the rules it should make some recommendation or suggestion or criticism with respect to what the government should do as a matter of administrative responsibility within one or other of the departments that are empowered to deal with farm problems. I raise as a very real question whether the mere arranging of a meeting with a group which is not of a governmental nature and which is not made up of members of the government or of any government can be said to fall within the administrative responsibility of the government in the sense in which those words are used in paragraph 100 on page 89 of Beauchesne's fourth edition.

For those three grounds, but as I say primarily on the first two grounds relating to urgency, I submit that this motion is not in order at the present time.

Mr. Hazen Argue (Assiniboia): Mr. Speaker, may I say a few words in reply to the points of order raised by the Minister of Justice. I agree with the Minister of Justice that the motion would have been strengthened by the inclusion therein of a subject matter such as deficiency payments or acreage payments. In that case it would clearly be within the administrative purview of the government. However, I do feel that this motion which has been presented by the hon. member for Essex East is one that clearly comes within the rules of the house.

I feel that this question has taken on a good deal of urgency in recent days. Many negotiations have been taking place between farm leaders and the government as to a possible meeting, but the farm organizations have now come to the conclusion that the government is giving them an evasive reply. They have issued a statement under date of June 27 in the Manitoba farmers' union news letter which bears on the question of urgency, and I wish to read from it only one sentence:

We are receiving a lot of double talk, evasive actions, excuses, delays (five months) since the federal government and farm leaders had a meeting)—

These are the words to which I wish to draw particular attention—

Some hon. Members: Order.

[Mr. Speaker.]

Mr. Speaker: Order. The hon. member should not proceed to advance the arguments which would be made if this question were allowed.

Mr. Diefenbaker: Before you make a ruling, Mr. Speaker—

Mr. Speaker: I am not making a ruling.

Mr. Argue: Mr. Speaker, if I may continue—

Mr. Diefenbaker: I do not wish to interrupt, Mr. Speaker, but before you make a ruling I should like to have an opportunity to reply to these extraneous matters.

Mr. Speaker: Order. I will give the Prime Minister an opportunity, and perhaps the Leader of the Opposition may wish to say something too. I do urge hon. members not to get into the subject matter which would be discussed if this motion were allowed. The objections to the motion were clearly put by the Minister of Justice. If there are facts that bear on recent and new urgency I would be interested to hear them, but I must say the course the hon. member for Assiniboia is following is not really that. It is rather to press the argument which would be made if this motion were allowed.

Mr. Argue: I wish to point out that I had not completed that sentence. There is a statement which I feel has a bearing on this very matter. The house should extend me the courtesy of allowing me to finish the statement.

Some hon. Members: No.

Some hon. Members: Order.

Mr. Argue: The sentence reads—

Some hon. Members: Order.

Mr. Speaker: I hear hon. members calling order. I have not made any pronouncement on this particular quotation except to indicate that it seemed to me to be tending in the direction of an argument.

Mr. Fulton: Why does not the hon. member hand it up to Your Honour to see whether it is in order?

Mr. Speaker: I want the hon. member, if he wishes to continue, to direct his remarks to the impossibility of having a meeting. That is the only thing that would suggest any urgency.

Mr. Argue: I want to complete the sentence.

Some hon. Members: Order.

Mr. Argue: The sentence reads:

—and now arbitrary rules of procedure from the federal government.

What we are discussing now are the rules of procedure; that is why I wished to complete the sentence. I submit there is urgency because of the temper of the farm organizations at this moment. That has not been the position up until this time. Because we are in the concluding days of this session I think it is essential that this meeting be held so parliament could receive from the government a clear announcement of government policy. I believe this is necessary because the producers of western Canada have had good reason to expect an announcement from the government. They have had reason to expect it both from statements of the cabinet and of hon. members of the government party. For these reasons I feel that this matter urgently requires debate and discussion by parliament.

Mr. Pearson: Mr. Speaker—

Mr. Speaker: Perhaps I should hear the Prime Minister who has said that he wishes to speak.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, I want to deal only with the questions raised by the Minister of Justice in regard to the administrative responsibility of the government in this matter and to what he called the extra degree of urgency, if any, which attaches to it.

So far as the minister's doubts about the administrative responsibility of the government to deal with this matter are concerned, that is a very strange argument indeed for the minister to advance in view of the fact that his colleague the Minister of Agriculture, instead of taking responsibility himself on behalf of the government, asked this liaison committee to produce ideas and make proposals. Perhaps this is a denial of administrative responsibility in one sense but it is certainly an admission that this committee has a special interest in the matter and that the government would like to hear from it in regard to it.

In so far as urgency is concerned, the minister said there is no extra degree of urgency since the matter was last discussed. It is because of the delay of the government in doing anything about it that the extra degree of urgency has developed. When the minister says that we can have a supply motion next Monday, on which occasion this could be discussed, perhaps he does not know that the business of the house so far as we have been informed has been determined and a supply motion could not be introduced next Monday. However, if one were introduced next Monday under which we could discuss this matter, no doubt the minister would be the very first to rise in his place and say we were out of order in introducing this

subject because on February 22 last a supply motion which dealt with agricultural policy was introduced and debated.

We therefore would not have recourse to that particular method of discussion. On these two counts—the administrative responsibility of the government to do something about this, and the extra degree of urgency which has developed from the fact that the government has done nothing about it—I submit that the motion is in order and should be discussed at this time.

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I want first to join in support of the contention of the Minister of Justice that this is not a matter of particular urgency within the rules. I am not discussing extraneous matters when I say that. Under the rules this is not a matter of urgency. Every opportunity has been given for the discussion of this matter throughout the months. Indeed, it has been a subject of continual discussion, and nothing has been advanced that would in any way indicate any extra urgency at the moment.

However, it was not in connection with that point that I intended to rise. Your Honour allowed a very wide field of discussion and statements quite, I submit, beyond what normally would take place on the discussion of a motion such as this. In fairness I must point out the facts. Reference was made by the hon. member for Essex East to some statement made by a vice president of a farm union in the province of Manitoba.

Mr. Martin (Essex East): Province of Saskatchewan.

Mr. Diefenbaker: Of course that was done designedly, not for the purpose of advancing any argument in favour of the motion on a procedural basis, but simply in order to place on the record the expression "stalling". The hon. member for Assiniboia followed a like course of plagiarizing a statement made by some other person.

Let me make this clear and definite. The hon. member for Essex East pointed out that the farm delegation had seen the government in March of 1959, I believe. Subsequently, some months ago, it was made very clear that the request of the liaison committee of the farm organizations for deficiency payments was not one that could be accepted. It was then made clear to the liaison committee that if it had an alternative to offer, the government would give it immediate consideration. That alternative has not been placed before the government. All that the government has received is a repetition of the arguments in favour of deficiency payments. We asked those organizations to bring their alternative, not alternatives, to the attention of the government. As soon as they can agree among themselves as to what the alternative is, and it is submitted by this committee, composed as it is of representatives from various farm organizations, the government will immediately meet the committee without one minute's delay.

Hon. J. W. Pickersgill (Bonavista-Twillingate): I wonder whether I can say a word about the point raised by the Prime Minister, that there has been no suggestion of any extra urgency. Those were the words the Prime Minister used. I think, sir, I can satisfy you out of the mouth of the Minister of Agriculture that there is extra urgency; because on June 14 the hon. member for Assiniboia raised a question about the government receiving this delegation. I do not intend to read all of the exchange. He raised the question with the Prime Minister who left it to the Minister of Agriculture to answer. At page 4883 of *Hansard* the hon. member for Assiniboia said:

> Can the minister say whether negotiations are taking place for a meeting at an early date, as indicated by the Prime Minister on June 9?
>
> Mr. Harkness: No negotiations are taking place. Several of the separate member organizations of the western liaison committee have written asking for this meeting. A date has not yet been set for it.
>
> Mr. Argue: I have a further supplementary question. Is the government prepared to meet the liaison committee?
>
> Mr. Harkness: Mr. Speaker—
>
> Mr. Speaker: In view of the previous answer it seems to me that the question becomes hypothetical.
>
> Mr. Argue: There is no information in the minister's answer as to whether the government is prepared to meet the delegation, and the Prime Minister said this was the case.
>
> Mr. Harkness: I think it has been made clear in this house on several occasions in the past, Mr. Speaker, that the government is willing to meet organizations of this sort at any appropriate time when the matter can be arranged and any useful discussion can be held.

Mr. Churchill: Very good.

Mr. Pickersgill: Since the Prime Minister also said that this organization was asked to provide the government with a policy, which it did not have itself—

Mr. Churchill: No.

Mr. Pickersgill: It seems to me that—

Some hon. Members: Order.

Mr. Speaker: Order.

Mr. Diefenbaker: That is completely untrue.

Mr. Speaker: The hon. member is getting into a debate on policy. That is not the issue before the Chair. I have allowed the hon. member wide latitude, and perhaps I have gone too far, to find out whether there was

any new circumstance in connection with the matter between the government and this committee which might be a matter of urgent public importance.

Mr. Pickersgill: That is precisely what I was coming to. I was going to say that this committee has been asked to make proposals to the government respecting the policy of this country. We in the opposition feel that we are entitled to have those proposals made before the session ends so there will be an opportunity to debate this matter during the current session. Since we know the session is nearing an end, it makes a condition of extra urgency.

Mr. Speaker: I see the hon. member for Stormont on his feet.

Mr. Grant Campbell (Stormont): Mr. Speaker, the urgency mentioned in the rule has nothing to do with the matter before us. Beauchesne's Parliamentary Rules and Forms, fourth edition, citation 100 (3), reads:

"Urgency" within this rule does not apply to the matter itself, but 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.

As the Minister of Justice clearly stated, the opposition obviously will have an opportunity on Monday on the motion to go into supply to discuss this matter further. I think this is an effort on the part of the official opposition to force legislation upon the government, and I think—

Mr. Speaker: Order. I think I have heard sufficient to make my ruling. I must say that when the hon. member proposed this motion he made a point which I feel has substance to it and deserves the consideration of the house. I refer to the difficulty of initiating new matter at this stage of the session for limited debate. However, the method he has chosen—I am not going to discuss the other methods which are open to him; I express my sympathy with the view that there is difficulty—is under rule 26. Whatever other opportunities may be open to him, my duty is to interpret rule 26 as it reads and as it has been put into operation in the past. It calls for the interruption of the business of the house for the purpose of discussing a definite matter of urgent public importance.

The matter proposed is the necessity of an early meeting between the government and the western farm organizations' liaison committee. It was because of the indefiniteness of that proposal that I perhaps asked for more argument than would be warranted, because I was not clear on what the hon. member wished the house to debate. It is obviously not the fact of a meeting, because that has no significance in itself. It is a meeting with respect to farm policy, I assume, that would give this motion any urgency.

In fairness to the hon. member I have tried to see some change in the relationship of the farm organizations toward this house and the government, and it is the government in this case that is referred to, which would warrant our taking the matter up again as a matter of urgency of debate.

Regard must be had to the substantial amount of time that has been spent in dealing with farm policy in the course of this session, whether it be deficiency payments or any other item of farm policy which might be discussed at the meeting which hon. members wish to urge on the government. Whatever the policy for discussion, it is a broad problem which, like the unemployment problem, cannot be the subject of a motion of this kind, in my view, unless there is some specific change, happening or event which has arisen since the general discussion in the house. There have been ample discussions in the house on farm policy, and I assume there will be further discussion in the house.

On those grounds which have been put forward and debated, I think, very fully, it seems to me the rule is not satisfied.

MOTION FOR PAPERS

FEDERAL AID TO EDUCATION—SASKATCHEWAN TEACHERS' REPRESENTATIONS

Motion No. 121—**Mr. Argue:**

For a copy of all telegrams, correspondence, resolutions and other documents exchanged between the federal government and the Saskatchewan teachers' federation concerning federal aid to education, since January 1, 1959.

Motion agreed to.

TRADE

LEAD AND ZINC—REPRESENTATIONS TO U.S. AGAINST INCREASED DUTIES

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, may I ask the Secretary of State for External Affairs whether the government has made any representations, and if so in what form to the United States government against the proposals now before the United States congress to increase the duty on Canadian lead and zinc.

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, this question arose two or three days ago, and instructions have been given to the Canadian ambassador in Washington to make protests there.

Inquiries of the Ministry

Mr. H. W. Herridge (Kootenay West): Would the minister inform the house at a later date of any developments with respect to this matter, which is of serious concern to the lead and zinc producing areas?

Mr. Green: The government is very conscious of the importance of the move made in Washington, and I will be very glad to keep the house informed of any developments.

INDIAN AFFAIRS

WALPOLE ISLAND RESERVE—REPORTED ARRESTS BY MICHIGAN STATE TROOPERS

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): Mr. Speaker, I should like to ask the Secretary of State for External Affairs whether his attention has been drawn to reports that persons on the Walpole island Indian reserve allege that Michigan state troopers came into Canada to arrest certain persons belonging to that reserve, and whether he has any comment to make.

Hon. Howard C. Green (Secretary of State for External Affairs): Yes, Mr. Speaker. We are making inquiries, which are actually under way at the present time. There are several departments involved, the Department of Citizenship and Immigration because these persons are Indians, and the Department of Public Works which has charge of the actual undertaking.

I am not yet in a position to say what the facts are in this case. If it should be established that the two Indians were arrested on the United States side of the boundary for an infraction of United States law, it would appear that there would then be no occasion to make representations. If, however, it should appear that the apprehension of these two Canadians took place in Canadian waters then representations will be made, of course, through whatever channels are most appropriate and expeditious.

LABOUR CONDITIONS

BRITISH COLUMBIA—STATEMENT ON REPORTED REQUEST FOR CONFERENCE ON UNEMPLOYMENT

On the orders of the day:

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, on June 22 the hon. member for Vancouver East asked me the following question:

> Can the Prime Minister make any comment on the report that the Vancouver city council has requested him to convene immediately a conference of federal, provincial, municipal, employer and union leaders to consider the present serious unemployment situation in British Columbia?

[Mr. Green.]

To which question I replied as follows:

> I will examine the record to see whether or not representations have been made, and then give the hon. gentleman a reply.

As a matter of fact he was two days ahead. It was not until June 24 that a message to that effect was received by me in the late afternoon. So far as the answer is concerned to the several matters arising in consequence of this representation by the city council of Vancouver, the Minister of Labour will make the reply.

Hon. Michael Starr (Minister of Labour): Mr. Speaker, the Prime Minister received a request from the Vancouver city council to call a conference on unemployment in British Columbia. Certainly the advice and suggestions of provincial, municipal and labour leaders is always welcomed in the matter of finding jobs for Canadians and in maintaining employment.

Provincial authorities particularly are in an advantageous position, as they are more familiar with the situation in a particular province and possibly are aware of developing circumstances in that province which may alter or improve the situation. In this instance I might point out that at least one province has acknowledged its responsibility in this matter; that is the province of Quebec.

The federal government called a conference in July, 1958 dealing with the question of seasonal unemployment. That conference was attended by provincial, municipal and industrial representatives, including those of labour. As a result the federal government put into effect a municipal winter works plan which was responsible last winter for stimulating needed municipal works in the amount of $75 million, and in two winters provided more than 90,000 jobs on site.

At the present time the causes leading to manpower surplus in an expanding economy are under investigation in the other place, and the services of an outstanding economist have been engaged. Dr. Deutsch and his staff will continue to amass information during the recess in order that the committee of the other place may carry on its deliberations in the light of all the facts. Certainly the situation in each province will come under careful scrutiny. A number of organizations will be asked to submit information and suggestions to this committee, and some of them certainly will be from British Columbia.

In the Department of Labour studies are being carried on dealing with the effects of automation in industry. That department's research branch is keeping a close watch on the manpower situation across Canada.

Certainly the government is in close touch with what is going on, and such policies as may be invoked to deal with the situation will be announced at the proper time. Meanwhile all suggestions are welcomed, from whatever quarter they may come.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, may I ask the Prime Minister whether the investigation in the other place referred to by the Minister of Labour is the same kind of investigation requested in this house and turned down by the government?

Mr. Diefenbaker: Mr. Speaker, the answer, of course, is in the negative. The other place is a part of parliament, and the actions taken in the other place in this regard are in keeping with the assumption of a responsibility on the part of the Senate which indeed is theirs, but which in the past, particularly under the last administration, was never exercised.

Hon. Paul Martin (Essex East): May I ask the Prime Minister a supplementary question. In view of what he has just said, which is at variance with what the Minister of Labour said earlier, will the Prime Minister agree to the setting up of a committee of this house either to work on its own or in conjunction with the committee of the other place so that the elected representatives of the people, as well as the members of the other place, may have an opportunity to discuss and study unemployment with the aim of arriving at a solution to this serious problem that confronts Canada at the present time?

Mr. Diefenbaker: Mr. Speaker, I hear so many complaints from the other side of the house with regard to setting up committees. Indeed, there has been one continual objection raised. We must always take into consideration their opposition to anything in the nature of committees.

Some hon. Members: Oh, oh.

Mr. McIlraith: You were not here the other day.

Mr. Pickersgill: Pretty cheap.

Mr. Diefenbaker: Has the hon. member for Ottawa West something to say? I just looked up his record on committees. In the case of one committee which had three sittings he had a good record, and in the case of the other two committees of which he was a member he attended about 10 per cent of the time.

Mr. Martin (Essex East): Mr. Speaker, surely it is not within the right of any member of the house, including the Prime Minister—

Mr. McIlraith: To misstate the facts.

Mr. Martin (Essex East): —to comment on the conduct of the hon. member, inasmuch as there is no more devoted member than the hon. member for Ottawa West.

Mr. Speaker: A point of order has been raised and, of course, the record now bears the statement objected to. I agree that the Prime Minister went beyond answering the question.

Mr. Diefenbaker: I was interrupted.

Mr. Pearson: Mr. Speaker, in view of what the Prime Minister has just said, may I ask whether he is not aware that a request was made in the house last February that a committee be set up to study unemployment, and that request was turned down by the government?

Mr. Diefenbaker: I am aware that from time to time that question has been brought before the house. I am also aware of something which I am very happy to have learned, that the premier-designate of Quebec has stated that the responsibility for unemployment rests on the provinces.

Some hon. Members: Hear, hear.

Mr. Martin (Essex East): Mr. Speaker, may I ask the Prime Minister a question? Does that mean that he now repudiates the statement of the Minister of Labour to the effect that the federal government is responsible exclusively for the solution of the problem of unemployment?

Mr. Diefenbaker: Mr. Speaker, the statement alleged to have been made was, of course, never made.

Some hon. Members: Oh, oh.

Mr. Diefenbaker: The Minister of Labour can speak for himself in that regard, but I am glad to have support for the stand taken by the Minister of Labour in the position taken by the new premier-designate of Quebec, who throughout the campaign, made it absolutely clear that the responsibility for unemployment rested on the provincial administration.

Mr. Pearson: Would the Prime Minister not give some members of the house who did not hear him the opportunity of hearing him confirm the statement he has just made, that the federal government has no responsibility for unemployment?

Mr. Diefenbaker: I said no such thing.

Mr. Starr: Since my name has been brought into this discussion may I say that, on several occasions, I have said on behalf of the government that we have a responsibility

in the matter of unemployment. We do not shirk it. But at the same time I have said, time and time again, that in order to carry out the responsibility and in order to solve the problem of unemployment co-operation is needed from provincial, municipal and, yes, even labour bodies and other interested organizations in this country.

An hon. Member: And a little help from the opposition.

Mr. Starr: The statement made by the hon. member for Essex East is, as usual, irresponsible.

Mr. Martin (Essex East): The Minister of Labour has suggested that my statement is irresponsible and I leave that to him, but I also want to point out that his statement is wholly inaccurate.

Mr. Starr: I rise on a question of privilege, if I may.

Mr. Speaker: Yes, I will hear the hon. member's question of privilege.

Mr. Starr: I said that the hon. member's statement was irresponsible, and I want to refer you to *Hansard*—

Mr. Speaker: If the hon. member is about to justify his statement, that would not be a question of privilege. I thought perhaps he had taken offence at what the hon. member for Essex East had said.

Mr. Starr: I did.

Mr. Speaker: Then perhaps the hon. minister will state his question of privilege.

Mr. Starr: I said that the statement was inaccurate and irresponsible, and I want to bring out what he said as reported in *Hansard* for May 23; it is also misleading.

Some hon. Members: Oh, oh.

Mr. Speaker: The minister rose on a question of privilege, but it appears that what he wishes to do is make a debating statement and that would be out of order.

Hon. J. W. Pickersgill (Bonavista-Twillingate): I wonder if I may ask the Prime Minister a supplementary question. Now that he has reflected on the Senate, on a member of this house and on the premier-designate of Quebec, could he answer the question as to whether there will be a joint committee of both houses of parliament?

Mr. Speaker: Order.

Mr. Muir (Cape Breton North and Victoria): As usual you ignore the Speaker.

Mr. Speaker: I did not hear the hon. member, but I heard enough to realize that he was not asking a question nor was he referring to the question of privilege. I trust hon. members will observe the proprieties of the house.

Mr. Pickersgill: I rise on a question of privilege. The question I was asking was, would the Prime Minister say whether the government would agree to a joint committee of the two houses to study unemployment.

Mr. Grafftey: You never asked that question.

Mr. Speaker: This question has been put on previous occasions and has been repeated in various forms today.

Mr. Pickersgill: And not answered.

ELLIOT LAKE—INQUIRY AS TO REPORT OF COMMITTEE ON FEDERAL ASSISTANCE

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): In view of the serious unemployment situation, could the Minister of Trade and Commerce inform the house when the committee set up on May 9 to inquire into methods of assisting the uranium community is likely to report to the house?

Hon. Gordon Churchill (Minister of Trade and Commerce): The committee will report in due course.

Mr. Pearson: A supplementary question, Mr. Speaker. Can the minister give the house any assurance that the committee will report before the end of this session?

Mr. Churchill: I am not able to predict the date of the end of the session.

URANIUM—TRANSFER OF STANLEIGH CONTRACTS TO RIO TINTO

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): May I ask the Minister of Trade and Commerce whether the government has given the approval necessary for the Rio Tinto Corporation to take over the uranium contracts of the Stanleigh corporation?

Hon. Gordon Churchill (Minister of Trade and Commerce): That has been done, Mr. Speaker, and the Stanleigh mine will, according to the newspaper report, cease operations soon under an orderly method of reducing employment there and, alternatively, the Milliken and Panel mines will be remaining open.

[*Later:*]

Mr. Pearson: May I ask the Minister of Trade and Commerce whether, in the last two months, there have been any meetings between federal representatives and the government of Ontario to discuss assistance to the uranium communities in this province?

Mr. Churchill: There have been consultations on several occasions between representatives of the two governments.

IMMIGRATION

GERMAN IMMIGRANTS—INQUIRY AS TO REASONS FOR LEAVING CANADA

On the orders of the day:

Mr. Hubert Badanai (Fort William): I have a question for the Minister of Citizenship and Immigration. Apart from unemployment conditions in Canada, can the minister inform the house whether any other reasons are responsible for so many German immigrants leaving Canada, as reported in this morning's *Globe and Mail*?

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, we are not aware of German immigrants leaving Canada. My department does not keep records of those immigrants who leave.

Hon. J. W. Pickersgill (Bonavista-Twillingate): May I ask the minister a supplementary question. Can the minister ascertain and inform the house—I am sure she would not have the figures right now—how many able-bodied immigrants are at the present time receiving assistance from her department?

Mrs. Fairclough: I would be glad to do that, Mr. Speaker. I suggest that the hon. member might put the question on the order paper, but I will have the information compiled.

FLOODS

FOLEYET, ONT.—REQUEST FOR FEDERAL ASSISTANCE IN REPAIRING DAMAGE

On the orders of the day:

Mr. O. J. Godin (Nickel Belt): I should like to direct a question to the Minister of Public Works. In view of the answer he gave earlier to my starred question, that the federal government paid one third of the cost of construction of the Ivanhoe dam near Foleyet where the flood damage occurred, would he advise the house whether his department could make an investigation of the damages there and possibly find ways and means of assisting in repairing the damage occasioned by the breaking of the dam constructed partly by the federal government?

Hon. D. J. Walker (Minister of Public Works): I would be glad to look into the matter.

HOUSE OF COMMONS

ODE TO THE GOVERNMENT—WITH SIMULTANEOUS TRANSLATION

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): May I ask the Prime Minister whether he is aware of the fact that one of our colleagues in the house has written a song about the government, and has had it recorded with a simultaneous translation.

Mr. Speaker: I do not know that we have reached the popular song stage of debate and think we should proceed with orders of the day.

Mr. Gerard Loiselle (St. Ann): If the Prime Minister does not know about that song I should like the privilege of sending him a record of it.

Mr. Speaker: The hon. member will have many opportunities of presenting the song privately.

NATIONAL DEFENCE

BOMARC MISSILE—REQUEST FOR STATEMENT ON PRESENT POSITION

On the orders of the day:

Mr. J. W. Kucherepa (High Park): I should like to direct a question to the Minister of National Defence. Would the minister care to comment on the latest developments relative to the Bomarc program?

Hon. G. R. Pearkes (Minister of National Defence): Yes. If the recommendations of the joint committee are accepted and approved, then the weapons for the two Bomarc stations which are designed for Canada will become available. As soon as these stations are established they will add materially to the strengthening of the deterrent against war, thereby helping to preserve peace in the world.

Hon. Paul Hellyer (Trinity): May I ask a supplementary question, Mr. Speaker. Does the Minister of National Defence not regret that the United States congress, under pressure, restored these votes to the detriment of some higher priority projects in respect of our mutual defence?

Mr. Pearkes: I know of no pressure being placed from Canada on the United States congress.

EXTERNAL AFFAIRS

DISARMAMENT—INQUIRY AS TO CANADIAN APPROVAL OF U.S. PROPOSAL

On the orders of the day:

Hon. Paul Martin (Essex East): May I ask the Secretary of State for External Affairs whether he has any comment to make on the statement made yesterday in Geneva by Mr. Eaton, that the latest United States proposal which was to have been discussed prior to the walkout by the Soviet union, had been approved by the United Kingdom and by

France. Will the minister say whether or not the Canadian government expressed its approval?

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, I do not know where the hon. member for Essex East saw that report.

Mr. Martin (Essex East): In yesterday's New York *Times.*

Mr. Green: It escaped my notice, but I do not believe it is an accurate report. The Canadian reaction to the Russian proposal of June 2 was similar to the United States plan. As yet there has not been a final western plan drawn up, although there are discussions under way with that as an objective. The hon. member will have noticed that representatives of the five western nations met yesterday and representatives of the five eastern nations failed to appear. After a statement by Mr. Moch representing France, the meetings of the committee have been adjourned. I expect further steps will be taken shortly. Just as soon as I am in a position to do so I shall report to the house.

In the meantime perhaps I could have permission to have printed as an appendix to today's *Hansard* the speech which was made by the Canadian delegate, General Burns, at the meeting which was held last Friday. I referred to that speech in my answer to a question by the hon. member for Essex East (Mr. Martin) on Monday, June 27. I believe it would be helpful if this speech, which was in effect the last important speech made during the meetings, could be printed in today's *Hansard.*

Hon. L. B. Pearson (Leader of the Opposition): May I ask the minister a supplementary question, and it is this. Has the government considered initiating a proposal by which the full United Nations disarmament commission might now be summoned to meet in New York to discuss the sabotage by the Russians of the committee work in Geneva?

Mr. Green: I am not in a position to make a statement on that question at the present time, Mr. Speaker. If I were to do so I think I might do more harm than good.

Mr. Speaker: Has the Secretary of State for External Affairs leave of the house to have General Burns' speech printed as an appendix to today's *Hansard?*

Some hon. Members: Agreed.

[*For text of speech referred to above, see appendix.*]

[Mr. Martin (Essex East).]

SUPPLY

The house in committee of supply, Mr. Flynn in the chair.

DEPARTMENT OF FISHERIES

128. Departmental administration, $411,500.

The Chairman: This item will be found on page 29 of the blue book, the details at page 195.

Hon. J. A. MacLean (Minister of Fisheries): Mr. Chairman, in the hope of expediting the work of this committee, as in previous years I shall attempt to summarize for the committee the highlights of the fishery and the work of the department for the year 1959-60, the fiscal year just ended. I know you will realize that in order to achieve brevity I must leave out much of importance to particular areas; also, I shall be obliged to make generalized statements which may not always apply in particular cases.

First, I think the committee should recall the extraordinary hazards faced by our fishermen and the tragic loss of life experienced in so many families in the Northumberland strait area of New Brunswick last June. Earlier in the year there was the loss in Newfoundland of the trawler *Blue Wave* with all its crew. This spring severe storms off Nova Scotia have added to the toll. This list is not complete, but it brings home the hardships associated with reaping the harvests of the sea.

From a production point of view, 1959 was generally a good year, although of course not all areas showed increases over 1958. For the Atlantic region, dominated by the groundfish and lobster fisheries, the total value of the landings was the highest ever recorded. The preliminary total of $59.1 million was 16 per cent over 1958 and a 10 per cent increase over the five-year average of 1955-59.

The Newfoundland inshore fishermen who experienced a very short catch in 1958 enjoyed an exceptionally good year in 1959 in almost all areas. The draggers operating in the gulf and the deep sea vessels fishing out of ports in Nova Scotia and Newfoundland also had a very successful season. On the other hand the small line fishing boats had a poor year, particularly along the Gaspe coast and elsewhere in the gulf of St. Lawrence.

The situation as to markets for the products of the groundfish fishery was somewhat unusual last year. It was the salted fish branch of the industry which experienced a strong demand, while the frozen fish trade was less buoyant. Salted fish production was

substantially higher than in 1958, but a low stock position at the beginning of the marketing year, together with—

Mr. Pickersgill: I wonder whether the minister would mind my interrupting and just suggesting to him that if he came forward and sat opposite the other microphone he would be a good deal easier to hear. He is between two microphones.

Mr. MacLean (Queens): I thank the hon. member very much for his suggestion, and I will adopt it.

Mr. Pickersgill: We really want to hear this minister.

Mr. MacLean (Queens): When I was interrupted I was saying that salt fish production was substantially higher than in 1958, but that the low stock position at the beginning of the marketing year, together with some relaxation of trade restrictions in important markets, resulted in higher prices for the increased supply.

In the case of frozen fish, on the other hand, the relatively strong market of 1958 encouraged increased production and pressure of supplies on the United States market, with the result that inventories increased and prices declined. However, the situation has eased somewhat in recent months and the long term prospects are considered good.

The lobster fishery, only slightly less important than the groundfish fishery to the Atlantic coast, was late in starting in 1959 but was generally productive throughout the summer and fall, and on the average prices were somewhat higher than in 1958. In spite of heavy gear losses and a slight decline in price, the winter and spring seasons have been the best for many years.

The fisheries of British Columbia failed to repeat the record year of 1958. This was anticipated, as 1958 had included the high cycle year for sockeye salmon on the Fraser river. As a result the total pack of canned salmon was slightly less than 1.1 million cases as compared with 1.9 million cases in the 1958 season.

The market for frozen as well as canned products of the salmon fishery remained strong throughout the year, and prices were high. A productive season has been forecast for the 1959 winter herring fishery in British Columbia, and from a start in early October until the Christmas layover catches were running well ahead of those for the same period the year before. The rapid expansion of fish meal production, particularly in Peru, resulted in a sharp decline in world prices for this product. This problem with its serious effect on herring and whaling operations is of major concern to and study by this department as well as by the Department of Trade and Commerce.

In 1959 the catch in the halibut fishery was a little higher than that of the preceding year, although prices were slightly lower. As the result of this development the total value of landings in British Columbia declined from $52.5 million in 1958 to $35.4 million in 1959. However, the 1959 figure was only slightly below the five-year average of $36.7 million.

Looking to the future, I think we may be confident that the long term prospects for the salmon and halibut fisheries are bright. There are problems in these fisheries, particularly with respect to production costs and conservation measures, but the market demand for a limited or gradually expanding production should continue strong.

Discussion of the Canadian fresh water fisheries in general terms is especially difficult because of the vast extent of the region included, stretching from Great Slave lake to the St. Lawrence. Within this territory over 600 lakes are fished commercially. In some areas there are distinct summer and winter fisheries, but for the region as a whole these tend to merge one into the other.

In the spring of 1959 an unusually late break-up delayed the start of the summer fishery in most areas until the middle of June. Catches thereafter were reported to be better than average everywhere except in Ontario, where a fall in the catch of pickerel and in the price of perch reduced the total value of landings quite seriously as compared with previous years.

Winter fishing operations got under way toward the end of November, and results were generally satisfactory. A declining trend in fishing intensity on Great Slave lake, evident for several years past, continued. It is attributed to the difficulty of recruiting crews for the arduous work of winter fishing and to other factors tending to raise production costs. On the other hand, for the first time an experimental winter fishery with trawl gear for smelts was conducted on lake Erie. In general, with rising prices at the turn of the year the outlook for the fresh water fisheries in 1959-60 improved, and total returns to fishermen close to the annual average of approximately $13 million were indicated.

The success or failure of the fisheries in a particular year is, of course, the result of a wide range of factors. Many of these factors are beyond the control of the fisherman. The role of the various services of the department is generally speaking to maintain and where possible expand the resource, and to encourage fishermen to take the greatest possible advantage of the opportunities available to

them. In the field of conservation and improvement of the productive capacity of the fisheries we cannot guarantee increased runs every year. Indeed, it is necessary in some instances to restrict the catch today for the benefit of tomorrow.

In the maritimes our chief worry is the lobster fishery. We continue to be confronted with the activity of the small minority who refuse to accept the necessity of regulation, but I am glad to say that it would seem that more and more the fishermen engaged in the lobster industry are realizing that the regulations under which they must operate are based on sound conservation principles and that it is to their own benefit to observe them. Co-operation in this regard has always been high, and I am glad to say that the exceptions are, I believe, becoming less and less. In any case we are continuing our efforts toward achieving complete support for sound conservation of this most important branch of the industry.

The department's information service is continuing its educational program among the lobster fishermen in New Brunswick, Prince Edward Island and Nova Scotia. Well attended meetings have been held in a number of fishing communities, with special speakers and films. Radio is also being used in this program.

In British Columbia, as I have indicated, the year 1959 was one in which the low cycle for most species of salmon occurred. Under strict management practices, however, escapement to the spawning areas was generally good. We were particularly encouraged by the apparent building up of certain runs of fall fish.

Fish culture, designed to overcome the effect of advancing civilization and industrialization, is one of the important phases of conservation. The year 1959 was important in this respect.

In the maritimes the transfer of 10,000 barrels of disease-resistant oysters from Prince Edward Island to stricken areas of New Brunswick and Nova Scotia was completed. To date the results have been good. The transplants have shown only normal mortality, and normal mortality is 7 per cent or 8 per cent or less. These oysters have grown well and have spawned, and it looks as if they will be a continuing race in this new environment in which they have been placed. We were also fortunate in having a year of very heavy oyster spatting, in Prince Edward Island especially. Our collectors produced over 600 barrels of small oysters, and this represents a tremendous amount of seed oysters which will be used to the greatest benefit of the industry when they become available for distribution.

[Mr. MacLean (Queens).]

We continue to be pressed with problems from hydroelectric power developments, yet it is good to be able to report solutions in most cases. In Newfoundland, for example, the transfer of Atlantic salmon continued successfully from Little Rattling brook, blocked by a power dam, to Great Rattling brook. We are opening up the exploits system with new fishways, and we are continuing to check other developments and clear rivers of man-made and natural obstructions.

In the fisheries in the western part of the country the problems are manifold. We can, however, report success in the fishway at the Whitehorse dam in the Yukon, the removal of the rock slide on the Skeena river, and new fishways at Indian Falls. A study at Meziadin Falls on the Naas river has indicated how a natural obstruction may be overcome. Meanwhile the many fishways already installed continue to function well. Gradually the rivers are being opened up to more efficient migration.

During the year we had the opportunity, with more experienced staff, to turn our attention to other methods and wider applications. Construction of a 2,500 foot controlled flow spawning channel at Robertson creek, Vancouver island, gives us a chance to increase salmon spawning efficiency. Associated with this is a test flume which will be used by the department to test water intake fish deflector devices and by the fisheries research board to continue long term studies on salmon behaviour. Experimental rearing ponds have also been built to study problems of this nature associated with multiple water use projects. In addition we are developing a lake spawning beach.

A major item in the 1959-60 estimates covered the acquisition of a new large patrol vessel to replace the M. V. *Cygnus* which has operated in the maritime area for several years. The new *Cygnus* was commissioned late last year. The estimates before you contain a substantial item to provide for a similar vessel to be delivered in 1962 which will operate in Newfoundland waters.

The fisheries research board continued its nation-wide research activities throughout the year. This organization is being pressed more and more for information on fundamental problems and answers to current practical questions. The first full year's operations of the board's deep sea research vessel, the *A. T. Cameron,* fully demonstrated the value of this vessel as a tool for biological and oceanographic studies on the Atlantic banks and adjacent waters. One of its important cruises covered Davis strait and Baffin bay and into Canada's Arctic waters. Much of the work of the *A. T. Cameron,* as

well as that carried out at the biological stations at St. John's, Newfoundland and St. Andrews, New Brunswick, has been directed to the groundfish investigations required by the international commission for the northwest Atlantic fisheries.

On the Pacific coast a major effort is being put into salmon and herring studies by the board's station at Nanaimo, in response to recommendations by the internatonal north Pacific fisheries commission. Among other activities in this area was an extensive tagging and recovery program on pink salmon migrating through Johnstone strait, carried out in co-operation with the international Pacific salmon fisheries commission and workers from the state of Washington.

A new and important field of investigation by the board was a "blitz" survey of the fish resources of the larger lakes of the barren grounds in the districts of Mackenzie and Keewatin. This investigation was carried out by teams of researchers operating under the direction of the board's Arctic unit operating out of Montreal.

To complete this hasty sweep of the board's activities from coast to coast, I should also mention its activities in the great lakes region. Here the board is acting as the Canadian agent of the international great lakes fishery commission in carrying out experiments on lamprey control under contract from that commission. The board has also initiated biological studies of the fisheries of lake Superior.

Another highlight in the expansion of the board's facilities for research was the opening of the new technological laboratory on the campus of the University of British Columbia in Vancouver. These improved facilities will undoubtedly enable the board to make an even greater contribution in this phase of its activities to all branches of the industry.

Significant progress has been made during the past year in the field of fisheries industrial development. Important achievements in this connection have resulted from the increasing degree of co-operation among the department, the provincial administrations, the fishing industry itself and many private industrial concerns, seeking a potential outlet for their products in the modernizing of the fishing industry. The recent addition of industrial engineers and fishing gear specialists to the department's industrial development service has added greatly to the advice and assistance that can be made available to the industry right across the country.

The department's fish processing experimental plant at Valleyfield, Newfoundland, has been directing its main effort to problems associated with the salt fish industry, and has succeeded in developing a new salt fish product which shows promise. Samples have been sent to many parts of the world, and the first reactions are most favourable. New fish splitting machinery has been acquired and modified to meet specific Canadian requirements, and new techniques for curing, handling and drying fish have been developed in order to improve the product and reduce processing and handling costs.

The introduction and demonstration of new fish catching equipment and methods to areas where they were previously unknown is having significant and advantageous effects on fishing operations in many parts of Canada. The short term hiring of fishermen who are highly specialized in the use of specific types of fishing gear has been introduced with considerable success, with a view to accelerating the introduction and demonstration of catching equipment in areas where it has not been in use.

Work on the design and development of improved types of fishing craft is going forward at an encouraging pace and the first vessel, featuring a multi-purpose function, has been built in co-operation with the government of Nova Scotia and already launched.

In the field of inspection the highlight of the year was the "Canada Inspected" program which began on April 1, 1959. Under this program any plant processing fresh or frozen fish can be granted continuous inspection of its products by departmental officers, provided that the plant meets rigid requirements in respect of construction, equipment, sanitation and operation. Similarly, comprehensive standards were developed for the product. All frozen fish meeting these standards, which have to do with freshness, workmanship and freedom from defects, may be marked with a maple leaf design containing the words "Canada Inspected", while fresh fish may bear a similar design containing the words "Processed under government supervision". I might say that the products which bear these labels have a considerable advantage as far as the marketing of fish products is concerned, because it increases very considerably their acceptability to the consumer of food products.

By the end of February, 1960 a total of over 30 plants had been approved under this program. Limited advertising on the part of the department has met with very good consumer response.

In order to ensure that the fish processing industry benefits from the latest advances in quality control, new equipment and the findings of biological and technological research,

the department convened courses for fish plant foremen at Halifax and St. John's, with courses being planned for other centres.

During the year the inspection service also assumed inspection responsibilities in the province of Quebec, and a new administrative area was established to discharge these responsibilities. Most of the personnel involved were taken into the federal civil service from the former inspection service of the province of Quebec, and I must say it speaks very highly for their qualifications to say that the transfer was carried out with a minimum of difficulty and delay.

Despite difficulties in recruiting qualified home economists there was a considerable increase in the amount of television and radio work by the consumer service during the year, as well as the regular demonstrations that are carried on by these specialists for women's groups, schools, institutions, restaurant associations and so forth. The consumer service together with the information and education service issued a new fish cook book which has won critical acclaim from food editors as well as from house wives. The first run consisted of 10,000 copies in English and 3,000 in French. The book sells for $1. The first issue has been completely sold out and a second run is now on order with the Queen's printer. The rerun will consist of 10,000 copies in English and 5,000 in French. The department is continuing its general consumer advertising and will also enter into a limited campaign in grocery magazines with particular emphasis on the availability of government inspected products, which is an excellent selling point.

The economics service continues to study economic problems that are brought before the department affecting the Canadian fishing industry and fish trade. In recent years, for example, many difficult problems of management have arisen in the salmon and halibut fisheries of the Pacific coast. In response to requests from representatives of fishermen and fish buyers the economics service has carried out an intensive investigation into these problems. Field work of the investigation, under the charge of a consultant from the University of Manitoba, was completed some time ago. In preparation for an investigation into the lobster fishery of the Atlantic coast, where a similar management problem exists, the economics service in 1958-59 carried out a survey of all primary fishing enterprises in the maritime provinces to obtain background data for a detailed study of such questions as the interdependence of lobstering and other fishing operations, of lobstering and farming, etc. The study will be initiated in this current fiscal year.

[Mr. MacLean (Queens).]

The economic service has concerned itself with the improvement of statistical services and the solution of problems of industrial development or modernization. A number of projects in these fields are still in hand, and among the reports released in 1959 was one on costs and earnings in assisted fishing enterprises and one on production costs in mechanized fish curing operations. The major current project, however, is a study of the economy of the Canadian fresh water fisheries production and distribution.

As I indicated in my opening remarks, the market situation throughout 1959 was generally satisfactory; but I said also in my opening remarks, of course, that this is a generalization. There are exceptions. In only a few cases were we requested to investigate the possible use of price support legislation, and in no case was such action necessary.

The rebate of 50 per cent on the cost of salt to fishermen was continued and is again continuing in the estimates before you. The program of building 20 community stages in Newfoundland, initiated as a constructive income supplement following the catch failure of 1958, has now been largely completed by the Department of Public Works. At the same time the bait service carried on by the department in Newfoundland has been expanded and its efficiency improved. The vessel insurance plan continues to grow and provides more and more protection to small boat owners. At the end of March of this year more than 5,400 vessels valued at over $16 million were covered under this plan.

In the course of these remarks I have had occasion to mention several of the seven international fisheries commissions on which Canada is represented. Members of the committee are familiar with them, so there is no need of my outlining them now. The results to date show clearly that international co-operation and co-ordination in the field of fisheries conservation are a prime requisite to offset the deleterious effects of increasing range and efficiency of fishing fleets. As time goes on and world population increases it is inevitable that the fishing pressure on the living resources of the sea and of inland waters will increase proportionately or even at a greater rate.

While the estimates before the committee today, of course, are confined to those of the Department of Fisheries, I might point out in passing that there are activities carried on by a number of other departments of government which directly affect the fishing industry. I will not attempt to list them all, of course. I should like to acknowledge that the department does service a great deal of useful assistance from other department of government.

A major contribution is made to the fishing industry by the Department of Public Works in the construction of wharves, dredging, harbour development, breakwaters, and so forth. Similarly, the marine service of the Department of Transport is of vital significance to the fishing industry. As another example, the Department of Finance administers the Fisheries Improvement Loans Act and the Department of Labour, of course, administers unemployment insurance as it applies to fishermen and also co-operates in technical training programs in co-operation with provincial governments. The Department of Northern Affairs and National Resources also co-operates with us fully, especially in questions of water resources and Arctic development generally as far as the fishing industry is concerned. The very heavy dependence of our industry on export trade brings us in close contact with the Department of Trade and Commerce, particularly the trade commissioner service, and there are many others; but I will not bore the committee by listing them further as they are not directly concerned with these estimates. I think, Mr. Chairman, I probably would be out of order in discussing them, strictly speaking, but I wanted to make this explanation because these are matters that are frequently brought up on the fisheries estimates by hon. members of the committee.

Members of the committee will note that there is a slight reduction in the estimates of the department of this year, a reduction of $1,393,277, to be exact. This has been achieved without any reduction of essential services. This may sound contradictory on its face, but that is not so. The reduction has been achieved chiefly by three sets of circumstances. There have been instances where increased efficiency has been achieved and correspondingly a saving in money. There are other instances where relatively new programs have been developed recently, and this year it has been possible more accurately to forecast costs in regard to them owing to the experience that has been gained over the last couple of years. Then, perhaps I mill not say the largest but one of the largest items of saving is this. Several large construction programs have been nearing completion, and the annual costs in some of them have been greatly reduced as a result.

On the other side of the balance sheet, of course, there are increases in expenditures such as increases in wages, especially with regard to crews on vessels, and the annual automatic increases in pay of civil service employees, and so forth.

I am sorry to have taken up so much of the time of the committee, but I feel that perhaps a general review of this sort may form a basis on which orderly discussion can take place. I shall be pleased to try to answer as accurately and as concisely as I can any questions hon. members may have, and I will listen with great interest to any suggestions hon. members may make as to ways in which benefit can be created for the fishing industry of this country.

Mr. Carter: Mr. Chairman, I should like to begin by thanking the minister for his very comprehensive review of his department and of conditions that obtained in the fishing industry during the past year. In particular I should like to thank him for the human touch in his reference to the hazards which fishermen have to contend with, as was exemplified by the disaster in the Northumberland strait and by the loss of the *Blue Wave* which, incidentally, touched my own riding very much because the entire crew of that vessel was from the riding which I represent.

I do not suppose there is any department of government which is of such great interest to the Atlantic region as that under the minister's administration; and particularly, of course, to my own province which, perhaps more than any other province, is dependent upon the resources in our coastal waters. The references which the minister made to the work of the research vessel *A. T. Cameron,* to the biological laboratory at St. John's, Newfoundland, to the work being done at Valleyfield and the problems which are being overcome in connection with the successful transfer of salmon up river systems are all of intense interest to my own province.

I am only going to take time to deal with three or four points mentioned by the minister. He ended his remarks by stating that there had been a slight reduction in the estimates but that this would not result in any reduction of essential services. I say at once that I know of no one who has any complaints to offer about the minister's department and the way it is administered. I think we are all very happy with the work the minister is doing, the capability of his staff and the intense interest and sympathetic co-operation which I am sure everybody experiences with regard to problems they put before the department.

However, perhaps I might correct the minister's figures slightly. He said that the estimates were down by $1,393,000, but the situation is not quite that bad; because I think he left out the figures in the supplementary estimates. When they are taken into account we find that the actual estimates for this year total $20,344,090, which is a little less than $1 million below the figure of $21,332,867 for last year.

But, Mr. Chairman, I must express my own disappointment that this reduction has taken place, because on examining the estimates I see that the bulk of the reduction has been made in two very important items. There has been a decrease of $604,180 in the industrial development item and a reduction of $107,160 in the Newfoundland bait service item.

In his closing remarks the minister referred to the completion of the community stage program and I gathered from what he said that 20 stages have now been completed.

Mr. MacLean (Queens): No, the program is not really complete. There still are three, I believe, to be completed.

Mr. Carter: What concerned me was that when the minister spoke his words seemed to indicate that when these 20 stages were completed that would be the end of the community stage program. I sincerely hope this is not going to be the case, because I think the community stage program is one of the best innovations that have been brought into existence since the minister took office. It is certainly a very beneficial program and one that I feel should be not only continued but expanded. In Newfoundland it is of special importance in the efforts we are making to concentrate the fishermen in larger settlements and to get them to use joint facilities instead of each person having his own stage, thereby establishing conditions under which a better quality product can be produced.

There is still another reason why the community stage program should be continued. It affords the fishermen of my province a safeguard against price control. The fresh fish plants do not always compete as to price for the fisherman's product, and the existence of a community stage affords him protection in that he always has the choice of selling his fish fresh or selling it salted. This has two results. It ensures that the fresh fish price will not go below what the fisherman might realize if he salted his fish, and it also provides another safeguard in that very often when the school is at its peak and the catches are extremely large, the fresh fish plants cannot handle all the fish and unless the fishermen had facilities for salting they would be obliged to sell their fish for meal.

The minister's remarks today indicate that the prospects for meal prices going up in the future are not very good. We all know what has happened since Peru entered the market, and we know the effects on our herring industry and on the whaling industry. I think it would be a serious hardship to many of our Newfoundland fishermen if they could not salt the excess catch which the plants are not able to absorb. I hope the minister will reconsider any idea he may have of discontinuing this program.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

Mr. Carter: Mr. Chairman, when the committee rose at one o'clock I had reached the point where I was urging the minister to reconsider the continuation of the community stage program. I had pointed out that it is very essential to the welfare of the fishermen of my province that this program should not only be continued but should be expanded. The community stage program has so much merit that I think it should not be confined to the province of Newfoundland but should be a general program which would embrace any part of Canada that was in a position to take advantage of it.

In urging the minister to continue the program I will say that I think there is room for improvement in the policy which governed the program which is about to be completed. I do not know what the position is at the moment, but I do know that last year there was a time when we had three different kinds of programs in connection with community stages. There was one which was provincially inspired and financed. There was one which was totally federal, to which the fishermen made no contribution at all. Then there was another one which was financed partly by the federal government and partly by the donation of labour by the fishermen themselves. I feel from these three different programs it should be possible to develop one single program to be made applicable to all of Canada.

I drew the minister's attention to the fact that the industrial development vote had been reduced by $604,000 from last year. While we appreciate the necessity of paring expenses and doing everything to balance the budget, it could be false economy when that saving is achieved at the expense of the development of our resources. I do hope that next year we will see this industrial development item not only restored to its former size but greatly expanded to take in all phases of a larger program of industrial development for the fishing industry.

I was very much interested in the minister's remarks concerning the pressure on our fisheries which is resulting from the intensification of fishing and by an increase in

the number of countries that are sending fishing fleets to our fishing grounds and particularly to the Grand Banks. There was a time when the fisheries of the Grand Banks were held to be inexhaustible. I do not believe any thinking person could hold that view any longer. Certainly it is most urgent that steps be taken before too late to make sure that our fisheries resources are not depleted. I realize that provisions governing areas outside of territorial waters require international agreement, and international agreements are not easy to come by; I realize also that international committees are working on this problem but progress seems to be very slow and unless results are speeded up it may well be that action will be taken too late.

It is my own opinion that the method of catching fish by draggers is a wasteful one and steps should be taken to find less wasteful methods to substitute for it. The draggers which tow these huge nets along the bottom of the ocean destroy a tremendous amount of young fish which are killed in the process of being hauled to the surface, just as small children are very often killed and trampled on in a mob. The pressure created by the tremendous weight of fish over them when the fish are being hauled in destroys a lot of young fish which are not of commercial size. Some fall out of the net before they get into the boat, while others that are taken into the boat are thrown overboard because they have no commercial value. I believe if agreement could be worked out under which all the nations would agree to use a different method of fishing, perhaps even going back to the hook and line method, as much fish as should be caught under the circumstances would be caught. Certainly this method would prevent large numbers of fish from being destroyed and wasted.

This problem of conservation is closely related to the limits of our territorial waters. I think it was a tragedy when the United Nations law of the sea conference at Geneva failed to reach agreement on this problem by a single vote. At the present time there is nothing but chaos. There is no accepted law of the sea either as to the extent of territorial waters or as to the extent of the coastal waters which any country can claim as a preserve and monopoly of its own fishing fleet. I think we have now reached the point where it is possible for Canada and the United States to reach an agreement as far as the Atlantic and Pacific seaboards are concerned and work out a joint agreement fixing the limit of 12 miles for our own territorial waters. If agreement cannot be reached, then I think Canada would be well justified in taking unilateral action and proclaiming her own limit which would extend the control of the fisheries to 12 miles offshore.

These problems of conservation of our fisheries and the extension of our territorial waters are related also to our patrol service. I am glad to learn from the minister that a new boat has been built to replace the old *Cygnus* and that these estimates contain provision for a new boat for the patrolling of Newfoundland waters. But if we are going to have an effective patrol service we need many more boats than we have at the present time.

Most of my fishermen are complaining—and this is the situation not only on the south coast which I represent but on the northeast coast as well—that at night huge concentrations of foreign trawlers are gathered together in such great numbers that they look like a floating city. We must have a sufficient number of boats to be able to patrol these areas at all times. You cannot rush one small boat, however fast she is, from one spot to another spot three or four hundred miles away. There is need for at least three boats on our coasts in order to do an efficient patrol service on our coastal waters.

This encroachment on our inshore fishing grounds is proving to be a tremendous handicap and a hardship to our own inshore fishermen. The fishery on the east coast of Newfoundland this year is very poor and some fishermen think that one of the reasons is that these grounds have been dragged over by foreign draggers. I hope the minister next year will be able to provide for at least two more patrol boats in increased estimates. If we had more of these patrol boats they could also be used as rescue boats in the winter time for the coastal service and for those ships that are engaged in the winter fishery.

The other matter to which I wish to refer is the bait service. I have already noted that this year there is a decrease of $107,000 in that item. I realize how difficult it is to administer the bait service. I realize all the problems that are connected with it and I realize that the problems are made perhaps more difficult by the fact that this particular service is confined to the province of Newfoundland as part of the terms of union. However, I think it is possible for the federal government to work out a bait program which could be applicable to other provinces as well. I do not understand what the need of this service is on the Pacific coast. However, there must be communities on the Atlantic coast which could benefit from a similar service although from personal experience, I know that the need is not so great as it is in Newfoundland.

This year I think we are providing for five units. From a rough calculation which I have

made I would think there is at present a need for about 50 of these small portable bait units which have proved to be so successful during the past few years. But if we supply these units at the rate of only five a year it means that it is going to take ten years at least before the needs of the fishermen are supplied; and by that time some of the earlier ones will need replacement. I believe that the time has come when we can perhaps take another look at our bait service policies and can work out something a little bit different from what we have at the present time.

I should like to see worked out an arrangement whereby the fishermen themselves would be able to own and control these small portable bait units. When I say that I am thinking not only of fishermen in my own province but of fishermen in other provinces as well. I understand that these units cost about $6,000 at the rate at which they are supplied, which is about ten or 12 a year. Fifty of these units would cost about $300,000. If they were purchased in quantity or were manufactured in quantity the price perhaps would be considerably less than that. But taking the total value at, say, $300,000, I think that would supply all the bait requirements we have at the present time in Newfoundland.

The provincial government of Newfoundland has a fund which it is holding in trust for the fishermen. If the federal government were prepared to make an offer of providing these units at half price it might be possible to work out an agreement whereby the provincial government would place at the disposal of the Newfoundland fisheries federation some of this money which could be put out on loan to fisheries locals and small co-operative groups of fishermen who would be able to purchase their own units and repay over a period of perhaps ten years. It would not be a very big sum if they had to pay say $3,000 over a period of five years or ten years. They would then have the benefit of being able to administer the small units themselves and to work out whatever particular scheme is most suitable to the conditions under which they are obliged to operate.

I would think, though, that the federal government also should supply technicians to train the operators to look after these units and also perhaps maintenance men to keep them in order. If that could be done then the federal government's role would be mainly the maintenance of central depots from which the smaller depots could be supplied and I think that would be a proper federal responsibility. In addition, of course, there would also need to be some bait carriers for the purpose of carrying the bait from the central depot to the smaller ones.

This is only a brief outline of an idea which I have had. I think it is feasible and I also think that where there is a will, there is a way. If everybody concerned would put the interests of the fishermen first, it should be possible to work out a system which would remove a great many of the disadvantages and difficulties with which the federal department is now obliged to contend and which would at the same time improve the service to the fishermen.

I was disappointed on one count in the minister's presentation this morning.

The Deputy Chairman: Order. I am sorry but I must advise the hon. member that his time has expired.

Mr. Winch: I am sure we all listened with a great deal of interest to the résumé of the minister on the operations of his department during this past year, and also his views on the state of the fishing industry at the present time. I want to say that I was most disappointed at the brevity of the remarks of the minister regarding the state of the industry in British Columbia, particularly the herring industry and the whaling industry. As the minister knows—as a matter of fact he commented on it—the British Columbia whaling industry is perhaps the most recent casualty of the fishing industry.

I have noted that the fisheries association of British Columbia, in putting forward the reasons why there is no whaling industry in British Columbia, point out three factors. They are (a) the whales which are available off the British Columbia coast are much thinner than those found in other whaling areas, and consequently the unit yield per whale is lower; (b) they state that the distance of British Columbia from principal market areas creates a substantial freight cost as a handicap; and (c) the fisheries association stated that the level of all production costs was high in British Columbia compared with competing sources of whale products, namely Japan, Russia, Norway, Holland and Great Britain.

I would point out that these conditions are outlined by the fisheries association of British Columbia have always obtained and they most certainly have obtained in the past ten years when the British Columbia Packers Limited have been persisting in their endeavours to operate a continuous annual whaling industry.

So it is with a great deal of regret that circumstances have brought about the situation where there is no whaling industry in British Columbia this year, and that is having an impact on British Columbia. Because it

must be recognized that the whaling operation now closed means a loss, I understand, of approximately $600,000 annually in wages and hundreds of thousands of dollars lost to such supply and service industries as petroleum companies, the shipyards, rope works, vessel outfitters and so on. So this is a serious matter to the fishing industry of British Columbia and I had hoped that the minister would have had more to say other than just to comment upon the fact that these industries had closed, that it was of serious concern to his department and that studies were being made of the situation.

Hand in hand with the closure of the whaling industry in British Columbia we have the closing of the herring industry which affects a great many more people than does the whaling industry. As was mentioned by the minister, there was a very good catch in the ten weeks preceding Christmas when I understand there was a record catch of some 166,000 tons. Yet around Christmastime there was a closure of that industry and according to the newspapers it is being continued this year. The fishing companies in British Columbia point out that one of the reasons why they have had to shut down operation is the fact that in 1958 the price for herring meal was $2.70 a unit and nine cents a pound for herring oil, but now these prices have declined to $1.48 a unit for herring meal and six and one half cents a pound for herring oil.

They also point out that there are other reasons which have brought about this situation, and one is the appearance of large new producers in South Africa, Angola and, above all Peru. We have heard a great deal about the entrance of Peru into the herring market. There is a unique point here of which I think some mention should be made, and it is that at the same time the fisheries association of British Columbia have put a closure on herring on account of the low prices for meal and oil, and because they say they cannot stand the competition from Peru, the largest of the fishing associations of British Columbia, out of its profits made along the coast of British Columbia, has established itself in Peru and is using its past and present profits from British Columbia to build up this industry in Peru, as I say supplied by British Columbia capital, about which condition the associations of British Columbia complain and maintain they cannot meet. I think that is not only a paradoxical situation but one which requires some very considerable attention.

I also note, that the fisheries companies in British Columbia point out that one reason for the closing of the herring and whaling industries fishing off the Pacific coast is the competition they are now facing from edible oils. They state that the Canadian industry has encountered severe competition in the Canadian market because of the greatly increased production of animal and vegetable oils, and they name soybean, sunflower and rapeseed.

This brings up another question. It is a serious one and I believe one upon which we should have some comment from the minister. The whaling and herring industries are shut down in British Columbia because they cannot meet the increased competition in Canada of the edible oils which are available at lower prices for the manufacture of shortening and of margarine. Yet it is a fact that the very producers who have brought about this situation are those which are subsidized by the federal government. I know that last year we had the subsidy to the soybean growers. Last week we had an announcement from the Minister of Agriculture that the subsidy to the soybean growers is going to be continued in the next 12 months. So we have that peculiar situation of a lowering of prices and where the herring meal or whaling meal or the marine oils can no longer compete because the price has been forced down by subsidized agriculture in Canada.

We know that help has to be given to agriculture, but we have the situation, which I think all should note, that a government subsidy on the one hand has killed an industry on the other. That gives an idea of the sort of thinking and planning which has to be applied to our economy. I think I should point out that if certain phases of agriculture get into difficulties the government and parliament come through with subsidies. If the railroads are in difficulties we come through with subsidies. If coal mining is in difficulties we help them. But if fishing in British Columbia is in difficulties and certain phases of it are being closed down there is no help whatsoever. At least I do not know of any except that the matter is of serious concern to the government and a deep study is being made of it.

I think that is rank discrimination. Financial help is given to industries of varying kinds across Canada yet we have not seen any action taken to help those two important phases of the fishing industry in British Columbia which are not just in difficult times but are completely shut down, affecting, I believe, some 225 to 250 employees in the whaling industry and I believe between 1,200 and 1,500 in the herring industry.

I admit it is not enough to raise these matters and point out what I am sure is already known to the minister, the impact this is having on the fishing industry in general

and the economy of British Columbia in particular. I feel that under this item we are entitled to have from the minister more than a comment to the effect that the situation exists, is of deep concern to him and his department and studies are going on. We are entitled to know what type of study is being conducted and what approach the departmental officials are taking to this serious problem.

I was interested in reading that South Africa also feeling the impact of Peruvian competition sent a delegation to Peru to see if it were possible to work out a marketing, pricing and production agreement. I presume they were not successful but at least an effort was made. Does the department have any such idea? Has the minister heard the results obtained by the South African delegation sent to Peru?

I was also interested in learning that the fishing industries of the United States, the United Kingdom and South Africa asked their governments to convene a meeting of all nations interested in fish meal protein to study the problems that have arisen. I am advised by the fisheries association of British Columbia that they asked the government of Canada to participate if such a conference were convened. Has the minister been in touch with other countries that have a concern similar to that of Canada to discuss the possibilities of there being convened a conference of the major countries concerned with fishing for the purpose of resolving existing problems? If no action has been taken yet will the government take the initiative in this respect? If the government cannot take the initiative in attempting to bring together representatives from the nations concerned conditions will get worse. The situation will worsen if corrective action is not speedily taken.

Before the item carries I sincerely hope the minister will take us more fully into his confidence with respect to the situation in the whaling and herring industries and concerning the studies now being carried on, and will tell us when he thinks it might be possible to make constructive, progressive and corrective announcements.

Will the minister also say something more about Canada's position regarding the 12-mile limit in relation to fishing. This is of keen interest to the maritime provinces and British Columbia. I believe it was the view of the government that it would have liked to see a general agreement on the 12-mile limit. The government was unsuccessful in presenting that view or in achieving a compromise at the meeting held in Geneva because of the lack of one vote.

I know that the fishermen and the fishing industry and unions on the west coast are concerned about the question of territorial rights and authority in relation to offshore fishing. Would the minister speak about the Canadian position concerned the three, six or 12-mile limit? With respect to the three-mile limit will he explain if it is from headland to headland? That makes a great deal of difference on the coastline of British Columbia as the hon. gentleman knows.

I hope I have said enough to indicate the seriousness of the situation as outlined. I trust that the minister will give us some hope that in the near future the whaling and herring industry in British Columbia will resume operations.

Mr. Noble: Mr. Chairman, I should like to join with other hon. members in commending the minister on the excellent attention he has given to the fisheries in all parts of Canada. I should like to make a few observations and suggestions in the interest of the fisheries of the great lakes area. In doing so, I fully realize the fact that the Ontario provincial government has jurisdiction over these waters with the exception of international problems but I consider the restoration of suitable commercial fish to the lakes an international problem.

Our federal fisheries department is making a determined effort toward the betterment of fishing through the efforts of the great lakes fishery commission in lamprey destruction; however, to date only lake Superior has received any attention in this respect. Lamprey are numerous in all the lakes. Therefore their destruction is a tremendous undertaking and scientists and others in charge of this work feel best results can be obtained by concentrating on a specific area for a certain time. Even providing the program works out to expectations there is not much hope of completely exterminating the lamprey and, furthermore, much time and money will be expended in the effort. However, I feel it is a worthy project but it seems to me that other angles should be considered and some action taken.

We know the lake trout have almost become extinct and the population of rough fish in the lakes has increased at a rapid rate. Most of these fish are maintained on the same food as that needed for trout production. Therefore I would recommend that necessary funds be made available for the removal of as many as possible of these fish from our lakes so that lake trout and other desirable fish are given the best possible opportunity to re-establish themselves when the lamprey menace is to some extent removed.

Such a program would provide a livelihood for quite a number of the idle fishermen,

and with the exception of Georgian bay could be institutd on a co-operative basis with the United States. A market could be established for certain varieties of these fish and I believe sufficiently large quantities of such fish are available to produce enough revenue to take care of at least one-third of the cost of the program.

When I spoke during the 1959 session in the interest of the great lakes fisheries I suggested the introduction of sockeye and spring salmon into these waters. This idea met with the approval of many people, especially the fishermen. However, according to press releases appearing at intervals since our scientists left the impression that such a program would not be feasible, but their reasoning was not too convincing.

In support of my suggestion I will take as an example our experience with the rainbow trout which were introduced into the great lakes from the Pacific coast. Their increase in numbers has not been phenomenal. However, a satisfactory steady growth in their population has justified the soundness of their introduction. This past spring rainbow trout were observed going up every suitable stream flowing into Georgian bay to spawn and in the largest numbers since their introduction into the great lakes.

They are now supplying our sportsmen with very good fishing. Some excellent catches have been made during the past few weeks, with individual fish weighing up to 12 pounds. The rainbow trout is not considered a commercial fish. However, they are making a worthy contribution to the rebuilding of tourism which at one time was attracted to our district by lake trout.

Worthy of mention is the fact that very few rainbow were carrying scars from lamprey attack. With this apparent resistance to lamprey, the rainbow trout provides a promising future for sportsmen and tourism.

To support my claim that Pacific salmon do hold some promise for commercial fishing in the great lakes, I relate the incident of the taking of three salmon at three different locations in lake Superior late last summer. The fishermen were unable to identify these fish but the fisheries research office of the Minnesota division of game and fish identified them as pink or humpback salmon and they were mature fish. It appeared a mystery for a time as to how these fish came to be in lake Superior. Some time later it was established that in 1956 a few small fish escaped from a hatchery at Fort William where they had been incubated from eggs from the west coast. The establishment of a salmon run in the rivers of Hudson bay was the purpose of this experiment. However, it now appears that there was a greater survival from the few that escaped into lake Superior than from the 200,000 fingerlings that were planted in Goose creek, a tributary to Hudson bay, as there is no record of any survival there. Consequently it would be logical to presume that others of those escapees into lake Superior also survived and continue to thrive in the fresh waters.

This incident bears out the claims made by Tasmania fisheries and the department of fisheries of New Zealand that they successfully transplanted spring and sockeye salmon to their inland lakes and a satisfactory cycle has beeen achieved. Furthermore, the sockeye salmon which became isolated in British Columbia inland lakes have established themselves there and have continued to reproduce. I believe the coast salmon have an advantage over lake trout from the standpoint of survival, considering present day conditions in the great lakes. We have not only the lamprey menace but the smelt which many fishermen feel may be a greater enemy of our desirable fish than is the lamprey.

They are a small fish and much of their diet is very small fish and the spawn of larger fish. Consequently I would suggest that fish such as rainbow, sockeye and other coastal salmon that spawn in the headwaters of our streams would have a very decided advantage in respect of survival. The lake trout and splake which deposit their spawn on the shoals where the smelts and suckers are frequently swarming are constantly losing their reproduction to these predators.

Thus when one essential condition of environment has reached a limiting level which prevents a species from flourishing but still allows survival, a very minor deterioration in this condition will suddenly decimate the population. Conversely, a slight improvement in this condition of environment will be followed by an upsurge in population. Therefore the removal from the lake of as many of these predators as possible could influence a favourable balance for lake trout production.

Second, the introduction of a new species of fish, such as the sockeye or other suitable commercial salmon, which would spawn in the headwaters of our streams, could result in a successful production which would satisfy our needs should our efforts to re-establish lake trout or splake fail.

The introduction of splake, a cross between lake trout and speckled trout, into the Georgian bay has been given much publicity. According to figures released, almost 300,000 fingerlings have been planted in this area since 1956 with some apparent success. Evidence of any production could not be expected

so soon. However, splake weighing up to four pounds have been taken by the fishermen and their reproduction cycle can start at the third year.

Some fabulous claims have been made as to the possibilities of the splake but I am doubtful as to how long this crossbred fish can continue to reproduce its kind when it is placed in the environment of the lake trout. My thought is that more and more of the splake eggs will be fertilized by lake trout and that the production will soon revert to lake trout.

It seems to me that if we are to create the best possible conditions for the establishment of a splake population, or the re-establishment of a lake trout population, a closed season for at least two or three years should be imposed. Splake are being fished continually and in 1959, 11,000 pounds of lake trout were taken in lake Huron and Georgian bay. If we are ever to stock our lakes it is essential that these meagre remnants of the species must be retained as breeding stock.

Worthy of mention at this point in my remarks is the recent success of the Japanese fisheries in crossing Pacific salmon with trout from their inland lakes. Their scientists hope to mass produce this new fish in their lakes.

In conclusion, I would suggest that if we are to provide ideal conditions in our waters for fish propagation some immediate action should be taken to curb the constantly increasing pollution of our lakes by industry, shipping, lake bottom oil drilling and other harmful sewage.

Mr. Granger: Mr. Chairman, first I should like to say how much I enjoyed listening to the minister's report on the activities of himself and his department. Second, I should like to say that I looked forward to hearing him and I moved up to the front benches to make sure that I heard him and I stayed here to make sure that he would hear me.

As often as I can, as the committee knows, I talk about the fisheries of Newfoundland and in fact the fisheries of eastern Canada because I believe that the fisheries are growing in importance as our population increases and as the need for more work, for more industry, for more people grows, so grows the importance of our oldest industry.

If I may repeat something I have said before, no nation, no matter how many new industries it develops, can afford to neglect an old industry because in a properly expanding economy all industries are necessary if the nation is to be prosperous. But today, instead of launching out and talking about what we need and the extras that we want, I should like to pause briefly and talk about some of the things which have been accomplished.

[Mr. Noble.]

For many years the fisheries in Newfoundland were conducted in the same way as they were shortly after John Cabot discovered Canada and returned to England with the story that the waters around the new found island were full of fish. For many years the fishery was conducted, using the same type of gear, the same type of boat, in other words the same type of equipment, with very few changes. That was not so bad during the years when progress was comparatively slow and when the industrial revolution had not been heard of; but when modern times came and practically every other industry became modernized, the lag in the development of the fisheries became very serious indeed.

During the first decade before Newfoundland entered confederation—and I am speaking just of Newfoundland now—changes began to take place. It was then that the fresh fish business began to grow. After we had entered confederation all of our economy got a very great boost and fishery development was speeded up. New fresh fish plants in addition to those already existing began to be built and older ones began to be enlarged. It was recognized at that time that the fisheries of Newfoundland needed several things. Production had to be increased and the method of curing had to be improved.

By and large over the years much improvement has occurred in the fishing industry. There is a much greater degree of industrialization today than there was 10 years ago. Artificial drying has reached a stage that we would have been very happy to have had ten years ago. At this point I should like to refer to the report of the Newfoundland fisheries development committee, known as the Walsh report, which was issued in 1953 and which makes excellent and informative reading even today. Only seven years ago it was stated in that report:

> Along that coast development should, in the view of the committee, be by centralization of the salt fish industry at a number of plants located at suitable places in large areas of production in the inshore fishery and near grounds on which long-lining can be successfully carried on. The operations in these plants would be as fully mechanized as possible and the aim should be ultimately to produce light salted fish by mechanical drying.

That was seven years ago and I am very happy to say that since that time much improvement has been made and mechanical drying has to a marked degree—I was going to say to a large degree—supplanted the old expensive method of sun curing and the handling of the fish by the fisherman and his family for which they received very little. Their labour was practically free.

Production and the means of production have been improved as well. The establishment of experimental stations has been of tremendous value. I should like to comment in this regard that I think it is a pity that the public know so little about the great work being done quietly by the experimental and research stations. Their work probably is not of a type that commands headlines or is surrounded by glamour but it is very vital work and has a great and important bearing upon the future of the fisheries. Its importance will make itself felt in more dollars and cents in the pockets of the fishermen which after all is the purpose. The department can be proud of the work it is doing and I should like to see it intensified and broadened. These are some of the things which have been done; industrialization, mechanization and the development of the means of production.

Many of these things were incorporated in the report issued by the government of Canada and the government of Newfoundland in 1953. The program since then has been by and large a broad and beneficial one but I think that time shows up the weaknesses in any line of endeavour and is probably showing now where the gaps in the program are. Without pretending to be an expert on the matter, I should like to mention several gaps which seem to me to be obvious. First, I think more attention should be given to the Labrador fisheries. I believe that with industrialization is coming a greater demand for fish and this at a time when there are probably fewer fishermen than there were in 1953.

I have no figures for Nova Scotia but I have reason to believe that the fish plants of that province depend largely upon Newfoundland fish for their raw material. Industrialization has brought about a greater demand for fish and the result is that more and more attention is being focused on Labrador by people in the fishing industry. I should like to see the resumption of the Labrador fisheries, not necessarily the old floaters which, although they served a good purpose in their time, were not the most economical method of producing fish, but a Labrador fishery tailored to meet the needs of the times and designed to fill the need which is beginning to exist already and will certainly exist to a greater degree within the next few years.

Before the Labrador fishery can be improved as it should be something must be done to help those fishermen living on the Labrador coast already and who throughout the years after the floater fishery failed continued the fishery on the Labrador coast. It is their product which is more and more in demand. Like many other small businessmen regardless of their line of endeavour one of their great needs is capital. They may have all the knowledge in the world as to how to catch fish but unless they have proper boats and good gear they are not going to be able to catch the amount of fish they should. It is evident that the fishermen need better equipment in order that they may prosecute the fishery off the Labrador coast. Therefore I should like to ask the minister to keep in mind the need for some means by which fishermen can get small loans in order to replace and repair equipment, some means by which the federal government can assist the fishermen directly to replace fishing gear and property lost from time to time by storms. I believe that once this property is replaced, once they have the gear, they will be able to operate on their own, but they need help in order to get started. I would ask the government to look into that matter.

I would also ask the Minister of Fisheries to consider carefully the possibility of increasing the bounty on boats and broadening the whole scheme so that small fishing boats will come within the limits of the bounty and fishermen who wish to build small trap skiffs will be able to obtain some assistance from the government in the form of bounties on small boats.

The minister mentioned bait, and here there is another hole in the program which must be plugged. I am very glad to say that improvement in the bait service is already evident but nevertheless this is one instance where the improvements of today are still not sufficient. In most places along the Newfoundland coast there is a perennial shortage of bait and thousands and thousands of quintals of fish which should be caught and sold to the benefit of the fishermen and the people of Canada are left in the water because the fishermen have no bait. Therefore I would ask the minister to continue and enlarge the bait program.

Whereas bait depots are good things and holding plants to supplement the bait depot service are perhaps a better thing, I agree with my colleague, the hon. member for Burin-Burgeo, that small holding plants or freezing units should be available to the fishermen. I think these could perhaps be provided in connection with community stages better than in any other way but even where the fisherman has his own property a method should be found by which he will be able to buy freezers for his bait.

May I enlarge for a moment upon the bait situation. I should like to go back to what I mentioned before—this is something for the minister's research department—and that is the possibility of developing artificial bait.

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I maintain that if as much attention were given to the development of artificial lures for codfish as there is to the development of lures for trout we might be able, to a large extent, to do without frozen bait. For instance, squid is undoubtedly the best form of bait that the fisherman finds. It is certainly not the shape of the bait which attracts the codfish because the squid are cut up in shapeless chunks and put on the hook. Then the fish go for it. I do not know whether it is the taste or the smell that attracts them. I was wondering if a liquid could be devised which tasted or smelled like squid—what I might call essence of squid—and put in drums. These drums could be shipped around to the fishermen who could bait their hooks with a piece of sponge or something like that soaked in this liquid which would carry all the aroma and taste of squid. Then the fishermen's bait problem might be solved. I should like the minister to ask his officials to look into the possibility of developing artificial bait in a form which could be shipped around in cans. Then instead of making one big jump ahead into frozen bait, we might make one big step back into the canning age and see if we cannot can this essence of squid.

I believe that if the program which has been followed for some time, were rounded out so that the small fisherman who operates independently with a small boat and with a limited amount of gear could be helped to get his boat and his gear into condition so that he could fish effectively, then we would have taken a long step forward.

I would refer the minister to the report of the Newfoundland fisheries development committee of 1953. I believe this report served an excellent purpose and was used as the basis of much that has been done. This is a good thing because so many reports, once they have been printed, seem to be put to one side and are forgotten. Then later another royal commission is appointed which produces another report. I would suggest that this report, which obviously has not been forgotten, be looked at again very carefully. It is eight years old and an effort might be made to bring it up to date. Certainly there must be some weaknesses in the forecasts. After all, the commission that made the report had to make it on the basis of the knowledge they had at that time. If the report were gone over carefully today it could be revised on important points and used as the basis for a more up to date and more complete program. I should like to see that done. Undoubtedly the minister has read the report, and I should like him to consider the possibility of having it revised. I am sure that if he does he will see that his program, good as it is, can be enlarged and, in some cases, speeded up.

Canada produces only about 10 per cent of the world's production of salty codfish. I feel it is a shame that we who have the best fishing grounds in the world should be catching so little. The hon. member for Burin-Burgeo mentioned territorial waters. I should like to endorse what he said. The waters around Canada are being exploited regularly by the ships of foreign nations. Not too long ago a whole mess of trouble was stirred up because a plane flew across the territory of another country. Foreign ships operate regularly off the coasts of Canada and when the minister mentioned he was having a new boat constructed I was tempted to suggest that she be so equipped that she can drive off these poachers.

In so far as community stages are concerned, I have said in this house before that the community stage program was a wise and enlightened one. I hope it is continued and I hope that it is extended so that some community stages will be built in Labrador. If I may refer to Labrador for a minute, I would say that more ships are fishing there now than heretofore. I believe it was sometime around 1840 when the fishermen from Conception and Trinity bays in Newfoundland began to fish the Labrador coast. They found the European fishermen were there ahead of them. We find they are still there today. There seems to be a tendency for the fish to move northward, and if that is so then we must depend more and more on Labrador for the fish to keep the fish plants of the Atlantic provinces in operation.

Not only do we want the Labrador fisherman equipped so that he can be an efficient fisherman, not only do we need community stages, but we badly need communications so that the fishermen can communicate with one another along the coast and with the rest of the world. Communications are essential to the proper development of the fisheries. I was very glad to hear the minister refer to the work being done at Rattling Brook and the Exploits river and the fish ladders there. I was pleased to note that such progress has been made and I hope it is continued because I do think there is a very great spawning ground there for salmon.

In conclusion, I should like to again stress the necessity for increasing salt fish production and fresh fish production. I do hope that the fishermen themselves will share more in the profits of the industry. The fresh fish business seems to be in a healthy condition and it is my hope that the fishermen will share in the profits of that industry. In so far as salt fish are concerned, we are going

to have that industry with us for a long time. Mankind has been using this stable product since time immemorial. I should like to see more salt fish plants in northern Newfoundland and Labrador. Certainly the cod fishery can be increased. It is pretty well known, I believe, that the fish are there and that more of them can be caught without jeopardizing a constant supply. One of the best ways in which we can assure that there is increased fish production in Canada is to see that the fishermen themselves are able to catch fish, have the means to catch it and the places in which to work once they have done so.

As to the minister and his department, may I say this, and of course any remarks I make are divorced from any, shall I say, political position which the minister may have. But in so far as he is the Queen's minister of fisheries and in his work as he guides the Department of Fisheries which is one of the most important departments in the government of Canada may I say: more power to your elbow.

Mr. Crouse: I welcome this opportunity to speak briefly on the fisheries estimates that are before the committee at the present time. I should first like to commend the minister on the detailed report he has given of the work that has been undertaken by his department. I might say that it is a report which clearly indicates the concern of the government over the problems at present faced by fishermen. I was most interested in the remarks made by the hon. member for Grand Falls-White Bay-Labrador when he spoke of the need for perfecting an artificial lure. I might add that there is one available at present. It was perfected in Norway and it is called the Norwegian jig. It is approximately eight inches long, is shaped somewhat in the form of a spoon and is most effective when used in catching cod, haddock or any other groundfish.

Mr. Pickersgill: Will the hon. gentleman permit a question.

Mr. Crouse: Certainly.

Mr. Pickersgill: Will the hon. gentleman come up and join the rest of us near the centre of the chamber—as it is permissible to sit anywhere in committee—in order that we can hear him. We are interested in what he has to say.

Mr. Crouse: I think I can speak loudly enough. I have a few notes here. I will speak a little bit more loudly so that hon. gentlemen can hear me.

During the Easter recess and at a recent special event in Nova Scotia I had an opportunity to speak to many of the fishermen and also to the executives of fishing companies in my riding. These discussions brought a number of points forcefully to my attention and I should like to mention them for I believe they are worthy of consideration by the minister.

At the present time it would appear that the problem causing most concern among the fishermen on the east coast is the age of the existing ships in the deep-sea fishing fleet and the fact that these ships are not being replaced with modern up-to-date fishing trawlers. The average age of these wooden trawlers is approximately 12 years. Some of these trawlers are already obsolete when compared with new trawlers that are built by other nations. Accommodation for the captain and the crew falls far short of the comforts provided fishermen on new trawlers built by other countries. But aside from this point, there is among fishermen a growing fear that when the present ships are worn out or require expensive repairs in order to keep them operating they will be unemployed because of the lack of provision by the industry for the replacement of these existing ships. In the event this should happen we must ask the question: how important is the fishing industry to Canada?

The annual report of the Department of Fisheries for 1958-59 answers that question for it begins with this statement and I quote:

> With an annual catch of all species of fish and shellfish amounting to nearly two billion pounds, worth about $116 million to approximately 80,000 men engaged in commercial fishing, Canada ranks as a leading producer and exporter of the world's fishery products.

To me that sounds like quite an important industry. The export value of the 1958 catch was $155 million, about two thirds of which came from the United States and most of the remainder from the United Kingdom, continental Europe and the Caribbean countries. In my opinion the fishing industry makes a great contribution to correct our imbalance in trade, especially with the United States. It is an industry that has for years stood upon its own feet without too much assistance from government. But today it can no longer absorb the increased cost of production while selling its products in competition with state subsidized producers.

I was pleased to note in this year's estimates that continued assistance will be provided groups of fishermen desirous of constructing small draggers or long-liners up to 65 feet in length. However recent studies would indicate the assisted fleet at present accounts for about 20 per cent of the total groundfish landings on the east coast, with the company-owned deep-sea and the inshore boats providing the remaining 80 per cent.

This modernization program carried out by the fisheries deparment has contributed substantially to the replacement of small boats, and has provided greater opportunity, more security and a higher scale of living for the inshore fishermen. However, the industry as a whole depends on the larger trawlers and draggers for a constant supply of fish, and it is this type of ship, 100 feet in length or larger, that provides steady employment on shore in the fish plants and afloat for the fishermen, especially during the months from November through to April when the weather is inclement and the inshore boats cannot operate or operate only sporadically.

Ultimately therefore the burden of modernization, replacement and expansion will fall on the company-owned fleet of deep-sea fishing trawlers. Money for this replacement cannot be secured by raising prices, for two thirds of the industry's sales dollar-wise are to foreign markets, in competition with fishery products from nations with a lower cost structure. At the present time many of the materials and much of the equipment used by the industry are admitted either free of duty or at a low rate of duty, and within certain limits trawlers can be purchased outside this country. Perhaps this problem is of more direct interest to the shipyards than to the fishing industry.

However, most Canadian deep-sea fishing captains and their crews prefer wood to steel in a trawler or dragger 100 feet in length or even up to 125 feet in length. This is owing to the greater buoyancy of the wooden ship. Something needs to be done if our shipyards are to provide and be in a position to undertake even necessary refit work. Increased depreciation allowances to existing operators would encourage more venture capital in the industry and I would suggest that the government give serious consideration to this problem. It is a problem calling for bold, imaginative steps; and unless building costs of fishing trawlers in Canada can be reduced, or investment in this highly venturesome industry can be made more attractive, we will shortly have a fleet of obsolete ships incapable of providing steady employment or maintaining our position in world markets. For the benefit of the committeee, I might say that recently the President of the United States—it was on June 12—signed the fisheries assistance act of 1959. The bill provides: (1) a fishing vessel subsidy of up to one third the cost of construction, if built in a U.S. shipyard under approval of the department of defence.

I should like to point out there that what our friends to the south of us are doing apparently is that they are co-operating through their defence and fisheries departments and are building ships that would be suitable in time of war.

The federal subsidy shall be $2.5 million per year for three years; eligible are those building vessels operated in a fishery for which escape clause relief had been recommended by the tariff commission but denied under the trade agreements assistance act and to certain fisheries found by the secretary of the interior to be injured by increased imports of fish or shellfish products.

I am not advocating that we take that type of action but I would point out the action which has been taken by the nation to the south.

In what other way can we help our fishermen? I believe we should give serious consideration to repealing the law which discriminates against our east coast fishermen who are competing with foreign vessels. At the present time we have a 12-mile limit, and other speakers this afternoon have mentioned this problem. This does not mean 12 miles of protected ocean for our Canadian fishermen; on the contrary it means nine miles of protected fishing rights for all other nations except Canada. Our fishermen using ships up to 65 feet in length can fish with all foreign fishermen up to three miles of our coast, but any Canadian fishermen in ships larger than 65 feet are unable to start fishing operations until they are 12 miles off shore.

This three-mile limit apparently came into general use around 1793 when it was adopted by the United States as the limit of its jurisdiction for neutrality purposes. During the nineteenth century many maritime states, inspired by British and United States practices, came to use the same limits, but it never won enough universal acceptance to become a rule of international law. In the absence of any uniform practice with respect to the width of territorial waters modern international law can be said to lay down no rule except that every state is entitled to claim at least three nautical miles.

After world war II the international law commission, organized under the auspices of the United Nations general assembly, selected in 1949 the question of the territorial sea as one of its topics for study and report. The commission's deliberations on this subject disclosed, however, that many of the difficulties encountered in 1930, when the question of territorial waters was discussed under the leagues of nations at The Hague, still presented major obstacles to any agreement. The claim to a 12-mile limit has met with such widespread opposition from other countries

that it will probably never be universally accepted, for we have seen this proposal again rejected this year at the conference called in April at Geneva.

A recent incident points out the absurdity of the present situation. The Canadian fishing trawler *Sea Hawk* was fishing in North bay near cape St. Lawrence in company with a fleet of some 15 or more Spanish and Portuguese trawlers. They were fishing approximately seven miles off the tip of Cape Breton and the operation of the draggers was so extensive in that area that the Canadian fisheries patrol boat *Cygnus* had to thread her way through this foreign fleet in order to get to the Canadian trawler and bring her to port, where the captain and owners were fined $50 and costs for fishing inside the 12-mile limit.

In my opinion there was no doubt a time when we were trying to build up a case for a 12-mile territorial coastal belt that this action made some sense. However, since the failure at the Geneva conference for the second time in two years to reach international agreement on the law of the sea there is no sound argument left for continuing this law and I would suggest that it be repealed. Canadian fishermen as taxpayers help provide wharves, harbour facilities and deep water channels for the convenience of foreign draggers and trawlers. In my opinion these Canadian fishermen are entitled to equal fishing rights with deep-sea fishermen from all other countries.

At the present time the most vigorously expanding shell fishery in the maritime provinces is that of the sea scallop. During the past year combined landings of scallop meats from Canadian and United States fishermen amounted to 23 million pounds. Of this total United States landings accounted for 18.7 million pounds and Canada produced 4.3 million pounds. Percentagewise the United States landings were up 25 per cent while the Canadian landings increased to 54 per cent over 1958. The increase in landings was the result of increased efforts by offshore boats fishing the Georges bank off the Maine coast and brought to the fishermen of the maritimes earnings in excess of $1,600,000.

At the request of the international commission for the northwest Atlantic fisheries joint experiments are being carried out with a large mesh scallop drag in an effort to find a way to reduce the numbers of small, unmarketable scallops which are damaged and wasted by handling on board fishing vessels. The government is to be commended for its action in this regard.

However at the present time there is very little knowledge available about the manner in which scallops breed and multiply. I would suggest the fisheries department give consideration to studying this problem with special attention given to studying the early free swimming larval stages. This information is vitally important when endeavouring to determine the densities of future scallop populations, and this information would of course be most useful to the fishermen presently engaged in this industry.

There is some indication at the present time that the size of the scallops landed represent a particular year class. The current high production will no doubt deplete these stocks of older scallops and could result in a levelling off and lower production due to smaller scallops being landed in 1961 and 1962. Because of these facts and the economic importance of this industry I hope the fisheries department will give further study to the items I have mentioned.

I would like at this time to commend the minister and his staff for the gratifying progress that has been made in overcoming problems which for many years have beset the oyster industry in the maritime provinces and to mention in particular the results in curbing the epidemic which by the end of 1958 had ravaged almost all the main oyster beds in New Brunswick and Nova Scotia. The 3,200 barrels of disease resistant oysters from Prince Edward Island transplanted in 1959 and the balance of the program of transplanting 10,000 barrels this year will go a long way toward re-establishing this profitable and worth while inshore fishery. It is also gratifying to note that in all areas examined the transplanted oysters have suffered only normal mortality or less and continued good growth has been demonstrated.

At the present time the fishing industry is beset by many problems. During the past year the production of fresh and frozen groundfish products, chiefly fillets and fish blocks, was considerably above that of the previous year. However, demand for these products had begun to weaken, resulting in a downward pressure on prices at both the primary and secondary stages of production. The deterioration of the Canadian fish trade position in the United States market, where some 85 per cent of the total production is sold, has been attributed to the increase in imports from Iceland and other European countries. At the same time there is evidence that total supplies have tended to exceed export requirements over the past ten or 15 years and this has acted as a continuous depressant on the market. This price structure has been further aggravated by the action taken by Peru in glutting the fish meal market, a by-product which helped maintain

the groundfish price for Canadian fishermen. As a matter of record, production of fish meal in Peru last year amounted to a figure between 300,000 and 400,000 tons. While this has had an effect on our east coast fishermen I know from the comments made by hon. members from British Columbia that it completely crippled the herring and whaling industries on Canada's west coast.

However, despite these setbacks the fishing industry can still look to the future with optimism. Canada has the sea at her front door on both coasts capable of supplying large quantities of highly edible protein seafood. We have, for instance, our great lobster fishery which though late in starting last year was generally productive throughout the summer and fall. Although there were some losses in equipment the season was considered the most successful for many years.

In the maritimes and Quebec our total fisheries products were valued at approximately $33 million with lobsters making up over $14 million of the total. I have already mentioned our scallop industry and its great potential in the maritimes. At the present time efforts are being made to include scallops on the menus for the personnel of our armed forces and if approved by the joint services food and nutrition committee this should add greatly to our marketing of this delectable sea food. I checked with the Department of National Defence and ascertained that over a recent 12-month period according to the information provided by the armed forces there has been procured for issue to units in Nova Scotia, New Brunswick and Prince Edward Island a total of 85,788 pounds of fresh frozen halibut, haddock, sole and scallops as compared with 53,714 pounds of fresh frozen salmon. Some 400 pounds of scallops were purchased at the special request of the United States air force personnel in the area.

I submit to the committee that if scallops are good enough for the United States services they are good enough for our Canadian armed forces personnel. The joint services food and nutritional committee has been requested to add scallops to food lists provided that the price is not excessive in relation to other similar commodities. I would hope they will be found acceptable and that this will provide a new outlet for our scallops.

Our oyster beds have been restocked and are improving and there is still a good market in the United States for our swordfish, a branch of the fishing industry that has grown to great proportions in the last ten years and annually provides increased income for our east coast fishermen. I might add that swordfishing is practically a by-product of the department's efforts to improve the lot of the inhore fishermen by subsidizing long-liners. It is a very profitable industry for long-liners during the months of June, July, August and part of September when ground fishing is not too profitable. These long-liners are equipped with a stand containing a pulpit that protrudes some 20 feet in front of the boat. A high mast and steering equipment are arranged. These long-liners geared for swordfishing range the coast from the banks of Maine to Sable island and off the coast of Cape Breton. The catch is almost entirely sold in the United States markets and it adds greatly to the earnings of our east coast fishermen.

Marketing problems still must be resolved but the work carried out by the department's home economists throughout Canada in preparing recipes and in promoting the use of fish with women's groups, church groups, hotel and restaurant associations and institutes has helped considerably to make Canadians aware of the value of fish.

The second phase that has been helpful is the amount of direct advertising carried out in connection with the consumer work of the home economists. The advertisements placed in daily and weekly newspapers and in mass circulation magazines plus the work of the consumer branch has been most helpful in increasing the consumption of fish in Canada. However, in my opinion most Canadians seem to be pretty well fed and our job is to replace other food with fish. Here I must throw out a word of caution to the Department of Agriculture and point out the desirability of putting an end to artificial price supports which cause over-production in the competitive food field. For example, recent offerings of canned pork on the domestic market at less than cost have the effect of encouraging consumers to buy the subsidized product while the fishing industry must sell its products on the basis of quality and nutritional value.

Although the problems I have mentioned require continuous study by the Department of Fisheries and the industry I believe that the present diversification of our fishing industry plus the vast markets opened up by new methods of transportation and refrigeration offer greater opportunity than ever before to Canada's fishermen.

Mr. Pickersgill: Mr. Chairman, I regret very much that the hon. member for Gloucester has not yet returned from a rather successful fishing expedition on which I understand he has been engaged for some days—

An hon. Member: I thought he was a coal miner.

Mr. Pickersgill: —because if he had been here I would not be speaking at this stage

of the debate. It is perhaps unfortunate that all the speakers from the Liberal party at this time should be from Newfoundland but perhaps that is symbolic of what might be described, in the light of recent events, as a wave of the future.

I listened with a great deal of interest and, I must say, in most cases with approval to what was said by the hon. member for Queens-Lunenburg, and I do not always approve of everything that hon. gentleman says. Of course, it does not affect us in Newfoundland but I believe that what he said about the application of the 12-mile limit to Canadian trawlers when under the existing state of the international law we apparently—and I underline that word—cannot apply it to foreign trawlers is, to put it mildly, antiquated and absurd. I certainly would join my voice with that of the hon. member in the appeal to have this law changed. Perhaps the hon. member who no doubt has more influence with the Prime Minister than I have might suggest to the Prime Minister that he make an amendment to the bill of rights and include this in the bill so that Canadian fishermen will have the right to fish off the Canadian coasts where foreigners have the right to fish.

I must say I was interested and intrigued by the new vision given to us today by the hon. member for Grand Falls-White Bay-Labrador. I am sure that a government which had lots of vision three years ago but which is apparently in need of a new vision now will be interested indeed in promoting "essence of squid" because it is quite obvious that this government needs a new lure today. Speaking seriously, Mr. Chairman, I was interested in what the hon. member for Queens-Lunenburg said about what the Norwegians have been able to accomplish in this field and I endorse what the hon. member for Grand Falls-White Bay-Labrador said about the desirability of research into this field of artificial bait.

I was very appreciative of the references the minister made to the work being done at the experimental station at Valleyfield in my constituency. I have a great deal of pleasure at least once each year and often two or three times in visiting that establishment and in seeing the really remarkable enthusiasm which is shown by the staff there for trying new things. I know that some of the things they have tried have been of very real help to the fisheries and even now they are just scratching the surface. Everything we can do in this field and also in the field of market research is of the utmost importance.

There is one comment I have made only in the committee and which I should like to make now in this chamber.

We have a considerable number of Canadians, and people who are well on the way to becoming Canadians, who come from the same country that the original discoverer of Canada came from—I mean Italy—and those people in their home country are consumers of salt codfish. I am afraid they are being lured into eating subsidized canned pork and other products of that kind in Toronto, Montreal and in the other places where they settle. It does seem to me that the department, in conjunction with the industry and perhaps with the Department of Trade and Commerce, might give consideration to promoting some experiments in the sale of salt codfish in Toronto, Montreal and Hamilton, to taking advantage of the Italian language press and of shops that are run by Italian Canadians with a view to selling this product to Canadians who are better off in the main than any other customers we have for salt codfish, and where we might develop, maintain and increase a good and productive market. I know there will be some difficulties about doing this but I do urge this idea very strongly upon the government.

I do not think there was anything more important said in the debate—and I must say this is almost a love feast, as the estimates of the Department of Fisheries nearly always are—than what was said by the hon. member for Queens-Lunenburg about fishing vessels. I am not going to recommend to the government any particular method; I am going to draw to the minister's attention—I do not need to draw it to his attention but I am going to do it so that it will be on the record—a resolution which was passed unanimously at the last meeting of the fisheries council of Canada in Vancouver in May on the importation of fishing vessels, which reads:

> Whereas some processors of fish are suffering severely from lack of suitable fishing vessels; and
>
> Whereas the federal government restricts the acquisition of the desired craft in the foreign markets through:
>
> (a) The necessity of having to secure permission from the Department of Transport to import a vessel—a restriction which we do not believe exists in the case of instruments of production in any other Canadian primary industry;
>
> (b) Heavy duties levied on vessels up to 100 feet in length when imported from most favoured nation countries; and
>
> Whereas experience has shown that larger vessels are going to play a more important part in production in future years;
>
> Therefore be it resolved that the fisheries council of Canada request the federal government to remove these hindrances to the adequate building up of the Canadian fishing fleet.

I do not think these are the only hindrances. I think the hon. member and some other hon. members who have spoken have put their fingers on other things.

In this parliament we have established a new agricultural bank to provide credit. It is true it is a successor to the old farm loan board, but it has a wider scope and at least it is supposed to do the job much better than the farm loan board did. In the fisheries improvement loans legislation we have the equivalent of the farm improvement loans legislation but we have nothing to compare with the agricultural development bank. I think we should have a fisheries development bank. I do not say it should be set up as a separate institution. Perhaps we should make it a branch of the agricultural development bank, because I do not want to see a whole lot more money spent in overhead; but there is no more reason why the people of Canada should subscribe the capital for loans to farmers than there is that they should subscribe it for fishermen. Indeed, both these primary industries, and the fishery even more than many branches of agriculture, have to compete on world markets at world prices, as hon. members have pointed out, largely without any kind of support, and the fishermen have to buy everything they buy in a largely protected market.

As the hon. member for Queens-Lunenburg pointed out, this does create a real disability because the fisherman cannot raise his prices. He cannot raise his prices because the price is the price in the world, and if we were to try to raise our prices for our salt fish or our fresh frozen fish, or anything else we produce, somebody else is willing to sell it and we lose the market. We can make the industry as efficient as possible, and that is very important, but we also are faced in almost every branch of the fisheries in the world today, and this is particularly true of salt fish, with subsidies of one form and another to every one of our competitors in the world.

For example, the hon. member referred to the most recent legislation in the United States having to do with assistance in building vessels. I do think that our whole bounty program needs to be looked at again and looked at again in the light of world conditions and of the balance between the fishing industry and other industries. To my way of thinking the whole business of bounties, the whole business of loans of all kinds on fishing craft, small craft as well as larger craft, needs to be looked at.

The other thing is that at the end of the war this country removed all the taxes on agricultural implements so that agricultural implements could be bought at world prices. Surely if we can do that for the agricultural industry we should do it for the fishing industry, and get rid of all the red tape that has existed in the acquisition of vessels in the past.

I do urge the government to take a bold step. The minister may perhaps have to knock the Minister of Transport on the head a few times, but he ought to have help from the Minister of National Revenue who ought to know something about this and who, as a matter of fact, collects some of those imposts that ought not to be there at all. I do hope that something quite serious will be done in this field.

There is another field—and here I speak more of Newfoundland perhaps than of any other part of Canada—in which something could be done. What is very desperately needed in Newfoundland, and what is going to be very hard to get except with the spread of rural electrification, and that is taking place, is some imaginative assistance in the establishment of local cold storage facilities which would not be used merely for the storage of fish but could also be used for the storage of vegetables and other foodstuffs sort of on a community basis, perhaps on a rather smaller scale than under the Cold Storage Act for agriculture. There is no doubt whatever that one thing that could be done that would vastly improve the standard of living in those fishing settlements would be to establish facilities for preserving food, for refrigeration, so that all food except fish itself would not be so costly and so that fish itself could be preserved in the community in a way which would make it palatable for the greater part of the year. I believe that an immensely greater amount of fish could be consumed in the fishing areas of Canada and all through the maritime provinces. I had occasion to visit Nova Scotia not so long ago —I do not recall this with any particular satisfaction although I had a very good time —and it was remarked to me there what we know to be true in Newfoundland and what I have found to be true in nearly all those fishing settlements, that if you want to go out to buy a fish to eat it is often a major operation. There really does need to be a lot more done than is being done now to get the people right around the places where the fish are caught to enjoy what is as good food as any food produced in this country.

In that context I should also like to say that I was very pleased to hear the minister say that the department had produced a new cook book, that the first edition was already sold out and that he is producing a second edition. But in order to create a real interest right here near at home I suggest that the minister send a complimentary copy to every

member of the house when the second run comes out with a little note that we take them to our wives with his compliments, or those of us who have not got wives, like the hon. member for Brome-Missisquoi, could perhaps find someone that they might attract in this way. It might be a lure.

I think one of the big problems in getting the consumption of fish in this country up to the level it has reached in almost every other country is that most people do not know how to cook fish and how to make it attractive. It is something that has to be learned like everything else. I shall never forget the story, which I am sure was not true, about those charitable Nova Scotians who during the depths of the depression in the thirties sent a carload of salt codfish to Saskatchewan to help the farmers who, as a result of a combination of all the dreadful circumstances there were then, were having a very thin time indeed. Some time afterward the Saskatoon *Star-Phoenix* published a recipe for cooking this codfish and this was the recipe: Nail the codfish to a board, boil for three hours, throw away the codfish and eat the board.

That story does no credit to Saskatchewan because there is nothing better than salt codfish as a food if you know how to treat it. But that is not the way to treat it and it should never be treated that way. That is why I say it is most important to carry on this work of promotion. The fishing industry, as all of us know, is in many ways a marginal industry. It is marginal because it is carried on on the coasts. It is marginal because on the whole the staple product of the fishery is, unfortunately, sold in low price markets. It is marginal because the mark-up is small. It is marginal because in the main the product is not processed by great combines in the way that canned pork and some other things are. Therefore, in order to be put on an equal level with some of our other industries it does need perhaps a little more careful assistance, not as a permanent crutch but in order to stimulate the market because, as the hon. member for Queens-Lunenburg has said and as we who represent fishing communities all desire, we want the industry to be strong and self-supporting.

We know from all the evidence around us that in the next few years we are going to have, because of the very rapid growth in our population, a large number of young people coming on the labour market every year, and we need to conserve and stimulate and build up in every way possible in order to employ our people productively. The last thing we want to see is a decline in this the oldest historic industry of our country. But unless some of the things are done that the hon. member for Burin-Burgeo, the hon. member for Grand Falls-White Bay-Labrador and the hon. member for Queens-Lunenburg have already suggested today, this is not going to happen. It is not just going to happen of itself. I say that what we very much need for this industry is a new initiative, a new vigour. I do not think that the lines on which it is operating are wrong but there needs to be a little more push behind it than there seems to have been in the last few years.

I am only doing what the minister did and I will not transgress on the time of the committee long, but I wish to appeal to the minister to keep on the tail of the Minister of Trade and Commerce all the time, because we know that this year is a very critical one for our markets. The GATT negotiations that are going to take place in the autumn and the proposed new tariff for the common market which could be disastrous for the entire fishery are both matters that are on the carpet, and I trust that the government will be more successful in this field than it was at the Geneva conference on the law of the sea.

I recognize that the minister's position in this field is only marginal, but I do suggest that he urge upon his colleagues that they give earliest possible consideration to trying to get those countries that were willing to sign the agreement at Geneva to agree as a common effort to the putting in of the six-mile limit plus an extra six miles for the fishery inasmuch as they were willing to agree to that. If we cannot do that, we know that the Norwegians are now going to act unilaterally as the Icelanders already have. I would hope we would not have to go to that extreme, but this is an urgent problem and for the fishing industry one that comes pretty close to its survival. If we are going to have every country in the world fishing up to within three miles of our shores we are just not going to have the fishery to which we are historically and in every other way properly entitled. I do appeal to the minister to use all his weight and influence and to make a thorough nuisance of himself with the Secretary of State for External Affairs and his other colleagues in order to see that something definite is done about this matter in the next 12 months.

I should like to say a couple of other things of a more strictly local character. I am very glad that the salt rebate is being continued. It has certainly been of help and it is well justified. I echo what has been said by my colleagues from Newfoundland about community stages, and I hope this program was not just a one-shot affair. I can assure the minister it is going to be just as badly needed

for employment in the next 12 months as it was when it was initiated and that there are still many places in Newfoundland where community stages would make a real contribution to the efficiency of the fishery, would add something to the income of the fishermen and would also provide that measure of insurance that the hon. member for Burin-Burgeo so nicely illustrated when you give a man two chances of selling instead of just one.

Undoubtedly the small portable bait holding depots have been very popular where they have been established but they are needed in quite a few more places. The west coast of New World island in my constituency is one of them. The minister is putting one at Herring Neck for which we are very grateful but at the other end of the island there is unfortunately no place near at hand where fishermen can get their bait without going to Twillingate. If the minister has ever gone to Twillingate on a really stormy day, as I did once when his friends called an election at an inconvenient season of the year, he would realize that it is quite an impediment to the fishery not to have a holding unit somewhere in one of these settlements on the west side of New World island, perhaps at Bridgeport or Cottle's island. Bridgeport is perhaps the biggest fishing settlement there and it might be the most suitable place. There are certain other places where holding units would also be very helpful.

Finally, I want to say again it does seem to me that if the minister really wants to make a name for himself—I know he does—he should do his utmost to concentrate, perhaps more than anything else, on this problem of fishing vessels, of getting taxes off them and getting costs down generally so that our fishermen can be equipped with modern vessels so that they can hold their own in the fishery on our own coast.

Mr. Nielsen: About a week ago I rose in the house to bring to the attention of hon. members the fact that, for the first time since 1902, an assessment was being made here of the agricultural industry in the Yukon. I rise with the same purpose in mind today and to say again that since the time when a Yukon member was seated in this house no one appears to have made any assessment whatever of the possibility of establishing a commercial fishing industry in the Yukon. I should, at the outset, like to compliment the minister and his officials for their foresightedness in establishing a fisheries officer in Whitehorse. I understand this was done some 18 months ago. As a result of the work of this one officer, Mr. Elliott, much has been discovered about the potential of the fishery in the Yukon. Having regard to the fact that Mr. Elliott has a large territory to cover in connection with his job, I am sure that his reports have convinced the department that the work cannot possibly be accomplished by one man's efforts, excellent as they are. He needs an assistant, and it is my hope the department will see fit to send him one.

The pioneers in the development of fisheries in the Yukon and in the conservation of that resource have been for many years in the past the Yukon fish and game association. This association has done excellent work along these lines. I am sure that the work the association has done in past years has assisted Mr. Elliott very greatly. This department still has a great part to play in the development of Canada's north, and particularly in the Yukon Territory. There is a very good potential for the establishment of commercial fishing in the Yukon, especially in the fields of lake trout, whitefish and particularly the possibility for the establishment of rainbow trout farms. The economic possibilities in all these fisheries are good. As to their feasibility I am sure that the work done by Mr. Elliott—I hope with another assistant granted to him—will prove decisive in convincing the government of that fact.

One of the results of the establishment of commercial fisheries in the Yukon which could be a great help in the development of the north would be in the retention of the great potential of the native labour pool. I am speaking here of the Indian people. This year, through the good offices of the Minister of Citizenship and Immigration and the chief of the Indian affairs branch, a co-operative society was established for the Teslin Indian people for the purpose of hunting big game as an industry. I have no doubt that once established and going well, this industry will aid the economy of these people very greatly. The same sort of potential exists in that area, particularly in the Teslin, Kluane and other areas of the Yukon, for the establishment of commercial fishing which would aid the economy of the Indian people. A by-product of the establishment of such an industry would be the retention there of a considerable native labour force. It is this labour force upon which much of our future development could depend.

Before going further into the possibilities for the establishment of a commercial fishing industry in the Yukon, may I draw the attention of the minister and his officials to the established whitefish industry in the Northwest Territories? I understand that this industry is operating very well and that

whitefish are shipped from the Northwest Territories to a good portion of the United States market. May I also note here the existence of rainbow trout farms in the United States, which have become very profitable operations down there. I dare say that much of our rainbow trout comes from these farms, perhaps even the rainbow trout we have in the parliamentary restaurant. The same remarks would apply with respect to the Winnipeg goldeye. The rainbow trout is native to North America and the establishment of a farm for the production of these particular fish in the Yukon would, I suggest, deserve the department's closest scrutiny. I would suggest that the minister and his officials consult with the Minister of Citizenship and Immigration, the chief of the Indian affairs division and the Minister of Northern Affairs and National Resources in connection with all these suggestions I am making. These two departments know the needs of the area and I am sure would be of great assistance to the minister and his officials in considering the feasibility of my proposals.

The establishment of any industry in the north, however, depends largely on transportation. The whitefish industry of the Northwest Territories to which I referred depends almost entirely on air transportation. The Yukon is more fortunate, and has become more fortunate in recent years, in that access to southern markets has been provided by road. Transportation costs must be kept down, of course, in order for the fisheries products which might be produced in the Yukon to compete in markets in Canada or in other countries. There is no need, for instance, to dismiss the possibility of the establishment of a rainbow trout farm in the Yukon which could compete with other similar industries in North America. However, as I have said, this all depends on reasonable transportation costs.

One of the largest single impediments to economic transportation in the north now it appears is the imposition of certain load limitations on vehicular traffic on both the Alaska highway and territorial roads. The imposition of these load limits which would bear directly on the possibility of establishing any economic fishing industry in the Yukon was the work of one man, the commissioner of the Yukon who, without consulting the elected representatives of the people or the legislative council, and without consulting his minister and the Department of Northern Affairs and National Resources imposed these load limits. The recent imposition of this additional limitation on vehicular traffic loads will have no other effect than to increase the costs of transportation of all Yukon products. In my view the imposition of these restrictive regulations is the greatest single retarding step in the development of the Yukon since the drop in the price of gold. They should be removed. Indeed I submit that they must be removed before any consideration can be given to the feasibility of establishing any sort of an economic fishing industry in the Yukon. These decreased load limits have no place in the developing north. To say they are merely for the purpose of extending bureaucratic traffic control over the movement of industrial and other traffic of the Yukon is no justification for the imposition of these additional limitations.

I know it will probably be said by those who might read in *Hansard* the remarks I am now making that the regulations provide for the issuance of permits so that fisheries and other products could move over the roads without retarding development. My answer to that argument is simply this. If the regulations that are now imposed are to be bypassed by the issuance of permits, then the more permits that are issued the more apparent it becomes that the regulations are a needless extension of bureaucratic controls.

The other point I wished to raise is with regard to the recruitment of capable and desirable personnel to serve with the Department of Fisheries in the north. This recruitment depends directly or to a great degree on the establishment of the allowances that other civil servants in other departments working in the north obtain in order to induce them to go there and to take up their work on behalf of the government. I refer to the isolated post allowances. I am not certain whether the minister and his department have representation on the interdepartmental committee on isolated post regulations which makes recommendations to the treasury board in so far as the setting of these allowances is concerned. However, whether or not any of his officials have representation on that committee, I urge the minister to consult with his colleagues concerning the recent reduction in those allowances.

According to the recommendation of the interdepartmental committee on isolated post allowances the reduction is based on the fact that the price index as to the cost of food as between Yukon and Edmonton and Vancouver has been reduced. The cost of living allowance was thereby cut and similarly the supplementary cost of living allowance was cut. Without reasonable and adequate isolated post allowances you simply will not get qualified personnel in the fisheries field to go to the Yukon. The same consideration applies

with regard to all other departmental employees who are now serving the government in the north.

The idea that one can arbitrarily cut these allowances without having reference to the true facts, without making any accurate survey in the north, or without having any regard to the hidden factors which come to bear on the increased cost of living in the north is completely unacceptable. If such a trend continues I am afraid the recruitment of the type or calibre of person that we all want to attract to the north for the development of that part of the country will be seriously retarded.

One of the factors, of course, which bears directly on the cost of living in the north is transportation. It costs more to transport goods into the north; it costs more to transport goods out of the north. If we are to establish any industry up there, including a commercial fishing industry, those costs must be pared to just as low a point as they possibly can be pared. The imposition of additional load limitations on our territorial roads certainly is not helping to pare those costs.

I was informed, for instance, with regard to the mining industry, that the imposition of the load limitations, if they were enforced, would increase the cost of transportation of the product of Cassiar Mining Company by $200,000 a year. Similarly, if the regulations were enforced they would increase the cost of transportation of the product of United Keno Hill mines by $300,000 a year. We can see immediately the effect which these increased costs would have on the establishment of any commercial fishing industry in the Yukon. If an industry were established there the cost of the product would be simply uncompetitive with other fisheries products in the markets to the south. I think the load limitations are seriously retarding our development in the north and I urge the minister to consult with his colleagues in an effort to have them removed. They can be removed simply by the Minister of Northern Affairs and National Resources giving instructions to his commissioner in the Yukon to revoke the regulations.

The other matter I wanted to raise in connection with the establishment of commercial fishing in the north is that perhaps some assistance could be given by the minister and his department to the establishment of commercial fisheries in the far northern areas of Yukon around Old Crow, Aklavik and other remoter northern areas. Perhaps these areas could also be taken under consideration by the minister and his department. I am not sufficiently expert on the subject of fisheries to be able even to suggest that these areas offer any commercial possibilities. However, I am of the firm belief that a good commercial fishing potential exists in the more southerly area, particularly in the Yukon around, as I say, the communities of Kluane lake and Teslin. I am sure that if Mr. Elliott gets the required assistance, he will be enabled to submit reports which bear out that belief. I would also urge that the minister and perhaps one or two of his officials travel to the Yukon in order to have a look for themselves. I do not know whether any of them have been there previously, but it would certainly help if they had first hand knowledge of at least how much water there was in the Yukon that had fish life in it.

Before concluding, I wish once again to urge the minister to consult with his colleagues and to do as much as he can to convince them that these two matters which I have raised, namely the reduction in the cost of living allowance and the supplementary cost of living allowance in certain areas in the north among the civil servants there and the imposition of load limits are matters urgently deserving of the greatest consideration by the government. To state the position again in summary, the reduction in the allowances to which I have referred is not going to help the minister or any other department in the government to attract that kind of individual that is so much required for northern development; and the continued existence of the load limitations which have been placed on our roads in the north are extremely damaging to the economy of the Yukon. I think if the limitations were enforced you may as well not consider the establishment of a fishing industry there at all because transportation costs would be such as would place the cost of the product produced there completely out of the selling markets of southern Canada.

In my view the maximum permissible loadings and their effect on the problem of transportation are most important in developing a primary industry there. We must sell the products that we produce in the Yukon at competitive world prices despite the inherent cost of their production. In the north of Canada our highways are the counterpart of the railroads which serve industry in the most densely populated areas. We must regard them with equal importance to our economy. I would be most grateful for anything the minister could do to remove these suffocating and needless regulations.

The question of isolated post allowances could be cured, I am sure posthaste, if the true facts were known to those who have the authority of making these recommendations to treasury board, and I refer again to the interdepartmental committee on isolated post

regulations. If these people would make an accurate survey of the true cost of living there instead of working on supposition, guesswork and arbitrary estimations, they would find that the reductions which have been imposed are completely unjustified.

So before any commercial fishing industry in the Yukon is even considered these two things have to be looked at first. It is my hope that any efforts made by the minister to alleviate these two situations will bring about a favourable consideration of the problems I have mentioned with regard to the establishment of a commercial fishing industry in the north, and I hope that these proposals will bear fruit.

Mr. Howard: Mr. Chairman, may I make a comment or two on this particular item. Perhaps first of all I may be allowed to express my feelings with regard to one of the officials of the department who will shortly be retiring, namely Mr. Whitmore who is the director of fisheries in the Pacific area. Mr. Whitmore has been in the department for some 40 years now or a bit longer, having held various positions, and as an indication of the degree of respect and admiration which exists for him throughout the entire fishing industry perhaps I should make this slight reference to the words of praise and commendation which have been made of Mr. Whitmore by various organizations interested in the fishing industry on the west coast.

The fisheries association of British Columbia honoured Mr. Whitmore not too long ago, as did the united fishermen and allied workers union and the native brotherhood of British Columbia; and also more recently the department itself made a presentation to Mr. Whitmore for his long years of dedicated service. The fisheries association and the united fishermen's union I would say in normal events disagree with each other, because one represents the industry and one is a union; but this is indicative of the respect that Mr. Whitmore has generated over the years so far as his attitude and his administration of fisheries on the coast is concerned. I would hope that even after his retirement he will remain in a position where the department will feel free to call upon him for any advice, and that he will remain a member of the international salmon fisheries commission so that his years of experience will not be lost entirely to the department and to the agencies and commissions which function within the department.

I would also like to make a brief comment with respect to the Fraser river and the salmon industry on the coast. The Fraser river, of course, is the most important salmon river which exists either in British Columbia or anywhere in the world and its value to the economy of the province is well known by everyone in British Columbia and to the departmental officials. Some thought has been expressed, mostly by those people in our economy who are more concerned with hydroelectric power than they are with the fishing industry and the products derived therefrom, about attempts to build hydroelectric and flood control dams on the Fraser river. Some of the dams which have beeen proposed range up to 700 or 800 feet in height, and I think it almost goes without saying that even although a tremendous amount of research work has been undertaken in recent years in an attempt to overcome the bad effect of dams on fish and to make sure the fish maintain themselves and that the river is not destroyed, this attempt is only effective to a slight degree. If dams like the Moran dam, which stands some 700 feet, were built it would completely destroy the Fraser river as a fish river. The minister need look no further than the Columbia river, which runs partly in Canada and partly in the United States, where hydroelectric storage dams have been built. Regardless of the $150 million odd which has been spent in the United States, I understand, in an attempt to retain the Columbia as a fish river, the efforts have been practically ineffectual so far as the fish are concerned.

One of the very fine things in this regard for the fisheries interests are the discussions which are presently taking place between the Canadian government, the British Columbia government, and the United States so far as further development for hydroelectric purposes on the Columbia river are concerned. This, coupled with the possibility of a hydroelectric development further north on the Peace river, has already gone a great deal of the way toward diminishing the demands and the insistance of the hydroelectric interests to build dams on the Fraser river. I hope that by the time nuclear energy becomes economically competitive or even less costly than hydro development, by the time we reach that age of nuclear power we shall have developed sufficient non-fish rivers for hydroelectric purposes and that we will no longer need to worry about the Fraser river being ruined as a fish river. That is my hope and I am sure it is the hope of the Department of Fisheries. This needs re-emphasis and reinforcement from time to time by the people interested. The Fraser river and other fish rivers on the coast should be protected at all possible cost and the energies of the electric power people should be directed toward other

means of producing electrical energy instead of ruining these great rivers and the contribution they make toward our economy.

This question of the Fraser river and multiple use of it was studied and is still being studied by an agency established by joint participation of the federal and provincial governments, upon which agency the Department of Fisheries have representation. I refer here to the Fraser river board. While this board is established under the Department of Northern Affairs and National Resources I think it still has some bearing on this particular department because the river with which it deals is a fish river and the interests of the department are involved one way or the other.

This may be the time to communicate to the minister, as has been done on other occasions, the need for him to press as hard as he can with his colleagues, especially the Minister of Northern Affairs and National Resources, for some sort of flood control activity on the Fraser river. I refer to control that would not have a deleterious effect on the fishing industry on that river.

I have in my hand a report dealing with multiple uses of the Fraser river and the question of flood control by building a series of dams in the upper reaches of the Fraser and employing other methods of control in the lower reaches. I believe our efforts should be bent toward developing a diking system in the lower reaches of the Fraser rather than concentrating on building storage dams in the upper reaches where they will interfere with the spawning activities of the fish.

To illustrate the value of diking as opposed to building storage dams I will refer to the report. This approaches the question from the point of view of economy without reference to the fishery aspect. The report indicates that the building up of the present dikes in the lower reaches of the Fraser to the point needed to meet the flood level of 1894 which is the highest point of which they have knowledge would cost $17 million plus annual operating costs as compared with $520 million for the building of reservoirs and star storage dams. We are not dealing with the question of flood control specifically so I will not violate the rules by pursuing this subject.

I turn now to the conflict of interest that exists between the fisheries and forests. From time to time in the forests of Canada we have insect infestations. The forestry people wanting to ensure the continued growth of forests have embarked on programs of spraying the trees with insecticide the use of which results in killing not only the insects but fish because of the toxic effect of the insecticide. It washes down the hillsides with the soil and is carried into the streams containing fish. This problem has occupied the attention of the Department of Fisheries which has studied the question and attempted to find an innocuous insecticide that would not be harmful to fish. I am not aware that they have met with success in their research but I hope their efforts will continue.

There is a conflict of interest here. One must either choose between seeing damage to forests or damage to the fisheries or one must seek to strike a balance. Both the federal and provincial forestry people have sought to achieve a balance. I urge that there be a continuing intensive research program in this field.

In the supplementary estimates there is an item in the amount of $150,000 for the destruction of dogfish and other predators. This is the third year to my knowledge that there has been an item for this purpose. I appreciate that in the last couple of years many difficulties have been encountered in effectively implementing the program. I will not deal with the problem other than to say it has not been as successful as it might have been. The fishing industry on the west coast has been critical in several respects of the approach to the problem adopted by the department. I appreciate that it is difficult for the departmental officials to ask the treasury board for approval for further monetary provision in this field when all the moneys allotted have not been expended but I earnestly hope they will persevere in their efforts in years to come.

The attitude of the treasury board would be something like this. You were here two or three years ago and we gave you $250,000. You spent hardly any of it. Last year we gave you another $200,000 and you did not use that. Now you want some more money. How long is this going to continue? The treasury board will have to have results for any money allocated, and this is the thing we should look for if we do not embark on an effective dogfish killing program so that these predators are eliminated to the greatest possible extent.

I should like to make reference to another matter which involves the Department of Agriculture. I refer to the subsidies paid under the Cold Storage Act. As hon. members well know this is under the Department of Agriculture. Fish products cold storage warehouses are built from time to time and a subsidy is payable on those fish products warehouses by and through the Department of Agriculture. Two or three years ago the Department of Agriculture saw fit to place some limitations upon the amount of subsidy

paid. The reason for doing that was that there was, as it were, a glut of cold storage warehouses in Canada and to continue to pay one-third of the cost as a subsidy without limitation on the total amount merely meant that the federal government would be paying money in the form of subsidies to build more and more cold storage warehouses at a time when there were too many of them already in existence. The arguments were that the bulk of cold storage warehouses in Canada are for agricultural products. This tends to work out to the advantage of the Department of Agriculture and the agricultural industry but it places the fishing industry at a disadvantage because it has its activities curtailed by the activities in the agricultural field.

We have asked a number of times for the transfer of jurisdiction so that subsidies payable for fish cold storage warehouses would be used to build cold storage warehouses under the jurisdiction of the Department of Fisheries. We feel that the Department of Fisheries are able to do a much better and a more efficient job in the building of those warehouses and in the paying of the subsidies than the Department of Agriculture. As I say, this has been dealt with a number of times in the past. We have asked questions of the Minister of Agriculture and of the Minister of Fisheries. The answers which we have received on each occasion in the past have been, "Well, we will consult about this". If I am not mistaken, I think the Minister of Fisheries said in the marine and fisheries committee when the estimates of the department were being considered that the suggestion I had made at that time sounded like a sensible one and he would give it sympathetic and earnest or some other type of consideration; that he would have a talk with his colleague, the Minister of Agriculture, about it, to see if some arrangement could be worked out. I should like to have an indication from the minister of the results of those discussions. What plan, if any, has been worked out to bring this matter under the jurisdiction of the Minister of Fisheries in so far as fish products are concerned so that full and proper consideration can be given to any application for a subsidy for the erection of a fish products cold storage warehouse so that the fisheries industry will not be placed at a disadvantage because of the activities in the agricultural products field? This, I submit, is the situation at the moment.

I have one other point, and this again I think is something which in reality could more properly be dealt with by the Department of External Affairs. Nevertheless, it does concern the fishing industry and the Department of Fisheries because our offshore fishing rights are involved in the territorial limits of the country extending out into the ocean.

The so-called proposal for a 12-mile limit has been discussed at international conferences. It was discussed at the recent one, just a month or so ago; it was discussed at the United Nations general assembly and prior to that time at another conference on the law of the sea. There were suggestions from different countries as to what those territorial limits should be. So far we have come to no conclusion on them.

The latest proposal of Canada for a six and six arrangement was defeated, I understand, by one third of a vote or something like that, but it was just defeated and that was all. This would make one wonder whether there is any great sense in going further and further into international conferences on this particular question because I think Canada, in its desire to reach agreement on the question of our territorial limits, did depart from our original thought that there should be a 12-mile limit when it suggested six and six. I think Canada went a bit too far in that regard in an attempt to reach an agreement. I do not think it would be wise for us to go any further in that direction. Perhaps the most appropriate thing to do, so far as our general limits are concerned, is to take unilateral action and declare as Iceland has declared and as others are considering now, that our territorial limits for all purposes are 12 miles, and that is that.

This would overcome, of course, what I consider to be an extremely ridiculous situation on the east coast which the hon. member for Bonavista-Twillingate and other members from the Atlantic provinces will have more intimate personal knowledge of than I. I refer to difficulties which arise from having two sorts of limits, a three-mile limit and a 12-mile limit. This affects our fishermen. Some of them have to go out beyond our 12-mile limit in order to fish while foreign fishermen can come inside the 12-mile limit and fish. By unilateral action on our part, which I think is the only course necessary, we would overcome this problem without too much difficulty. Of course, in so doing we might create other difficulties such as impairing our relations with the United States. This is primarily why Canada has been weak-kneed and weak-hearted in this particular field. But none the less I think it is about time we did realize that it may be necessary to incur strained relations once in a while in order to reach that goal which is just and fair.

In this regard, I think, as I said, this is primarily an external affairs matter. Nevertheless, the fishery interests are involved and I think, taking everything into consideration, Canada should now say that our territorial waters extend to 12 miles beyond our shores. After all, if a small nation like Iceland, apparently reflecting a great deal of the courage of that government, courage which this government does not appear to have, can take such action, then surely Canada in the same light can take the same action to protect our interests.

Mr. McQuillan: First, I want to congratulate the minister on the steps his department has taken in the field of the conservation of the fisheries on the Pacific coast. In his opening remarks this morning he spoke of a project on Robertson creek near Great Central lake on Vancouver island. I think he might well have enlarged on that a bit because it appears to be a credit to the department and so far it has been very successful.

I should like to call to the minister's attention and ask him to comment later on the necessity for a somewhat similar and perhaps larger conservation project on the Big Qualicum river near Qualicum Beach, also on the island. I should also like to call his attention to the need for action on the Puntledge river near Courtenay. This river was adversely affected from the fish spawning point of view a few years ago by the enlargement of a hydro power project by the British Columbia power commission which at the time did not appear to give much regard to their responsibility with respect to fish conservation. In the same area there is need for further development on the Tsolum river which has been a very heavy spawning stream in years gone by, particularly for pinks. During the summer months and the early fall when the pinks go up the river there is often very low water and they cannot get up the river to spawn with the result that sometimes a pretty large crop is destroyed. I believe that the fisheries department is considering a storage dam at Wolf lake at the head of the river and I would ask that construction of the dam be expedited as quickly as possible.

There is another question I have already brought to the attention of the minister by letter and I should like to mention it again. I refer to the problem of the blackfish or killer whales interfering with the salmon fishing, especially in the gulf of Georgia and the inside waters along the east coast of Vancouver island. I know this is a difficult problem. Some interests that are concerned about it have suggested setting up machine gun posts but that would probably result in killing half the fishermen on the coast as well as visitors and sports fishermen. It is a very difficult problem. So far as I know, the department has no real answer to it yet but I hope they will keep working on it and perhaps come up with an answer.

We had quite a little excitement in the coastal area a few months ago when there was a suggestion that a licensing system would be set up for sports fishermen. I have talked to a good many fishermen and a number of resort operators along the coast and they are of the opinion that perhaps this is necessary in order that the department can plan proper conservation programs and keep some control over the catch of fish by sportsmen or at least know what they are catching. In general the thought is, and I also feel this way about the matter, that if such a licence is required the charge should be very nominal. The feeling is that these licences may be required in order to keep a record of fishing and keep control of sport fishing in the same way that provincial forest fire permits are issued. Those permits are issued free but in this case perhaps the charge might be sufficient to cover the cost of administration of the licensing system.

The preceding speaker, the hon. member for Skeena, spoke about the Fraser river board and opposed the adoption of system A as they term it in their report. I think he left, I trust unintentionally, a wrong impression in his comparison of costs. I do not have the exact figures with me but the figure he quoted of some $500 million, if that figure is correct, also included the cost of a considerable hydro power installation on the Clearwater river above any spawning areas. No spawning grounds would be affected by this development, so I wanted to correct any wrong impression that might have been left in that respect.

In the recently presented second report of the committee on mines, forests and waters, the committee after careful study of the Fraser river board report and after hearing from the representatives of the fisheries department on the board made the following recommendation:

> Your committee heard evidence from the two federal members of the Fraser river board concerning what is referred to in the board's preliminary report dated June, 1958, as system A. Since this proposed system A appears to offer the best possible chance of fulfilling the following objectives, (1) to provide flood control; (2) to be an integral part of a major power system; (3) to be compatible with fisheries; and (4) to be economically self-supporting through power production, your committee recommends that the further studies to establish the physical feasibility of projects in system A and the required additional biological studies relating to fisheries interests be actively pursued. This is in order that a final conclusion as to the merits of system A may be reached at the earliest possible date.

I think that is the proper way to approach the problem. I do not think we should come to any conclusions without proper evidence to support those conclusions.

I should also like to say a few words about the pending retirement of one of the senior officials of the fisheries department to whom the hon. member for Skeena also paid a compliment. We on the British Columbia coast have known Mr. Whitmore for many years. I believe he has served almost 45 years with the department and he certainly has been a credit to the department. We all hope that his successor will meet with the same support and be held in the same high esteem that Mr. Whitmore was.

Mr. Broome: Mr. Chairman, I should like to draw a few matters to the attention of the minister. First of all, I should like to take some exception to what the hon. member for Comox-Alberni said with regard to the proposed licences for sport fishing in salt water. I feel that they accomplish no good purpose whatsoever. The amount of fish taken in salt water by sports fishermen is infinitesimal when compared with commercial catches. Grilse is the only fish of which any substantial number is caught and the department has a fair idea of what the take is at the present time. I cannot see sports fishermen filling out forms and sending them to the department. I do not know what the department can accomplish except to bring about more bureaucracy, and I am opposed to any such form of licensing with regard to sport fishing on the Pacific coast. So far as I have been able to ascertain, and I have inquired, there is no such licensing on the east coast, and I do not think it is necessary.

Mr. McQuillan: Would the hon. member allow me to ask a question? On what does he base his statement that the sport catch is infinitesimal? Nobody can possibly make a statement like that if they have examined the statistics.

Mr. Broome: Infinitesimal, I said, as compared with the commercial catch. Certainly there is a fairly large number of fish, but I do not think that it is of the order of importance that it is made out to be.

However, that is not really what I wanted to talk about. I do want to talk about the pollution of streams and the fact that I believe the Fisheries Act needs to be overhauled and more teeth put in it to give the minister and his officials more authority to do something in regard to the control of pollution of streams. I believe the fisheries department is doing an excellent job on the west coast, and undoubtedly in other areas in which they operate. I believe the staff is able and conscientious but is perhaps limited by the fact the budget is not large enough or by the lack of trained personnel.

I believe, however, there needs to be a change in the legislation in order to put more teeth in the act. I have made a few notes in this connection and I find that under section 33 of the Fisheries Act the minister is given wide powers to control and prevent the pollution of fishing waters. This control extends to ships which shall not throw overboard ballast, coal ashes or other prejudicial or deleterious substances in any river, harbour or roadstead or in any water where fishing is carried on. It extends to plants which may not discharge industrial waste which may be harmful to fish and it extends to lumbering, land clearing or any such activities in the way of preventing such activities from putting any slash, stumps or debris into water frequented by fish or into water which may flow into a place frequented by fish. A salmon stream can be ruined by a log jam, a river made poisonous to fish from industrial waste and city discharged sewage.

The penalties for infractions of section 33 bear no relationship to the harm that can be done by an infraction. The first offence carries a penalty of $20 and costs; the second offence not less than $40 and costs and not more than $80 and costs, and in addition a further penalty of not less than $10 and not more than $20 for every day during which such offence is continued. The third, or any subsequent offence, carries a penalty of not less than $100 and costs and also in addition a further penalty not exceeding $20 for every day during which such offence is continued.

These penalties are extremely inadequate to be a proper deterrent. Ignoring the fines which are quite modest, the daily penalty of $20 for continuous infraction of the law is something any industrial plant of any size would find quite easy to pay and indeed might prefer to pay rather than undergo the expense of diverting or treating their waste liquids so as to comply with the law. This penalty of $20 a day is, in fact, the maximum penalty which can be assessed against any farmer who does not maintain an approved fish grating at the intake of an irrigation ditch drawing water from a fish producing stream. The fish grating guards against the occasional fish being destroyed, but the waste from an industrial plant can poison a whole stream.

I suggest that the minister should review these penalties and adjust them upward to the point where they will prove a real deterrent. Perhaps this could be done by bringing the Fisheries Act into parliament for amendment, if necessary, or through the regulations. Perhaps it might be better to add proper

fisheries pollution control regulations which could be amended by the minister himself on his own responsibility.

Second, there is the matter of pollution from ships either throwing ballast overboard, throwing garbage overboard or pumping bilges while actually in a river or within a harbour. The various harbour commissioners must guard against this, but the department has a responsibility as well. Finally, there is the effect on fish bearing streams of the discharge of sewage into them. It is well recognized, however, that this type of pollution is not as dangerous as industrial waste because of the way that industrial waste destroys the oxygen content in the water. Nevertheless, the pollution of streams from the discharge of sewage is an important factor and it is becoming an important factor on the Fraser river which, as the hon. member for Skeena has pointed out, is perhaps the greatest remaining salmon fishing stream in the world since the Columbia was destroyed as a salmon river. It is imperative that the fisheries department have authority and power to guard against the break-down of our fisheries or the diminution of our streams.

The submission to the royal commission on Canada's economic prospects by the fisheries association of British Columbia pointed out that commercial fishing is the fourth largest primary industry of the province, preceded only by forestry, agriculture and mining. They pointed out also that this important industry provides employment for some 18,000 persons and they estimated that another 75,000 persons were indirectly dependent upon the industry for employment. The salmon fishery of British Columbia, according to this submission, could be at least doubled within the next 25 years. We do have an intimation, highlighted by the unions I believe, that there is too much gear in the water. There is one side of the equation. You can either have too much gear or too few fish. You can build up the fish so as to support the gear and the number of fishermen who are engaged in that activity. I suggest that the experience of the fisheries department at Jones Creek and Horsefly and other places that were mentioned by the hon. member for Comox-Alberni has proved the admirable work the department has done. It is simply too bad that money cannot be provided to accelerate this program because there must be at least 20 or 30 other streams up and down the coast of British Columbia which could be prepared with artificial spawning beds, which could be stocked with pinks and thus build up the runs of fish which are not as valuable as sockeye. However, a very valuable fishery could be built up to fill in the offrun years.

[Mr. Broome.]

Again this report refers to the experiment at Jones Creek and it is stated that it has been proved now that (a) an artificial gravel bed can be built which will be as efficient or more so than the natural stream bed for the production of pink salmon fry and (b) pink salmon can be transplanted to a new area to provide runs of salmon in off years. Considering that the salmon fishery, not in the best years but in average years, is worth about $50 million; considering that by proper conservation methods the Adams river run was built up in 1958 to a run of 12 million fish when back 20 or 30 years ago it was down to a run of some 17,000 cases; considering that conservation measures can build up this resource and can provide a continuing source of God given wealth to this country and employment to the people of this country, I say that the fisheries department is perhaps one of the most important departments in the whole government. I sincerely trust that the minister will be able to secure the funds and the staff which will alow an acceleration in this program which, undoubtedly, his officials have ahead of them for the next 10 or 15 years.

In so far as the problem of dogfish is concerned, there is not much sense in adding to what has been said. However, I believe that if the subsidy is not used up I think it would be well for the government to take the initiative. Perhaps one of the reasons—this may be just an excuse that has been given to me—for the subsidy not being used up is the fact it has not been announced early enough so that the fishermen can fish for dogfish at a time when these predators congregate at the mouths of rivers when they are following runs of small herring and so on and where the fishermen could catch large numbers of them. I think the program for the control of dogfish should be announced early in the year. I believe there should be a conference between the department, the fishing companies and the fishermen and that, when agreement has been reached, the program should be set out well ahead of time so that if there is any delay in going after these predators, it can be laid right at the door of the fishermen.

I should like to make one last point and it is nothing that is under the jurisdiction of the minister. However, we will never have really effective fisheries on the west coast until labour and management learn to get together. In this particular instance the union it seems to me, is always spoiling for a fight with management and always looking for opportunities to create disturbances. As I say, this is one area in which the minister

certainly has no jurisdiction. I wish he had jurisdiction. However, these are troubles that will pass away.

My point is that we should build up our fisheries by proper scientific methods, by the methods which are being used by the department now, and should build them up as fast as possible because this is an area in which every dollar spent will return scores of dollars to the people of Canada and also as revenue to the government.

Mr. MacLean (Queens): I wish to take just a few moments to answer as briefly as possible some of the questions that have been asked and perhaps to correct some of the statements that might need slight correction.

The hon. member for Burin-Burgeo expressed his disappointment over what appeared to be a reduction in the bait service. This is true so far as the figure is concerned but as a matter of fact there has been no reduction; there has been a slight increase in the operation and maintenance of this service. The reduction is due to the fact that the item for the Bonavista bait depot, has no capital expenditures in this year's estimates but had in last year's.

Again, the item for industrial development is a bit deceptive because the apparent decrease is due to the fact that there was a larger number of community stages built last year and provision with respect to that program appears under this item.

The hon. member for Vancouver East raised a very important problem which is of great concern to the government but, as he rightly pointed out, it is an international problem because the products of the herring industry and the whaling industry go to export markets to a great extent, and it is very difficult for Canada alone to do anything. For example, if the Canadian government or anyone else were to start subsidizing these products to other countries, when they were exported they might immediately run into countervailing duties probably and make the situation worse. Most of the countries to which we export also produce fish meal. The United States and the United Kingdom are cases in point.

The time at present available does not allow me to do justice to this extremely important problem but I want to assure the hon. member that it is one that is causing great concern to the government and that everything possible is being done to explore the situation and to find a solution. On the official level, my department has been in close touch with other governments following the situation, both from the point of view of the trade itself generally and from the point of view of the possibility that some international conference on the matter might be brought about. As has already been said, if that conference does come about, this government will certainly be represented there.

A number of hon. members spoke of the problem of the territorial sea, a matter which in itself is one for the Department of External Affairs but which is of great concern to the fishing industry, of course, especially when the present law of the sea and section 55 of our Fisheries Act create a glaring anomaly under certain conditions. This is something that has been reviewed and will continue to be reviewed in the light of changing events. I might say that the situation is still fluid as far as the international problem is concerned. Although I cannot speak for the Department of External Affairs on this matter, I am hopeful with regard to reaching a measure of international agreement which, of course, will then determine what changes may be needed in our own laws.

I listened with a great deal of interest to the remarks of the hon. member for Grey North in connection with the transplanting of various types of fish from one environment to another. A great deal of research has been done in this matter. It is something that will prove successful only under very special circumstances. He also spoke of the problem of pollution as did the hon. member for Vancouver South. This is a serious problem. I have listened with attention to the suggestions that were made with regard to reviewing the penalties provided in the Fisheries Act in connection with polluting streams and rivers. Pollution is something that it is extremely difficult to control in some cases, as for example in the cases where the pollution is caused just by the impact of civilization.

The hon. member for Grand Falls-White Bay-Labrador spoke of the problems of the Labrador fisheries. I might say that we are exploring the possibility of putting in Labrador one of the community stages that has not yet been allocated to a suitable place. I may say that I have a high regard for Canadians who find themselves in these isolated places and who complain little but contribute a great deal to the economy and welfare of the country. These people, who are really pioneers living in the more remote areas of our country, are often forgotten while people in the larger communities perhaps get to the point of thinking that maybe if there was a bus every 11 minutes instead of every 10 minutes, that is the greatest problem in the world. These people who are contributing a great deal to the welfare

of our nation as a whole, producing and contributing in every way, I think should have special consideration. I have special concern for the fishermen and the industry in Labrador.

On the question of artificial bait lures, I may say that these are being used on an experimental and trial basis and have been available for a number of years. The research board has also done a considerable amount of research with regard to fish attractants and repellants from the point of view of possible bait usage and for the guidance of fish in their migration and other possible applications.

Several hon. members spoke of the matter of the equipment of ships and of a program which will allow the fishing industry to be modernized. This is a matter that is now being studied by an interdepartmental committee on an official level, and which I hope will be reporting to the government before long. I also hope that they will be able to come up with something really constructive that will help the fishing industry and also the shipbuilding industry at the same time. But as hon. members know it is a very knotty problem indeed.

Many interesting suggestions were made as to increasing the market for fish in Canada, and one suggestion was about the expanding market for salted cod in Toronto and various other areas. I might say that the maritime salted cod producers have been exploiting this market for quite some time and are shipping considerable quantities of salted fish to Toronto to cater to this particular market.

The hon. member for Yukon spoke of the need for additional staff in that area. I wish to report that an addition to the staff will take place very shortly in the area. We could still use more staff, and if we can arrange it perhaps in the future permission will be given for additional staff there. The importance of developing the industry in this area is well known and the hon. member's suggestions will be taken into consideration and given further study.

The hon. member for Skeena kindly made reference to Mr. Whitmore's retirement, as did the hon. member for Comox-Alberni. I appreciate the recognition they have given him in this regard and I must say that he is a very fine example of the excellent type of officials and scientists who are serving this department and who have served it with dedication over the years. I am delighted to see this recognition being made here on the floor of the house.

The hon. member for Skeena also mentioned the conflict in some cases between forests and fish and the need for spraying budworms in the forests to wipe out if possible these epidemics. I might say there is really no conflict because if the forests were destroyed there would be no fish in any case. We have been doing research in this regard and we are now hopeful that a spray has been devised of a concentration which will do the minimum damage to fish and yet be effective as far as budworms and other insects are concerned.

The hon. member for Comox-Alberni wanted to know about the projects he referred to on Vancouver island. I might say that as far as Puntledge river is concerned negotiations are in progress with the British Columbia power commission. The department has proposed certain fishways and other fish protective measures, and these have been referred to the British Columbia energy board. My understanding is that the board has not reported on the problem yet. The Big Qualicum project is a comprehensive water control program which should increase very considerably the capacity of that watershed to produce salmon, and good progress is being made on it. The Tsolum river one is in the suggestion stage and proposals have been made that this would be a useful project, but up to this time it has not been evaluated. As far as sports fishing licences are concerned, I think hon. members can rest at ease for the present because no action has been taken to introduce licensing for salt water sports fishermen.

I shall be glad to answer other questions as we go along. I see that it is not quite six o'clock yet so perhaps it might be possible to get the first item passed.

Mr. Pickersgill: Mr. Chairman, I do not know whether any hon. member of any other party wants to speak on this item, but I think I could say for our part that we would not have any objection to the item going through as long as it were understood that the hon. member for Gloucester who is our spokesman on this subject and who expected to be here but just is not here would be given reasonable latitude on some other item.

Mr. Howard: Just before the item carries I would like to draw to the attention of the minister the activities taking place under the Cold Storage Act, and perhaps the minister could indicate if there have been any results to the discussions he has had with his colleague the Minister of Agriculture in this regard.

Mr. MacLean (Queens): Mr. Chairman, there have been discussions between the departments in order to judge the practicability of the suggestions which were advanced by the hon. member for Skeena and others last year before the committee. It has not been

found that there is any practical way of dividing the operation into two or to put it under two administrations. In any case, however, we are still open to suggestions. I think the only way it could be done practically would be to duplicate the Cold Storage Act as far as the Department of Fisheries is concerned.

Mr. Howard: I do not want to delay this unnecessarily but may I pose this problem. The Department of Agriculture deals primarily with agricultural products and the subsidies paid under that department, and under that department the interests of the fisheries is not given full consideration. If the only solution is duplication so that the fisheries department will have an establishment to deal with this sort of thing, I submit we must do that. As I understand the explanation given to me, this has been dealt with by the fisheries department anyway. If an application is made for a subsidy for fish cold storage warehouses I understand that the fisheries department is fully consulted on the matter as to whether a subsidy will be paid or not.

Mr. MacLean (Queens): That is true.

Mr. Howard: So you already have duplication except that you do not have duplication in paying the subsidy. That results in the fisheries interests being injured or restricted because of the predominance of agricultural problems in the Department of Agriculture which have resulted in the Department of Agriculture placing a $50,000 limit on subsidies.

I suggest the only solution appears to be one of duplication. Apparently the machinery already exists and perhaps it may require an act comparable to the Cold Storage Act but applying to fishery products. Perhaps if the minister could indicate now what some of the difficulties are which he has found in his discussions, then I would not be so adamant in my approach and perhaps the problem is not too difficult.

Mr. MacLean (Queens): I would like to say that I think there might be exceptions, but generally speaking full weight has been given to the recommendation and the advice given to the department officials when grants were made under this act applying to fisheries. There is the question of the limitation, and I think this is the nub of the problem. A different act or any division in responsibility would not make any difference unless this limitation were raised or eliminated.

I think that is the crux of the problem which the hon. member has in mind because it might under certain circumstances bear unfairly upon a particular project. I believe I have an idea of what the hon. gentleman has in mind. This is due to the limitation in the act itself rather than the method of administration.

Mr. Howard: It is due to an order in council which put a ceiling of $50,000 on the subsidy. It is not due to the limitation in the act at all.

Mr. MacLean (Queens): That is correct. I should have said it is due to the regulations made under the act.

Mr. Pickersgill: Is the minister agreeable to the suggestion I made?

Mr. MacLean (Queens): Yes, Mr. Chairman.

Item agreed to.

Resolution adopted in committee of supply this day reported and concurred in.

BUSINESS OF THE HOUSE

Mr. Pickersgill: Mr. Speaker, may I ask the house leader if he could indicate the order in which estimates will be taken tomorrow and if there is anything definite he can say about Friday?

Mr. Churchill: Mr. Speaker, I think the house will find it agreeable tomorrow to complete the estimates of the Department of Fisheries and then make a start on those of the Department of Justice. It is a question of the allocation of time. We will have available for discussion about 6½ hours tomorrow after orders of the day are reached.

Mr. Pickersgill: If another department was needed what would it be?

Mr. Churchill: The third item would be completion of the estimates of the Department of Transport in case the house moves rapidly.

For Friday the first item of business would be the bill of rights. The question of hours of sitting on Friday has not yet been determined by the house.

It being five minutes after six o'clock the house adjourned, without question put, pursuant to standing order.

Questions

ANSWERS TO QUESTIONS

The following answers, deposited with the Clerk of the house, are printed in the official report of debates pursuant to standing order 39:

FEDERAL INVESTIGATION INTO BREWING INDUSTRY

Question No. 396—**Mr. Benidickson:**

1. Did the government of Canada conduct an investigation into business practices prevailing in the brewing industry?

2. If so, when did such investigation begin, for what period did it extend, and when was a report issued, if any?

3. What is the cost, or the estimated cost to the taxpayer of any such investigation, and the publication costs of any resultant report or reports?

4. (a) Was any prosecution conducted recently of Canadian Breweries Limited under the Combines Investigation Act, and, if so, were any costs incurred by the government in undertaking such a prosecution?

(b) Of any such costs incurred, what amounts were paid, or are payable, in respect of fees and disbursements for counsel; to whom, and in what amounts, in each case?

(c) Of any such costs incurred, what amounts, if any, were paid or are payable in respect of (a) fees and (b) disbursements for matters not covered in (b) above?

(d) What was the cost, or estimated cost, to the government in respect of persons associated with departments of the government in connection with such prosecution, having regard to the value of the time of such person, and the length of time each such person was employed in connection with such prosecution; the travelling and other expenses of such persons; the costs of preparation of material and documents; and all other items of expense in connection with such prosecutions?

Answer by: **Hon. E. D. Fulton (Minister of Justice):**

1. An inquiry was conducted under the Combines Investigation Act into certain aspects of the brewing industry.

2. The investigation began in June, 1951 and ended with the report of the restrictive trade practices commission dated May 16, 1955 and issued June 9, 1955.

3. The staff and facilities of the combines branch are engaged, at the same time, in various matters and the general expenses of the branch are not broken down among such matters. The segregated costs of the investigation and publication of the report are as follows:

Cost of investigation	Fees	Disb.	Total
Counsel	$8,712.50	$1,420.43	$10,132.93
Temporary assistants			1,201.59
Travel			846.54
Reporters			1,509.85
Photographic and duplicating			5,895.00
Printing of report			1,115.16
			$20,701.07

4. (a) Yes to both parts of question.

(b)

Counsel	Fees	Disb.	Total
N. L. Mathews, Q.C.	$ 2,308.00	$ 127.40	$ 2,435.40
R. F. Wilson, Q.C.	47,774.00	19,371.94	67,145.94
R. B. Robinson	28,750.00	3,709.76	32,459.76
H. D. Guthrie	13,101.25	752.14	13,853.39
	91,933.25	23,961.24	115,894.49

(c) Fees, $22,893.55; disbursements, $1,806.27.

(d) The staff of the combines branch and the Department of Justice are engaged, at the same time, in various matters and the general expenses of the branch and department are not broken down among such matters. The segregated expenses of persons employed with the departments of the government in connection with the prosecution in respect of travelling and other expenses of such persons, the costs of preparation of materials and documents, and all other items of expense in connection with such prosecution are as follows:

Travel expenses $9,891.03
Preparation of material and documents 5,135.00

The disbursements included in (d) are not included in (c).

PATENT APPLICATIONS—NAMES OF AGENTS

Question No. 414—**Mr. Argue:**

1. Have the name and address of the patent agent in each application been dropped from inclusion in the printed copy of patents issued?

2. If so, (a) for what reason; (b) since when?

Answer by: **Hon. Leon Balcer (Acting Secretary of State):**

1. Yes.

2. (a) To reduce printing costs, including the cost of checking the accuracy of the information at the time of issuance. Incidentally, there is no legal requirement for such information to be included.

(b) May 12, 1959.

Questions

TOURIST EXPENDITURES

Question No. 417—**Mr. Broome:**

According to Canadian government tourist office figures, what is the total spending of Canadians in other countries in each of the last five years as compared to total spending of visitors to Canada?

Answer by: **Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources):**

The Canadian government travel bureau does not compile statistics on tourist spending. However, the following figures have been supplied by the dominion bureau of statistics.

Year	Total spent by Canadians in other countries	Total spent by visitors to Canada
1955	$449,000,000.	$328,000,000.
1956	498,000,000.	337,000,000.
1957	525,000,000.	363,000,000.
1958	542,000,000.	349,000,000.
*1959	593,000,000.	393,000,000.

*Subject to revision.

[The following item was passed in committee of supply]:

DEPARTMENT OF FISHERIES

General services—

128. Departmental administration, $411,500.

APPENDIX "A"

STATEMENT MADE IN THE CONFERENCE OF THE TEN-NATION DISARMAMENT COMMITTEE, JUNE 24, 1960, BY LIEUTENANT-GENERAL E. L. M. BURNS, DISARMAMENT ADVISER TO THE GOVERNMENT OF CANADA

In the speech he has just made the representative of Czechoslovakia said, I believe, that the socialist countries were trying to create favourable conditions for fruitful negotiation. I do not think, however, that his speech could be said to facilitate this endeavour—especially his attack on not only the position in the disarmament negotiations here but also on the world policy of one of the members of the committee.

What I have to say today seems quite apposite in view of some of the statements of the representative of Czechoslovakia, especially as regards the attitude of the western delegations here. The allegations which he has made are not at all new, they have been repeated many times, but they do not become true because they are repeated. They are not new and they are not true.

Mr. Nosek referred to a statement made by Mr. Howard Green, minister of external affairs of Canada. I shall be referring to that statement and explaining in greater detail the ideas behind it and how they apply to what the Canadian delegation hopes may be the course of our discussions here.

The Canadian delegation has for some time been concerned that the working methods of our committee have not resulted in concrete negotiations designed to reconcile opposing views on problems which are admittedly of common concern. Accordingly, it is my intention in this intervention to explain how this problem presents itself to the government of Canada, and I shall put forward suggestions the acceptance of which we believe could go far towards moving our discussions into the phase of effective negotiations.

I think it is hardly necessary to reaffirm the attachment of the Canadian government to the concept of general and complete disarmament. The repeated charges in this connection by eastern European representatives may arise from a misunderstanding of the reasons why the present western proposals do not envisage our reaching this goal by means of one all-inclusive agreement embracing every detail of the complete program to which all countries of the world must adhere before any disarmament can begin. Rather—as I and my colleagues have pointed out on a number of occasions—we foresee a comprehensive disarmament program coming about by stages beginning with engagements which would not require the adherence of any state which is not a member of this committee before it was sought to secure the agreement of all or even a majority of states not represented here to further measures.

At the same time, the Canadian delegation conceives the duties of this committee as including the drafting of more far-reaching measures of disarmament, the implementation of which would require the adherence of all militarily significant states and ultimately of most if not all states in the world. Furthermore, it has never been proposed that the working out of the various measures of general and complete disarmament should be broken down into separate compartments. That is to say, the process of negotiation should be continuous, moving from measures which can be given effect by agreement within this committee through measures requiring wider participation and finally to our ultimate goal.

Let me make it very plain, before I go any further, that it would be completely fallacious for my colleagues from the eastern delegations to interpret the remarks I have just made as implying that the western nations wish to bring about agreement on isolated measures only. That is far from being the case. We are in search of a balanced program of nuclear and conventional disarmament which would benefit all and give advantage to none. We also seek to start the process as soon as possible.

The expression of our sense of urgency may have contributed to the evident misunderstanding. Our proposals of March 16 state at the head of section II: "The following measures will be undertaken as rapidly as possible upon successful completion of relevant preparatory studies outlined in 1". It does not follow from this that we envisage separate agreements on each of the items contained in section II of our plan. We do not exclude the possibility, as I have said, that certain matters might by mutual agreement be regarded as suited to a separate instrument. However, our basic concept is one of balance.

It may be appropriate for me to present to the committee in this connection an extract from a statement made in the House of Commons on June 15 by the Secretary of State for External Affairs. This is the same

statement from which I quoted at our 41st meeting on June 17. The additional passage I wish to bring to the committee's attention is as follows:

> It is my view that the time has come, perhaps through an examination of equivalent features of new U.S.S.R. proposals and the western proposals, to begin a process of negotiation of balanced concessions. This was the sort of "package" approach to which I referred earlier in the house . . . I should like to emphasize, however, that by "package", I do not mean that the one side or the other should hold out for its present proposals on an all or nothing basis; the packages I have in mind, as I have tried to explain are smaller and would contain immediately negotiable provisions of equivalent significance to both sides. The goal would remain general and complete disarmament under effective international control, but it would be accomplished by a stage by stage process, throughout which concessions would be balanced in such a way that neither side would obtain a temporary military superiority.

The previous statement to which Mr. Green referred in the passage I have quoted was his report to the House of Commons on disarmament matters given on May 9 while we were in recess. He spoke then in part as follows:

> We suggested that an attempt might very well be made to work out package deals, that is, take one measure of disarmament in which the west was interested and one of equivalent importance in which the east was interested and try to make a package deal with regard to these two particular aspects of disarmament. For example, the west might offer to negotiate a controlled limitation on force levels and related conventional armaments if the U.S.S.R. side would agree to negotiate on the nuclear disarmament measures in stages one and two of the western plan. We believe this is a practical way to get this moving, and if package deals of that kind could be made in several instances the first thing we would know there would be a worth-while disarmament agreement.

As will be obvious, the example of an area for negotiations was selected before the U.S.S.R. proposals of June 2, and is therefore not precisely apposite. However, what is important and relevant in this latter quotation is the last sentence. It indicates clearly that the suggestion of "package deals" is addressed to the problem of getting negotiations going and is not intended to affect the nature of the agreement negotiated. Mr. Green has plainly indicated that several "deals" would be put together to comprise a worth-while agreement.

One point on which I am sure we will all agree in seeking a solution to this problem is that our method of work—as well as the results it achieves—should satisfy insofar as possible the guiding principles which are basic to any disarmament program. Three such principles which I believe we have all endorsed are the following:

(I) The disarmament should proceed by stages;

(II) That at no stage of disarmament should any state or group of states achieve a military advantage over other states;

(III) That disarmament measures should be balanced, as, for example, between measures of nuclear disarmament and measures of conventional disarmament.

In considering the method suggested in the statement of June 15 which I have quoted, two of the ideas put forward in it are worthy of special emphasis. The first is that in devising a series of measures on which the position of the two sides could be set up against one another, it will not be satisfactory for "one side or the other to hold out for its present proposals on an all or nothing basis". That is to say we must seek common ground between our two sides through patient and detailed negotiations. Second, concessions on each side should be accomplished in the course of a stage by stage process and should "be balanced in such a way that neither side would obtain a temporary military superiority". The reaffirmation of these essential conditions brings us back to the basic principles of disarmament which I mentioned a moment ago—balance among the various areas of disarmament; a willingness to move forward in stages; and a common effort to ensure that no side gains an advantage at any given stage. I think that if my colleagues can agree in principle that it will be worth while to adopt the method of work suggested, we will then be in a position to look more closely at those measures of disarmament which are best suited for immediate examination. This further consideration should involve a joint concentration of our efforts to discover proposals from each side which could be juxtaposed to preserve a balance of our two ways of approaching disarmament, and at the same time to seek proposals which would disclose a fundamental similarity of view on both sides, regardless of superficial differences of detail.

Mr. Green's speech of May 9 referred to one example of a possible area of negotiation where the proposals of each side ought to be balanced. I think that it will be obvious to members of the committee that others can be cited on which there is already some measure of agreement between our two views. In my first brief statement after the resumption of our meetings I referred to apparent advances in the U.S.S.R. plan in measures to deal with the prohibition of placing weapons of mass destruction in outer space, for a joint study of the cessation of production and destruction of stock piles of nuclear weapons, and for measures to set up international machinery to keep the peace in a disarmed world. There are, I believe, other

features of the U.S.S.R. plan which have sufficient in common with proposals in the western plan to make it possible to devise a series of negotiating "packages" such as I have referred to above.

With respect to other, less easily removed differences between the positions of our two sides, I would suggest that we will have to make a further effort to find common features which could serve as the basis for further development of proposals which could be balanced against one another. I have emphasized the need to seek common ground, because if we should maintain rigidly defined or inflexible positions, on either side, it would of course be difficult if not impossible to achieve that degree of agreement between our two points of view that would permit us to achieve a balanced and graduated series of measures which would meet the interests of both sides. I have already suggested with respect to areas in which we appear to have reached some measure of agreement that one way of going about this task is to put into effect immediately joint studies which would assist us working out the details of measures on which we could agree. I think that it is obvious that this approach will be even more useful in areas where we do not as yet see eye to eye. It would enable us to understand each other's point of view more clearly, and in so doing to seek those common elements in them both which would lead to further progress towards a comprehensive series of disarmament measures. My colleagues from eastern Europe may now charge that the Canadian delegation has gone further than any others in advocating an approach through partial measures and that we are suggesting dealing with parts of parts. I trust that they will approach my observations today in a more constructive spirit. I should recall the efforts which my western colleagues and I were making before the recess to bring about discussions upon specific measures of disarmament. The suggestions I have put forward—that is to say the suggestions contained in the passages I have quoted from the two statements to the House of Commons by the Secretary of State for External Affairs—represent a constructive attempt to find the means for serious negotiation on specific measures.

The objections of our eastern European colleagues to any discussion of specific measures appear to have been connected to their assertions that the western powers are seeking agreement only on isolated measures. Perhaps the adoption of the method I have suggested would go some way to reassure them as to our intentions. In this way, we could jointly concentrate on proposals from each side which would be juxtaposed to preserve balance in the process of negotiations as well as in the results.

If we were to set our hands vigorously and without delay to our task in the manner I have indicated, that is by seeking to agree upon packages of proposals drawn from both sides, there is no real reason why we could not be in a position to make progress toward agreement.

HOUSE OF COMMONS

Thursday, June 30, 1960

The house met at 11 a.m.

EXTERNAL AFFAIRS

CONGO—EXPRESSION OF GOOD WISHES ON BECOMING SOVEREIGN STATE

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, as the house is aware the Belgian Congo is to become a sovereign state today, and all members of the house will wish to join in extending best wishes to this new country on joining the family of independent nations. In keeping with the Congo's new status I wish to announce that the Canadian trade commissioner's office, which has been for some years maintained at Leopoldville, is to become a full consulate general. The change in status will constitute tangible evidence to the Congolese of Canada's interest in the future of their new state, and it will lend additional importance to commercial contacts with the new government.

LABOUR CONDITIONS

UNEMPLOYMENT—REPORTED STATEMENT BY GOVERNOR OF BANK OF CANADA

On the orders of the day:

Hon. Lionel Chevrier (Laurier): I wish to direct a question to the Minister of Labour. Has the minister seen the statement on unemployment made in Vancouver by the governor of the Bank of Canada, in which he states that it seems to be a symptom of specific economic problems in particular localities and activities? Has the minister any comment to make on this statement, and does the government propose any special program to deal with these specific problems referred to by the governor of the Bank of Canada?

Hon. Michael Starr (Minister of Labour): Mr. Speaker, I have not seen the article referred to; consequently I have no comment to make. However, I wish to assure the hon. member that the government is at all times looking into every aspect of the economy and endeavouring to bring about solutions to the ills.

Mr. Chevrier: May I ask a supplementary question. Will the minister look at the statement made by the governor of the Bank of Canada, and will he comment on it tomorrow?

An hon. Member: Yes, if necessary.

UNEMPLOYMENT—REPORTED REQUEST FOR FEDERAL INVESTIGATION

On the orders of the day:

Hon. Lionel Chevrier (Laurier): Mr. Speaker, I would like to direct a question to the Minister of Labour and ask him whether he has now seen the request made by the association of mayors and reeves of Ontario of the federal government asking for a full investigation by the government into the cause of and cure for unemployment. If so, what action does his department or the government intend to take?

Hon. Michael Starr (Minister of Labour): Mr. Speaker, I have received no communication on that matter.

Mr. Chevrier: No, Mr. Speaker, that was not my question. My question was whether the minister had seen in the press the request made by the association of mayors and reeves for a full probe into the question of unemployment.

Mr. Starr: I have seen many requests written by other people expressing their views on this subject.

Mr. Pickersgill: I wonder if I could ask a supplementary question. Did the minister not formerly belong to this association?

Mr. Starr: I was mayor of the city of Oshawa.

UNEMPLOYMENT—REPORTED STATEMENT BY QUEBEC LIBERAL LEADER

On the orders of the day:

Mr. Maurice Bourget (Levis): I should like to direct a question to the Prime Minister. Yesterday the Prime Minister stated that during the last provincial election campaign the premier-designate of Quebec made it absolutely clear that the responsibility for unemployment rests on the provincial administration. In view of the fact that I have seen no such statement as the one the Prime Minister attributed to Mr. Lesage—

Some hon. Members: Oh, oh.

Mr. Grafftey: Take off your blinkers.

Mr. Speaker: Order.

Mr. Bourget: —would the right hon. gentleman be kind enough to give the source of his statement, the exact location, date and place on which it was used?

Inquiries of the Ministry

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I am not going into the particulars, but I am very happy to provide at least a portion of the information that the hon. gentleman has requested. I have here a copy of *Le Devoir* for May 10 showing a picture of unemployed persons. A translation of the words appearing there—providing my translation is correct—would be: "Let us get rid of Quebec's unemployment—" and there is a picture of a crowd waiting. Then it says, "The Liberal solution: consider unemployment a family problem and a provincial responsibility."

Hon. J. W. Pickersgill (Bonavista-Twillingate): I am rising on a question of privilege affecting every hon. member in this house. The Prime Minister made a very precise statement yesterday in which he attributed to a privy councillor of Canada a statement for which he has offered no substantiation whatever. He said that Mr. Lesage had made a statement, and he has produced no evidence whatever to that effect. He has produced his own translation of some words in an advertisement, and anyone who has seen some of the advertisements for which the right hon. gentleman was responsible—

Some hon. Members: Oh, oh.

Mr. Speaker: Order. The hon. member implies that there is a question of privilege in the exchange which has just taken place. I do not see how it affects any hon. member in the house. I think perhaps the privileges of this house are not involved.

Hon. Lionel Chevrier (Laurier): I do with respect think it does involve a question of privilege, particularly in view of what the Prime Minister himself said at page 5535 of *Hansard*:

> I am also aware of something which I am very happy to have learned, that the premier-designate of Quebec has stated that the responsibility for unemployment rests on the provinces.

The premier-designate of the province of Quebec has made no such statement.

Some hon. Members: Shame.

Mr. Speaker: Order. I do not think I should entertain argument about questions of fact. The question of privilege, I suppose, although it has not been stated, would arise out of misinformation. The right hon. Prime Minister has given a statement which he has read to the house, and it is for the members of the house to draw their conclusions as to whether or not it substantiates his earlier statement. It is not a question of privilege.

[Mr. Bourget.]

UNITED NATIONS

WORLD REFUGEE YEAR—SUCCESS OF CANADIAN PLAN—ADDITIONAL GIFT OF FLOUR

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I should like to direct a question to the Secretary of State for External Affairs. It rises out of the fact that at least technically this is the end of world refugee year. Can the minister bring the house up to date on the success of the Canadian plan to bring tubercular refugees and their families to Canada? Can the minister also say whether or not, in keeping I am sure with the desire of the Canadian people, even with the end of the year we could continue this humanitarian move?

Hon. Howard C. Green (Secretary of State for External Affairs): The world refugee year ends today, but I would hope that all over the world there would be a continuation of the efforts which have been made to settle the refugee problem. I am not in a position today to make a statement with regard to the plan to bring tuberculous refugees to Canada. However, I shall try to get that material and give it to the house. The scheme is proceeding very well. The first of the second group will be coming to Canada within the next few weeks.

I had quite an important announcement to make with regard to world refugee year, but unfortunately it has not reached my desk. I may be obliged later to ask for leave to revert to motions. In substance it is to the effect that the government has decided to grant to UNRWA an additional amount of flour to the value of $1 million. This flour is being given as a special gift for world refugee year. We have already provided for $1½ million worth of flour and for a cash payment of $500,000. This will be an additional gift. It will be very beneficial, because it will mean that other sums will be available to UNRWA from the United States. It will also mean that the savings resulting from the gift of this flour will be used for the opening of two vocational schools in the areas where the refugees are now living. I am sure the whole house will approve of this action which is to be taken.

If I get my material before the orders of the day are over I will ask leave to revert to motions in order to make a proper speech about this question.

Hon. J. W. Pickersgill (Bonavista-Twillingate): Since the hon. gentleman has already made what apparently is an improper speech on this subject, Mr. Speaker, perhaps he would permit a brief comment.

I think everyone in the house would agree that what he has suggested the government

should do for these Arab refugees is a very helpful step in meeting a problem which is of utmost complexity and difficulty, as we all know. When the minister does make his formal statement I wonder if he or the Prime Minister would tell us whether the government has yet completed its conversations with the provincial governments about the representations of the welfare council with respect to the continuing welfare and health care of privately sponsored refugees. Surely by this time that question could have been settled.

Mr. Argue: Mr. Speaker, I think the kind of announcement the minister has just made is a very proper one, whether or not it is technically according to our rules. We in the C.C.F. are very happy to support any program of this kind, because we believe that out of our abundance we should make at least part of it available to people who are suffering in various parts of the world.

I would just add this, Mr. Speaker. I hope that when the minister makes his comprehensive review of the government's experience in handling refugees coming into this country he will be able at that time to inform the house how this program can be carried forward.

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, may I ask a supplementary question on this appropriate day and occasion. Has the minister's attention been drawn to a report in today's *Gazette* to the effect that a Toronto doctor and his wife say that their efforts to adopt a refugee Korean orphan had been blocked by Canadian immigration laws? In view of the objectives and purposes of world refugee year, which has the government's whole hearted support, as indicated again this morning by the minister, would the minister inform the house why this couple are denied the opportunity to respond to the appeals of the government and of the world refugee organization?

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): Mr. Speaker, I did not realize that that question was directed to me; I thought it was a supplementary question. In any event, the adoption of children from other countries is a matter for the consideration of provincial authorities. The adoption laws of the various provinces must be observed by the Department of Citizenship and Immigration. Where the department is informed that the provincial authorities in charge of adoption have sanctioned the adoption of a specific child, no barrier is raised by my department to the admission of that child, but we cannot admit children for adoption if the provincial authorities will not sanction the adoption once the child is here.

Mr. L. D. Crestohl (Cartier): Mr. Speaker, I would like to direct a question to the Minister of Citizenship and Immigration. Was the government represented the other day at the meeting held in Toronto concerning refugee year, and can the minister make any observation with regard to the suggestion that further attention be given to extending the term?

Mrs. Fairclough: I have not received any report from that meeting as yet, but I refer the hon. member to statements made by the Secretary of State for External Affairs some time ago and, I believe, by the Prime Minister, with reference to the extension of the provisions of world refugee year in so far as Canadian participation is concerned.

Mr. Crestohl: My question was really to inquire whether the government was represented at that meeting.

Mrs. Fairclough: I do not remember specifically. It seems to me there was a meeting recently at which we were represented, and there is a meeting today at which the department is represented. If the department was invited to the meeting we would have been represented.

PUBLIC SERVICE

REQUEST FOR ACTION TO FILL CURRENT VACANCIES

On the orders of the day:

Mr. Hubert Badanai (Fort William): I wish to address a question to the Minister of Labour. In view of the unusually large number of vacancies existing in almost every department of the government, which would suggest lack of co-ordination—

An hon. Member: Speak up.

Some hon. Members: Question.

Mr. Speaker: Would the hon. member put his question, please.

Mr. Badanai: Can the minister indicate to the house what steps are being made to correct this situation in view of the seemingly widespread unemployment?

Hon. Michael Starr (Minister of Labour): I do not know to what situation the hon. member is referring. I missed the first part of his question, the preamble.

Mr. Badanai: I am referring to the number of vacancies which exist in the civil service, according to reports in the newspapers and also to the civil service reports. What efforts

is the minister making to co-ordinate these vacancies with the unemployment situation?

Mr. Starr: The civil service does its own hiring.

TRADE

INQUIRY AS TO U.S. INTERFERENCE IN DISPOSAL OF CANADIAN GOODS

On the orders of the day:

Mr. H. W. Herridge (Kootenay West): I wish to direct a question to the Minister of Trade and Commerce relating to unemployment and industrial activity, and I expect a Churchillian reply.

Can the minister inform the house whether any Canadian-owned or controlled companies or Canadian subsidiaries of United States companies have been prevented from selling any of their products within or outside Canada as the result of instructions or interference by United States companies, acting in compliance with United States law, within the last 12 months?

Mr. Speaker: Order. May I say that the question is a proper one for the order paper; perhaps the minister is prepared to answer it.

[*Later:*]

Mr. Herridge: I apologize for the violation of the rules in presenting my question to the Minister of Trade and Commerce, but it was occasioned by mental fatigue caused by the circumstances under which we are working. Would I be correct in asking the minister the same question, only instead of saying "12 months" saying "recently"?

Hon. Gordon Churchill (Minister of Trade and Commerce): I was quite prepared to answer the question, although I agree with the ruling that it would be more appropriate for the order paper. We have no knowledge in the department, and none has been brought to my attention, of any restrictions such as those suggested by the hon. member's question.

IMMIGRATION

STATEMENT RESPECTING FEDERAL ASSISTANCE TO IMMIGRANTS

On the orders of the day:

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): In reply to a question asked yesterday by the hon. member for Bonavista-Twillingate, I am now informed that during the month of May 1,145 employable persons received financial assistance from immigration officials. This figure represents the total who received assistance, and is not to be considered as meaning that those persons were all receiving assistance at the same time. Most of them were assisted for very short periods. Of the group, only 287 had been on subsistence for a period in excess of two weeks.

Hon. J. W. Pickersgill (Bonavista-Twillingate): May I ask the minister whether her department has any evidence that a considerable number of these people seeking assistance are also seeking to return to their country of origin, as was suggested in *Der Courier* according to an article which appeared in the *Globe and Mail.*

Mrs. Fairclough: The answer is no. Most of these people who received assistance did so in periods between employment or just after their arrival. The amounts expended were very small.

Mr. Pickersgill: Does the minister think this article, which is obviously very harmful to our whole immigration policy, is completely unfounded?

Mrs. Fairclough: I would hesitate to comment on all the articles on immigration which appear in the newspapers.

Mr. Alexis Caron (Hull): Could the minister tell me whether any of these people who want to go back receive any help from the government?

Mrs. Fairclough: I am afraid I cannot give a short answer to that question. It would depend on the circumstances.

BUSINESS OF THE HOUSE

ATTENDANCE IN COMMITTEES BY MEMBER FOR OTTAWA WEST

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): I should like to ask the Prime Minister whether he is aware that this morning the hon. member for Ottawa West (Mr. McIlraith) had to go successively to two committees of this house in order to establish quorums.

An hon. Member: Quite a change for him.

Mr. Speaker: I am not sure that it is the administrative responsibility of the Prime Minister to establish quorums in committees.

Mr. Pickersgill: On a point of order, sir, it seems to me that the Prime Minister yesterday proclaimed his administrative responsibility in this field in which he is an acknowledged expert.

Mr. Diefenbaker: Irresponsible.

Mr. Speaker: Order. The hon. member's comment might have been appropriate yesterday.

POST OFFICE DEPARTMENT

SHERBROOKE, QUE.—REPORTED POLITICAL ACTIVITY OF RURAL MAIL DRIVER

On the orders of the day:

Hon. W. M. Hamilton (Postmaster General): Recently the hon. member for Laurier asked me a question about a telegram which he claimed had been sent to me on June 9. He asked whether I had seen it and what my reaction was to it. At that time I had no information on it except that I had not seen it.

I should like to inform him that I have received confirmation in writing from both telegraph companies in Canada that no such message was sent on June 9; and since the so-called copy of the message the hon. member sent me was on the letterhead of a local provincial Liberal organization and a provincial election was in progress, I can understand why he asked the question.

Hon. Lionel Chevrier (Laurier): Mr. Speaker, on a question of privilege, when the Postmaster General came across the floor of the house the other day to ask me for information in connection with this matter I gave him what information I had, and I also gave him the additional information that I personally had had no contact with the person who is alleged to have sent the telegram but that our chief whip had communicated with that person. To this day that person insists that this telegram was taken to the office of the local telegraph company in the area involved, and that it was sent. If it did not go it was through no fault of his; otherwise I would have said so to the house, so that in the circumstances I think I was perfectly in order in putting the question as I did. I have no confirmation other than the word of the chief whip, which I take and accept because I have confidence in his integrity.

Mr. Hamilton (Notre Dame de Grace): I admit all the facts immediately which the hon. member for Laurier has introduced. I am sure that he would not under any circumstances have attempted to introduce this as an item in the provincial election.

SASKATCHEWAN

REPORTED MESSAGE OF CONGRATULATIONS TO WINNER IN PROVINCIAL ELECTION

On the orders of the day:

Hon. J. W. Pickersgill (Bonavista-Twillingate): May I ask the Prime Minister whether it is true that he has sent a message of congratulations to the winner of the deferred provincial election in his part of Saskatchewan?

Mr. Speaker: Order.

Inquiries of the Ministry

(Translation):

HEALTH INSURANCE

QUEBEC—INQUIRY AS TO PARTICIPATION

On the orders of the day:

Mr. Georges Valade (St. Mary): Mr. Speaker, I should like to put a question to the Minister of National Health and Welfare.

According to the press, and in particular the June 29 issue of *La Presse*, as a result of talks between Dr. Jean Gregoire, Quebec deputy minister of health, Dr. Benoit Bundock, director of health services in the federal Department of National Health and Welfare, and the Hon. Jean Lesage, there is no serious obstacle to the implementation of a hospital insurance plan.

Could the Minister of National Health and Welfare tell the house whether he has been officially advised in this respect by provincial authorities? If so, is the minister in a position to say if the plan in question is to be drawn up by his department or by the member for Quebec West at the Quebec legislature, the Hon. Jean Lesage?

(Text):

Hon. J. W. Monteith (Minister of National Health and Welfare): Mr. Speaker, first of all, of course, no formal request has been received from the province of Quebec as yet. However, I would point out that so long as the provincial plan comes within the overall context of the federal act, of course the federal government will be very pleased to participate in the hospital insurance scheme with the province of Quebec.

HOUSING

EFFECT OF REDUCED ACTIVITY ON LUMBER PRODUCTION

On the orders of the day:

Mr. J. R. Garland (Nipissing): Mr. Speaker, I should like to direct a question to the Minister of Public Works, based on several newspaper stories aannouncing cutbacks by lumber operators. In view of the fact that several lumber companies are cutting back production, and this is especially true in British Columbia; and since housing is the lumber industry's best customer, is the government planning any action to get the house building industry back on its feet this year?

Hon. D. J. Walker (Minister of Public Works): In reply to the hon. member, we have these matters under constant consideration; but just to give the house an idea of

the different points of view, Mr. Campbell Holmes, president of the national house builders association has suggested, according to the Ottawa *Journal* of June 28, that the government should get out of the housing loan picture altogether. Therefore my hon. friend can appreciate that while we do give all these matters consideration it is not possible each day to answer inquiries from my hon. friend about something he reads in the newspapers.

AIRPORTS

SAULT STE. MARIE, ONT.—REQUEST FOR ACCELERATION OF CONSTRUCTION

On the orders of the day:

Mr. G. E. Nixon (Algoma West): May I ask the Minister of Transport whether he would have a very careful look at the progress being made on the airport at Sault Ste. Marie, with the view of hurrying up or expediting the work so that it may be ready for use this year rather than 1961?

Hon. George H. Hees (Minister of Transport): I shall be very glad to look into the progress being made, Mr. Speaker.

SUPPLY

The house in committee of supply, Mr. Rea in the chair.

DEPARTMENT OF FISHERIES

129. Information and educational service, including grant of $3,000 to Nova Scotia fisheries exhibition, $202,000.

The Deputy Chairman: Order. The house in committee of supply, Department of Fisheries, item 129; this item will be found on page 29 of the blue book and the details on page 196. Shall the item carry?

Mr. Pickersgill: Just a minute; perhaps you could wait a second until we can hear what is going on. Will the minister tell us whether there have been any new developments since last year in the information and educational service?

Mr. MacLean (Queens): Mr. Chairman, there is not any great change in policy or expenditures as far as the information service is concerned. It is no different this year from the past.

The Deputy Chairman: Order. I wonder whether hon. members would please quieten down so the committee can hear what the minister is saying.

Mr. MacLean (Queens): There is an increase in the appropriation for advertising, one purpose of which is to promote the consumption of fish by Canadians. Yesterday I mentioned the fact that the information service has published a cook book which is being very well received. The preparation of that cook book was in progress for some time.

Mr. Pickersgill: I should like to make a suggestion to the minister. I had the pleasure on one occasion of attending the Nova Scotia fisheries exhibition, and I cannot commend it too highly. It is an excellent exhibition, one of the finest of any trade or industry exhibition I have ever seen. In the last few years there has been a general industrial and economic exhibition, so to speak, in the new arena at St. John's, Newfoundland, in which there is a fisheries section. Would the minister's department have someone visit that exhibition this year to see if there is any way in which the department can help to expand its activities a little in what after all is the oldest fishing province and, as far as the Atlantic is concerned, still the most important one?

Mr. MacLean: I will make certain that a representative of the department will be there to look over the situation.

Item agreed to.

131. Industrial development service, $942,185.

Mr. Pickersgill: Before this vote carries I should like to ask the minister if he could tell us very briefly what new projects that were not under way when we last considered the estimates are now being undertaken under the industrial development service vote.

Mr. MacLean (Queens): It is a bit difficult to be absolutely accurate as to what might have been under way a year ago, but a number of very useful activities have been carried on, most of them in co-operation with the provincal governments and their departments of fisheries or the equivalents. I should like to say at this point that in all cases the co-operation of the provincial governments has been of a very high order in every field having to do with fisheries, and co-operation has been especially close with regard to industrial development.

I believe I have mentioned already that a multipurpose vessel has been constructed in co-operation with the government of Nova Scotia. I believe I have also mentioned various methods of fishing with gear that is not commonly used in a particular area. For instance, we have carried on demonstrations of trawling for smelt in lake Erie. We have experimented with gill netting for herring and cod on the Atlantic coast. Many other programs have been under way, such as the use of a midwater trawl which was carried on to quite an extent in the gulf of St. Lawrence

and in which program, as I recall, the government of New Brunswick co-operated. There have been demonstrations of mechanical clam digging machinery which has been developed by the fisheries research board in co-operation with the industrial development branch. These are some of the examples.

Mr. Pickersgill: I should like to ask the minister about the trawling in lake Erie. As the minister knows, I was born practically on the shore of lake Erie. Is this experiment being carried on out of Port Dover?

Mr. MacLean (Queens): Yes, partially, and also out of Wheatley.

Mr. Pickersgill: Out of Wheatley in Kent county?

Mr. MacLean (Queens): Yes.

Mr. Pickersgill: Does it look promising? As the minister knows, there have been great difficulties in lake Erie recently.

Mr. MacLean (Queens): Yes, the ecology of the whole of lake Erie has changed considerably. The relative population of various species has changed very greatly over the last few years. This experimental work is proving to be very successful.

Mr. Granger: Mr. Chairman, I should like to ask the minister to consider looking into the matter of improving the shipping of lobsters from Newfoundland. As the minister knows, there is a considerable lobster fishery in Notre Dame and Bonavista bays. There has always been a certain amount of difficulty in holding the lobsters so they could be shipped to the markets as needed. The lobster season is fairly short. They are caught in considerable quantity and sometimes have to be shipped too soon and in too great quantity, which has a tendency to reduce the price. If lobsters could be held for a longer period at Lewisporte, the central point for Notre Dame bay, and Gander, the central point for the other area, in a properly designed lobster pound—I think that is what it is called—with adequate cooling facilities, they could then be distributed as demand required. Consequently there would be a tendency for the price to be more favourable and as a result the fishermen would receive better prices.

This matter has been discussed locally for some time by lobster producers and distributors, and recently there has been quite a demand for a better system of holding lobsters for shipment to market. In that connection I might add that there seems to be some difficulty in getting refrigerated railway cars at Lewisporte when they are needed. Possibly this is not the time to speak about railway cars, but as they are needed for the shipping of lobsters perhaps I might be permitted to make that observation. There is some difficulty in getting refrigerated cars there when the lobsters are ready for shipment. I would appreciate it very much if the minister would look into the matter of lobster shipment and particularly the holding of lobsters for later shipment.

Mr. MacLean (Queens): Many methods are already in use in various areas for holding lobsters in pounds for a period of time and supplying the market when the demand is there. I think it is a question for the industry to deal with. If the circumstances in an area are suitable for a pound, or if any segment of the industry wishes to embark on such a program, the department will be delighted to furnish any technical information and advice that may be necessary.

With regard to refrigerator cars, may I say that this is a matter for the C.N.R., but I will see that it is brought to the attention of my colleague the Minister of Transport so that he in turn can bring it to their attention.

Mr. Pickersgill: I should like to say a word in support of what the hon. member for Grand Falls-White Bay-Labrador has said, because at one or two places in my constituency, notably at Burnside and Comfort Cove, some efforts have been made to hold lobsters, and I know it would be appreciated very much if the department would give all the assistance possible with respect to this matter. There is no question but that if lobsters could be kept for a while after the end of the season and distributed to the market in a more even fashion there would be a bigger return to the fishermen.

Mr. Carter: I should like to ask two questions of the minister. The first is, what is the actual position with respect to the mechanical drying of light salted codfish? Has the cost yet been reduced to a point where this is an economically profitable operation?

The second question is, can the minister say whether any further progress has been made with respect to the use of antibiotics for the preservation of fish? I forget the trade name, but there is a trade name for it.

Mr. MacLean (Queens): The matter of the preservation of fish by the use of antibiotics such as aureomycin and other modern drugs has been under experimentation, and considerable success has been achieved. However, the question of the purity of the food is involved, and research is still being conducted.

The second question the hon. member asks concerns the mechanical drying of light salted fish, and whether or not that is

economical. We have done a considerable amount of work in this connection, especially with regard to continuous operation. In the opinion of the department the operation appears to be economic, at least under certain circumstances. Certain segments of the industry have become interested in this matter and are using this process to some extent.

Mr. Pickersgill: Before this item passes, in the light of the question asked by my hon. friend from Burin-Burgeo perhaps the committee would permit me to repeat an observation I have made once or twice before in connection with this whole problem of light salted fish. I know something about what is going on at Valleyfield and I think, as the minister says, what is being done there is very helpful indeed. At Bonavista they originally produced an excellent light salted fish, but it was not economic. It seems evident that these experiments have reached the point where this process is really going to work. However, it is going to take some years before a light salted fish is produced which will be acceptable in Italy and Spain. There is going to be a gap there which needs to be filled if we are to hold these markets.

I am sure the minister is worried, as I am, about what the effect of the establishment of the European common market may be on our market for fish in Italy. On the other hand, I believe that in Spain the prospects are brighter than they were if we have a product to take advantage of this market.

I do urge the minister to consider very carefully, first with his officials and with others in Newfoundland as well, whether or not a premium could be paid on light salted fish for a limited period as an experiment only. I do not mean mechanically cured fish but sun cured, and this would provide the fisherman with sufficient incentive to keep producing this product until it can be produced mechanically. The minister will recall that this is what was done with bacon before the war in order to fill the British market. I do urge the department, as I have been urging them for several years, to do something to meet what is really a crisis.

Item agreed to.

132. Field services administration, $862,940.
Field services—

Mr. Broome: Mr. Chairman, if I am on the right item, conservation, I should like to take a minute to ask the minister whether he could answer the question I put to him yesterday concerning a revision of the Fisheries Act which would bring the penalties for violation of the pollution sections more into line with the actual damage which has been done. I suggested to him that instead of having a set fine, which is a nominal fine, the matter should be covered by regulation so that penalties could be set which would deter this practice. These penalties would also apply to vessels in harbours and offshore which discharge debris, oil and so on into the waters.

I believe this matter is important and is becoming more important all the time, and that a major modification of the Fisheries Act would not be needed to take care of it. I think action is required, and I should like to hear the minister's comments.

Mr. MacLean (Queens): The Fisheries Act and all other acts which are administered by the Department of Fisheries are, of course, reviewed continuously to determine just how efficiently the responsibilities of the department are being carried out. The legislation in question quite naturally contains anomalies and weaknesses that come to light as time goes by. This provision has been in the Fisheries Act for a long time and, perhaps as a result of changed conditions which were not envisaged when the act was last amended, there are indications that there should be much greater flexibility with regard to penalties.

This is one of the many matters that are constantly being reviewed. We are fully aware of this situation, and when an opportunity arises to amend the Fisheries Act this will be one of the matters that will be definitely considered.

Mr. Howard: I do not have a copy of the Fisheries Act before me to which I can make specific reference, but I understand that a fisheries officer or patrolman finding a fisherman who is violating a boundary, let us say, or fishing during a closed season or in a closed area, can immediately confiscate the fish, the vessel and the gear or property of the fisherman. I am wondering if the minister could indicate under what authority the fisheries officer can confiscate the equipment and gear of a fisherman.

Mr. MacLean (Queens): The act provides that in the case of an infraction the fisheries officer can confiscate on view, on the spot, the fisherman's gear. In so far as the fish themselves are concerned, the fish can be delivered to a plant or to an ordinary place of marketing so they will not go to waste, and the returns from the fish held until the case is dealt with.

Mr. Howard: Then my assumption is correct, that a fisheries officer can confiscate the gear on sight if he thinks an infraction of the regulations or the act has taken place. That is my understanding from what the

minister has just said. I wonder if the minister could indicate to me how this particular provision in the act—and this is only one instance; I understand there are other authorities who can also take arbitrary action of that nature—and the activities of the fishery officers in this regard will square with the proposed Canadian bill of rights, if it is introduced and passed by this parliament, the provision there being that people have certain fundamental freedoms, namely the right of the individual to life, liberty, security of the person and enjoyment of property, and that things of the sort referred to will not take place. I wonder if the minister could indicate whether this provision of the Fisheries Act will not be in effect any longer, whether the bill of rights will supersede it, or whether this question has even been thought about.

Mr. MacLean (Queens): When the Fisheries Act was passed the fishery officers were given fairly wide powers, it is true, or fairly arbitrary powers, because it was envisaged that in many cases they would be operating in isolated areas and that sort of thing, and they still do so. As to the effect of the bill of rights when and if it becomes law, just at this stage that is—

Mr. Pickersgill: Hypothetical.

Mr. MacLean (Queens): —a hypothetical question, technically, in any case. I am not in a position to say, because I think this is a request for a legal opinion which I am not in a position to give. All I can say is that we endeavour constantly to make sure that there are as few anomalies and conflicts as possible between the various acts that we administer.

Mr. Carter: Is the minister's department carrying out any studies to determine what effects oil pollution around the coast of Newfoundland may have on the fisheries? The minister is quite aware of the fact that we have had a great problem here in recent years, and one which is getting worse. These large areas of water covered with oil may have some effect on bait which are surface fish, particularly capelin and squid. There is some question as to whether there might not be some adverse effect on the fisheries. Can the minister say whether anything has been done to determine what the effect is and what the findings are?

Mr. MacLean (Queens): With regard to oil pollution—and this is, of course, a general statement—I may say it is not so detrimental to fish life as it is to bird life and that sort of thing, because it floats, and does not actually contaminate the water, the medium in which fish live, to any great extent. In a concentrated condition it might have an effect on the oxygen supply in the water, or something of that sort, but it does not directly affect fish life to any great extent. The scientists of the fisheries research board and of the department are quite aware of the effects that various types of pollution may have on fish life in any particular area.

Mr. Carter: I was thinking more of the indirect effect it might have in connection with the movement of bait fish like squid and capelin. The fishery on the south coast is very good this year and has been very good, but I understand that on the north coast it is not so good. That condition could very well be attributed to the fact that the bait does not come to land on account of this oil pollution problem.

Mr. MacLean (Queens): We have no specific evidence to prove or disprove any direct relationship between the two conditions. All I can say is that oil pollution is undesirable on many grounds. There is no question with regard to how undesirable oil pollution is anywhere. The question is to prevent it, to prevent the dumping of oil by shipping or from any other cause.

Mr. Howard: I have been able to obtain a copy of the Fisheries Act in the revised statutes. I think it would be well to question at this stage whether fishery officers should have the authority and power they now have, and whether this is not in fact an abrogation of the rights of the individual, whether or not we have the so-called bill of rights introduced and passed by this parliament at some time in the future.

I should like to point out to the committee where I think some thought should perhaps be given to changing this authority. There are a number of sections in the act. I do not intend to read them in their entirety, but perhaps just a few words from them will give to the committee an indication of the sort of arbitrary authority that is given to fishery officers. Section 35 provides:

> 35. Any fishery officer or justice of the peace may, on view, convict any person committing any of the offences punishable under the provisions of this act—

And so on. We went into this matter previously. Another section provides as follows:

> 36. Any fishery officer or justice of the peace may search, break open and search, or grant a warrant to search, any house, vessel or place where he has reason to believe that any fish taken in violation of this act, or of any regulation, or anything used in violation thereof, is concealed.

Authority is given to search houses or vessels or to break into them and search or

to give somebody a warrant to search a particular place. Again we find this provision:

37. Any fishery officer, fishery guardian or peace officer may arrest without warrant a person whom he, on reasonable and probable grounds, believes to have committed an offence—

40. —the fishery officer, may enter upon and pass through or over private property without being liable for trespass.

45. Any fishery officer . . . have and exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the waters—

And so on. I do not know whether this means that any fishery officer may perform a marriage in any of these waters if he has the authority of a justice of the peace. This would probably be stretching it a bit; but from a quick and cursory reading, if a fishery officer is exercising the powers of a justice of the peace in all the waters, perhaps he has the authority to perform a marriage ceremony or to arrange for that at sea where people may be fishing.

But that is another matter. I merely read those three or four parts of the sections in order to point out that fishery officers and fishery guardians have all sorts of arbitrary authority and power to search places, to break into them, to arrest people, to convict people, to detain them and to confiscate gear and property without due process of law; whereas in the bill of rights it is provided that perhaps these things should not occur. While the minister has said that this is a legal question as to which one supersedes the other, if either does, I think it is a question that should be studied very carefully within the fisheries department, if and when this so-called bill of rights is passed by parliament, at least to determine first whether or not this authority should be maintained within the hands of fishery officers; and second, if the bill of rights is passed to determine which supersedes the other and whether it is necessary to make changes in the Fisheries Act in this regard.

There is just one other point I want to raise and, as the minister has indicated, it is something upon which he cannot give an opinion because it is perhaps asking a legal opinion as to whether one law supersedes the other. But there certainly appears to be a great deal of inconsistency between what the government on the one hand decides should be done as to giving arbitrary rights to individuals to arrest, detain and confiscate property and, on the other hand, to put in terms of a bill of rights which would protect an individual from just such actions as might be and have been taken by fishery officers under this act.

Mr. Pickersgill: When the minister replies perhaps he could reply to an observation I would like to make, too. The minister has perhaps had his attention called to representations made by the attorney general of Newfoundland in his capacity as member for one of the provincial constituencies in my federal constituency about an incident at Campbellton. I wonder if that was satisfactorily cleared up.

[Mr. Howard.]

Mr. MacLean (Queens): Yes, Mr. Chairman. In reply to the observations made by the hon. member for Skeena, I must say that the Fisheries Act and the sections to which he referred have been on the statute books for a considerable length of time now. It has been my endeavour to administer the act in such a way that there would not be abuse of the power which parliament in the past has seen fit to place in the hands of fishery officers. I think the comments the hon. member has made are very much to the point, and as I said in reply to the hon. member for Vancouver South this is a matter which will be carefully reviewed when the Fisheries Act is next amended.

Item agreed to.

135. Inspection and consumer service, $2,139,000.

Mr. Pickersgill: The minister in his opening statement said something about this inspection service which was now being given in order to provide standards on which customers could rely. Could the minister say precisely what proportion of the industry is now taking advantage of this federal service?

Mr. MacLean (Queens): There is a total of 32 plants at the present time, and they represent a high percentage of the actual production. I have not got the exact figure.

Item agreed to.

Special—

137. Canadian share of expenses of the international commissions detailed in the estimates, $895,210.

Mr. Howard: Mr. Chairman, part of this vote allows for a payment of $30,000 to the international north Pacific fisheries commission, in which Canada, the United States and Japan participate jointly in high seas fisheries. There has been a considerable amount of discussion in years past as to the effect of this commission and whether or not immature salmon of Canadian origin are being caught in certain areas of the north Pacific.

I am not as concerned at the moment with this particular conflict of opinion as to whether, conservationwise, the fisheries are being properly protected as I am with a matter which arose last year to which reference was made in this house and elsewhere. This matter concerned fishing boats of Russian origin which had been fishing in

the same area. As I understand it they were fishing primarily for flatfish or bottom fish and were not engaged in salmon fishing, but I wonder whether since that time any additional surveys or investigations have been conducted or whether any additional knowledge is in the possession of the minister about other countries on the other side of the Pacific, notably China and Russia, engaging in any sort of fisheries themselves or any scientific survey work in that area so far as salmon are concerned?

Mr. MacLean (Queens): Mr. Chairman, we have no evidence that as far as the Russians are concerned they have been engaging or even attempting to engage in the catching of salmon on the high seas on this side of the Pacific; their activities have been restricted to other types of fishing. As far as the Chinese are concerned, there is no activity which we know of on this side of the Pacific.

Mr. Howard: I wonder if the minister could indicate, following the same line of reasoning, whether salmon of Russian origin from streams in Russia are in the same intermingling grounds as are Canadian, United States and Japanese salmon. I do not know exactly how big the area is, but it is a pretty broad area in the Pacific where they all intermingle, and I would like to know whether Russian salmon are also in this particular area.

Mr. MacLean (Queens): At roughly 175 degrees west longitude, and on each side of that line, there is a wide area where salmon from both continents intermingle. But there is no evidence that any salmon which originate in British Columbia travel that far west, and the Japanese do not fish east of that area. As far as Canadians are concerned, we do not fish for salmon on the high seas. Therefore as the matter stands now there is the very minimum, if any at all, of the catching by one nation of salmon has its origin in the other continent.

Mr. Howard: The minister has had no communication from the Soviet union as to the desirability of participating in the north Pacific salmon commission?

Mr. MacLean (Queens): None at all.

Mr. Howard: Would there be any bar to it if they so desired to participate?

Mr. MacLean (Queens): This would have to be considered and would depend on the terms of any proposal which might be made.

Mr. Robinson: Mr. Chairman, in connection with the great lakes fisheries commission, which was set up principally to combat lamprey eels in the great lakes, I notice that Canada's share is down about $91,000 this year. I wonder if the minister could give us a résumé of the progress which has been made and why this cut in the estimates has been made. Is it because we are making a certain amount of progress in combating this problem with less expensive materials? I would appreciate some information from the minister at this stage as to the elimination of lamprey eels, for example in lake Superior, in lake Huron and in Georgian bay.

Mr. MacLean (Queens): With regard to the international great lakes fishery commission, the main activity of which at the present time is the control of lamprey, I might say that one reason there is a reduction in the vote is that it is now no longer necessary to install the very expensive electrical barriers on streams in which we can now poison lamprey with the fairly recently discovered lampreycide, a selective chemical which will destroy the lamprey in the larvae stage in streams without harming to any measurable extent any other form of life in the stream. This has resulted in a considerable saving, in the sense that the cost of controlling the lamprey in a given stream is considerably reduced.

I may say that good progress is being made with the use of lampreycides. Tests made in the pilot stage have produced extremely encouraging results and this year, in particular, there will be very greatly increased activity in the program of lamprey destruction.

Mr. Robinson: Has any extensive work been carried on in lake Huron this year?

Mr. MacLean (Queens): Surveys are being made of the streams flowing into lake Huron on the Canadian side to determine which of them are lamprey hatching streams. Not all streams are suitable to the lamprey, and with a view to a further program next year this study has been undertaken. The commission has taken the attitude that the main attack on the lamprey should first of all be at the point of advance, so that the spread can be headed off. As the work progresses, the problem of exterminating lamprey in the areas where they have been present for some time will be pressed forward.

Mr. Nixon: Reference has been made to lake Huron. Can the minister say what progress has been made in lake Superior with regard to lamprey control, and whether there is any indication of the fish coming back? Is this work done in co-operation with the provincial government?

Mr. MacLean (Queens): Lamprey control is carried out by an international commission, and the Canadian share of the work is

done by the fisheries research board acting in this case as an agent of the commission. The province is represented on the commission by one of its senior officials.

Lake Superior has been one of the major scenes of activity by the international commission on the Canadian side in an effort to contain the spread of lamprey, and very considerable success is being achieved, or at least there is every appearance of success. A period of time will, of course, be required even after an area is clear of lamprey before a new cycle of life can either expand naturally or be rehabilitated by other means; I am referring, of course, to lake trout. But this will be done as quickly as possible. With regard to lake Superior, it would seem that if our success is as great as we hope, there are sufficient stocks of lake trout to re-establish themselves.

Mr. Nixon: Is there any indication now of that taking place.

Mr. MacLean (Queens): It is too early yet to say.

Mr. Noble: I should like to ask the minister whether the international great lakes fisheries commission is giving consideration to doing anything about stopping continuing infestation from the ocean. I see we have been spending about a million and a half dollars a year on controlling the lamprey, yet nothing has been done to stop the lamprey coming in.

Mr. MacLean (Queens): The lamprey problem originated because the lamprey eels migrated into the great lakes after the building of the canals. In the lakes there are apparently no natural enemies to keep them under control as there are, for example, in the gulf of St. Lawrence. Under these conditions they multiply very rapidly.

The additional introduction of the odd lamprey through the canal system from the ocean is of relatively little significance once the place is infested with them. Nevertheless a study has been made of the question which the hon. member raised, and the canals are being watched. We hope that when the lakes can be cleaned up and controlled there will be no danger of reinfestation from that source. If we can succeed in controlling this situation, a new, small infestation would not be a catastrophe by any means.

Mr. Noble: In those circumstances it looks as though this program would have to be continued each year, becoming an annual affair. I do not think treating the streams and then leaving them alone will mean the end of the lamprey. I think they will continue to enter the great lakes and become a menace.

[Mr. MacLean (Queens).]

Further, I should like to ask the minister whether the commission has given any consideration to the destruction of fish other than lamprey, because they too are becoming a menace.

Mr. MacLean (Queens): Under the present treaty the commission is responsible only as far as the lamprey problem is concerned. It is not concerned with this other problem, although it is an important one.

Mr. Carter: Before we leave this item I wonder if the minister could give us a brief progress report on the north Atlantic fisheries conference.

Mr. MacLean (Queens): As hon. members know, the annual meeting of ICNAF was held in Bergen, Norway. It was one of the most successful conferences yet held, and fine progress was made in reaching international agreement among the 12 nations concerned with regard to net sizes and other conservation measures which will tend to conserve resources generally on the high seas. Each member nation takes responsibility for the application of these regulations to its own nationals.

Mr. Noble: Owing to the fact that the great lakes fisheries commission has been set up for one purpose only, I should like to suggest to the minister that he take some initiative about these rough fish which are a menace in the great lakes.

Item agreed to.

138. Acquisition of land for the international Pacific salmon fisheries commission as required by article VIII of the convention, $6,000.

Mr. Howard: I wonder if the minister could explain what land is to be acquired and where it is.

Mr. MacLean (Queens): This refers to some land which was acquired a number of years ago, I believe, for the purpose of building a fishway. The land lies in an Indian reserve, and negotiations were carried on with the Indian band involved. They were agreeable to giving up this land, which is situated at Bridge River. It is only now that negotiations have been completed, and this item is to pay the Indian band for the land involved.

Mr. Howard: Did I understand the minister to say that the land was actually acquired some years ago but that we are just now getting around to paying for it?

Mr. MacLean (Queens): This was a long process that was carried on through the Indian Affairs branch. The actual fishway was built before I became minister. Through some delay or neglect on the part of someone the actual payment was not made. I

think it was something that was not neglect as such; it was a matter of slow legal procedures as far as title and transfer of title were concerned.

Mr. Howard: My question has not so much to do with delay; many other cases have come to our attention in which Indian bands, it seems to me, are put in a position where it takes an inordinately long time to get the money from the purchaser to the band itself. I ask about the time element, because this makes reference to the acquisition of land for the international Pacific salmon fisheries commission as required by article VIII of the convention, which is chapter 11 of the statutes of 1957, which is only a couple of years ago. Did the commission have any authority to make this purchase before 1957, or was this just a carryover from the original convention, or was there a slight alteration in it, or what?

Mr. MacLean (Queens): That is when the statute was amended.

Item agreed to.

139. Newfoundland bait service, $429,400.

Mr. Carter: I have two questions on this item, Mr. Chairman. First, can the minister say whether there are any funds in this item for the provision of those portable bait depots? Second, what plans are being made to replace the motor vessel *Arctica,* which is a bait carrier; how soon will provision be made for that?

Mr. MacLean (Queens): As far as the replacement of the *Arctica* is concerned, which I think is what the hon. member has in mind, this is in the plans of the vessel construction interdepartmental committee. It is under consideration to that extent, but we are not in the process of starting any definite plans, or construction plans, for replacement or for anything of that sort. It is not being neglected; it is being phased into the program for the future. There is nothing in this particular item to cover that matter.

As to the portable bait storage depots, we are making provision for eight additional ones in this item.

Mr. Batten: What sites are being selected for the eight which are being provided this year?

Mr. MacLean (Queens): The locations for this year have not been as yet determined. As the hon. member knows, we get a far larger number of requests than we can possibly accommodate in any particular year, or probably ever will be able to accommodate, almost, because these are a very useful and acceptable solution to the bait problem in certain areas. But all applications coming either from members of parliament or directly from fishermen's associations or other groups will be carefully considered on their merits, with a view to placing the units where they will do the most good in each particular case.

Mr. Batten: Is the minister able to give any indication of how soon these units will be provided?

Mr. MacLean (Queens): Well, the short answer would be that we will get started on them as soon as the item is passed, but it takes some time before the equipment is available. We got started during the course of the summer on some of them. I cannot recall offhand—I have been trying to do it —when we actually had the ones provided last year finally in operation. We will do it as expeditiously as possible.

Mr. Pickersgill: I do not think we can let the minister get away with that short answer. He knows that the house with great dispatch and enthusiasm had voted interim supply so the minister can get on with those bait depots.

Mr. MacLean (Queens): Let us not get into this argument, Mr. Chairman, but we feel much more confident in ordering these things and having them supplied if we have the whole item passed.

Mr. Carter: Can the minister be a little more definite with respect to the replacement of the motor vessel *Arctica*? I understand that she is rapidly approaching the stage where she will not be able to pass steamship inspection.

Mr. MacLean (Queens): I think I can say that within the next two years progress will be made on the replacement of the *Arctica.* As far as I can see into the future an item will be provided for that purpose, but there is no money in this particular item for it.

Item agreed to.

141. Fisheries Prices Support Act administration, $60,000.

Mr. Howard: I have mentioned before that the Fisheries Prices Support Act and any operations thereunder have been confined by the statute itself or by practice to fisheries in the maritimes. Can the minister indicate what the circumstances are in that regard?

Mr. MacLean (Queens): In actual fact the act does apply over the whole country, and in the past it has applied to the inland fisheries of the prairies, for example. There is no limitation on the geographical application of the act.

Mr. Howard: Can the minister indicate the possibilities of the herring industry on the west coast coming under this act?

Mr. MacLean (Queens): The fisheries prices support board have, I think, had this question under review. Many difficulties are involved. One is, as I said yesterday, that there is the very grave danger of countervailing duties on subsidized products. The position is such that Canada exports a very high percentage of her production of fish meal and fish oil. Our markets are found in countries which also produce fish meal, although not enough for their own purposes; therefore they import some. The result is that the situation is very sensitive to anything that might be considered to be undercutting home production as far as those chief markets of ours are concerned, namely European countries and the United States.

Mr. Howard: Because herring are used primarily for the production of meal and oil, has any thought been given to the reconstitution of the industry to the point where it may be able to engage in the production of herring for food consumption purposes? What snags have we run into in that regard?

Mr. MacLean (Queens): There is no technical problem involved with respect to the production of herring for food. Here again it is a matter of costs versus the prices that can be obtained in the possible markets. In other words it is a question of an economic market for the product. Certain types of herring are produced in small quantities as a luxury food, but this is only a relatively small percentage of the total potential supply and would only support a very small segment of the herring fishing industry. In order to have any real impact on the industry you would have to have a very large market for herring to be used as food, and there appears to be none in sight that would allow the industry to operate on an appreciably large scale in an economic way.

Mr. Howard: I am sorry I was not here during the full time this matter was discussed yesterday. Do soybeans have any detrimental competitive effect upon the herring meal and oil industry?

Mr. MacLean (Queens): Yes. As a matter of fact all fish meals are used chiefly as a supplement for animal feeds because of their high protein content. There are many alternative sources for various types of proteins, and there are only a few types of animal feeds in which fish meal is desirable at a relatively high price. I am not an authority on this matter, but I understand that such feeds as chick starter would be an example where there is a greater desire to use fish meal than is the case with other types of animal feeds. With respect to most types of animal feeds, if fish meal is at a high price the mixer of the animal feed can substitute other protein sources.

Mr. Howard: Does the federal government subsidize the soybean industry?

Mr. MacLean (Queens): I am afraid this is not covered in my estimates, but there is price support of soybeans.

Mr. Howard: It seems very strange that one department of government should be subsidizing one industry, thus placing in a less competitive position another industry with respect to which there is no move to provide equal support. It seems a little odd. Perhaps the minister should consult with the Minister of Agriculture on this as well as on other matters.

Mr. MacLean (Queens): I am afraid that as one accepts responsibility one finds that life can be very complicated as far as the administration of a country is concerned, where you have such a divergent group of interests. The situation with regard to soybeans is different because of the fact that they are largely marketed in Canada and we do not export them to any extent. Their use as a substitute for fish meal is not their only use. As a matter of fact, soybean oil is used for many commercial purposes as well as food purposes.

Mr. Howard: The minister has just indicated the great necessity in this country of applying a little socialist philosophy and planning so that we would not get into these difficulties.

Item agreed to.

144. Assistance in the construction of bait freezing and storage facilities, subject to the regulations established by the governor in council, $30,000.

Mr. Granger: I should like the minister to explain briefly what form assistance in the construction of bait freezing and storage facilities takes. I am more interested in storage facilities. I have in mind that in northern Labrador in the Nain area there is quite a nice sea trout fishery. The sea trout are caught commercially and smoked, and they are delicious. Not too far south is Goose Bay airport, quite a populous area with a reasonably high level of income, which should provide a natural market for smoked sea trout. I am probably wandering beyond the scope of the department, but a motor vessel operated by the C.N.R. plies between Nain and Goose airport, and if a very small cold storage space were provided it would probably mean that the sea trout would bring a much higher price in Goose Bay than they do in their

present market. I wonder whether that is possible under this bait storage vote.

Mr. MacLean (Queens): I am afraid this vote would have no application whatsoever to that problem. It applies to commercial bait storages provided by commercial firms. We give them a grant provided they fulfil certain commitments over a period of time to work off the grant. These bait storages are used in New Brunswick, Nova Scotia and other provinces to quite an extent. Newfoundland is also involved, but the grants are not made use of as extensively there because of the Newfoundland bait service, which is directly competitive.

Item agreed to.

Fisheries research board of Canada—

146. Operation and maintenance including an amount of $53,000 for contributions towards fisheries research and for scholarships, and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the international great lakes fishery commission of the cost of work on lamprey control and lamprey research, $4,199,125.

Mr. Carter: I should like to ask the minister whether the fisheries research board is continuing its research into the herring schools of the north Atlantic. When the minister's estimates were before the committee last year we asked that question of Dr. Kask, and he said it was a long term program and that the main schools of herring had not yet been located. Is that work still continuing, and in what way?

Mr. MacLean (Queens): As the hon. member knows, over the last number of years the industrial development branch of the department, in co-operation with the fisheries research board, has done a great deal of work in trying to map the routes of migration of herring in the general area off the coast of the Atlantic provinces. This has been found a very difficult and unpredictable matter, but considerable knowledge has been gained. The programs still going on but not at quite as high a level as in the past. I do not mean that its importance has been reduced but that the expenditure required to carry on the program in its present phase is not quite as large as it was in the past.

Mr. Carter: The reason I asked the question was that the herring fishery has been of tremendous importance to my own riding. In recent years the herring fishery has been a failure when compared with former years, that is in relation to the catch of herring that comes to land and is caught in seines. There is a feeling, and certainly I am of the opinion, that a successful herring fishery could be the salvation of the south coast of Newfoundland providing we could locate the schools and catch them in deep water, as they do in other countries. That cannot be done until this experiment is completed. I would urge the minister to utilize more ships and more men on this project to try to complete it in a shorter space of time.

Mr. MacLean (Queens): I want to assure the hon. member that the program is being pressed forward as rapidly as possible. In so far as new ships are concerned, this item includes provision—no, it is the next item—for a new vessel for the research board for pelagic fish research in the Atlantic, and that includes the problem of the location of herring.

Mr. Noble: Would the minister state the actual amount spent on scholarships?

Mr. MacLean (Queens): It was $25,000.

Item agreed to.

147. Construction or acquisition of buildings, works, land and equipment, $552,100.

Mr. Granger: I should like to ask the minister if he would keep in mind, in connection with the erection of the new fisheries building at St. John's, which I understand has been considered for some time, the possibility of having it constructed in close proximity to the new university. I believe this would be beneficial to both.

Mr. MacLean (Queens): Yes, I have this very much in mind, Mr. Chairman.

Item agreed to.

521. Destruction of dogfish and other predators, $150,000.

Mr. Howard: I might require a few minutes on this item. The subject was mentioned on the administrative item, but it is rather a sore problem on the west coast and I suppose in other areas as well. This problem has plagued the fishing industry for some time and is becoming worse. These dogfish destroy quite a number of other fish.

I wonder if the minister would indicate what the plan is for this year. What is the formula for payment and the time when this program will be put into effect? What are the expectations for the success of the program this year as compared with the success or lack of success that was experienced during the last couple of years? Perhaps at the same time—this is something that should have been dealt with under the vote relating to the fisheries research board—the minister would indicate the progress being made in research on the use of dogfish.

Mr. MacLean (Queens): Last year, Mr. Chairman, we had some success in connection with the destruction of dogfish but we

hope more interest will be stimulated in the program on the part of the fishermen. We are increasing the rate for livers from 10 cents to 12 cents per pound, and we are hopeful that this will make it worth while.

Mr. Howard: I wonder if the minister would care to comment on the view I have heard expressed on the coast a number of times, that the program has been started too late in the season to be of much value. It is suggested that we start it earlier in the year, and then this system might have more effect and more attraction for the fishermen who engage in it.

Mr. MacLean (Queens): This may be true in certain areas, but the fact of the matter is that this activity of destroying dogfish is only of interest to fishermen when they are not engaged in the salmon or other fishery. We have continually appealed to fishermen's organizations and to everyone involved in the industry to try to come up with the most effective plan. This is not a criticism of anyone, but we have not met with as much success as we would have liked. However, this is not the result of a lack of consultation with the people involved. We hope these difficulties can be overcome and that we will have in the future a program that really works.

Mr. Carter: I should like a little more information on this program. We have a dogfish problem in our province as well. Is this amount specified for a particular region or is it applicable to any province? On what basis is it paid; on the pound of fish caught or the pound of livers, or what?

Mr. MacLean (Queens): It is a subsidy on the liver of the dogfish at the rate of 12 cents per pound. It is true that there are dogfish on the east coast, around Newfoundland and in other areas, but not in anything like the concentration in which they occur on the west coast. The difficulty on the west coast is that in certain types of fishing the dogfish attack the fish as soon as they are in the nets, causing a great deal of destruction both to the catch and the equipment. They are a real menace to the fisherman's gear, to a much greater extent than on the east coast.

Mr. Carter: This item is only for the west coast?

Mr. MacLean (Queens): That is right.

Item agreed to.

The Deputy Chairman: This completes the estimates of the Department of Fisheries.

Mr. MacLean (Queens): Mr. Chairman, before you rise I should like to express my appreciation to the members of the committee for their interest in the items and the contribution they have made in the way of constructive criticism.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

DEPARTMENT OF JUSTICE

151. Departmental administration including annual contribution of $200 to the conference of commissioners on uniformity of legislation in Canada, $872,484.

The Deputy Chairman: This item will be found on page 33 of the blue book, the details at page 217.

Mr. Fulton: Mr. Chairman, I think it has not been customary for ministers of justice to make any statement on the first item, departmental administration, but rather to answer any questions that might be raised with regard to the administration of the department. I propose to follow that course. However, if it will be of assistance to hon. members who wish to discuss specific matters I propose to make a short statement when we reach item 161, having to do with the administration of the office of the commissioner of penitentiaries. I expect to be making a sort of brief progress report on correctional reform.

Mr. Roberge: First of all, in opening the discussion on the estimates of the Department of Justice, I should like to pay our respects and to offer our compliments to both Mr. Jackett and Mr. Favreau who we know are to leave the department. As far as I know, while they were there they did a magnificent job and discharged their duties in an able manner. We on this side of the chamber want to wish them well as they enter upon their new activities. We are sure they will have in their private practice of law as much success as they had when they were senior officials of the Department of Justice.

There is one matter to which I should now like to come, and my remarks are prompted by a discussion that was held in this chamber on Monday. I refer to a question that was asked by my friend the hon. member for Vancouver East of the Minister of Justice, namely whether the necessity to increase the number of judges in the superior court in the province of Quebec was owing to the increase in criminality in that province. I am now referring to page 5654 of the French

text of *Hansard* of Monday last, and I quote the Minister of Justice in French:

(Translation):

In reply to the question asked by the hon. member for Vancouver East, I regret that even with the best will in the world I cannot give a categorical answer as to why there is this fairly steady pressure for an increase in the number of judges; whether it is simply because of the increase in population or because of the increase in population accompanied by an increase in criminality.

A little further on, the minister added this:

With respect to the question, or that aspect of it dealing with criminality, the best assessment that I have been able to make is that there is not an absolute increase in criminality but that there is a proportionate increase, an increase in keeping with the increase in population, yes, and also with the increased trend toward urbanization.

(Text):

Inasmuch as the population of Canada is increasing, Mr. Chairman, there is no doubt that criminality is increasing; but that surely was not the factor accounting for the increase in the number of judges in the province of Quebec. I want to say right away that I do not think for one moment that my friend the hon. member for Vancouver East was of the opinion that criminality was worse in Quebec than anywhere else in Canada, and I am sure that thought did not enter the mind of the Minister of Justice. However, I should like to make a few remarks on that matter and show that the increase in the number of judges in Quebec was necessitated by several other factors.

It might be useful to explain generally how the courts function in Quebec, inasmuch as possibly they are not functioning in the same way as are courts in some other provinces, because the judges do not have the same functions or the same jurisdiction. First the accused are brought before a justice of the peace, a magistrate or a justice of the court of sessions of the peace. There, of course, they have a preliminary inquiry when such an inquiry is indicated, or they have their trial before the judge sitting in what we usually call the court below. The main criminal cases in the province of Quebec are tried and decided before those courts. As is the situation anywhere else in Canada, only the major crimes come before the assizes. I know for a fact that in the district of Montreal the criminal assizes are presided over by a justice of the superior court, and more often than not it is Mr. Justice Lazure, who sits in assize four times a year. Every sitting extends for a month or a month and a half. So there is only one judge in Montreal occupied by criminal courts.

In Quebec city there are normally two terms of assizes, and even there they occupy only one judge. In what I might call the rural districts around Montreal and Quebec city there is only one term of assizes every year, normally in October. I know the old district of which I was a member, the district of Arthabaska, had two years in a row when there was no assize at all. In my own district, which was formed in 1956, there has not been one since that time, which perhaps speaks well for the honesty of the people in my riding.

The main reason for this recommendation for an increase in the number of judges is not due to criminality at all. If my memory serves me well, in 1867 there were 33 judges of the superior court in the province of Quebec. Now, as the result of legislation which was passed last Monday, there are 55, not quite twice as many. The population in 1867 was less than one million but now it is over five million. So there is no doubt that the more population there is in any province or in the whole country the more court sittings there are.

The judges of the superior court in Quebec deal mostly with civil litigation. The number of cases has increased tremendously. In my own district in 1956 there were over 160 cases on the roll at the beginning of the term and the judge sits only once a month over nine months. So there is no doubt that there cases are dragging on, and it takes at least two years to have a case heard by the court after inscription on the roll.

Those cases are not necessarily dealing with property or personal damages; it is mostly litigation concerning automobile accidents. According to statistics, although I have not the figures before me, at least half the cases tried before the superior courts in the province of Quebec arose from automobile accidents, and this might be the case in some of the other provinces too. Those cases take up half the time of the judges. The rest of the cases are the ordinary sort arising from the increase in population, the increase in business and especially the increase in book debts. The more we grow the more we have to sue people because they do not pay their debts. One or other of the opposing lawyers often seeks a delay, but these cases are apt to come before the courts and they do occupy the time of the judges.

Mr. Chairman, those are the preliminary remarks I wanted to make on this first item. I might have something more to say and some questions to ask as we go along. Before I resume my seat I would like to make a request of the Minister of Justice. One of my colleagues in the official opposition wanted to speak on this first item but is now engaged on some other business. Perhaps this item might stand until he returns, and perhaps we might carry on and return to it later.

Mr. Winch: I was very pleased to hear the statement by the Minister of Justice that it is his intention when we reach the penitentiary item to make a statement in regard to the penitentiaries. I presume it will relate mostly to the corrective procedures and policies which have been adopted under the new set up of the parole board. I hope when the minister speaks he will not necessarily make his remarks brief; I hope he will take time to go into some detail and outline the situation Canada is facing in the realm of criminology.

In the most recent report of the commissioner of penitentiaries there is some very disturbing and alarming information. According to the report, which covers a period of 12 months, of those who were committed to the penitentiaries in that period of time 82.88 per cent were guilty of general recidivism. So that of the penitentiary committals in the past 12 months, 82.88 per cent had previously been either in a reformatory, in a provincial jail or in a penitentiary.

That in itself gives evidence of a very serious situation, but it is even more alarming because we note from the report that of the committals to the penitentiaries in that 12-month period—

Mr. Fulton: I wonder if the hon. member would permit me to suggest that it would be more convenient, I believe to him as well as to me, if his discussion of this problem and of penal problems generally could be deferred till we reach item 161, which is the general item referring to penitentiaries and correctional measures. The staff of the penitentiaries branch are not here; therefore I would not be able to reply to the hon. member as fully as I would want. I expect we will have a discussion of penitentiaries and correctional problems on that item, so I wonder if it would not suit the hon. member's purpose if he deferred his remarks on that aspect of my responsibility until that item is reached.

Mr. Winch: I understand the statement of the minister in this regard and I quite agree with him, but unfortunately with the meetings of committees and certain other matters there is a possibility that at that particular moment I might not be able to be here. It is for that reason that I make these few remarks on the first item of the minister's estimates in an effort to indicate some of the phases upon which I know many of us would like to hear the minister when we reach the item dealing with penitentiaries.

As I was saying, of the committals to the penitentiaries in this 12-month period, 46.41 per cent have been in the penitentiary before. So they are recidivists with penitentiary experience. I would like to draw the attention of the committee to this fact, that of the 2,922 persons who were committed as recidivists with penitentiary experience, 1,423 were in the penitentiary for the second time, 760 were in the penitentiary for the third time, 366 for the fourth time, and 373 were back in the penitentiary for the fifth time or more.

Those figures as given to us in the report of the commissioner of penitentiaries indicates the very serious nature of the problem, and I would most certainly like to have as full a statement as possible from the Minister of Justice as to how this problem is being tackled and what is the policy for dealing with it which he has in mind. It is quite obvious that we have a group who are strictly of criminal tendency and who will not learn.

I must admit that I cannot understand why a person who has been in a penitentiary should decide to go back. I am one of the fortunate few who can go to a penitentiary and get out again. I often visit penitentiaries and jails, and I cannot understand why a person who has won his freedom should, by committing some criminal act, render himself liable to go back to that kind of life.

I do want to say how much I appreciate the action of the minister in attempting something new as far as British Columbia is concerned, namely the inauguration of an institution which is to some extent an open prison. I refer to the installation at William Head, and I should like to place on record two quotations from the report of the commissioner dealing with that institution because I think they give an indication that the policy which has commended itself to the minister, and which he is endeavouring to extend, may be at least a partial answer to the problem I have outlined. I note that on page 130 of the report the commissioner has this to say:

> The William Head installation is an innovation, and the consensus of opinion to date is that it has been an unqualified success. The open type installation tends to release the tension in the better type of inmate, and the ones selected for transfer to William Head have the feeling that they are trusted, and up to the present time this trust has not been misplaced. The fact that there are no walls or bars on the windows adds to the inmate's feeling of confidence and feeling that the administration have confidence in him makes him more confident in himself when he is released.

Again, on page 131, we find the following statement still in relation to the William Head installation:

> Many such transfers have taken place without untoward incident. These achievements indicate that inmates do respond to humane, considerate treatment on the part of the authorities, and it is possible to maintain firm discipline without arousing the animosity of the individual, thus taking a long step towards successful reformation and rehabilitation.

We are very pleased to note that this has been the experience and that this is the view of the authorities in charge of this experiment, if such it is. Should this be the consensus we hope there may be a statement forthcoming from the Minister of Justice as to the extension of this system, not only on the basis of the present installation at William Head but also—I think there is one at Collins Bay—

Mr. Fulton: Valleyfield and Springhill.

Mr. Winch: Oh, yes; that is the one that is going to be opened this fall, at Springhill. We do hope such institutions as these may help to provide a solution to this very serious problem of recidivism.

May I add that one of the reasons we have this general recidivism is in my opinion because we have failed so far to pay sufficient attention to after-care services. It is significant, I think, that so far this year the money we have expended on such organizations as are named in the report has amounted to only $60,000. That, it seems to me, is a remarkably small sum in the light of the seriousness of this problem.

It will not do to anticipate that as soon as a person is discharged from prison he will, as a result of the work done by the training instructors, the ministers, the doctors, the psychiatrists and the psychologists, be able to walk out of a penitentiary having the desired social conscience. Society must follow up the effort which has been made. It must take an interest in where these people go, whom they resort with and whether or not they can find employment. It is difficult enough at the present time for people who possess a social conscience and who live by the law to obtain employment. It is far more difficult for a person who has broken the law to do so.

I have found out in discussions with many who have come out of prison, and many who have gone back, that because of their weakness they gave way to temptation when after a few weeks, or a month or so, they were unable to obtain employment. The very small amount, the picayune amount, of help which they are able to get from organizations which assist prisoners after their discharge is certainly not adequate. This is particularly true with regard to the problem of those who have been incarcerated as a result of drug addiction. Greater emphasis must be placed on after care service and the following up of cases in the period after discharge.

I hope the minister will devote great attention to following up the cases of those who are discharged from our penitentiaries and seeing that they are given every assistance possible in rehabilitating themselves. In my opinion it is foolish to spend the large sums of money which are required to maintain people in our jails and penitentiaries, not only to punish them but also to try to rehabilitate them, and then, for a matter of dollars, leave them on their own with the result that we are faced with these figures demonstrating such a high degree of recidivism. If no other plan is forthcoming I hope the minister will seriously consider a system under which they could at least draw unemployment insurance so as to help them keep on the straight and narrow path. Any money spent after sentence has been completed to keep these people in line as socially conscious individuals is money well invested and will undoubtedly save a great deal more to the taxpayers of the country in the long run.

That is all I have to say on this subject at the moment. I do hope the minister will also take note of one or two other questions, and perhaps comment on them when he replies. I understand that the Department of Justice and the Department of Health and Welfare have been working sincerely and conscienciously to evolve some approach to this problem of drug addiction. It is my understanding that these studies have practically reached a conclusion, and that the minister himself regrets it is not possible for him to introduce at this session certain changes he may have in mind, because of the necessity of receiving the complete co-operation of the provincial authorities. However, I hope the minister can at least give us some indication of the nature of his new approach to the question of drug addiction, both in terms of care and of punishment should that be necessary.

There can be no question at all but that we are going to continue to be faced with this problem in Canada until we do recognize drug addiction as an illness, as something that has to be treated; and we are not going to solve it by treating drug addicts strictly as criminals. I know the minister appreciates the problem we have in Canada and particularly in British Columbia. All the reports that I have received seem to indicate that we have somewhere in the neighbourhood of between 1,500 and 2,000 drug addicts in the city of Vancouver alone. The minimum figure I have ever noticed is 1,500.

From my study of this and from the reports of those who have made a lifetime study of it —and their recent conclusions indicate this— a drug addict has to have at least three capsules of heroin a day. According to the latest figures I have received from unofficial sources, a capsule of heroin costs $5 on the Vancouver market, and sometimes $7 or $9. Therefore a drug addict requires a minimum of $15 a day

for three capsules. If we have 1,500 addicts in Vancouver we have some indication of the money being spent. Since the majority of those who are drug addicts are not of the wealthy class, it is almost axiomatic that they must resort to criminal activity to obtain the money necessary to buy the drugs.

Therefore we have the problem of the addicts resorting to crime, since they must obtain a great deal of money if they are to get sufficient to buy the necessary capsules. So the question of treatment is most important. I have ideas on this, and I have mentioned them almost every time I have spoken on this subject in the house. I am not going to repeat them now, because the minister is well aware of them and because representations on this subject were made to the Senate committee when they held their meetings in the city of Vancouver. I do hope the minister has been successful in evolving a plan of such a nature that he feels fairly confident it is one in which he can get the necessary co-operation from the provincial governments in order that as soon as possible a great step forward can be made in handling this problem of drug addiction.

There is another point I should like to bring to the attention of the minister before I sit down and ask him whether it is possible to do anything about it. Over the recent weeks in particular I have been receiving complaints about the operations of so-called collection agencies. These agencies are companies that buy up the bills that are owing to business concerns for anywhere from 10 cents to 50 cents on the dollar; then they go after those who owe them money and, in my opinion, they do it in a most vicious manner and under circumstances which, because the average person is honest and wants to pay his bills, cause a great deal of hardship to those concerned. As a matter of fact they resort to practices in trying to bleed those who have not the money to pay that it almost looks to me as though they are in contempt of the law. Because of the way in which they put out their dunning letters a person who is easily frightened or does not know very much about the law would almost think he was being served with a subpoena. If it is not a subpoena, they certainly think it is some sort of legal paper and that they had better find some way of paying up or they are in real trouble.

I have one file on them. Here is the type of communication that is sent out by the credit bureau of Vancouver. If you look at the paper you will see that it looks like a subpoena right off the bat. If you look at the wording you will realize that it scares people. This is how it reads:

[Mr. Winch.]

> We have now decided to give our solicitor instruction to go ahead with court action against you, but before doing so we write you this final letter to inform you:
>
> "That a judgment is good for 20 years and a warrant of execution may be directed to the sheriff at any time thereafter requiring him to make a seizure to satisfy the claim and all costs. A judgment debtor can be made to appear before the court for examination, and garnisheeing proceedings can be taken either before or after judgment attaching moneys in the bank, salary or wages, and moneys due from other source."
>
> We are allowing you another three days to think it over. Please bear in mind we do not want to have this summons served. We would much rather give you a receipt.

I think after all these years I know a little bit about law and procedure, but I did not know before that a judgment is good for 20 years and that a warrant of execution may be directed to the sheriff at any time thereafter requiring him to make a seizure, garnisheeing wages, taking goods and everything else. I say this is going too far and that some kind of control should be exercised over collection agencies. I am not certain whether this comes within the legislative jurisdiction of the federal government or whether it is something that has to be handled wholly and solely on the basis of provincial jurisdiction.

I did want to draw this to the attention of the minister. It is a most serious matter right today for many thousands of people in Canada, and I know it has affected a great many people in British Columbia and particularly in the city of Vancouver. I hope the Minister of Justice can make some comment on this and state whether it is possible for federal legislative action to be taken to control these people, or whether his department can exercise any sort of inspection over their actions.

These are three of the matters that I wanted to draw to the attention of the minister under the first item. I hope my duties on committees will not make it necessary for me to be absent when the minister gives details on other items. I know the interest of the minister in penitentiaries and in the problems of my colleagues. It will mean a great deal to this country and to all of us in this committee if at this time, when his estimates are going through, the minister can give us information that will mark a real advance forward in the handling of those problems.

Mr. Jung: Mr. Chairman, I also wish to say a few words about the problem of drug addiction. I do so for two reasons. First, out of some 3,400 addicts in Canada, half are found in British Columbia and more particularly in the city of Vancouver, and most of their activities appear to centre around a certain area in my riding of Vancouver Centre.

Second, Mr. Chairman, there appears to be a growing number of juvenile addicts. In 1957, for example, there were 25 teenagers in Canada who were drug addicts. In 1958 there were 47, and in 1959 the number had increased to 55. Of the 55, 17 were males and 38 were females. British Columbia has the dubious distinction of having the majority of those teenagers, because of the figure of 17 males and 38 females, 15 of the males and 31 of the females are to be found in that province.

While I am concerned with the drug problem as it affects all addicts, I feel a special sense of responsibility toward those teenagers who are addicts. The over-all number of addicts in Canada does not show any marked increase, whereas the number of addicts who are teenagers has indicated a rise. The over-all figures show the following numbers in the years 1954 to 1959 inclusive:

Year	Number
1954	3,212
1955	3,425
1956	3,421
1957	3,315
1958	3,412
1959	3,408

It would therefore appear that apart from teenage addicts there is some tendency toward stabilization in the number of addicts.

Prior to speaking on this subject I was faced with the problem of trying to justify in my own mind whatever sums of money the government intends to spend in advancing and implementing a program of treatment for addicts. I also had to learn something about the narcotic problem. Therefore during the Easter recess this year I visited Oakalla prison farm at Vancouver where I interviewed male and female drug addicts who were serving their sentences there. I spoke to the senior prison officials at Oakalla. I had discussions with the director of the narcotic foundation in Vancouver. I spoke to a number of addicts outside of Oakalla, and when I returned to Ottawa I discussed the problem with senior officials of the R.C.M.P. and the Department of National Health and Welfare. I have read the speech on the narcotic problem which the Minister of Justice delivered to the Canadian club in Vancouver on April 20, 1960, and I have also read a number of reports and papers on this subject.

I must admit, Mr. Chairman, that prior to my research I felt that if the government were to spend large sums of money on a comprehensive program to help some 3,000 to 4,000 people, that money might well be spent on a segment of the population which was more numerous and more deserving such as, for example, our old age pensioners. After all, addicts are only a very small part of our population and, far from contributing to society, society instead has to pay for their misdeeds. None the less, after seeing and speaking to addicts I realized that most of them were people in an age group who under normal circumstances would be wage earners engaged in bringing up families and who would therefore be making a useful contribution to society. I accordingly came to the conclusion that we would justify any measure which would help to restore these people to a useful role, because in so helping to rehabilitate these people we would have to come to grips with the more basic problem of crime, namely the reasons for delinquency.

If we do not do anything about the problem of drug addiction we lose not only the contribution which these addicts might have made to society; we also have to bear the loss to the community in terms of actual dollars and cents. As an example of the financial loss to the community, which was mentioned by the previous speaker, let me illustrate the case of an addict who is faced with the problem of gratifying his craving for drugs. Heroin, which is the most popular drug for Canadian addicts, sells for approximately $5 a capsule. It might cost more or less depending on market conditions. The Vancouver *Sun* on March 26 of this year reported a Vancouver drug squad detective as saying that as the result of a police seizure of 91 ounces of heroin worth $1 million, small-time peddlers were afraid to go into Vancouver streets for fear of being hijacked by addicts desperate for illegal narcotics. The same detective was quoted as saying that the price of a capsule would go up from $5 when supplies started to flow again, and that as a result of the seizure known addicts were seen wandering the streets and in cafes in a certain area of Vancouver suffering withdrawal symptoms. Incidentally, the person who was found to possess the 91 ounces of heroin was sentenced to serve 14 years.

The usual daily consumption of an addict using heroin runs between five and ten capsules. Female addicts appear to get by on the minimum dosage but male addicts seem to want more and to take all they can get. But basing my calculation on the minimum figures of five capsules, this would cost the addict $25 a day. Very few people can afford this kind of money. Multiplying $25 per day by 1,797, the number of known addicts in Vancouver, we have a figure of $44,925 per day. Addicts do not have steady employment, and even if they did their wages would not be sufficient to fulfil their craving for drugs. So where does the money come from? It comes from petty thievery, from prostitution and other forms of crime.

The sum of approximately $45,000 paid out each day for illegal drugs would be bad enough, but it is a known fact that stolen goods which are disposed of through a "fence" generally bring in only a third of their true worth. In order to get $25 an addict would therefore have to steal approximately $75 worth of goods. Multiply $75 by 1,797 again, we get the figure of $134,775 per day.

I would be the first to admit, Mr. Chairman, that these are hypothetical figures. The sums I have mentioned are probably overestimated for a number of reasons, but I did want to impress upon hon. members the potential loss in terms of money. To the figures which I have given must be added the cost of keeping addicts in a penal institution. There is another loss which in my opinion is even greater and which cannot be calculated in terms of dollars and cents. I refer to the break-up of homes and the resulting unhappiness and delinquency which invariably follow such disruption.

What are we going to do about this problem? I know there have been many reports and suggestions, but I was interested to hear from the addicts themselves that they wished to be treated as medical cases and as persons in need of psychiatric treatment rather than to be treated as criminals. After all, they argue, we do not treat alcoholics as criminals unless, of course, they commit a crime while their faculties are impaired, so why should addicts be considered criminals?

Here I wish to clear up a popular misconception, namely that all drug addicts while under the influence of drugs are bent on murder, mayhem or rape. Studies indicate that the users of heroin desire only to enjoy the pleasant effects of their favourite drug in a quiet relaxed and private way. The user is so relaxed while under the influence of heroin that he probably could not punch his way out of a paper bag, and in committing theft in order to get enough money to buy drugs the addict is doing so only because stealing has been a behaviour pattern even before he started to take drugs.

In stating that they wished to be treated as medical cases rather than as criminals, the addicts themselves have expressed to me the desire to be confined in an institution which would enable them to be apart from the usual criminals and where they could also receive psychiatric help. Many of the addicts do not themselves understand the true reasons for their addiction, and I was baffled in the beginning by some of the answers I received when I asked them why they took drugs. I remember asking one girl if there was anything in her family background which might have contributed to her desire for drugs, and she replied that she came from a wealthy family; that she had all the material things she wanted, and that she had been one of the debutantes who had been introduced to society at one of the balls held in the hotel Vancouver. She could give no reason except that she liked taking heroin. I asked one of the boys why he took drugs, and he replied that he did so because he found himself the centre of interest for the girls at his school; that by being known as a drug addict he could get a girl any time he wanted.

These answers, among others, indicated to me that drug addiction might be a result and not a cause of delinquency. Most of the reports I have read and the discussions I have had support this view, and that is why I can reconcile the spending of money to help solve this basic aspect of delinquency.

It may be an oversimplification of the situation, but I do think that if we were able to assist in preventing the break-up of families; if we were able to provide more recreational facilities for our young people, and if we were able to help those who are in great financial need, we would be going a long way toward solving the whole crime problem. Granted that every person is responsible for his own behaviour, we still cannot escape the final responsibility of society to those who need help, particularly in our own communities, whether such help be financial, spiritual or moral.

Having made some study of this problem, I was delighted to read the speech which the Minister of Justice delivered on April 20, 1960 to the Canadian club in Vancouver, and in which he presented the attitude of the government toward this problem. Not only is there a sympathetic attitude but there is also in that speech the announcement of a comprehensive plan to deal with this problem. From my reading of the statement of the Minister of Justice dated May 16, 1960 I am gratified to learn that the government is taking active steps to implement, in conjunction with the provincial authorities, a program of prevention and correction.

The plan as outlined by the minister contains many of the suggestions which I received from the addicts with whom I spoke. However, I would urge that both the federal government and the provincial governments give serious thought to providing even more comprehensive psychiatric treatment. This form of treatment is very expensive, but I think it is the key to the whole program of prevention and correction. In Ontario and British Columbia, where most of the addicts are found, it might be possible, notwithstanding the division between

federal and provincial responsibilities, to establish some institutions administered jointly by the two levels of government to achieve this objective of providing treatment centres. Addicts could be sent to these two major centres of treatment, and the pressure on provincial and federal institutions for accommodation might be relieved.

Finally I should like to say a few words about the maximum sentence of 14 years which can be imposed on the trafficker. I know that it is extremely difficult to arrest and convict a key person in an organization formed to distribute illegal drugs but I wonder, Mr. Chairman, if the form of treatment which was used in China at one time for opium addicts might not help to stamp out or at least drastically reduce the number of pushers and traffickers. This treatment consisted of extending clemency on the first and second occasions on which an addict was arrested. He would even be offered free medical treatment on these two occasions, but if he were caught a third time he was simply taken to Peking and placed against the wall of the temple of heaven and shot. I have no direct knowledge of the effectiveness either of the treatment or the mode of treatment, but I think until such a drastic punishment is provided to deter those who would traffic in drugs purely for monetary gain, we shall always have a problem on our hands.

Once again I should like to congratulate the Minister of Justice upon his announced intention of introducing a comprehensive plan to deal with the problem of drug addiction in Canada. With the federal government showing the way, I hope the provincial governments will find it possible to enter into an early agreement with the federal government on those matters which fall under provincial jurisdiction, so that we may get started on a program which has been long overdue.

Mr. Chevrier: I intend to make my remarks brief, but before mentioning the two matters I should like to discuss this afternoon I may say that the committee listened with interest to what was said by the hon. member for Vancouver Centre as well as the hon. member for Vancouver East. These are problems which are complex and difficult, and I know that all of us sympathize with the minister and his department in their efforts to find a solution for a matter of this kind.

I rose to deal briefly, as I said, not with a specific matter such as the one to which reference has been made but a matter which is general in its nature. I remember that not so very long ago Bishop Fulton Sheen, in opening one of his telecasts which unfortunately are not seen any longer on the C.B.C., had this to say, that crime in the United States has attained alarming proportions. Did you know that every 40 minutes in that country there was a murder; that the crime of rape took place every 30 minutes; that a theft took place every 7 minutes; that armed robbery took place every 1 minute and that at every 2.4 seconds of the day an automobile was stolen? These are indeed revealing statistics. While I do not know what the statistics are for our own country, I presume that on a proportional basis there would be some resemblance to them.

What prompts me to rise now is this. What is there that can be done by those of us who sit in this house, by the Department of Justice and the officers of the department, to remedy a situation which is attaining alarming proportions in the country, particularly in the areas in which there is a concentration of population? Of course the main answer lies in education and in the development and building of character. For that I am sure the minister and this house have no responsibility.

What else can be done? It may be that the minister will be able to enlighten the committee in this respect, and knowing him as I do I am sure he will not deal with this subject other than in an objective way, which is the manner in which I propose to deal with it now. I have no answer to the problem which seems to be aggravating itself and which is not the sole responsibility of a department, let alone a minister. It is the result of a set of circumstances, of the world in which we live and of so many reasons that I would not be living up to the statement I made earlier that I intended to speak briefly if I were to go into all of those reasons.

I think now of the great metropolitan area of Montreal, and I come quickly to what I have in mind.

I wonder whether any consideration has been given by the department to removing to outlying areas a penitentiary which lies in that city. From the information that I have been able to obtain and from conversations I have had with members of the bar and of the judiciary, that factor seems to be perhaps one of the many reasons for the increase in crime. That consideration may apply elsewhere; I do not know. I do not even know that it applies in the city of Montreal. But from judges who sit on cases in the city of Montreal I have been told that when parole is granted to hardened criminals who have been in these institutions they find themselves coming out in the same environment as that in which they found themselves when they were convicted of a former crime; and the

temptation is so great that they go on and commit similar offences again. Would it not be advisable and profitable for the state to build these institutions—about which I will have more to say on another vote—outside of these great centres? Perhaps the minister might deem it advisable to say something on that score later on.

The other matter I wanted to bring to his attention was this; and again I am sure he will take it, inasmuch as it is critical, with the good grace with which he generally takes other comments. The Royal Canadian Mounted Police of late have been making statements which in my opinion were not of a police or judicial nature.

Mr. Fulton: I wonder whether I could suggest to my hon. friend that I think it would be more to his interest and to mine if his discussion could be deferred until we reach the first item under the Royal Canadian Mounted Police, at which time I will have the officers of the police here and will be able to reply more fully and directly to what the hon. member may say.

Mr. Chevrier: I have no objection to doing that, Mr. Chairman. However, I was just going to make one statement and resume my seat. As the minister knows, I have the right to deal with this matter on the first item and I am not going to be lengthy. The only point I was raising was this. I need not tell the minister that I have the greatest respect for the Royal Canadian Mounted Police. However, in the matter of the Chinese immigration cases it seemed to me that perhaps the public statements which were made, particularly those on television, were not the kind that should be made by an independent body such as the R.C.M.P. I wonder whether, either on this general vote or when we come to the more particular vote, the minister would not give his comments on this matter and on the earlier matter which I raised.

(Translation):

Mr. Pigeon: Mr. Chairman, last year the Minister of Justice (Mr. Fulton) introduced a resolution in this house for the purpose of defining section 150 of the Criminal Code, dealing with obscene publications. That bill had long been awaited by a great number of Canadians. The Minister of Justice is well acquainted with this problem, since he played an important part in the Senate investigation of 1952-53.

At this stage of my remarks, Mr. Chairman, allow me to quote an excerpt from the August 1959 issue of the publication *Relations*:

> Let us not assume that the new legislation will be a cure-all. It will prove an effective instrument for those judges who are anxious to improve social environment. This means a great deal. It will be left to them to decide whether the dominant characteristic of an incriminated publication is obscene, whether the author is unduly exploiting violence and sex. Obviously, their education and turn of mind will affect their judgments. So will the general attitude of the people. In this field, more than in any other perhaps, legislation no matter how well conceived, can be effective only with the courageous and continued support of high-minded people. Mr. Fulton is to be commended for his new legislation, and the firm and straightforward support he is getting from all the people.

The hon. member for Laurier (Mr. Chevrier) rightly said a moment ago that a wave of crime is now sweeping over the whole North American continent. This increase is probably due in great part to filthy publications. Therefore, I wish to denounce publicly and strongly certain most objectionable material that is being published, printed, and then distributed by a great many newsstands in the province of Quebec, and surely in some parts of Ontario too. The following list was issued by the national federation of the Holy Name society:

> 1. For the peace of their conscience, Christians must not sell, buy or read the following weeklies.
>
> 2. Municipalities must prohibit their sale within their jurisdiction.
>
> 3. Organizations must caution their members against them.
>
> 4. Those weeklies are objectionable because
>
> of their pictures and writings on sex, S;
>
> of their crime stories, C;
>
> of their gossip, G.
>
> As the case may be, they are marked by the signs: "S" or "C" or "G".

Mr. Chairman, here is the list of those obscene publications, harmful to the morals of young people and of the population:

Allo Police; Bouffon; Chameau; L'Echo; Flash; Le Fou-rire; Hush; Ici Montréal; Jackie; Joker; Jour et Nuit; Midnight; Nouvelles et police judiciaire; La Pie; Rigolade; Le Trou de la serrure.

I denounce the publishers, printers and distributors who are responsible in great part for juvenile delinquency.

In the first list, issued in February 1958, there were 30 papers, nine of which no longer exist. In the second list, issued on May 23, 1958, there were 25 papers, thirteen of which are no longer published. The third list contains the 16 papers that I have just named, and I hope that all of them will cease publication. I strongly urge municipal authorities and police, Catholic and Protestant organizations, to join in denouncing those publications and in alerting the authorities concerned so that people responsible for this situation may be brought before the courts.

In conclusion, I wish to refer to papers of May 12, 1960 and especially to *Le Devoir*—

I know that *La Presse* mentioned it also—where Cardinal Leger is reported to have said to Holy Name societies:

> The fight against obscene publications must go on unremittingly.

It must be waged by all social classes, by all those who want morality to be respected and who want to eradicate obscene publications. And, after the hon. member for Laurier, I would remind you that a wave of criminality is now sweeping the North American continent, and I repeat, perhaps the main cause of it is that bad literature.

I wanted to take this opportunity to denounce bad literature and ask all honest and responsible people to see that people responsible for such a tragic situation are brought before the courts.

Mr. Paul: I would be remiss, Mr. Chairman, if I were to delay unduly the business of the house, but I believe this is the right opportunity to congratulate, first of all, the Minister of Justice (Mr. Fulton) for the excellent news he gave the Canadian people on or about June 15 of last year, when he informed us that his department would introduce a bill to modify the Bankruptcy Act which was enacted as far back as 1949.

The present Bankruptcy Act has become a disgrace for every businessman and the people in general. It is surprising to note the growing number of bankruptcies, but we may not stop to find out the main reasons for those business failures or why debtors are led to defraud—and I stress that word—to defraud their creditors.

Unfortunately, there are too many public trustees—and when I say that, I would like to exclude the public trustees of the judicial districts of Three Rivers or Joliette, with whom I have had many transactions with regard to the administration of the Bankruptcy Act—but unfortunately too many public trustees are seeking insolvent debtors, or people struggling with their creditors—and urging them to assign their property or chattels, often demanding up to a thousand dollars to free those debtors of all liability towards their creditors under the present provisions of the Bankruptcy Act.

I know, sir, that particular attention will be brought to the various recommendations that will be submitted to you by the various organizations, by the Canadian Bar Association, and by the various rural bar associations. However, may I suggest or, at least, call the attention of relevant officials in your department to the fact that there should be, first of all, a change in the definition now found in section 2, paragraph (n) of the Bankruptcy Act, where the legislator defines the expression: "insolvent person" as meaning someone who owes a thousand dollars or more. That provision, which was applicable and appropriate in 1949, has now become entirely unjustified, and I think that it would be much more fitting to impose more costly terms on those who, through dishonesty, fraud or otherwise, too often hide behind the provisions of the legislation now in effect to cheat with impunity creditors who had trusted them in their capacity of business or professional men.

I also would be remiss not to commend the minister for his attitude with regard to the numerous public trustees who lack honesty in the exercise of their profession. I know the appropriate officers of your department are continuing their investigation to halt this bankruptcy threat, this tremendous surge of debtors who today assign their property not in the interest of their creditors but to protect the possessions they have accumulated, and make use of the act to gratify their greed and demands.

I think an excellent suggestion might be to amend section 20 and require any debtor wishing to assign his property to appear before a proper judge, perhaps of the superior court, and state the reasons forcing him to assign his property. After an investigation which might be conducted by the judge, the judge alone would decide when and under what conditions the debtor could file a petition in bankruptcy. At that time, the judge, on the basis of his investigation and of the facts as ascertained by him, would be in a position either to refuse or grant to the debtor authorization to file a petition in bankruptcy.

Unfortunately, under the present provisions of the act—I would not want to appear in any way to be casting aspersions on the decisions our judges have rendered so far—judges are too generous, that is to say, they tend to be too soft in discharging debtors of their debts.

I think the provisions of section 130 should be amended to provide that no debtor can be discharged unless he has paid at least 50 per cent of what he owes his creditors.

Moreover, the Bankruptcy Act should contain a provision barring any debtor from

being discharged of a debt arising out of a misdemeanour or a technical offence. Too often today—in the province of Quebec, for instance, and probably elsewhere—a debtor having to meet obligations arising out of a rather costly judgment for liability in an automobile accident, easily avoids his liability by filing a petition in bankruptcy and then obtaining his release, thus being dispensed from the necessity of abiding by the provisions of the judgment, and, too often, unfortunately, to the detriment of a widow or orphans.

I know, Mr. Minister, that in due course, you will introduce a bill to remedy such a situation, one which has lasted too long, so that honest people who, in the pursuit of their business, meet with difficulties that prevent them from honouring their obligations, may avail themselves of the provisions of that new bankruptcy act, but also in order that dishonest debtors who are taking advantage of the provisions of the present act to defraud their creditors, may not find an easy refuge to satisfy their greed and hang on to their property.

Furthermore, I think it would benefit the Canadian economy if the provisions of that act were amended so as to provide more rigorous restrictions designed to put an end to present abuses.

(Text):

Mr. Herridge: Mr. Chairman, I have three matters to raise briefly on this first item but I shall rise on three different occasions so that the subjects will not become merged in the minister's mind. First of all I want to express my appreciation at the courtesy and attention the minister has given to any question I have brought to his notice and for his promptness on all occasions.

Before proceeding with my few brief remarks I want to express my support for the remarks of the hon. member for Vancouver East and my admiration for the way he has carried on over a period of 25 years his work and interest, and his attention particularly to those unfortunate persons who use narcotics and those who require rehabilitation after imprisonment. In British Columbia the work he has done in that respect is recognized by members of all parties and I think it is only right to bring that to the attention of the committee now.

I am now bringing to the attention of the minister a question which has been brought to my attention by a number of persons, one person in particular through correspondence and others who have discussed the matter with me in my office who are concerned with the administration of justice. They charge that there is illegal confinement and treatment of prisoners in Bordeaux jail. I raise this on the minister's estimates because I understand that according to the revised statutes of 1952 the Governor General is held responsible for any injustice suffered by any person in Canada, and if that is correct then I presume there is a degree of responsibility on the part of the minister.

The great philosopher Justinian said that justice is the constant and perpetual wish to render to every man his due. Because I am fully confident that the minister agrees with that statement wholeheartedly I also raise a matter which has been discussed over the radio of Quebec, in television programs and elsewhere. On October 30 last there was a very interesting article in *La Presse* entitled: "The Minister of Health Promises to Correct the Abnormal Situation in One Year." That has to do with what is termed the scandal at Bordeaux. I just wish to quote briefly a paragraph or two from correspondence which I have received in order to bring the matter to the attention of the committee. This is from a letter which I received from a gentleman on November 10, 1959 of this year. He says:

> I am enclosing a clipping from *La Presse* of Friday, October 30. This is a story of another person whom they had incarcerated without a hearing in Bordeaux jail for a mental examination, and for three years certain persons who have become interested have been trying to get him out since he has never been properly examined by a psychiatrist, and no evidence has ever been given that he was unbalanced.

Then on May 30, the same person wrote to me as follows:

> About a month ago you wrote you were going to question the minister regarding this case of the man who had been in Bordeaux for five years without ever appearing in court. I was wondering what the result of the questioning was. Nothing has been done here since I last wrote.

I bring this matter to the attention of the minister and would like his comment with respect to the case. I have quite a voluminous correspondence in connection with this subject. Two or three other persons from Montreal have sent me letters in connection with it, and they feel very disturbed about it.

Finally, I have another case I should like to bring to the attention of the minister and to explain it I will just quote from a newspaper cutting dated January 15 which appeared in the Montreal *Star*. It is headed: "Court Frees Girl Held Three Weeks", and reads:

> A 16-year old girl was liberated yesterday by a sessions court judge of a charge of obstructing

the course of justice, stemming from a shooting last October in a St. Antoine street rooming house.

Said Judge M. A. Blain in freeing the slight, pale-faced girl: "I have looked into the evidence carefully and I feel certain that no jury would convict on the evidence produced. You are liberated . . ."

When the preliminary hearing started Tuesday, defence lawyer Clair Barrette claimed the girl had been kept in jail since her arrest more than three weeks ago and had not been arraigned within the 24-hour delay prescribed by law.

Judge Blain ordered police prosecutors present to see to it that the law was observed to the letter in such matters. This was promised.

I simply put this on record so that the minister may be in possession of this information with respect to this girl who apparently did not receive justice according to the criminal law of this country. Then again there is the case of the incarceration in Bordeaux of the person I mentioned, and I may add that another person who spoke to me told me there were nine or ten similar cases.

That is all I have to say at this time, though I may rise again to deal with other matters in the course of the discussion.

(Translation):

Mr. Chevrier: Mr. Chairman, I had no intention of speaking on this matter, since it has already been dealt with, but in so doing, I think I shall be in order.

It seems that the minister has been informed of some happenings in one or many cases, at Bordeaux jail, not far from Montreal. Those cases were set out in detail in a book written by Jacques Hebert, in the bill of rights series, and entitled: "Scandal at Bordeaux".

In his book, the author has a word of approval for the minister.

I do not intend to speak at great length on this matter. However—

Mr. Valade: Ours is a sound policy.

Mr. Chevrier: However, I think it is in the common interest to know that an injustice was done to one individual, and perhaps to many others.

At the beginning of that book, which came out in 1959, appears the following:

A teenager has been rotting in prison for 924 days.

And the author repeats:

924 days,—924 days, without knowing why.

He is not serving a sentence, has never been sentenced. and has not even been brought before a judge.

The author goes on, describing conditions prevailing there.

He got in touch with the person concerned, whom I shall not name, and obtained the data for his book.

It therefore appears that, in Canada, an individual may spend a certain time in prison without his case being brought to court and without preliminary inquiry, and, moreover, without knowing why he is imprisoned.

Mr. Chairman, that is a rather unique situation, you will admit. I am not blaming the minister, for it was the author's design to draw his attention to that situation without reproaching him for it. Besides, I shall be reading, in a minute, his opinion of the minister.

On page 12 we find the following:

Even if that scandal were the only one—"But it is not the only one" . . .

. . . there are hundreds of them in the prisons and mental institutions of the province of Quebec. Human beings, sons of the Catholic Church, British subjects, Canadian citizens, they are brothers to all men who are being mocked, humiliated, persecuted and unjustly detained in the dungeons of Budapest, Madrid, Ciudad Trujillo or Vladivostok. And they are our own brothers, those who suffer most, those whom abbé Pierre insists must be served first.

The book goes on to recite facts which, astonishingly, are taking place here in Canada.

On page 142, there is a reference to the minister. I quote:

However, it seems obvious to me that one of the most acute problems, one which lies at the basis of several others, is the overcrowded condition of our penitentiaries in general and of Bordeaux jail in particular.

At the federal level, Hon. Davie Fulton himself has denounced the scandal and announced a rigorous program which, within two years, should put an end to it. At the provincial level the scandal is infinitely more spectacular, but government authorities remain inactive and consider the matter as taboo. And yet, a newspaper generally in sympathy with the present regime dared write, only a few months ago:

Then follows a description of a situation I would not like to record in *Hansard*, because it refers to the appalling conditions that exist there: Overcrowding, unsatisfactory hygienic conditions.

Those two points deserve the attention of the authorities. The minister has probably received a copy of the book and, on reading parts of it, must have realized what inhuman conditions are imposed upon the prisoners.

We know that the minister is sympathetic and is aware of the basic nature of the problem.

He is frequently in touch with the various attorneys general. We know that as Minister of Justice, he wants to heed the conclusions of the Fauteux report. In fact, so far he has followed many of its recommendations.

However, because of present conditions, may I be allowed to urge the minister and his officials not only to read the book again

but especially to fully grasp the nature of the conditions to which prisoners are subjected at Bordeaux jail.

While it is true that since the book came out, and even before that, the governor of the jail introduced certain improvements, the fact remains that, in spite of those improvements, the situation is serious indeed, and to the extent where the minister can and must remedy that shocking situation, I urge him to do so.

Mr. Paul: Would the hon. member allow me—

(Text):

The Chairman: The hon. member for Stormont.

(Translation):

Mr. Paul: Mr. Chairman, would the hon. member for Laurier allow me a question?

Mr. Chevrier: Certainly.

Mr. Paul: Since the book in question refers to convictions and prison terms meted out without any trial, is any mention made by the author of the imprisonment in 1941, of the former mayor of Montreal, Camillien Houde, and of Adrien Arcand, and of a number of other Quebec citizens who were jailed without being brought to trial?

Mr. Valade: Under the Liberal administration.

Mr. Chevrier: Mr. Chairman, in view of the fact that I am being asked a question and subjected to a speech at the same time, I hope you will not mind my answering along the same lines.

Mr. Pigeon: You cannot do it.

Mr. Chevrier: As to conditions prevailing in time of war, legislation had been enacted for the protection of the country—

An hon. Member: Apologize.

Mr. Valade: Democracy.

Mr. Chevrier: Mr. Chairman, I have no apologies to offer, especially not to the members who are questioning me at this time.

As to offences against laws adopted during the war, those laws were in force, and surely anyone who transgressed them must have expected to take the consequences.

But what I am referring to at this time is that for 924 days, a man has been kept in jail without any charge being laid, without knowing what it was all about, and without being allowed to have the services of a lawyer to take his defence. Therefore, I feel the circumstances are such that they should at least be drawn to the attention of the Minister of Justice (Mr. Fulton), so that he may launch an investigation.

(Text):

Mr. Valade: On a point of order, sir; the hon. gentleman has just made an accusation.

(Translation):

I shall now use French in addressing the hon. member who stated that this shocking situation existed in the province of Quebec.

Would the hon. member deny, or does he not know, that the attorney general of the province of Quebec, the Hon. Antoine Rivard—

(Text):

The Deputy Chairman: Order. I do not see a point of order.

Mr. Valade: I want to make it clear because the solicitor general of the province of Quebec has denied in the newspapers the charges made by the hon. member for Laurier.

The Deputy Chairman: Order. The Chair recognizes the hon. member for Stormont.

Mr. Chevrier: I was going to raise a point of order.

The Deputy Chairman: The Chair will hear the point of order.

Mr. Chevrier: What my hon. friend has been bringing to the attention of the committee is not a point of order, and he has entirely misunderstood what I have been saying. I have been bringing to the attention of the minister what is contained in this document. I have not made these words mine and therefore the point of order raised by the hon. gentleman is entirely irregular. He is accusing me of making these statements. I am putting on the record what is contained in this volume and I am asking the Minister of Justice to take cognizance of it. That is what I am doing. If the facts are true and in accordance with what is contained here, certainly an investigation should be made.

Mr. Campbell (Stormont): Mr. Chairman, I should like to make a brief plea on behalf of judges' salaries but prior to doing that may I congratulate and commend the minister and his department on the improvements in the penal system which he has initiated and which will be of great benefit to this country and long remembered after he and every member in this house will have left for that country from which no man has ever returned.

I think it is very interesting that in England about 100 years ago, the country from which our common law is derived, at a time when doctors were in the same economic position and were considered to be in the class of barbers, judges, as soon as they were appointed, were immediately made law lords with all the prerogatives and privileges that were involved in that status. I think it is indisputable that since then both the doctors and the barbers have tended to inhabit the earth while the comparative status of judges,

economically and socially, has progressively tended to decline. I think their condition has been deteriorating over a period of say 50 years and I think it is notoriously difficult today to get lawyers of the first order, leading lawyers, to become judges despite the honour involved, because there is a tremendous financial sacrifice connected with the position. In many instances they would be obliged to accept about one quarter, perhaps, of what they had been accustomed to in the way of income. It is obvious that the administration of law and order is the basis of any society; it is the whole basis of any civilized society and it is of the utmost importance that we have the finest and most able men available in the country on the bench. There is no job of greater importance than that of our judges.

When the ordinary citizen goes before the courts his respect and attitude toward law and order and toward government is largely determined by the fairness and the objectivity of the hearing that he gets from the judges at various levels. It is also commonplace that judges daily are called upon to adjudicate matters involving millions of dollars. If those same judges are preoccupied with maintaining their livelihood they cannot give the detachment that is required to their onerous duties.

There is also one other aspect which I mentioned at another time in the house. We tend to be living in a materialistic age where there appears to be a price tag on everything. Often a man's worth tends, unfortunately, inevitably, to be judged more on his income than on anything else. If that is so, and I think it is substantially true, it puts our judges in an unfair and untenable position.

I reiterate, it is essential that we have the best men available on the bench and we must offer sufficient inducement so they can be attracted to this most honourable position and, having attained this position, they should be relieved of the mundane cares and there should be nothing to deprive them of their integrity and objectivity.

As I have mentioned before, I think the same thing applies to members of parliament and members of government as to judges. Neither those on the bench nor those in this house, because of inadequacy of income, should ever degenerate into the position where the bench or this house would be a rich man's club or the refuge of the destitute.

Mr. Howard: I should like to make a few brief remarks on a number of subject matters in which I have interest, one of which, of course, is being discussed in the banking and commerce committee at the moment. Perhaps this will be to a degree restricted to the things that may be engaged in by the combines investigation branch.

I should like to make reference to the question of penal institutions, the attitude of the minister with respect to penitentiaries and penology, and to express appreciation of the forward looking view that the minister has on these questions. At one time not too many years ago the view held was that incarceration in a penitentiary was purely a method or form of punishment and nothing else. The view was that if a person committed a crime and was convicted what would accrue to him would be punishment and that was all, that punishment was an end in itself.

But there has been a change in this attitude over the years, a change that is still under way. I think more people are coming to the point of view that we should concern ourselves more with the after-effects of a penitentiary sentence rather than just thinking in terms of getting someone out of the way because he or she has committed a particular crime. The changing of our thinking toward rehabilitating people who have been convicted of crimes and the bending of our efforts toward reformation need to be strenghtened from time to time, and I think we continually have to work toward that goal.

The reformation and rehabilitation process takes place in two fields. One is while the inmate is in the penitentiary and the other is after the inmate is released on parole or under some other arrangement. In the latter case after-care agencies are involved whose aim is to ensure that the person gets back into the social structure and remains outside of the penitentiary for the rest of his life. However, there is an obstacle in the way of dealing effectively with the rehabilitative or reformative process and that obstacle lies in the penitentiaries themselves.

The minister has made the comment a number of times that he is thoroughly conversant and familiar with the overcrowding in our penitentiaries. He has visited them and seen the situation, as have other members.

Mr. Fulton: May I ask the hon. member whether he does not consider that discussion would be better served if matters having to do with penitentiaries and correctional reform were deferred until we reach item 161? I intend to make a general statement on our penal reform program and on the present situation in the penitentiaries on that item. I had hoped that we could confine the present item to a general discussion of the Department of Justice itself and have a general discussion of penitentiaries on item 161 and a general discussion of the R.C.M.P., if desired, on the first item under that heading.

Mr. Howard: Certainly I do not mind. The minister will appreciate that I was absent when discussion of these estimates started because the banking and commerce committee was meeting. I do not mind doing so at all. In fact, I think it would perhaps be a better way to approach the matter. We always look upon the administration item as one affording an opportunity for a far-ranging debate on all phases of the work of the department. I would be glad to defer my remarks about penitentiaries until we reach that item. In the light of past practice I had come to the conclusion that the minister, as other ministers are wont to do, had made general opening remarks covering the subject matter but if that is not the case perhaps it would be better for me to delay my remarks until I can relate them to what the minister has to say on the subject.

Mr. Fulton: It might be interesting to give the reason why I have suggested two or three times this afternoon that this pattern of discussion should be followed, namely that penitentiaries should be dealt with under item 161 and the R.C.M.P. under item 372. The position actually is that the department constituted under the Department of Justice Act has a deputy minister as the senior administrative officer and when the first item we are now on, 151, is called, the deputy minister and the departmental officials attend. The penitentiaries branch has as its senior administrative officer the commissioner of penitentiaries who actually has the status of a deputy minister, and when that item is reached it is the practice for the commissioner of penitentiaries to come here with other officials to assist me in the discussion. The senior official of the Royal Canadian Mounted Police is the commissioner whose position is created by statute and therefore the commissioner attends here with his officers when that item is reached.

In my recollection that has been the general pattern of discussion and it seems to me that the best way of enabling me to deal with the questions and comments made by hon. members is if they will raise them in that order. The hon. member for Vancouver East did point out that he wanted to make some remarks about penitentiaries because he had to leave the house and might not be back, but I think I will defer replying to his comments until we reach the penitentiaries item.

May I attempt to deal briefly with what has been said by hon. members who have spoken on this item. I can assure the hon. member for Megantic that I appreciate, as do the deputy minister and one of the assistant deputies who are leaving the department, his comments, with which I fully agree, our views and our regrets having already been expressed by the Prime Minister when he announced the resignations. Although I know he is going to be embarrassed and that one does not usually mention civil servants individually, I think under these circumstances I may be permitted to indulge in an exception which proves the rule and point out that it is perhaps appropriate that the last official act of my deputy minister is to be here on the floor of the house when the estimates of the Department of Justice are under consideration. I think it is appropriate and fitting somehow that on his last day of service with the department he should be in the House of Commons with the minister dealing with matters with which he is so familiar and in the shaping of which he has played such a large and valuable part.

The hon. member next dealt with the question of the reason for the increase in the number of judges in the Montreal district. I think he will agree with me that since there was a reasonably full discussion of that matter when the Judges Act amendments were before us it is not appropriate for me to go into any detail on that subject. I think the discussion has been full indeed. I appreciate the interest of the hon. member in raising the matter at this time, his concern being mainly to make the point that the increase in criminality in the province of Quebec is certainly no greater than anywhere else. That, of course, was recognized although I did point out that the increase in a certain type of crime, crimes of violence, is causing the greatest concern to the authorities in Montreal and properly so.

The hon. member for Vancouver East dealt with a number of items that mainly concern the penitentiaries branch but he did discuss the question of narcotics. He raised the question of what should be the general approach to the narcotic problem and asked me to outline the point we have reached in the shaping of a new policy, to which I have myself referred on a number of occasions. The hon. member for Vancouver Centre also discussed narcotics in a constructive and obviously well informed and thoughtful manner. Perhaps I could say a word or two about that subject at this time.

As I announced recently, we have now been able to advance our studies to the point where a new government policy for dealing with the problem of the criminal narcotic addict has been worked out. This policy has been approved by the cabinet and inasmuch as it involves, necessarily if it is to be fully implemented and serve the useful purpose which we hope it will serve, the co-operation of the

provinces, the authority was also given to have the officials of my department communicate with the provincial officials for preliminary discussions. This has been done in the case of British Columbia recently when informal discussions were held with the deputy attorney general of that province. An outline of the approach and of the policy was left with him, and we expect and hope shortly to be hearing from British Columbia about arrangements for further positive and constructive discussions.

I expect shortly to be making arrangements for the initial approach to the other provinces mainly concerned, that is the provinces of Ontario and Quebec. I outlined in a release accompanying the announcement of policy the broad terms of our approach. I think perhaps it would be appropriate for me to mention them here also.

It is our conclusion that although the number of criminal addicts in Canada is not in itself large, about 3,500, and although the number has been constant as was indicated by the figures put on the record by the hon. member for Vancouver Centre, nevertheless this is one of the greatest single instances of social waste that one could imagine. My information is that of this number of addicts, at any one time about one third of them are in the process of going through our penal institutions, and although the number does not increase it is a sort of constantly revolving flow. This seems to prove two things, at least: first, that there is this situation, an unsupportable social waste, the details of which will be too obvious to need elaboration; second, and perhaps more important, that the methods we are now following in dealing with the problem, by punishing addicts and then releasing them at the end of their sentence to re-enter the stream, is completely useless when looked at from the point of view of whether we are curing the evil. Obviously, we are not even beginning to deal with it.

We came to the conclusion, therefore, that a new approach was necessary. Instructions were given to the officials of my department, together with those of welfare, the Royal Canadian Mounted Police and the penitentiaries branch, to work out a new approach which might have more hope of providing a constructive answer to this problem. The approach which they have now worked out, and which we have approved in principle in so far as the federal responsibility is concerned, is based on two main principles; first, on treatment while in custody and, second, on supervision after release.

In the past there has been, at least in federal institutions, no real attempt to treat the narcotic addict in so far as what might be described as his medical situation is concerned; no attempt to cure him of his addiction. There is, of course, withdrawal and complete separation from narcotics while in the penitentiary, but no real program of attempting to find the medical causes and cures, if any, for that tendency to addiction from which he suffers. This, therefore, will be one of the changed elements in the federal program for the treatment of narcotic offenders when that program is worked out.

First, there will be provision made for treatment while in custody and, second,—although this is perhaps not a startlingly new approach—there should be segregation in special type institutions while undergoing the treatment. This segregation of narcotic addicts from other types of criminals will have more than one advantage. It minimizes at least, indeed should end, the danger of contamination of non-addicts by criminal addicts, while at the same time providing a scientifically designed centre for the treatment of addicts in so far as they are capable of treatment in the medical and psychological sense.

I come then to the question of what should be done with the addicts after they have served their sentences. This brings me to the second main division of the new approach. It is my understanding that the weight of medical evidence shows that it is never safe to regard a narcotic addict as completely cured. This fact will of course not minimize the efforts we are going to make to treat him effectively while in custody.

It seems to us that one of the great weaknesses of the present method of handling this problem is that the criminal narcotic addict, sometimes a man with a long history of addiction, is discharged from the penitentiary and apart from the ordinary efforts that may be made by after-care agencies to assist him in finding employment, and so on, there is no special post-release supervision. It is our view that this is a definite lack, and as long as it continues there will be a gap in the program. If it is a fact that a narcotic addict can never be safely regarded as completely cured; he is always going to have a tendency to yield to temptation and return to his addiction. If we could, by a program of post-discharge supervision, both encourage the addict to go straight as well as supervise his habits, we could help him to keep away from narcotics.

It is our view, accordingly, that the law should make provision for a lengthy period of supervision after the termination of his sentence. This will have two effects. First,

it will, I hope, give the man a sense that he is not alone; that he has not been discharged and left to his own resources to resist the temptation to return to addiction. There is somebody there to whom he can turn for help in resisting this tendency. Second, it will serve the obviously useful purpose of providing somebody to counsel and assist the man in finding suitable employment and also assist him in meeting some of the problems to which perhaps the narcotic addict is especially exposed, problems of a psychological as well as a physical nature.

These are the two main principles of the new approach, the new emphasis on treatment and segregation while in the institution and on supervision after release into society. There are a number of other minor and consequential changes which will follow. For instance, in line with the same sort of thinking as was expressed by the hon. member for Vancouver Centre, namely, that the drug trafficker should also have his sentence suit the circumstances of his crime, it would be our proposal to amend the act so that a life sentence might be imposed even for the first offence; I refer not to a mandatory life sentence but to a provision that there could be a sentence of imprisonment for life even on the first offence. That will depend, of course, on the circumstances and the nature of the crime.

I have mentioned our feeling that for the complete success of our narcotic program it is essential to have the full co-operation of the provinces. The reason for that is this. We can deal with the narcotic addict only when he is a criminal and after he has been convicted of a criminal offence. That is the only circumstance in which the federal authority has jurisdiction. We may be successful —and I certainly hope and believe that we shall be—in the new program when we have it implemented. Again I must caution that these things cannot be done over night. It is going to take time. We must provide new institutions or new types of institutions, for one thing. However, when we get it going it is our belief that we will be successful in dealing with the problem of the addict after he has become a criminal and with the problem of treating him and then giving him a chance to return and live a useful life in society.

But that will be dealing with only half the problem because it does not touch the problem of the person who is an addict without being a criminal; nor does it touch the problem of the person who is of that physical or psychological nature which makes him likely to be an addict; and it does not touch the problem of helping him not to become an addict. This problem can, in fact, be tackled only by the provincial authorities because they are the ones who have jurisdiction in cases of that type. We would therefore be dealing as a nation with only half of the problem if it is dealt with only on the basis of the approach to the criminal narcotic addict.

While the problem of the criminal narcotic addict is a grave one and, in so far as the individual is concerned, a terrible one, it is in a sense if not a part, perhaps an outgrowth of another and perhaps even larger problem, namely the problem of delinquency. Studies that have been made over the years have convinced my officials that it can safely be said of the generality of the criminal narcotic addicts that they are delinquents first and addicts second because in the vast majority of cases there is a history of delinquency, and usually juvenile delinquency, before there is a history of criminal narcotic addiction; that is to say, the history of one man shows that he was first a juvenile delinquent before he became a criminal narcotic addict.

This matter relates to the problem of increasing criminality mentioned by the hon. member for Laurier and upon which I might say a word or two in a moment. But we are now dealing with the special aspect of that problem related to delinquency. Again, the federal government does not acquire jurisdiction until some crime is committed. The authorities having the most immediate approach and opportunity are, of course, the home, the school and the church—they are the ones who first come into contact with young people—supplemented as they should be by the efforts of municipal and provincial governments to create moral and ethical training and physical environment which will go a long way toward preventing delinquency and, where it does not prevent it, then toward dealing with the problem of delinquency.

There is also the question of how to deal with the person who becomes an addict but has not yet been convicted of it and therefore is not what I call a criminal addict. As I have said, we do not get jurisdiction until he is convicted and is a criminal addict or a criminal and an addict. The only people who can deal with this problem again are the provinces. It is our view that there should be centres to which persons who are addicts but are not criminals may be committed for treatment. Again, only the provinces have the jurisdiction and the authority to provide these centres and to provide, by legislation or otherwise, the circumstances under which a person may be committed to those centres for treatment or assistance.

In summary, then, our approach is that we believe there should be a program in the federal jurisdiction of treatment in segregation and treatment in custody and supervision and care after release from custody. We believe that within the provincial field there should be a program of institutions to which a man may be committed for treatment even before he becomes a criminal and where he may be encouraged to end his addiction in order that he may have a better chance of leading a non-criminal life. Indeed, over and above that concrete type of program—I refer to the institutional types of programs—we believe there should be greater emphasis on those measures necessary to prevent and to deal with the problem of delinquency so as to prevent criminality before it is too late.

The Chairman: Shall vote 151 carry?

Mr. Fulton: I really had just concluded my statement dealing with narcotics. There were a number of other matters that were dealt with and I think I would be discourteous if I did not refer to them.

The hon. member for Laurier mentioned the problem of growing criminality generally. What I have said in connection with the problem of narcotics I think covers that field at least as fully as I am capable of covering it. It is partly a moral problem. It involves the ethics of all levels of society including the parent, the home, the school, the church, the educational institutions, the provincial institutions and what we can do by way of treatment, et cetera in criminal institutions. But federal jurisdiction arises only after the crime has been committed. In connection with the comment of the hon. member for Laurier that there was some concern lest the growing criminality in points like Montreal was owing to the fact that the penitentiary was in close proximity to the city, I must say that it does not seem to me to be well taken. Discharged criminals just like free persons will inevitably tend to go back to those places where they feel most at home; and even if we removed the penitentiary from Montreal, we are obliged to return a prisoner to the place from which he came, the place at which he was convicted or in special cases to some other place if he says that he wants to go some other place. I therefore do not think the removal of a penitentiary physically from Montreal would make any difference in that regard.

Then the hon. member for Berthier-Maskinonge-Delanaudiere dealt with the problem of bankruptcy administration generally and with one or two particular features of it. I should like to assure him at the outset that I appreciate greatly what he said and I think he put his finger squarely on the problem when he described the evil represented by the type of unethical trustee who will solicit estates, say, on this basis; you pay me $500 or $1,000 and I can get you discharged from all your debts; you will be scot-free from then on, and you can go back into business again. This, of course, is the root of the problem. I regret that we have a number of trustees who carry on in that way. It has taken us some time to isolate them. We were obliged to institute an inquiry within a reasonable time after 1957. This inquiry brought to light a number of very disturbing circumstances in connection with the administration of certain trustees.

We have now taken steps which I think represent an approach to dealing with the problem. First, we have a number of prosecutions under way. I am not able to say very much specifically because the cases have not yet been disposed of and it would be improper for me to make any comment or to draw any conclusions before the courts have said whether our charges are properly founded or not. But we have a number of prosecutions under way which I think is an indication of our intention to clear up this question.

Second, in addition to the prosecutions which are actually before the courts in which charges have been laid we have a really quite wide scale investigation under way into the activities of trustees generally.

Third, we have recently introduced a tightening up, if you like, of the investigation into the circumstances under which we appoint trustees and as to the qualifications of trustees.

Fourth, as I indicated in a speech I made in Winnipeg recently, we do intend at the first convenient time possible to undertake a general review of the Bankruptcy Act. Whilst at Winnipeg I took the advantage, when addressing the Canadian credit men's trust association, to ask for their recommendations as to how a number of these problems might be dealt with and as to how we might improve the administration of the Bankruptcy Act, as well as how we might possibly amend or revise the act itself.

I should say in conclusion here that we can only undertake so many reforms at one time, and while these are our intentions and while we have made some preliminary approaches which I have outlined, I want to sound a note of caution that I am not suggesting that the Bankruptcy Act is going to be revised tomorrow, because as I say these matters require a great deal of careful study before one is in a position to suggest complete revisions to parliament. But I think I may

say that rather more than the preliminary steps have been taken and are under way leading toward an improvement in the situation.

One final matter in this field. I could not agree more than I do with the hon. member when he said, in effect, that he felt the judges should be more careful, more strict if you like, in dealing with applications for the discharge of bankrupts. I know the judges are very busy and that only certain judges perhaps are specialists in this field and therefore the burden on them is very great; but I can do no more than express the hope that our judges will also realize there have been abuses by unethical trustees and that they will do all they can to ensure when an application for discharge is made before them that not only all that can be done to satisfy the just claims of creditors has been done, but that the administration by the trustees has been proper and ethical in accordance with the terms of the Bankruptcy Act.

The hon. member for Kootenay West, whose comments I always appreciate and for which I wish to thank him, brought to my attention the case of a man who it was alleged had been committed to Bordeaux jail having, as I understood it, been charged with a criminal offence, who had then been committed to that jail as an insane person, and as a result had never been able to obtain a hearing either with respect to his insanity or to obtain a trial to deal with the criminal offence with which he was originally charged.

The hon. member also referred to the case of a girl, in I believe that same jail, with respect to whom there had been a very great delay in bringing her up for preliminary hearing in connection with the criminal charge against her.

I regret that all I can say with regard to both these cases is that the responsibility there is entirely provincial. I can do nothing more than bring the cases and these complaints to the attention of the provincial attorney general if I am provided with the details, and I will ask him or suggest to him that he might feel it proper to make an investigation.

This is because the administration of criminal law is the responsibility of provincial officials. It is true that our Criminal Code provides that no person can be held in custody for more than 24 hours, if my recollection is right, without a charge being laid or a remand being asked for which gives an opportunity for the person to be brought before the magistrate. There are various other provisions designed to safeguard the person, but the administration of all those provisions is the responsibility of provincial officials, as is also the administration of provincial jails such as Bordeaux. Indeed, by the constitution the management of provincial jails is specifically vested in the provincial governments, and again the provisions with regard to the circumstances under which people may be committed to institutions on grounds of mental illness are all controlled by provincial statute. We have no jurisdiction in that field.

Therefore I am necessarily confined to answering by saying that the investigation of the complaints made here would lie within the field of provincial responsibility, and all I can do is to bring such complaints as may be brought to my attention in turn to the attention of the attorney general of that province with the suggestion that he might feel it appropriate to investigate.

I am afraid the same general remarks must be made in reply to the hon. member for Laurier when he intervened the second time in the discussion this afternoon with specific reference to a book, which I believe was written by a Mr. Hebert, regarding the conditions in Bordeaux jail. I have had this book drawn to my attention, but again I can only say that the conditions in Bordeaux jail are exclusively the responsibility of the provincial government. Paragraph 6 of section 92 of the British North America Act is the provision in question here, and it provides that amongst those things coming within the exclusive jurisdiction of the province are the establishment, maintenance and management of public and reformatory prisons in and for the province.

So that while I appreciate the remarks of the hon. member for Laurier and accept them in the spirit in which he made them, with regard to his suggestion that, so far as it lay within my power, I might look into this matter and the allegations made in the book, I am nevertheless compelled to answer and must answer that it does not lie in any sense within my power. Indeed it lies completely outside my power except again that I can draw the attention of the provincial officials to the fact that the book has been written, the allegations have been made and that they might care to investigate.

I think it is also proper for me to suggest to the hon. member for Laurier that if, indeed, he feels it is incumbent upon somebody to make an investigation, then since it is not within my power may I remind him that those who I believe are much more friendly to him than was the former government of Quebec will, if I read the indications properly, or shortly will have responsibility

in that province and he can bring his representations and his request for an investigation forward to them with much greater effect and with much more practicality than he would be showing when he suggests that I make an investigation into a provincial jail.

I think that covers pretty well all of that which was said by hon. members in this discussion so far, with the exception of the hon. member for Stormont whose comments on judges' salaries I must say in general I agree with.

Mr. Winch: Mr. Chairman, I have listened to the outline given by the minister of the problem of narcotic addiction and his views relative to it. I cannot agree more with the minister that as far as the federal jurisdiction is concerned, even if the federal authority does go ahead as the minister outlined with special institutions for treatment of narcotic addicts, it only touches half the problem and that the other half lies completely within the jurisdiction of the provincial authorities.

What I would like to ask and to get clear in my mind is this. Has the minister made representations to the provincial authorities asking for the introduction of a policy that there should be the use of the same institutions, or similar institutions, in which narcotic addicts of a non-criminal nature could be handled in two ways? In other words, I should like to know if in the mind of the minister there is a policy that provincially the addict who is not a criminal can voluntarily submit himself for treatment. Does the minister feel, as I certainly do, that if a non-criminal addict declines to submit himself voluntarily he can be picked up and given the necessary treatment under provincial legislation to that end.

I am very serious in holding this view, because hon. members will remember that a few years ago in British Columbia tuberculosis was getting completely out of hand. Then a law was brought down that if a person who had active tuberculosis did not voluntarily submit himself for treatment he could be picked up and given the treatment. Today, as is well known, they are closing the tuberculosis hospitals in Vancouver and only about one-third of the available beds are being used in the one hospital that remains open. Some might take the view and, indeed, they would be right, that in legislation of this kind we are moving into the realm of civil rights. But in my opinion there is no infringing of the civil rights of an individual when it is being done not only for his own benefit but for the protection of the majority. I confidently hope that the provincial authorities will move in this direction and that treatment of addicts may proceed upon these dual lines.

Mr. Fulton: I am glad to be able to say that in general the approach outlined by the hon. member coincides with that recommended by my officials to me and in turn to the cabinet and approved in principle by the cabinet. He will appreciate that what is done at the provincial level is entirely for their decision but it has been recommended to us that we discuss with them the possibility of working out together and implementing in our respective spheres an approach along those lines. It would be our thought that if we get agreement with the provinces along these lines then since we are bound to provide for a number of addicts in any event in our institution, we would hope, as soon as we can physically do it, to provide these special institutions, as I said earlier, and since we have to provide them in any event we would make them available under proper safeguards and on proper terms for the committal of addicts, if the provinces agree. Thus we would only need the one institution to treat addicts.

It is also our thought that if the legislation, federal, provincial or both, could be so framed as to provide for voluntary admission, or the admission of persons to come voluntarily for treatment in these institutions, it is certainly our hope that there will be provincial legislation complementary to the legislation which we shall ultimately introduce here to provide for the treatment of addicts who do not volunteer and who are, after proper inquiry, committed to these institutions.

It seems to me that in general the approach is somewhat similar to that with respect to mental illness. If it is believed that somebody is suffering from mental illness which may make him dangerous, most provincial legislatures have provided that after a proper inquiry, certification by properly qualified medical men, he may be committed for treatment in an institution. It seems to us that the same approach forms the basis of what we have in the narcotics field as well.

Mr. Jones: The question which I have in mind to address to the minister is one which could, perhaps, wait until the next item is reached, but if I raise it now the hon. gentleman will have an opportunity to answer it in his introductory remarks.

It comes to me from the John Howard society in Saskatoon which, as the minister knows, is a society which has been in existence there for a number of years as well as in other parts of the country. They have

been very pleased with the selections that have been made in connection with the national parole board and their representatives express the view that progress is being made as a result of the establishment of the national parole board. They say it is true that parole is a privilege and not a right. It is based not on any form of clemency or forgiveness, nor is it designed as a reward for good conduct in the institution. The emphasis is on rehabilitation. These people are told to serve the rest of their sentences in the community under the guidance of counsellors.

The society goes on to point out the savings to the taxpayer which can be made by using the provisions which have been set up. An example is given from the state of Pennsylvania where it was found that by the extension of a similar type of parole the net saving in 1958 amounted to $137,865 in respect to 137 prisoners, or a gain of over $1,000 per person.

I say this to state the basis for the societies concerned that the program should be properly understood by the public at large. The society feels it is necessary to do an educational job so that the public may understand that this is not a soft policy which is being introduced but a scheme which in the long run will give them greater protection and enable a larger number of those discharged from prison to come back to society and become self-supporting.

The society concerned with an educational program is, I think, one that will present itself to the minister. I hope that in dealing with the item he will be able to tell us what steps are being taken to provide information along these lines to the general public and also to the various societies such as the John Howard society in order that they may carry on educational programs on their own in this connection.

Mr. Herridge: I rise at the request of a number of supporters of the present government to bring a matter to the attention of the minister. I refer to the question of the appointment of Queen's counsel. I understand it is usual that a majority of those appointments is made by the lieutenant governor in council for each province concerned. However, while this is the normal and usual practice, owing to the vicissitudes of political life and the vicissitudes of parties it does leave some very competent and capable persons out in the wilderness for years. I have been asked to raise this question in the house and I agreed to do so.

There are, I know, very competent members of the legal profession, pioneers in my district, who have had long experience and a successful practice, who have served their community in a number of spheres most commendably and are recognized as leading members of the legal profession in the district. As I said before, owing to the vicissitudes of political life, to date they have not been recognized by the bestowal of the honour of Queen's counsel and in one or two cases they told me they did not think the future looked any too bright so far as British Columbia was concerned, and that they might be dead before they had the opportunity to take this honour. On that account, these very worthy people are in a sense overlooked and forgotten.

I am looking at the Canadian law list, and I am a bit at sea when I get into law, but this was handed to me. In this booklet there is a list of Queen's counsel. I notice that up to April 20, 1957, 36 had been appointed by the governor general in council which would be, I presume, on the recommendation of the Minister of Justice and his colleagues. The first one appointed was the Right Honourable Arthur Meighen, and he was appointed on March 14, 1914. Then I see the Hon. Ralph O. Campney, of Vancouver, British Columbia, who was appointed February 28, 1940. There are other prominent persons throughout Canada.

I think there is some reason in the argument put forward by persons who say they think there should be on occasion a greater number of Queen's counsel appointed by the governor general in council because of the circumstances I have mentioned. It does mean that on occasions very eminent and highly thought of members of the profession go through life entirely unrecognized because of what I understand is the unfortunate habit of attorneys general in the provinces generally to recommend to the lieutenant governor in council people of their own political stripe, and it is on this ground that the situation arises. I think there is some merit in the argument and I think that if, when certain cases are brought to the minister's attention, appointments could be made—I am not saying that there should be too many of them—by the governor in council and a Q.C. awarded, it would adjust to some extent what appears to be a measure of injustice occasioned by the vicissitudes of political life in Canada.

When the minister replies I should like him to say what can be done in that direction because I have discussed the matter with members of his party, and I like to represent all my constituents whatever their political stripe. I promised this gentleman without fail that I would bring this matter up on the floor of the house and see what the minister had to say in reply.

Mr. Spencer: Mr. Chairman, I wish to bring to the attention of the committee and again to the attention of the minister a matter concerning which I have spoken to him. I do so with the hope and expectation that it will receive serious consideration and that at the first opportunity a remedy will be provided. I have reference to what I consider to be a needed amendment to the present section 170 of the Criminal Code. I think I should put the section on the record as it now reads:

(1) For the purpose of proceedings under this part, a place that is found to be equipped with a slot machine shall be conclusively presumed to be a common gaming house.

(2) In this section "slot machine" means any automatic machine or slot machine

(a) that is used or intended to be used for any purpose other than vending merchandise or services; or

(b) that is used or intended to be used for the purpose of vending merchandise or services if

(i) the result of one of any number of operations of the machine is a matter of chance or uncertainty to the operator,

(ii) as a result of a given number of successive operations by the operator the machine produces different results, or

(iii) on any operation of the machine it discharges or emits a slug or token.

I think I should also refer to section 176 of the code. I do so because I want to point out that what may be considered to be a somewhat minor or trivial matter does carry severe consequences. Section 176 reads:

(1) Every one who keeps a common gaming house or common betting house is guilty of an indictable offence and is liable to imprisonment for two years.

Now, Mr. Chairman, the first point I want to make very clearly is that I hold no brief whatsoever for gambling. That is not at all the object of my comments. In that connection I think I cannot better express my own views in so far as gambling is concerned than to quote the opinion of a justice in the United States who had this to say in his closing remarks on a case of this kind, after stating that he too was opposed to gambling:

However, the condemnation of gambling, or any other evil for that matter, should not be so loosely applied that it strikes down perfectly legitimate and innocuous pastimes. Many bridge players play for money but this would not justify the outlawing of bridge. Golf players sometimes make their game a little more dramatic by betting on the score but who would outlaw this healthful diversion because of a dollar or two which might change hands at the 18th hole? There is never a world series but that baseball enthusiasts wager on the results, but to condemn and outlaw the world series because fans bet on the scores, runs, hits, strike-outs and home runs emerging from any particular game or all of them would provoke millions of Americans to their feet crying injustice.

We know, of course, that the Criminal Code received consideration by a committee some few years ago, but in so far as this section is concerned I am satisfied that there was no intention and no belief on the part of those who introduced the codification of the Criminal Code at that time that there should be any change in the law in respect of slot machines. My view in that respect is borne out by a reference to Bill No. 7 as it was presented in the House of Commons at that time. Opposite section 170 there is merely the notation "Section 986 (4)", indicating that the new section was precisely the same as the old section but differently numbered.

If my view needs to be further strengthened may I refer to the debates of the House of Commons. I refer to page 2410 of *Hansard* of February 24, 1954, where the minister of justice at that time, Mr. Garson, had this to say:

But I would not admit for a moment that the law we are now considering is inadequate, because in substance it is a re-enactment of an existing section which had been in the code for a great many years.

Later, at page 2411, Mr. Brown, the hon. member for Brantford, asked this question of the minister:

Would the minister indicate whether there has been a change in the existing law?

The reply of the minister of justice of that time was:

Has my hon. friend read section 986 (4) of the Criminal Code?

Mr. Brown answered yes and Mr. Garson then replied:

I think if my friend will examine that—

Referring to section 986 (4).

—he will find that the substance is substantially the same as that of the present clause. I think it is put in a more intelligible form and in somewhat shorter compass.

I think that anyone who examines the two sections will agree, without reference to any judicial decisions which have been applied to the sections, that there has been a substantial change made in the law and that change relates to the application of those provisions of the old code which at that time were applicable only to machines which vended merchandise. The change made those provisions not only to those machines but also to machines vending only services which at that time and since have been held to include machines for amusement. That view was expressed in the recent judgment of Mr. Justice Ford. I will revert to that judgment a little later, but I wish to quote this portion of it to point out that there has been a change judicially established by this codification of the Criminal Code. After quoting section 170 he said:

I do not think it is necessary to quote the former subsection 986 (4). It is enough to point out that

170 (2) (a) of the present code . . . renders machines used or intended to be used for any purpose other than vending merchandise or services unlawful, as did subsection 986 (4), but in other respects the present subsection 170 (2) does not differ from the former subsection 986 (4) except that the re-enacted provisions are extended to apply also to a machine that is used or intended to be used for the purpose of vending services as well as one used or intended to be used for vending merchandise to which type of machine only the former subsection 986 (4) applied.

It strikes me it is a shocking situation that legislation should be enacted in the belief that no change is being made in the law when in reality a substantial change has been made. Just as an indication of the change that has been made in the law I should like to refer to a leading case on the subject, the case of Isseman *v.* the Queen, with which I am sure the Minister of Justice is quite familiar. This was a case that was carried up to the Supreme Court of Canada by the crown. The judgment to which I wish to refer is that of Mr. Justice Rand and the portion to which I wish to direct the attention of the committee is found on page 353 of Criminal Reports, volume 24. That portion reads as follows:

But the machine comes also within the language of paragraph (ii).

That is the paragraph that reads as follows:

(ii) as a result of any given number of successive operations by the operator the machine produces different results.

The judgment continues:

The results are the scores and different results are different scores. The contention faintly advanced was that "different results" are in relation to their nature and not mere dimensions in the same nature; that, for example, different results must exhibit, say, scores, prizes and goods as against differences in scores and that the paragraph does not apply. But I see nothing to support that contention. The scores are the objects aimed at and accomplished and in ordinary parlance they are as fully capable of exhibiting differences as other results provided by these or similar machines.

May I say that I only have reference to those machines which are generally known as amusement machines. I have no brief for and I am not making any argument on behalf of those machines which are used for gambling. I am only speaking of the innocent, innocuous machines such as those which you and I have played many times and which are not, in any sense, gambling machines. Perhaps I should refer to some significant words in this provision and they are that a place equipped with this type of machine shall be conclusively presumed to be a common gaming house.

I have always thought that under our British system of criminal jurisprudence a man was always presumed to be innocent until he was proven guilty. There may be some exceptions which have crept into our law because of the apparent wickedness of certain commodities, per se, such as narcotics. Perhaps I should say that I cannot see the resemblance but we also put liquor in that category. In those cases, where possession of these things are considered to have some element of wickedness, the onus shifts, but it is always open to the accused to prove his innocence. There is no irrebuttable presumption against him.

Here we have a statute dealing with such innocuous things as amusement machines, such as those with which you and I have played many times, and we find that even though the machines are not used for gambling in any sense whatever—it may even be admitted by the crown that the machines are not used for gambling—nevertheless, because this statute says so, a magistrate has no option in the matter but to find the person guilty of something of which he is obviously not guilty. I say that any law on the statute books that convicts a person of an offence of which he is admittedly not guilty is a law that has no place in a British country, and certainly has no place in our Criminal Code.

We should not place those people who are found to be in possession of these innocuous machines under the stigma of being in the same category as the keeper of a disorderly house or a common bawdy house, which terms, of course, are analogous to a common gaming house. Such a person should not be subjected to a penalty as severe as two years in prison. I certainly do not want to keep the committee any longer than necessary, but I should like to make one further point.

The law, as it stands at the present time, I am informed, is not being enforced uniformly across this country. It does receive the approval, as I understand it, of certain attorneys general, but it does not receive the approval of others. I recognize that the Minister of Justice should have regard for the views of attorneys general, but I do not believe we should keep on our statute books, regardless of the views of attorneys general, a law which we in our wisdom believe should not be there. I strongly urge that this is a law in that category; that there should be amendments introduced which would exclude from its operation the machines to which I have made reference. I presume that those attorneys general who favour the retention of this law are naturally thinking of the enforcement problem in so far as gambling is concerned.

However, the fact that this law is not being uniformly enforced across the country does place in the hands of chiefs of police the right to put their finger upon one of these

operators and possibly have him sent to prison. I am not going to refer to any particular community, but I can say that there are communities in which the chiefs of police have taken action against the owners and keepers of these amusement machines, and they have been convicted of keeping a common gaming house. However, one of these chiefs of police has this kind of thing being displayed right in his own community: "Win $1,000 on home bingo". Can you think of anything that is more indicative of gambling than that kind of advertisement? Yet in that same community some individual keeping a game for amusement—a machine which could not be used for gambling and the most that could be won would be a free game—that person could be classed as a common criminal carrying on a common gaming house.

I say it is time that the hypocrisy ended. Either the law is good and serves a useful purpose or it should not be on the statute books. It should not be left to the whims and fancies of individuals to enforce it or not to enforce it, as they see fit. If we are opposed to gambling, let us be opposed to it in all its aspects. Let us not condone it in one situation and condemn it in another. There may be some who say, well it was not just because of gambling, I took this action because children may have been involved. This statute does not distinguish between adults and children. I did not read the other section which deals with those who play the games, but under that section you or I may be convicted of being frequenters of a common gaming house merely because we were playing a game of amusement.

There is a great deal more I could say and a great deal more I should like to say. I am not one who is in favour of any machines that are used for gambling. Perhaps I should mention this further point. Despite this decision of the Supreme Court of Canada, I think there is considerable doubt as to whether or not that judgment applies to all these types of machines. I have read the judgment of Mr. Justice Rand and I believe it is so extensive that it covers all types of automatic machines. Certainly there have been convictions on the basis of its covering all types of machines and not all the convictions have been appealed.

I am happy to note that there is one case that went to the supreme court of Alberta. The judgment of Mr. Justice Ford to which I made reference a moment ago was a dissenting judgment. I believe in that case the course divided two and two and, as a result, the dismissal of the case by the magistrate stood. The magistrate perhaps looked at the case a little bit less from the standpoint of the law and more from the standpoint of common justice and dismissed it; but strictly on the basis of law he may be wrong. Nevertheless he did acquit. There has been a decision by the crown to appeal. I understand that the crown—that is to say, the attorney general—is not satisfied and that the case is coming to the Supreme Court of Canada.

Naturally the courts must determine the intention of parliament on the basis of the language that is used in the statute. It is not open to the court to look at what was said in the House of Commons. As far as the House of Commons is concerned, it is perfectly clear that the House of Commons never intended to change the law. That is something that has been made completely manifest. However, the court cannot look at that. They can look at the language we have used and the language we have used does not carry out the obvious intention of parliament. I think that is one matter that should receive the attention of the Minister of Justice and that some amendment should be made of this section. I believe the amendment which I have supplied to the minister eliminates only those machines that are not gambling machines and, in my opinion, are not capable of being used as gambling machines. It is those machines that I feel should be taken out of this category completely by an amendment, and I think that should be done at the earliest possible time.

(Translation):

Mr. Deschatelets: Mr. Chairman, I would like to make a few remarks with regard to firearms.

The Minister of Justice is certainly aware that, very often, even every week, it is reported in our newspapers that our judges in criminal courts, and police court magistrates are protesting against the fact that today practically anybody, even teenagers, can secure firearms. This country's press, English or French speaking, has often stressed such complaints by our judges, and I think that public opinion also wants something to be done to restrict the possession of firearms and make the delivery of permits much more difficult.

Even if delivery of those permits is under the jurisdiction of the attorney general in each province, since the offence is provided for in the Criminal Code, and is therefore under federal jurisdiction, I think that the Minister of Justice might, on the occasion of some discussion with the various provincial attorneys general come to an agreement, so that, throughout the country, permits for the possession of firearms be delivered only in extreme cases, and that permits now valid which are given out to practically everybody, be cancelled, and thus heavily reduce the number of firearms in circulation today.

Moreover, I believe that the article in the Criminal Code regulating the carrying of arms should be amended. I know from experience that our police courts impose a minimum penalty on individuals found to be in possession of firearms without a permit. I submit that in such cases, we should amend the law so as to provide that anyone with a police record, and found in possession of a firearm, should be sentenced to prison without the alternative of a fine. Thus, we would, as I said, meet the wishes of our trial judges and of our police court magistrates.

Public opinion is aroused because today people carry weapons on the street, either with a permit or without one—which makes it even worse—because it is known that if you are caught, all you have to do is pay a few dollars, but there is no jail term. If public opinion demands that the law be made more strict in that respect—I think we should be guided by public opinion and should not ignore it—I would ask the Minister of Justice, who surely is aware of the problem, whether he expects to place before the house, in the near future, an amendment to the Criminal Code with a view to providing stiffer penalties in such cases. Moreover, I submit that the present penalty is not heavy enough, and that the situation should be looked into as soon as possible.

The Minister of Justice surely knows that on certain election days, hundreds of armed individuals walk our streets without permits.

This is a situation that must be brought to an end. When such abuse takes place, it is our duty to make the required changes in the legislation.

Therefore, I would ask the minister to tell us whether he intends to introduce amendments of this kind in the house, and if it is not his intention, I should like to know why.

(Text):

Mr. Herridge: I rise to bring to the attention of the minister the third and last matter that I have been asked to bring to his attention. This is a question that concerns three groups of people, namely those that are interested in civil rights and fundamental freedoms, those that are interested in the tourist trade and those that are interested in health and comfort as far as clothing is concerned.

My question is: What legal authority have civic authorities to make bylaws to determine the style or length of Canadians' clothing? I mention this because the body of opinion which is protesting the action of town councils and village councils is a substantial body of opinion in Canada. I want to make quite clear that I am raising this complaint as a member of parliament who has promised to bring it to the attention of the minister and as one who is quite neutral whether shorts should be two inches below the knees or two inches above.

There have been several articles in newspapers throughout Canada as well as letters in papers across this country, and I should like to quote an article from the Montreal *Gazette* of June 24 in which I see the question is of some concern to eastern townships. The article is entitled "Magog agog over 'short' rule", and I want to quote one or two paragraphs to indicate to the minister the concern over this matter, similar to the sort of concern which has been expressed in other places. The article says:

> Visitors to this eastern township vacation centre are warned: The city fathers have passed what has been described as a "shortsighted" bylaw.
>
> If any female resident or tourist is seen wearing "short shorts" in the streets, she is liable to a severe lecture from a passing policeman. The definition of "short," according to the lawmakers, is shorter than two inches above the knees.

Then the article goes on to deal with the various penalties and concludes:

> But the bylaw remains in effect and Police Chief Telesphore Lavoie's men have their orders. No tape measures have been issued to the constables, so they will have to make up their own minds.
>
> The worst offenders? According to past police experience, they're the elderly visitors.

I have been asked to ask the minister these two questions. Under what legal authority are these bylaws passed by town councils and village councils and other civic authorities with respect to the length of clothing; and are they in transgression of civil rights and fundamental freedoms? People want to know whether they should direct their complaints to the provincial authorities or to the municipal or civic authorities in question. They want to know what basic right civic authorities have to determine the length of Canadian ladies' leg coverings.

I hope that when the minister replies his reply will contain the information that various people are seeking. They will know the facts so far as the legal position is concerned, and after the minister has given his answer they will know where to direct their representations, whether to the province or to the municipalities. Mind you, some persons may think this is a trivial matter, but it is of some concern to persons operating tourist resorts, persons who cater to tourists and that sort of thing in various parts of Canada.

It is on behalf of these three groups particularly interested, namely those interested in civil rights and fundamental freedoms, those interested in the various industries and those interested in health and comfort, that I raise this matter this afternoon.

Mr. Howard: Mr. Chairman, I am pleased you recognized me directly following the hon. member for Kootenay West, because if you had not I intended getting the floor on a question of privilege. This is something which I have some interest in, not from the point of view of the subject matter itself but because the hon. member for Kootenay West on another occasion dealt with a subject matter which came under the jurisdiction of the Department of Health and Welfare and referred to lipstick. He went on to mention that he was too old to engage in osculatory exercises and was not immediately concerned.

Unfortunately from my point of view, on that occasion a newspaper reporter, I think in one of the columns of an Ottawa newspaper, attributed that remark to me, that is to say the remark about osculatory exercises, and of course such was not the case for even in my wildest moments I would not make such a comment. However, in this case I hope that the same newspaper man or other newspaper men will not attribute those comments just made by the hon. member for Kootenay West to myself.

Mr. Fulton: Mr. Chairman, may I deal with the matters raised in the order in which hon. members spoke.

The hon. member for Kootenay West raised the matter of dominion Q.C.'s and suggested, in effect, that the federal right to recommend the appointment of dominion Q.C.'s should be used to fill in gaps left in the provinces because of the fact that sometimes, as he put it—I did not make the charge—governments tend to appoint as Q.C.'s only those who are persona grata to that government.

I am not going to enter into any particular defence or criticism of any provincial government, but while what the hon. member said may have some foundation in fact and perhaps be a subject of criticism of provincial governments, it is also a fact that a study of the situation shows that provincial governments, at least in recent years, while they have perhaps not been as broadminded in this field as the hon. member would like to see them, or perhaps even as I would like to see them, have nevertheless been in the habit of appointing as Q.C.'s members of political persuasions other than that of the government of the day.

I know that to be the case in British Columbia where I am happy to say they are now following a policy of a very limited number of appointments to Q.C. Indeed I think this is much to be encouraged because most members of the bar, when they think about the matter seriously, agree that to some extent Q.C.'s are handed out altogether too freely and frequently to members who are not really qualified. I do not mean they are not qualified politically but members of the bar who do not go into courts and whose work really is not opinion work, and that sort of thing. So I think British Columbia is following an admirable course in very severely restricting the number of Q.C.'s which annually are appointed.

Mr. Hellyer: Is that the case in the province of Ontario?

Mr. Fulton: That is a matter which the hon. member might take up with the appropriate provincial authorities. I do not know what the situation is in other provinces but I had a quick chance to discuss it with members from New Brunswick and Ontario, and certainly in those provinces, and also I am told in others, the award is not confined to those of the political persuasion of the government of the day. I mention that because it is a reason why I should not appoint as dominion Q.C. persons who are simply not appointed by the provinces.

There is another and I think better reason, and that is that it is my view that the appointment of a dominion Q.C. should be confined to those persons whose work at the bar is of a nature where the dominion government has some proper interest in making the recommendation. That is, generally speaking, to persons in the civil service. Obviously in the past persons in the government itself have been recommended and received this appointment, and also perhaps members of boards and commissions constituted under the authority of the dominion parliament may be appointed.

I am very definitely of the view that appointment as dominion Q.C. should be confined to persons in those categories, and I think there is a very good reason for it. These persons would not normally be recommended for appointment by a provincial government because their work is not primarily in provincial courts or their service does not bring them to the attention of the provincial authorities. Therefore I think we should confine our appointments to those whose service is of a dominion or national nature or significance. I think it would be very dangerous for us to single out people in provinces who have not that sort of

qualification I have mentioned and make them dominion Q.C.'s. That of course, as the hon. member realizes, carries the precedence and honour in all the provinces of the country, whereas the appointment of a provincial Q.C. applies only to the province in which it is made. So I regret I cannot accept the hon. member's recommendation in that field.

Coming to his last remarks about the legislative authority under which municipalities make bylaws with regard to women's dress, I can go a certain distance but no further in giving an answer. I am, of course, bound by the principle that the Minister of Justice does not give legal opinions on the floor of the House of Commons, especially on matters that are not within the administrative responsibility of the dominion government or the jurisdiction of the federal parliament. Subject to that, I can say that the authority for the municipality to pass a bylaw would, of course, be found in the provincial statute which sets up the municipality within the province and defines the areas within which it has the power to pass bylaws. Thus I think the hon. member and those who have consulted him should examine the municipal act of the province and seek to obtain their answer by an advice or opinion with respect to that act and the particular bylaw in question.

I do not think I can go further than that for the reason I have given, and also for the good reason that I am not aware of the particular problem in that particular area that may or may not be created by the length of women's dresses or by the habits of the ladies of that area with respect to their dresses or to the height of the seams from the ground. The hon. gentleman will have a much better knowledge than I as to whether that represents a danger to the peace and welfare of that particular community. I have not that knowledge, and therefore I cannot express an opinion as to whether it is desirable, let alone legal, that the length of women's dresses and shorts should be regulated.

With regard to what was said by the hon. member for Essex West on section 170 of the Criminal Code, I appreciate very fully the position taken by the hon. member in this regard and his deep convictions on the subject. Indeed, he has discussed it with me on more than one occasion and on each occasion when we have discussed it I have felt that to him it is improper that this provision should remain on the statute books, for the reasons he gave this afternoon.

My hon. friend advanced two main reasons, I think. First of all, he said that the change in the statute which brought about the present position was inadvertent and unintended. More than that, parliament was told at the time this change was made that the change was not, in fact, being made. Second, my hon. friend objects because persons who are not, as he puts it, actually gambling, may be convicted of being in a common gaming house. I regret that at least as the situation stands at the present time I am not able to recommend any change in the law.

I have pointed out to the hon. gentleman, and would like to point out to the committee, that this matter has been discussed with all the provincial attorneys general and that with one exception they have expressedly or by implication indicated that they were happy with the law as it now is and wanted it to remain that way. One area in which it has been indicated clearly that they would accept the change to the former position is the province of Ontario. In these circumstances I think it would be dangerous, if not improper for me to suggest amending the law as I am asked to do by the hon. member for Essex West. I think my position is that I must examine and take responsibility for the law as I found it when I assumed my appointment as Minister of Justice.

I think the position would have been different, and I would have been in a different and indeed, difficult position, had I been Minister of Justice at the time the change was made and had I given the assurance which was given then that no change was going to be made. I know—and I know also that the hon. member agrees with this—that the assurance which was given by the minister of justice at the time was made in good faith; it was only when the Supreme Court of Canada passed on the act that it was realized a change had been made. If I was in the position that I had given that assurance and then found that my assurance had not been correct and that, in fact, parliament had changed the law on my recommendation, I would be in a difficult position and I might then be under an obligation to recommend to parliament that the law should be changed back.

However, I am not in that position. I am assured by the majority of the provinces that this law as now passed enables them to do what they had on a number of occasions desired to do by provincial statute only to find that those statutes had been declared ultra vires. After consideration by the provincial attorneys general and by the commissioners on the uniformity of laws on at least two occasions, it has been the clear desire of the majority that there should be no change from the section as it presently stands. In considering whether or not I should recommend

a change in the law I have to consider the public interest, and in doing that I have to be guided to a considerable extent by the views of those responsible for enforcing the Criminal Code. In these circumstances, where all the provinces but one clearly want the law to remain as it is, I think it is my responsibility to accept their views, which I do, and I accordingly regret that I am not able to recommend a change.

If, however, on reconsideration, and in the light of the arguments made by the hon. member or of any other considerations which may occur to them, either the provincial attorneys general or their representatives at the conference should wish to examine the matter again and come to a different conclusion I should be fully prepared to give immediate consideration to any different recommendation which they might make.

Mr. Spencer: Could I ask the minister a question? My information is that the act is not being enforced in all the provinces, including some where the attorneys general seem to want the act to remain as it is now. Will some inquiry be made as to whether this act is being enforced in all those provinces by the departments of the attorney general concerned and, if not, why not?

Mr. Fulton: This is a question which can be inquired into through the uniformity commissioners at which time they can re-examine the question of whether in fact the provincial authorities do really like the law as it is or whether they want to change it.

Mr. Deschatelets: Could the minister not answer the question which I asked him some time ago?

Mr. Fulton: Perhaps I could deal with the hon. member's question in the minutes which remain before it is six o'clock. The hon. gentleman asked that I should use my influence with the provincial authorities to restrict the issuance of permits for small arms and further suggested that the Criminal Code should be amended so as to impose a mandatory jail sentence rather than a fine for the offence of carrying firearms illegally. This raises the whole question of that portion of the Criminal Code dealing with firearms. We are introducing this session an amendment to the code to deal with the Hornet rifle. That is the specific problem which we are dealing with now.

The problem of firearms generally is a large, important, urgent but very difficult problem, and I have given instructions to my department and to the R.C.M. Police to review this matter, to prepare papers on what amendments might be made to the Criminal Code that would be of assistance in dealing with the sort of situation about which people are concerned in Montreal, and to give me those papers, at which time I will study them and hope to make a reference to the conference of commissioners on uniformity, and have their consideration this fall, and after consideration report back to the house again at the next session.

At six o'clock the committee took recess.

AFTER RECESS

The committee resumed at 8 p.m.

Mr. Roberge: Before item 151 carries, I think this is the appropriate time for me to ask one question about the royal prerogative. Can the minister advise the committee how many inmates or prisoners were freed under the royal prerogative?

Mr. Fulton: I am sorry, but I do not have that figure. I will have it for the penitentiary item, if not before. My hon. friend means the last amnesty that was granted on the occasion of the royal visit?

Mr. Roberge: No, I mean the royal prerogative recommended by the Solicitor General to the cabinet.

(Translation):

How many pardons have been granted by the Solicitor General?

(Text):

Mr. Fulton: I take it the hon. member wishes to know how many pardons, conditional or absolute, were granted in the last fiscal year. I will get that figure and supply it.

Item agreed to.

152. Parole Act administration including $60,000 for grants to recognized prisoners' aid societies, as may be approved by treasury board, $553,287.

Mr. Roberge: I have a similar question on this item. How many cases were reviewed by the Parole Act administration, how many paroles were granted and how many were not granted?

Mr. Fulton: The information I have is that the total number of cases considered during the period for which I am reporting was 4,828. I should perhaps remind the committee that the parole board commenced its operations under the authority of the Parole Act which came into force on February 15, 1959. The figures I am giving, therefore, are on the basis of a calendar year from January 1, 1959 to December 31, 1959, and they include a period of six weeks under which paroles were granted under authority of the former remission service. For the full calendar year 1959, the total number of cases considered were 4,828; paroles denied or deferred were 2,790; paroles granted, 2,038.

The figures up to the last week for which we have figures, June 24 of this year, that is from January 1, are paroles denied—this is not quite on the same basis as the figures I have just given—3,877; paroles granted, 3,044; and failures, by failures I mean the number of cases in which the persons out on parole had their parole revoked or forfeited, were 107; or a rate of failure of 7 per cent.

Mr. Chevrier: May I ask if there is any difference in the principles that are applied by the parole board as compared with the principles applied by the former remission service?

Mr. Fulton: Not very great differences in the principles, Mr. Chairman, except that in the operation of the parole board we are endeavouring to avoid what used to be called a rule of thumb, namely that persons had to have served one half of their sentence before they were considered for parole. The Parole Act itself requires that the board review immediately the case of every person who enters the penitentiary and make an assessment of his or her situation with respect to the time at which a definitive review should be made with regard to parole, whether or not the man or woman has served half of his or her sentence.

In addition, the board is required to review the cases of all those who were presently serving penitentiary terms at the time the board began its operations. This review has been practically concluded, and will be concluded within a few weeks. Within those limits, the principles on which parole will be granted are, I am informed, much the same.

The present board has visited every penitentiary in Canada and interviewed a large number of inmates. The board has endeavoured to make it clear that the governing consideration on the basis of which parole will be granted is the attitude of the inmate; that there is no completely hard and fast rule. What the board wants to find out is whether the inmate's attitude toward his rehabilitation in society is constructive or otherwise; if he shows himself or she shows herself as being worthy of parole, then the board will consider that case for parole.

Mr. Chevrier: What is required by the board for the initiation of a case?

Mr. Fulton: The terms of the act, as I say, require on commitment an immediate review of every file. Then the files must be reviewed within six months, and then they are reviewed again within a year and every two years thereafter. There is, therefore, an automatic process for bringing files forward for review which commences immediately upon admittance of the inmate to the penitentiary.

Mr. Chevrier: Assuming there is a case where a person desires review within the two year period, how does he proceed?

Mr. Fulton: The inmate may submit an application form directly to the board requesting a review for parole.

Mr. Chevrier: How does the board proceed once the case is before it? Are the files only reviewed or are witnesses heard by the board?

Mr. Fulton: The penitentiary file is reviewed upon the basis of which committal was made. In addition, reviews are requested from the magistrate or judge who heard the case, from the welfare agency and in some cases from the John Howard or Elizabeth Fry society. A most complete review of that nature is conducted. The inmate is interviewed personally by the regional representative, but there is no rule that requires the hearing of witnesses.

Mr. Chevrier: If someone wants to be heard on behalf of an inmate, can he be heard by the board?

Mr. Fulton: The act says that the board is not obliged to hear witnesses, but I am advised that the board hears everyone who applies and in no case have they refused to hear a witness who has applied to be heard on behalf of an inmate.

Mr. Benidickson: What jurisdiction or discretion has the minister apart from or above and beyond the board?

Mr. Fulton: The minister has no discretion, Mr. Chairman. One of the important recommendations in this field of the Fauteux committee was that the discretion should be removed from the minister on the basis, as I recall the report, not that the minister had intervened or that politics had intervened, but that they might. The committee's recommendation was that there should be set up a national parole board which should have absolute and final authority to decide whether or not an inmate should be paroled. The act was passed on that basis and the authority of the board is final.

Mr. Winch: I have a question, but I must admit it is a most difficult one for me to ask. If a person is on good behaviour, then the parole board can come in. In a case where the parole board cannot move in, can the minister say what the situation is with regard to his powers? I know of some cases which disturb me a great deal, I admit. Two persons were sentenced to the penitentiary for long periods and their behaviour has been

such that for years they have been kept in solitary confinement. I agree that this must be done because one is an absolutely uncontrollable sex pervert and the other is completely uncontrollable in connection with violence. In normal cases they might be allowed out on parole because of good behaviour, but they have to be kept in solitary confinement, and, as I say, I agree that this has to be done. Is there any basis at all—I do not know how to put it—on release for care or with some provision or do you as minister have to release them on the public? I have put the question rather confusedly but this is a most important matter.

Mr. Fulton: I think there is a mixture here. There is a question here that involves both the matter of the expiration of the sentence and the question of release on parole before the sentence has expired. In a case such as those which the hon. member has mentioned, taking the matter of parole first, the parole board would examine the file and interview persons to establish whether or not there has been a change of attitude on the part of the inmate; in other words, to establish whether this inmate's attitude now is such that he indicates he would make a good adjustment if he were released before his sentence had been completed. Even in these cases, if there were sufficient evidence that the attitude of the inmate had changed so that it would be a proper case for parole and the board were satisfied that it was a proper case where the safety of society would not be prejudiced, they might grant parole even before the expiration of the sentence.

Let us be realistic, however. I am not suggesting that this would be a likely eventuality in the case of the two inmates to which the hon. member has referred; but it is possible that if they themselves showed a change in their attitude they would then be considered for parole.

The other aspect or element of the question relates to the matter of their release at the expiration of their sentences. Suppose an inmate were sentenced to a 20-year term. Even suppose that by his behaviour he had not earned any automatic time off for good behaviour, or that his behaviour had been bad, still at the end of the 20-year sentence there is no authority for his further detention and the penitentiary authorities would have no alternative but to release him because he had served the sentence which the court had imposed. Therefore unless his conduct in the penitentiary itself had made him subject to another criminal charge upon which he had been convicted and sentenced to an additional term—as I say unless that had happened—he would have to be released at the end of the sentence for the offence for which the court had convicted him.

Mr. Winch: It is quite obvious that I have not got my point over yet, although I appreciate what the minister has said. The minister knows, as do all hon. members, of my interest in criminology and in getting men out on parole.

Mr. Fulton: Yes.

Mr. Winch: I think this is the first time I have ever spoken in the House of Commons when I raised the question of individual cases. I am saying "two men" without naming them or the penitentiary. Under their terms of sentence, for years the warden has had to keep them completely in solitary, one because he is completely uncontrollable as a homosexual and the other because he is completely uncontrollable as to violence. As a matter of fact, he almost killed a guard. They have been in solitary all this time. Are these men insane? They must be insane. Otherwise why have they been kept completely segregated from everyone else for years? I am now asking the minister this question. When their penitentiary sentence is up are these two men I have in mind going to be turned out of the penitentiary when the experience over the years is that they are insane, uncontrollable, one a homosexual and one having a record of violence? Why have they been kept in solitary—and I know it for a fact—all these years and not being declared insane and put under the proper supervision? Owing to the fact that they have not been so dealt with, although they have been in solitary for these years I understand, from what the minister has now said as soon as their penitentiary term is over they can be released on society. That is the point I am after.

Mr. Fulton: I think the hon. member takes my answer a bit beyond the terms in which I gave it. What I said was that at the end of their sentence the penitentiary would have no authority to keep them in custody in the penitentiary any longer. I agree with the hon. member that it is not desirable to identify particular cases but I know perfectly well the cases of which he is speaking. In that connection all I can say is this. It is true that these particular inmates have been kept under the circumstances which he has outlined, in general for the reasons he has given. Under the terms of the Penitentiary Act, if an inmate is found to be suffering from mental disease or, in other words, is found to be insane we apply to have him committed to a provincial mental institution. There have been cases in which the provincial authorities have refused to accept

our finding that the man is insane, that he is a mental case rather than a penitentiary case. We have therefore kept those inmates during the period of their sentences and for the full extent of their sentences.

In a case such as that which is mentioned, all that could happen, and what would inevitably and undoubtedly happen, is that when the inmate reaches the end of his sentence a further examination of him will be held and subject of course to medical opinion at the time a finding as to his mental condition will be made; and, granted the circumstances which we have been discussing, my assumption is that he will again be certified as a mentally sick person or as an insane person. It will then be the responsibility of the provincial authorities to decide whether or not that finding is accepted and the inmate is committed to a mental institution or whether he should be released to society. But we will have no authority under which to detain him. Our recommendation will be clear but it will be the responsibility of the provincial authority to decide whether he is committed to a mental institution or released to society.

Mr. Winch: That is my very point. The Minister of Justice knows the cases that I am discussing.

Mr. Fulton: Yes.

Mr. Winch: He knows that they have been kept in solitary now for a great length of time for the reasons I have outlined. Although they are in the penitentiary under charges and are admittedly insane, why is it that they have not been committed to an institution for the criminally insane?

Mr. Fulton: We are now discussing the penitentiary administration very clearly. I would prefer to answer this question under the penitentiary items. I think I know the answer but I want to give factually and legally correct answers and, if my hon. friend does not mind, I would prefer to continue this discussion under the penitentiaries items.

Mr. Winch: I do not want these men released on the general public.

Mr. Fulton: As far as parole is concerned, which is the item we are considering now, I think I am perfectly safe in saying that if they applied they would not be considered for parole unless they showed a change in attitude, and since it appears they have not done or are not likely to do so, they would not be seriously considered for parole.

Mr. Broome: There is one question I should like to ask the minister. It is with regard to the degree to which the parole board remits sentences or extends parole. There has been a sort of unwritten rule that every inmate must serve at least half of his sentence and that parole is not considered until after that period has elapsed. It is my understanding that there is nothing in the regulations governing the parole board in this regard and that parole can be considered at any time the parole board believes the inmate is ready to take his place again in society. I wonder whether the minister might comment on that matter?

Mr. Fulton: Yes; and at the same time I should like to deal with a question which was raised by the hon. member for Saskatoon at an earlier stage this afternoon. The regulations made under the Parole Act which came into effect recently—

Mr. Benidickson: On what date?

Mr. Fulton: I will give the date shortly. The regulations give effect to the policy of the parole board which has been evolved after lengthy discussions between the chairman of the board, myself, officers of the penitentiary branch and of the department as to the general principles which govern the board in granting parole. I should like to emphasize to this committee that these regulations give effect to the policy of the board which has been settled, amongst which are the following basic principles:

That the policy of the board is as far as possible to encourage inmates to become law abiding citizens and to assist them to do so by granting parole;

To treat the offender rather than the offence;

To deal with offenders as individuals not as members of a group;

To judge each case objectively according to its merits and circumstances;

To avoid the use of rigid arbitrary rules of practice;

To be practical, realistic and businesslike in dealing with offenders and to avoid any suggestion that parole involves mollycoddling of the inmates or the use of leniency or clemency;

To consider each case from the point of view of what the inmate is apt to do in the future as more significant than what he has done in the past and to provide adequate supervision;

To ensure protection of the public and assistance for parolees; and finally,

To emphasize correction and reform as the purposes of punishment rather than vengeance or retribution.

Within the ambit of that policy and under the authority of the regulations the board approaches each case on the basis of the attitude

of the inmate and the likelihood of his profiting by his parole, and his ambition and intention to re-enter society as a law abiding and useful member thereof rather than giving effect to any lenient or clement or special circumstance which the inmate puts up on his own behalf.

As I said earlier, the case of every inmate is automatically reviewed within six months of his admission, and from that time on it comes up for further review within a year and every two years thereafter. But the policy of the board is that the qualifications of an inmate to be granted parole are looked at on the basis of his attitude and the likelihood of his living as a law abiding member of society rather than on any arbitrary assessment or report that may be made about him.

Mr. Winch: Or his length of service?

Mr. Fulton: I have indicated already the occasions on which his case is reviewed and I have made it quite clear that there is no arbitrary rule of thumb that he must have served a certain portion of his sentence, although the hon. member will appreciate, as will all hon. members of the committee, that there must be some general principles to guide the board with respect to matters of this kind. But the reviews are made at the periods I have indicated.

The hon. member for Saskatoon asked about the steps which are being taken to, I think he used the phrase, educate the public as to the purposes and advantages of parole, and I would like to draw his attention to the activities of the board members which have been carried on since they assumed their functions on February 15 last year.

There have been 26 television and radio interviews, four magazine articles and numerous press releases. Members of the board also had 35 meetings with prison inmate committees and made 37 speeches to magistrates' associations, to after-care agencies, university students, service clubs, and general public meetings in Canada. That was up till December 31 of last year. Since January 1 of this year addresses have been made on 26 separate occasions. There have been 15 television appearances, ten radio talks and further numerous press releases. Certainly I would judge, on the basis of the press comments which I have seen, that the efforts of the board, guided by its chairman in this respect, have been very successful indeed in creating a public acceptance of the work and objectives of the board, and also a public acceptance of the results of that work which, as I pointed out earlier, have had the effect that there were last year 2,038 paroles granted; that there have been up to the present day, June 24 this year, 3,044 paroles granted and a total of only 214 paroles forfeited or revoked. That is a total rate of failure of 7 per cent, which compares extremely favourably with the record of experience in other countries.

When hon. members stop to think that that means there were 3,044 paroles granted less 214 failures, or in other words 2,830 inmates would otherwise still be incarcerated who are now out on parole and successfully observing the conditions of their parole, thus better enabled to return to society as useful and law abiding members thereof—that is 2,830 people now in society as the result of these paroles within one year—then I think the decision of the government supported by parliament to set up a national parole board under the national parole act has been entirely vindicated.

Mr. Jones: I thank the minister for that information.

Mr. Benidickson: Mr. Chairman, I was very interested in the question raised by the hon. member for Vancouver East and the minister's reply. The minister read from a red covered book. He did not say he was enunciating regulations because we have not yet got the date of the statute which might govern these matters. But I was interested as to what kind of unorthodoxy perhaps is practised by the board in exceptional cases, or do they have a standard practice, a principle, or whatever you call it, even apart from a regulation or a law?

I think that was the point the hon. member for Vancouver East was pursuing. In how many cases has the board ever deviated under a special circumstance, relating to an individual for whom special representations had been made, from orthodoxy, principle, law, or anything else? To what extent does it use discretion, humanity and other considerations with respect to an isolated individual? Or irrespective of regulations, irrespective of law, do they have some kind of a routine thing which says that under no circumstances have they ever reduced a sentence of a person lower than, say, 50 per cent of what was awarded by the court?

I think perhaps that is what the hon. member for Vancouver East was pursuing and this concerns me. I am concerned as to what humanity, what discretion, what personal judgment is used by this board in these matters.

Mr. Fulton: I think the extent to which the board exercises its prerogatives of discretion and mercy may be gathered from the

fact that in 1958, the last year before the board commenced its operations, the total number of paroles granted amounted to 974. Again I can only repeat that for the calendar year in which the board became operative the number granted was 2,038. I hope that will impress the hon. member as being a complete answer to the question the hon. member asked as to whether the board is exercising the authority and discretion vested in it.

Mr. Benidickson: I do not think the minister has completely answered my question or, perhaps, that which was in the mind of the hon. member for Vancouver South. We are, of course, all impressed by any statement of the minister as to the number of people which have been dealt with by the board. Our concern was, I think, with regard to the extent such cases might indicate that the discretion was courageously used, that it deviated from the pattern which might say for instance: no one is to be allowed to serve less than 50 per cent of their sentences. I was interested not so much in the total number of paroles granted but in the extent to which the board has shown some individual discretion. Has the board deviated from a standard pattern or is it the prisoner of a standard pattern?

Mr. Fulton: The board is flexible, not rigid; the board is guided by the questions which it itself asks as to whether an inmate has shown by his attitude that he is ready for parole. However, the board is also guided by practical considerations—the good of society and the attitude and conduct of the inmate rather than any special compassionate feature. In other words, this board seeks to return to society on its own discretion and authority the greatest possible number of inmates who are ready to resume their places in society as constructive and useful members thereof.

These are the principles that guide the board. I have given the house figures to show that within these principles the board has been constructive and has rendered great service in the application of these principles to the cases that came before it. I am sure the hon. member would not expect me to go into details of individual cases nor do I intend to do so. What I have tried to do is to indicate, first of all statistically, the practical results of the board's operations, the encouraging results in terms of the low rate of failure, and then, in general to outline the policies by which the board is guided and which have brought about these satisfactory results.

Mr. Benidickson: I was more concerned about the percentage of paroles that might have been granted by the board which involved reducing a sentence to below one third, or below one half rather than in statistics of the kind the minister has mentioned. I was thinking of evidence to show that the parole board really looks at individuals and takes initiative, showing what I might call guts in cases of this kind.

Mr. Fulton: I think the hon. member could gather information of that kind from the figures I gave as to the number of applications denied and the number granted, but if he wants to assess the results on the basis of a comparison with the old half-time rule, I can give him these figures: of the number paroled, the percentage who served less than 35 per cent of their time was less than 2 per cent; the number who served between 35 per cent and 50 per cent was less than 13 per cent; the number who served between 50 per cent and 70 per cent was 67 per cent, and the number who served more than 70 per cent of their term was 18 per cent. So that the exceptions to the old half-time rule amount to 14.75 per cent.

Mr. Benidickson: I thank the minister. That was the answer I wanted.

Mr. Roberge: I notice that the minister referred to inmates of penitentiaries when answering the hon. member for Laurier and that when he replied to the hon. member for Vancouver East he said cases were reviewed after 6 months, 12 months and 18 months. Are we to understand that the same rules apply in the case of inmates in common jails.

Mr. Fulton: No. The authority of the board under the act does not extend to the automatic review of the cases of inmates sentenced to terms in provincial jails. There has to be an application, and the rule the board has set itself is that these cases should be reviewed not later than four months of the time of receipt of the application.

Mr. Roberge: Is the board considering terms of sentence less than six months in length?

Mr. Fulton: Yes. The case of any inmate sentenced to whatever term who submits an application for review is then reviewed.

Mr. Roberge: Within four months?

Mr. Fulton: Yes, at the most.

Mr. Winch: I think this is one of the most interesting discussions on this subject we have had in the time I have been here, and I want to thank the minister and his aides for the information they have given. In view of what has been said about the success, or apparent success, of this system since the change was made; in view of the

number who have been released from parole and the comparatively small percentage who have had to go back because they broke the law, may I ask the minister whether he has any intention of initiating a policy whereby the judge or the jury continues to find a person guilty, but a body outside the court, such as we now have, will determine the length of sentence? I think the minister is familiar with the principle upon which I am asking him to comment, and I should like him to give us an indication whether he is moving in that direction. The judge or the jury cannot have all the reports and all the background which are so helpful and necessary if a man is to be justly sentenced.

Mr. Fulton: I must say frankly that we do not contemplate such a system, certainly not at the present time. The hon. member will, I am sure, recall that the Fauteux committee did consider such a system but recommended against it. We do, however, have in mind taking all the steps we can to encourage judges, who have responsibility and will continue to have responsibility for sentencing, to visit institutions—and particularly when we have our new correctional reform program under way—in which sentences are served so that they may be—if I may put it this way without disrespect to the bench—better informed as to the type of training and rehabilitation program which is available for inmates and can determine the sentence, the length of sentence and perhaps the type of sentence, accordingly, on the basis of what this accused and guilty person needs. Does he need a long sentence to enable him to have a lengthy period of training reformation? Does he need only quick, exemplary punishment and quick results? Is that what he needs? Where is the institution where he can get what he needs? Therefore, what sentence should I impose accordingly?

This is a long term program and it will depend upon whether the judges are prepared to accept our invitation, which will be extended, to visit our institutions. I may say there are already some judges who take a personal as well as a judicial interest in the welfare and the history of persons whom they have sentenced and who do already follow up by visits to institutions. What we really hope to do is to extend that so that the sentence will come into the minds of the judges as a scientific and social matter. When I say "social" I mean in terms of what measure of reform, or training or rehabilitation or punishment the person before him requires.

Mr. Winch: Is it still the regulation and definite policy under the new system of parole that a person must serve half a sentence? If the board believes that a person is rehabilitated does it have authority to release him on parole before half the sentence has been served?

Mr. Fulton: Yes, Mr. Chairman. Unequivocally, I say the board is not bound by any rule of thumb to half time.

Mr. Benidickson: That was the point of my question.

Mr. Fulton: I had answered it three times already.

Mr. Winch: I am sorry to be taking up so much time but I have one more point. What is the relationship now between the new change which came in last year and the remission services in the provinces? I am not supposed to mention names but I am going to. I have had something to do with a number of cases and I am very proud to see Mr. MacLeod before the minister. I have felt that in certain circumstances remission should have been granted but it was impossible because it did not come under federal jurisdiction; it came under provincial jurisdiction. What is the situation now under the new relationship? Just how far do the federal board's powers extend? I think the federal board is more sympathetic toward the parole system than some of the provinces.

Mr. Fulton: The powers of the national parole board are set out in the Parole Act. The relationship between the national parole board and the provincial probation services is very good. The functions of the two are different and the authority is different. Probation services, as will be realized, are largely provincial and they relate to persons who may not be sentenced. A judge may put a man out on probation. We do not have any extensive probation services under the federal authority. These are provincial. They are officers of the court; but the parole board makes extensive use of the information, the knowledge and the skills of provincial probation services and their officers in obtaining assessments, reports and recommendations as to cases which come before our board for parole. The relationship between the two is very close. If we let a man out on parole we may in turn ask a provincial probation officer to be the supervisory officer with respect to that inmate's parole. In every way the relationship is very close but the statutory authority of the two, the parole board on the one hand and the provincial probation service on the other, is, of course, governed by the respective statutes under which they operate.

Mr. Winch: Does the parole system apply to persons who have been sentenced to jail for fewer than three years?

Mr. Fulton: I beg your pardon, I did not catch the question.

Mr. Winch: Does the parole system which is operated under federal legislation apply to provincial jails? I do not think so.

Mr. Fulton: The national parole board has jurisdiction over all persons who are serving sentences under the Criminal Code, whether they are serving those sentences in a federal penitentiary or in a provincial jail. They have that jurisdiction with respect to parole; they do not have jurisdiction with respect to persons who are serving sentences in provincial jails for offences against provincial statutes.

In addition, in Ontario and British Columbia there are provincial parole boards which do have jurisdiction over persons who are serving indeterminate sentences in provincial jails. The provincial parole board has jurisdiction over those.

Mr. Winch: That is one of the very points I had in mind. I am grateful to the minister for that answer. I think he will agree with me that this has caused a great deal of confusion. There is a conflict there in that the federal parole board has jurisdiction over those who are serving sentences in provincial jails if the sentence is one day under two years and if they have been convicted of a charge under the Criminal Code. If it is a charge under the provincial act, although the sentence may be exactly the same, the federal parole system cannot operate.

Mr. Fulton: That is correct.

Mr. Winch: To my way of thinking this has caused a great deal of confusion in the past. As the minister knows, I have tried to handle a great number of cases, and sometimes I have been able to operate with success and in other times I have not. I have consulted with wardens—I am speaking now of the present situation—and I have been told at times that it did not come under our jurisdiction. Is this not a matter that should be clarified? Should not the matter of jurisdiction be made clear? I have always received complete co-operation and have been successful at the federal level, but I have not yet got an answer to a letter from the provincial parole board.

Mr. Fulton: I agree with the hon. member that there is here a separation of jurisdiction that I think follows necessarily from the provision of the constitution under which Canada operates.

[Mr. Fulton.]

The Fauteux commission made certain recommendations in this field with respect to certain changes which the provinces might make in the jurisdiction and operation of their boards. But, of course, we are not in any position to dictate what they should do. All I can say, therefore, is that there are limitations on our authority and jurisdiction and there are areas in which the provinces are entitled to operate under their own exclusive authority and jurisdiction. We are endeavouring, both at the departmental level and through direct contacts between the board and its officers and provincial parole and probation boards, to work out a satisfactory method of co-operation so as to avoid overlapping and particularly so as to avoid differences in policy and differences in approach to these problems.

Mr. Winch: Provincial jails are completely under provincial jurisdiction but if inmates are sentenced under the Criminal Code then the federal government does have jurisdiction with respect to parole?

Mr. Fulton: That is quite clear. The operation of the jail and the circumstances and conditions under which inmates serve their sentences in the jail, if it is a provincial jail, are, of course, within the authority of the provincial legislature and officials, but that relates to the operation of the jail. The authority of the parole board does not extend to the conditions under which a man will serve his sentence in a jail. Their authority only extends to the question of whether he shall be paroled before he has served his sentence. Our board does not have authority and does not attempt to assert any authority as to the conditions under which a man will serve his sentence while he is in the provincial jail. All they say is whether or not he should be released from custody prior to the expiration of his sentence, which is an entirely separate jurisdiction from that of actually running the institution itself.

Mr. Winch: I am sorry, but I want to get it clear. The federal parole board has jurisdiction with respect to parole in the case of a person sentenced under the Criminal Code but has no jurisdiction if he is sentenced under an act of the legislature?

Mr. Fulton: That is correct.

Mr. Winch: How does that differentiation come about? It is a matter of parole, not administration of the jail.

Mr. Fulton: It comes about because under the constitution we have no jurisdiction to set up a parole board with authority over sentences which are imposed by courts under provincial statutes. Our authority in this

field is confined to the Criminal Code which by the constitution is entrusted to the federal parliament, and since we have the authority to make criminal law we also have the authority to set up a parole board or the authority to parole persons who are convicted of criminal offences. But we have no authority to parole persons who are convicted of offences against provincial statutes and who are serving their sentences in provincial jails.

Mr. Deschatelets: Mr. Chairman, following the interpretation just given by the Minister of Justice, which is probably right although it is a surprise to me, would it be possible to have the number of requests to the parole board for the parole of any inmate at the Bordeaux jail in Montreal in the past year?

Mr. Fulton: If I were asked a general question as to the number of files we have reviewed I could, I suppose, give an answer in total, but to ascertain how many applications for parole have been received from a particular prison would entail a review of a vast number of files. If I were asked a question with respect to a particular inmate and asked how many representations were made on his behalf, we might be able to isolate it but I would hesitate to give such an answer on the floor of the House of Commons.

Mr. Deschatelets: If the minister will permit me, I will be satisfied if he can tell me that the parole board has received one request in the past year.

Mr. Fulton: I am given these figures for what is described here as the Montreal jail, which is Bordeaux. We denied 95 applications and granted 112.

Item agreed to.

159. Bankruptcy Act administration, $55,780.

Mr. Roberge: Mr. Chairman, some remarks were made this afternoon with respect to the administration of the Bankruptcy Act by the hon. member for Berthier-Maskinonge-Delanaudiere and I should like to make a few additional remarks with respect to this legislation. It has come to my knowledge that debtors may go from one place in a province to another place in the same province in order to make an assignment. For instance, a man from Gaspe may go to Montreal to make an assignment in the hands of a trustee. If I am right, each province constitutes a district and within a province the chief justice may make several divisions. Again if I am right, the act is not obligatory so that a debtor is obliged to make an assignment in his division. He may go to another division.

Since there possibly will be a new codification of the act I should like the government to introduce an amendment to provide that a debtor will be obliged to make the assignment in his division so that creditors will not have to go from one part of a province to another in order to look after their interests. As the situation is now, a debtor from Gaspe may make an assignment in Hull and if all the creditors are from Gaspe they and the inspectors have to travel a long distance to meetings. It may be that the act is not administered well in the several divisions but in any event I should like this matter to be cleared up by the introduction of a specific provision in the act.

Mr. Fulton: I think the point raised by the hon. member is one of those that we must take into careful consideration in the course of the review of the act that we will be making. I am told that at the moment the interpretation of the locality of a debtor, which means the principal place where the debtor has carried on business during the year immediately preceding his bankruptcy, etc., is a decision to be made by the official receiver in the case of an assignment. It may be that the act is not clear enough or that the safeguards against the practice to which my hon. friend has referred are not sufficient. That is one of the questions that we shall be looking at when we review the act because one of the things we are concerned about is whether the provisions of the act are sufficiently careful in their protection of the creditor or whether possibly they are not too lenient in the sense of looking after the debtor. That is one of the things we have to look at.

Mr. Lambert: Mr. Chairman, since the minister has indicated that a review is to be made of the Bankruptcy Act there is one point I should like to draw to his attention for consideration. Following the decision of the supreme court to disallow bill No. 45 of the province of Alberta in 1959, which was a bill to provide for the orderly payment of debts and the consolidation of judgments and other debts and was patterned on legislation in force in Manitoba for 25 years and in Ontario for some 10 years, there now exists a certain void in the handling of debts for people who are really of very limited means. They are not corporations. Previously they had been dealt with in the province of Alberta by the debtors' assistance board. But this procedure is entirely voluntary. Unfortunately it has become the practice that certain creditors will attend a meeting where a debtor makes a composition or voluntary

proposal. Then one of the creditors will find out where this man is working and garnishee his wages.

Under the Alberta legislation, for example, a married man is exempt from garnishee up to $120 per month. However, by becoming completely destitute and going on relief, a man can receive sums ranging from $130 to $150 per month and so is better off than he is under his statutory exemption. There are, unfortunately, large numbers of men who are driven to this procedure because they are being hounded by their creditors. I would suggest to the minister that consideration should be given, under the summary administration provisions, on application by a province under section 5, subsection 1 of the act, that a debtors' assistance board or some public board or commission be authorized to act as trustee for summary administration of these very small estates.

I think hon. members will realize that under the normal procedures of bankruptcy a trustee cannot work for nothing, and unless there is something in the estate he is somewhat reluctant to accept the estate. In addition, these small estates entail a good deal of administration and, frankly, for what there is in it it is not worth while for the trustee to take on these matters. These debtors' assistance boards, if you want to call them that, could be appointed trustees to handle summary administrations only, with a view to formulating proposals rather than simply discharging the estate. They could do all the work by reason of the fact they are paid by the provincial authorities.

My point is simply that through the provision of the summary administration section of the act relief can be given to the small salaried worker who is in difficulty with his creditors.

Mr. Fulton: I appreciate the comments of the hon. member, and I am aware of the difficulties created in Alberta as a result of the supreme court decision. Beyond saying what I have said about that, I would not like to comment. I am aware of the difficulties, and one of the particular features of the Bankruptcy Act which will come under review will be this part of it which provides for summary administration. We are concerned about that section and some of the abuses to which I think it is open at the moment. The intention is good, but there are some abuses to which it seems to be exposed, and although I would not care to comment as to what direction we will make changes, if and when we make changes, certainly the point that my hon. friend has in mind will be one that will be under review.

Item agreed to.

[Mr. Lambert.]

Penitentiaries—

161. Administration of the office of the commissioner of penitentiaries including $90,000 for grants to recognized prisoners' aid societies, as may be approved by the treasury board, $641,516.

Mr. Brassard (Lapointe): I should like to ask the minister a question on item 161. Reference is made to $90,000 for recognized prisoners' aid societies as may be approved by the treasury board. I wonder if the minister would be kind enough to set out the criteria upon which the treasury board makes an examination of these applications for aid to the different societies?

Mr. Fulton: It would be difficult for me to answer for the treasury board because the members of the treasury board alone could properly answer that. What I can answer for are the criteria which we observe in making our recommendations to the treasury board for what will be included in our estimates.

As the hon. member will appreciate, there are two headings under which we make grants to prisoners' aid societies or after-care agencies, as they are variously called, that is under the national parole board, formerly the remission service, under which the sum of $60,000 is provided this year, and under the penitentiaries branch for which $90,000 is provided this year, making a total of $150,000.

The measure of the assistance they receive is, generally speaking, the number of cases in which they undertook assistance. The parole board calls upon them for assistance with respect to persons who are out on parole, and then they make a calculation of the number of cases in which this supervision or assistance has been given. The assistance to be given during the current year is based on the experience of the past year.

In the same way, under the penitentiary authority when a man is approaching his discharge date notification may be given to one of the agencies which would be asked to come in and interview the inmate, and do what they can to assist him after his discharge with respect to finding a job or in connection with the other problems with which he will be confronted. Again, the number of cases thus handled by the agency is kept, tabulated and the grant for the following year is based in general on the record of assistance in the preceding year.

Mr. Howard: I thought the minister had indicated earlier that he would have an extensive submission or statement to make under this item with respect to penitentiaries. Perhaps we could start the item off with that statement by the minister.

Mr. Fulton: Mr. Chairman, my hon. friend is quite right. I am sorry, but possibly we made such progress that I did not keep up with the items. I did intend, and do intend, to make a statement on the progress to date in connection with our correctional and reform program, what has been done up to the moment, and a brief outline of what is planned for the future.

The various committees and other groups that over the years have made recommendations for improvement of the federal correctional system have invariably stressed the need for positive efforts to reform the offender through appropriate treatment and training in penal institutions and on parole. Since confederation the penitentiary system has usually lacked emphasis on reformative treatment. Some efforts in this latter direction have been made since world war II but they have been largely frustrated by continuing overcrowding in federal penitentiaries, lack of employment for inmates, an atmosphere of tension in the institution and, until last year, a lack of emphasis on parole as a rehabilitative measure for offenders.

As hon. members are aware, the responsibility of the government of Canada in so far as the operation of a prison system is concerned is to provide custody and reformative treatment for all persons who are sentenced under federal laws to imprisonment for two years or more. In 1952 the federal penitentiary inmate population was about 4,600. In the eight years since that time the inmate population has increased to over 6,300, an increase of almost 40 per cent. It is sobering to reflect that during that short period the number of young inmates—those under 21 years of age—increased from just short of 500 to slightly more than 900, an increase of about 80 per cent. In 1952 about 1,800 inmates were serving their second or subsequent penitentiary sentence. That number has now risen to about 3,000, an increase of 35 per cent or more.

These figures would seem to indicate that there is an increase in crime—at least in serious crime—in Canada and that the traditional methods of dealing with offenders by locking them up in prison and forgetting about them does not aid in solving the problem. Ninety-nine per cent of persons who are sentenced to penitentiaries sooner or later return to the community. Indeed over the last ten years some 23,000 inmates of federal penitentiaries have been released from custody, and their numbers alone indicate the necessity of ensuring that the prison experience should have a reformative effect upon the prisoner. Only thus can the public be protected when he is again at large.

Over the last year and a half the Department of Justice has made a substantial effort in the direction of reducing overcrowding in federal penitentiaries and also in providing more effective training for inmates confined in the penitentiaries. A new medium security institution designed to hold 450 inmates has been opened at Kingston, Ontario. A similar type of prison called the Leclerc Institution will be opened at St. Vincent de Paul near Montreal toward the end of this year.

A minimum security institution—that is a prison without walls, bars or guns—has been opened at William Head near Victoria, British Columbia. Another one has been opened at Valleyfield, Quebec and a third will be opened within a few months at Springhill, Nova Scotia. Each of these institutions is an example of the economical use of existing governmental facilities that can be adapted for prison purposes. The William Head installation was a Department of National Health and Welfare quarantine hospital that was surplus to the department's requirements. The Valleyfield installation was originally a small military camp. The Springhill institution has been developed for the most part by using available huts that were acquired from the Department of National Defence.

The result of these developments during the past year and a half is that whereas formerly federal penitentiary facilities consisted of maximum security institutions only, there are now to be found in the system examples of medium security institutions and minimum security institutions. In addition the department is now proceeding with plans for the development of correctional work camps. These will be camps for the custody, treatment and training of penitentiary inmates for whom maximum or medium security conditions of confinement are not necessary or appropriate. They will be designed to carry out improvement programs upon dominion or provincial crown lands such as the development of public parking areas or picnic grounds, reforestation programs, forest fire prevention programs, restoration of historical sites and reclamation of unused lands. The projects will be of a type that the governments concerned are not prepared to undertake with privately employed labour for say a period of approximately 10 years. Initially we would hope that this new type of camp, which will provide work and steady employment for about 75 inmates in each case, would be located in the provinces of Quebec, Ontario, Saskatchewan and British Columbia. Exploratory conversations are now being carried on in the province of Manitoba.

The development of these camps will enable the department to avoid the heavy expenditures by way of capital and maintenance costs that are involved in building maximum or medium security institutions and also the delay that is involved in planning and building institutions of that type.

Another significant development during the past year and a half has been the coming into force of the new Parole Act and the commencement of operations of the new parole board. We had a discussion on this matter on the item under which the parole board estimate is contained and therefore I think I need do no more than remind the committee that the work of the parole board is an essential part of the over-all approach to the new correctional program.

There have also been developments in connection with the problem of narcotic drug addiction which also were discussed in detail and at some length on an earlier occasion. I will therefore do no more here than mention them and ask the committee to keep it in proper perspective in assessing the full extent of the correctional program which we have envisaged and upon which we are embarking.

In addition to the review I have just made of what has been done with respect to new types of institutions and the new approach in the field of parole and narcotics we have also been concerned to make changes within existing institutions. Here, as I have said, we are confronted with the problem created by overcrowding and the difficulties which that situation imposes upon us with respect to instituting or maintaining in those institutions proper work programs, rehabilitation programs, vocational training and other programs for the inmates that are there. I am quite sure that hon. members will realize without my enlarging upon it the difficulty with which we are confronted when space which should be used and is essential if you are going to carry out a proper training program has instead to be devoted to the mere physical accommodation of the number of inmates that we have because of this overcrowding situation.

Notwithstanding the difficulties that overcrowding has caused in penitentiaries it has been possible, in the existing maximum security institutions, to introduce certain improvements in the fields of classification and segregation and to expand the types of vocational and other reformative training for inmates. For example, new dormitories have been established outside the wall of St. Vincent de Paul penitentiary for 225 inmates. This action permits the segregation of this group of offenders from more hardened criminal elements who must be kept in custody behind the wall. It has been possible in Kingston penitentiary, which has a population of some 950 inmates, to provide accommodation and suitable reception and classification procedures for 50 inmates on a continuing basis. Similar reception facilities have been established at Saskatchewan penitentiary. At Manitoba penitentiary dormitory facilities have been established outside the wall to provide pre-release training for selected inmates who are approaching their day of discharge from custody.

New types of vocational training which involves the use of classroom techniques and on the job training, where the inmate learns a trade or occupation by actually working at it, have been introduced at most federal institutions. For example, training in electronics is now given at the federal training centre in Quebec and at British Columbia penitentiary. At several institutions new training courses in the welding and sheet metal trades have been started and the number of inmates receiving training in such trades as plumbing, carpentry and masonry has been increased. A commercial class in typing, shorthand and bookkeeping has been started at Dorchester penitentiary.

With regard to these work programs generally may I say that one of our programs has been to provide a useful day's work for an inmate so that he would have a feeling of self-respect, a feeling that he was doing something in which he could take some pride and also so that he might be accustomed or acclimatized, if you will, to the conditions which he would have to meet when he leaves the institution where he will be expected to do a full day's work for a full day's pay.

With this overcrowding condition with which we have been faced, with the concurrent problems I have outlined, we have found that the traditional prison day for a penitentiary inmate up to the present has generally found him locked in his cell before five o'clock in the afternoon and not released again until seven o'clock the following morning. It would seem that such an extended period of closed custody for an inmate every day, without an opportunity to associate with other human beings or to receive the benefit of training and counselling from staff members, is not calculated to prepare an inmate for the many problems that he has to face upon his return to free society.

Accordingly for the past half year an experiment has been conducted at Kingston penitentiary whereby substantial numbers of inmates, sometimes numbering as many as 200 or 250, are released from their cells during the early evening hours for educational

and recreational purposes. These inmates play organized sports in the auditorium, watch educational movies and television programs or browse in the prison library. Thus far this experiment has demonstrated that it aids in the socialization of the inmate who in so many respects must live such an unnatural type of life in the institution and greatly promotes the lessening of tension which, if permitted to build up unduly, tends to lead to disturbances in the institution. It is certainly to be hoped that this form of evening training can be extended to other penitentiaries.

A program designed to help the inmate become aware of his responsibilities to the free community when he is released and also to help him achieve a better understanding of himself and his fundamental problems is carried on at Collin's Bay penitentiary in Ontario and also at British Columbia penitentiary. This program is proving to be successful and the intention is to extend it to all institutions.

In concluding my remarks in connection with this brief review of plans for the future and progress to date, I want to emphasize one thing, and that is that while my emphasis is, and I think must properly be, upon the changes we expect to make for the future, I would not want it to be overlooked that although we stress the shortcomings and the changes which should be made and ask parliament to support us in this expenditure we are asking for in order to make those changes, nevertheless credit must be given and never overlooked to the penitentiaries staff which have carried on so admirably in the past under the limited and difficult circumstances with which they have been faced. I think it is to the credit of the Canadian penitentiary system that our institutions have been run so free of trouble and by and large have done what could be done to turn an inmate out a better man than when he went in, and it has done that notwithstanding the limited resources with which it has had to work.

So I hope that the committee, in turning its face to the future and supporting us with respect to our program for the future, will not allow its concentration on future reforms —challenging and stimulating as they are— will not allow that emphasis on that aspect to overshadow altogether the debt of gratitude we owe to the staff who have served very faithfully in the past and at present.

Mr. Deschatelets: Mr. Chairman, I have no doubt that the program outlined by the minister is already bringing good results, but what worries me is what happens when an inmate gets his freedom.

As the minister knows, because of the present situation with regard to unemployment it is very hard for a man who gets his freedom and enters civil life to find work. In this connection I should like to know whether we are making any efforts in this respect. Have we got rehabilitation officers assisting the inmate who has just got his freedom to find work? To what extent are we successful in this regard?

Mr. Fulton: There is a special placement section in the national employment service which, on notification that an inmate is within three months of his discharge date, sends a representative to interview him in the institution in order to analyse his past record of employment, assess his capabilities, and then the official returns and tries to find a job opportunity for him upon the inmate's discharge.

In addition to that, our parole officers across the country are available to serve not only inmates on parole but discharged inmates who may have problems in connection with employment. I should of course pay special tribute here to the work done by the voluntary after-care agencies such as the John Howard and Elizabeth Fry societies which do tremendous work in obtaining employment opportunities for inmates.

Although it will take a long time to develop, I am sure, we have in mind for the future an individual sponsorship program through the agencies of the voluntary organizations as well as through our own staff with the objective—this is an objective only; I am not giving a blueprint—that ultimately it might be possible for individual inmates to be sponsored by individuals or organizations even before they leave the penitentiary with a view to personal assistance in replacing them in society and particularly in placing them in jobs. We cannot place the onus exclusively on the individual or voluntary agency; we must accept a large part of the responsibility ourselves as the penitentiary branch, the parole service, and so on, but the objective is that every inmate who requires help in finding employment opportunities will receive personal assistance in doing so.

Mr. Broome: I should like to bring a couple of minor points to the attention of the minister. I spent a day with Warden Cummins in Westminster and I must say Mr. Cummins is one of the finest men I have ever met and I believe he must be of very great assistance to the department. But there are several rules which seem to be necessarily restrictive. For instance, when writing letters a prisoner is allowed one sheet of paper and he is limited to how many letters he can write. One particular prisoner wrote on both sides and wrote so finely that they said, "You can have two or three sheets of paper to write letters on".

Another point is with regard to visitors. This warden told me the regulations say that particularly female visitors have to be women of good repute and relatives; so he has more aunts of prisoners than really the prisoners have. As they say, they have to come in under the guise of being a relative. These prisoners need that contact with the outside world. He told me the story of one prisoner who said, "Warden, you know the sort of man I am and the life I have led; what decent self-respecting woman do you think would ever associate with me?"

In this effort of rehabilitation I think of these two considerations. I would think the penitentiary officials would want these men to do all the writing they possibly could. I was there last fall and maybe the regulations have been changed since then, but if they have not they certainly should be changed. In regard to visitors there should be a certain amount of reason exercised. I think there may be other regulations which have the same effect, but these two particular regulations I am talking about certainly are not conducive to helping a man keep in touch with the outside world and keeping him semi-prepared anyway for his re-entry into outside life.

As I said, I spent a day out there. I thought the penitentiary was exceedingly well run; the food was good. I do not suppose you could say the inmates looked happy, but they certainly looked contented, and I would like to pay tribute to Warden Cummins and the staff of British Columbia penitentiary.

Mr. Winch: Mr. Chairman, I should like to support what has just been said by previous speakers. I know that we cannot under any circumstances mollycoddle those who have broken the law. If they break the law they have to accept the punishment for it. But I feel that the view of the Minister of Justice is that although there must be punishment and retribution, if you want to put it that way, the main aspect of the question is rehabilitation.

When one enters a penitentiary he goes into an entirely different world. I think it is about four weeks that you are in one section of the prison where you are questioned, where you are told the rules, where they try to understand you and then decide what you should do. After that, you are committed to the prison routine.

As I said this afternoon, I cannot understand a man wanting to go back to a life of that kind. Nor can I understand how a man can be placed in a position to rehabilitate himself when he is strictly limited in his contacts with the outside world. I agree with those who have said that there should be humanity with discipline and with punishment. To cut a person off from contact with those he knows and loves in the outside world is bad. Few things could be worse than the suppression of facilities for writing and receiving letters. Every letter, both in and out, is censored, so that the prison authorities know exactly what both the man and his correspondents are writing. Surely it is a good idea to keep these persons in contact with those they love and trust.

Mr. Chairman—or I should say, Madam Chairman. I am sorry; I was so interested in talking that I did not notice who had taken the chair—I believe the increase of these contacts is good, first because it helps toward rehabilitation and increases contact with the outside world and, second, because it provides a far better method of discipline than reliance on restriction and corporal punishment.

I am opposed to corporal punishment. I am opposed to severe discipline. I agree there has to be discipline, but this I know from years of visiting jails and penitentiaries; I have not met more than three inmates who would not prefer to take the lash or the paddle than to lose the privileges which they receive, whether they take the form of cigarettes, or reading matter, or radio, or the writing and receiving of letters. It is in the control over these privileges that the penitentiary authorities have the greatest power. That is the way in which the authorities can exercise discipline, by cutting out visitors and by cutting out the writing and the receiving of letters. I was very proud that one of my colleagues spoke earlier on this subject. I want to support what he said and ask that greater consideration be given to this phase of our subject.

There is one other matter that I wish to discuss, and the minister may perhaps be somewhat amazed that I should raise the question at the moment. The hon. gentleman spoke about the training which takes place at penitentiaries, training in masonry, carpentry and so forth. I know that in British Columbia at the present time we have a very serious unemployment problem, and there may be some who will misunderstand the proposal I am about to make. Over the years I have read with a great deal of interest what is being done in some of the states in the United States and what is being done in other countries in Europe where the authorities in charge of prisoners have sought to obtain the co-operation of employers and trade unions in this training work. I should like to ask the minister whether any approach along these lines has ever been made through the trade unions of Canada. I should like to know whether the trade unions have ever been asked to interest themselves in this

problem of the rehabilitation of those who have broken the law. Have we ever asked the unions to co-operate and send into the institutions their experts in the fields of electronics, inside and outside wiring, carpentry, plumbing and so on as part of the educational process? It may be that when the inmates are released after completing their sentences they could continue in the work which they have learned as apprentices, improvers or journeymen. A certain number might be accepted in the trade union of the particular craft they have chosen and be sponsored by that particular trade union which would assist in their efforts to become rehabilitated.

I have read that in countries where this has been attempted it has proved very successful, and that co-operation between the trade unions, the employers and the prison authorities has worked out extremely well. I should like to ask the minister whether this approach has ever been tried in Canada and whether he thinks this is worth attempting.

I raise this question now at a time when a great many trade unionists are themselves out of work, but I am speaking on the principle, and I believe it would be well worth while to approach employers and trade unions on this matter of helping to instruct the inmates of our penitentiaries by means of lectures and so on and then invite them to co-operate to an extent as the prisoners come out and try to rehabilitate themselves. I think such an effort would be well worth while.

Mr. Fulton: To deal with the last mentioned subject first, I can assure the hon. member that we have had over the years extensive contacts and consultations with trade union organizations. I think particularly of Collin's Bay where trade union representatives came down and assisted us in setting up the training programs. They also attended the training graduation ceremonies of the inmates and took part in those celebrations. I am told they also donated a number of prizes for efficiency in the training programs that were carried on. We have close contacts with trade union organizations. I am not saying it could not be improved; probably indeed it could, as we bring more and more moves to bear and have more and more facilities for programs of vocational training. But we do have close relations with the trade union organizations.

Mr. Winch: Can the minister tell me of one trade union sponsored individual? I want it carried on.

Mr. Fulton: I cannot give the name at the moment but I am advised that certain trade unions have arranged for examinations of our inmates who have had their vocational training courses, and as a result of that examination they are given credit for their journeyman certificates which they complete when they go outside. That arrangement is not an unusual one to be made with respect to inmates and with respect to the relations with trade unions.

My hon. friend asked me about the contacts with the outside world. I am informed there are numerous channels of contact with the outside world for our inmates. There are, for instance, such associations as Alcoholics Anonymous for one. I am told that in some instances there are meetings of as large a number as 50 to 75 which take place through that organization. There are many other group visits and group discussions which are arranged between inmates and outside organizations.

In regard to mailing privileges, I can only say that the penitentiary regulations generally are being reviewed. But when my hon. friend refers to British Columbia he must realize that at the moment there we are running a maximum security institution, a non-segregated institution, where unfortunately we do have to apply the maximum security regulations with regard to censorship and so on. We do have some staff limitations, and it is those conditions that necessitate that institution having quite severe restrictions with regard to mailing privileges; but they do not necessarily have to be applied in other institutions across the country. The regulations are being reviewed to see whether and to what extent relaxation can be allowed.

Mr. Howard: When the minister was making his remarks I thought he would give us some indication with respect to the minimum security personnel at Joyceville, which has a population of 450. I did not get the name of the other institution to which the minister made reference.

Mr. Fulton: l'Institut Leclerc.

Mr. Howard: This is in the offing; this is something for the future?

Mr. Fulton: No; it will be opened this fall; construction is practically completed now.

Mr. Howard: Is it different from Joyceville?

Mr. Fulton: It is of the same general design as Joyceville; it will house approximately 450.

Mr. Howard: Can the minister give us some information on William Head, Valleyfield and Springhill?

Mr. Fulton: William Head, 100; Valleyfield, 100; Springhill, approximately 100.

Mr. Howard: Eleven hundred or 1,200, something of that nature?

Mr. Fulton: I think 1,200.

Mr. Howard: With respect to William Head, is it not possible to establish additional facilities there to take in more inmates? I understand this can be done.

Mr. Fulton: Of course, physically, we could expand; probably we could increase the number of inmates but I think we would have to look very carefully at whether it is desirable in a minimum security institution to have many more than 100 inmates because you might destroy the atmosphere. There is a limitation on the number you can have without increasing your staff, and perhaps we would increase the staff more than one would want to. We are trying to establish an atmosphere almost next door to discharge. It is a progression that the inmates make and I question whether any more than 100 would be desirable in that type of institution.

Mr. Howard: Very well. The rough estimate which was given by the minister earlier was to the effect that in 1952 we had an inmate population of 4,600. As I recall it, this was very close to the total number of available cells in the institutions at that time, so that probably in 1952 or 1953 we were close to having the penitentiaries completely filled, if not to some degree overcrowded. Since that time up to today we have added another 1,700 to the present penitentiaries, not counting the Joyceville institution and the other ones. Conditions are such today that even when you get such places as William Head, Valleyfield and Springhill into operation fully and completely you will be no better off than you were eight or 10 years ago. We will still not be able to tackle the question of rehabilitation and reformation to any extent within the institutions themselves.

We need a much more expanded and accelerated program, and additional institutions must be opened. In addition to the number in our penitentiaries there are 1,000 inmates who are convicted under the narcotics act. As I understood the minister, he said at any one time about one third the total number of addicts were being processed through the institutions. We need additional institutions to deal with the narcotic addicts and perhaps this would remove some of the overcrowding; but this is something for the future. It is not something that is going to occur tomorrow. As the minister said, there are certain limitations on the funds available, and so on.

In all probability, if the trends of the past are any indication of the future, with an increasing population in Canada, there is a possibility that we will continue to be in somewhat the same static position. The increasing facilities will not take care of the larger inmate population so that these institutions will be kept filled to the limit unless we can work effectively within the institutions on a program of reformation and rehabilitation.

I do not think it is possible to do this under the present program regardless of the high-mindedness of the people interested in this country. I asked the minister a number of questions about this last session and he was kind enough to give me a great deal of statistical information which appears on page 4984 of *Hansard* of June 19 of last year. I should like to make reference to this overcrowding in so far as it affects shop space or other space that is used within the institutions themselves for sleeping purposes.

The minister indicated here that shop space and corridors were being used for dormitory purposes in some institutions. I am sure the hon. member for Vancouver South noticed that in the institution that he visited some time ago. In Kingston shops that could be used for training and everything else are now used for dormitories. In Dorchester, for instance, in shop space and corridors there were facilities for 13 inmates. In St. Vincent de Paul there were temporary dormitories either in shop space or corridors for 122; in Kingston, 184; in Saskatchewan, 60; in British Columbia, 94; and at Collin's Bay, 80. Incidentally, Collin's Bay is not a penitentiary in the old maximum security sense; it is a training centre: there are shops there, and even in the Collin's Bay penitentiary they have shop space and corridors taken up for inmates. This is indicative of the overcrowding which existed last year, and this is going to continue and continue. Will you call it ten o'clock, Mr. Chairman?

Mr. Churchill: Will the hon. member go on beyond ten o'clock? We could have called it ten o'clock before he finished what he was saying but did not do so. Can we not finish this department tonight? There are only two items left.

Mr. Winch: I also have something I want to raise.

Mr. Churchill: We could perhaps finish in ten minutes.

Mr. Howard: I think we should call it ten o'clock and follow the rules.

Mr. Fulton: I have only a few remarks to make in reply, but my hon. friends have

made such a useful contribution already that I would have thought we could agree to conclude tonight.

Mr. Howard: Mr. Chairman, you will recall that we got into this same hassle last year at the same stage of the session. I can appreciate that at times there are circumstances in which it may be necessary to go on for a minute or two but I believe we establish an improper precedent by doing so. I have some further comments to make, the hon. member for Vancouver East has other comments and the minister himself indicated he has something he wishes to say. I am not trying to be difficult but I think we should stick to the rules unless they are altered by notice as they will be next week.

Mr. Chevrier: May I make a suggestion, that we allow the items on page 34 to pass and then allow the hon. member and any other hon. member who wants to discuss a matter concerning the minister's department to do so on the R.C.M.P. item which will be coming up later.

Mr. Fulton: There will be supplementary items too with respect to penitentiaries.

Mr. Chevrier: That is my suggestion for what it is worth.

Mr. Howard: I understand that there is perhaps also a desire to continue past ten o'clock so that the officials of the department can conclude their activities but if we are going to do what has been suggested by the hon. member for Laurier it will mean they will have to come back in any event.

Resolutions adopted in committee of supply this day reported and concurred in.

BUSINESS OF THE HOUSE

Mr. Chevrier: May I ask what the business is for tomorrow and next week as well?

Mr. Churchill: Mr. Speaker, tomorrow it is the intention to suggest to the house that it rise at one o'clock in order that members may participate in the ceremonies on Dominion day. During the course of the two hours that the house is in session we will take up the bill of rights. With respect to next week and dealing with Monday first, following consultation with the parties on the other side of the house I am suggesting for consideration that in order to call the remaining three departments, privy council, Secretary of State and legislation, we commence with a motion to go into committee of supply but that we go into committee of supply without debate, call these items, that the committee then rise and report, and that with the Speaker back in the chair we continue the debate on the bill of rights. If that is agreeable to hon. members opposite they might so indicate now and then I will give the business for the rest of the week.

Mr. Chevrier: So far as we on this side of the house are concerned we are agreeable to waive our right to move an amendment of non-confidence on the motion to go into supply in accordance with the suggestion made by the house leader.

Mr. Argue: Mr. Speaker, I think we are agreed as to this procedure but I wonder whether the leader of the house would care to have an order of the house made at this time that we rise at 1 p.m. tomorrow. I am wondering whether it is agreed by the three parties that we will rise at that time because I can say quite frankly that I have heard members of the opposition say that this is not going to be the case. I think we should have it clear tonight that we are in fact rising tomorrow at one o'clock, and if there is unanimous consent at this time an order should be made tonight changing the hours of sitting tomorrow so that in fact we will sit from eleven to one o'clock and will not get into a hassle with respect to whether we are coming back at 2.30.

Mr. Chevrier: That was not an answer to the question.

Mr. Churchill: Perhaps we could postpone that matter for a minute. I was wondering about the order of business for Monday which I suggested.

Mr. Argue: That is agreeable to us with respect to Monday.

Mr. Churchill: Then we can revert to the other matter with respect to whether or not the house will rise at 1 p.m. on Friday.

Mr. Speaker: May we deal first with the arrangement for Monday so that it will be definite? As I understand the proposal which hon. members are prepared to accept, it is that a supply motion will be moved on Monday but not debated.

Mr. Chevrier: That is right.

Mr. Speaker: Is that agreed?

Some hon. Members: Agreed.

Mr. Speaker: It is so ordered.

Mr. Churchill: Could we then have a decision with respect to the hours of sitting tomorrow, Dominion day?

Mr. Speaker: Is the house prepared to order that tomorrow's sitting be adjourned at one o'clock?

Some hon. Members: Agreed.

Mr. Speaker: It is so ordered.

Mr. Churchill: With respect to the business for the other days of next week, Tuesday will be available for continuation of the debate on the bill of rights if so desired. If that should be completed, we have the department of forestry item on the order paper and there may be one or two other legislative items which will appear by that time. Wednesday, Thursday and Friday will be given over to the discussion of estimates in the following order: completion of the Department of Justice and the R.C.M.P., national revenue, transport, external affairs, northern affairs, labour and public works.

It being ten minutes after ten o'clock the house adjourned, without question put, pursuant to standing order.

ANSWER TO QUESTION

The following answer, deposited with the Clerk of the house, is printed in the official report of debates pursuant to standing order 39:

TRI-SERVICE HOSPITAL, OTTAWA—CONTRACT PRICE, ETC.

Question No. 415—**Mr. Tardif:**

1. What was the original contract price of the triservice hospital now being built at Ottawa for the Department of National Defence?
2. Have there been any extras to date? If so, in what amount?
3. What is the number of beds?
4. What are the revised department estimates of ultimate cost per bed?

Answer by: **Hon. Raymond O'Hurley (Minister of Defence Production):**

1. $7,971,136.
2. Yes. $504,100.43.
3. 350.
4. $25,094.

[The following items were passed in committee of supply]:

DEPARTMENT OF FISHERIES

129. Information and educational service, including grant of $3,000 to Nova Scotia fisheries exhibition, $202,000.
130. Economics service, $328,100.
131. Industrial development service, $942,185.

Field services—

132. Field services administration, $862,940.

Conservation and development service—

133. Operation and maintenance, $5,770,620.
134. Construction or acquisition of buildings, works, land and equipment, $1,464,250.
135. Inspection and consumer service, $2,139,000.
136. Fishermen's indemnity plan administration, $243,850.

Special—

137. Canadian share of expenses of the international commissions detailed in the estimates, $895,210.
138. Acquisition of land for the international pacific salmon fisheries commission as required by article VIII of the convention (chap. 11, statutes of 1957), $6,000.
139. Newfoundland bait service, $429,400.
140. Educational work in fisheries techniques and co-operative producing and selling among fishermen, $90,000.
141. Fisheries Prices Support Act administration, $60,000.
142. Payment, subject to such terms and conditions as the governor in council prescribes, of

assistance to producers of salted fish on products designated by the governor in council, in the amount of 50 per cent of the laid down costs of salt purchased for their production, including authority to charge administrative costs to the vote in these estimates which provides for administration of the Fisheries Prices Support Act, $600,000.
143. Assistance in the construction of vessels of the dragger or long-liner type, subject to such terms and conditions as may be approved by the governor in council, $350,000.
144. Assistance in the construction of bait freezing and storage facilities, subject to the regulations established by the governor in council, $30,000.

Fisheries research board of Canada—

145. Headquarters administration, $186,310.
146. Operation and maintenance including an amount of $53,000 for contributions towards fisheries research and for scholarships, and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the international great lakes fishery commission of the cost of work on lamprey control and lamprey research, $4,199,125.
147. Construction or acquisition of buildings, works, land and equipment, $552,100.

Special—

521. Destruction of dogfish and other predators, $150,000.

Fisheries research board of Canada—

522. Construction or acquisition of buildings, works, land and equipment—further amount required, $194,500.

DEPARTMENT OF JUSTICE

A—Department—

151. Departmental administration including annual contribution of $200 to the conference of commissioners on uniformity of legislation in Canada, $872,484.
152. Parole Act administration including $60,000 for grants to recognized prisoners' aid societies, as may be approved by treasury board, $553,287.

Supreme Court of Canada—

153. Administration, $225,327.

Exchequer Court of Canada—

154. Administration, $136,900.

Northwest Territories—

155. Administration of justice in the Northwest Territories including the Northwest Territories territorial court, $120,234.

Yukon Territory—

156. Administration of justice in the Yukon Territory including the Yukon territorial court, $128,135.

Combines Investigation Act—

157. Restrictive trade practices commission, $87,555.
158. Office of investigation and research, $478,704.
159. Bankruptcy Act administration, $55,780.

Pensions and other benefits—

160. Payments of gratuities to the widows or other dependents of judges who die while in office, $15,000.

HOUSE OF COMMONS

Friday, July 1, 1960

The house met at 11 a.m.

DOMINION DAY

93RD ANNIVERSARY OF CONFEDERATION

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, on this the 93rd anniversary of confederation of our country I suggest that the house rise and sing *O Canada* and *God Save the Queen.*

Whereupon the members of the house rose and sang *O Canada* and *God Save the Queen.*

HOUSE OF COMMONS

PRESENCE IN GALLERY OF OFFICERS AND MEN FROM H.M.C.S. "CORNWALLIS"

On the orders of the day:

Mr. E. L. Morris (Parliamentary Secretary to the Postmaster General): Mr. Speaker, I wonder whether on this 93rd birthday of our country I might be allowed a momentary transgression of the rules of the house in order to draw to the attention of hon. members the presence in the gallery of 110 officers and men of the sunset guard, band and gun crews parading in this city from H.M.C.S. *Cornwallis.*

NATIONAL DEFENCE

NUCLEAR WARHEADS—INQUIRY AS TO NEGOTIATIONS WITH UNITED STATES

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): I should like to ask the Prime Minister whether he can inform the house whether the government is continuing to negotiate with the United States government over the acquisition of nuclear warheads for weapons for Canadian forces.

Right Hon. J. G. Diefenbaker (Prime Minister): The hon. gentleman did not give me notice on this matter, Mr. Speaker, and I would prefer to allow the question to stand until Monday so I could give an answer in the fullest detail. Any expurgated answer at this time which would result from failure to cover the entire situation might be misunderstood in its context.

Mr. Pearson: Mr. Speaker, I quite realize that I did not give the Prime Minister notice; my question was based on information which appeared only a few hours ago in the press. Does the Prime Minister not think it is desirable to remove at once the confusion which has been created by the different answers given on this subject by different ministers?

Mr. Diefenbaker: Mr. Speaker, I at once refuse to accept the suggestion that any confusion has been created by the statements made. The interpretation of them may be confused, but the actual statements have been clear.

Mr. Hazen Argue (Assiniboia): May I ask a supplementary question. Can the Prime Minister not tell the house and the country whether negotiations are or are not going on now? Does the Prime Minister not know?

TRADE

EUROPEAN COMMON MARKET—INQUIRY AS TO CANADIAN ASSOCIATION

On the orders of the day:

Mr. Hazen Argue (Assiniboia): Mr. Speaker, I would like to direct a question to the Minister of Trade and Commerce. On this occasion of a further general reduction in tariffs among common market countries, and in view of the urgent consideration which is being given by the United Kingdom, according to reports, to associating itself in some way with the common market, can the minister say whether there is any likelihood of Canada being associated with either the outer seven or the inner six, and what consideration is being given to this very urgent trade problem?

Hon. Gordon Churchill (Minister of Trade and Commerce): Mr. Speaker, this question arises from time to time in the house and answers have been given; this is a repetition of earlier questions.

I pointed out just a few days ago that negotiations are going on. Canadian officials have been in Europe, and they are still there, negotiating with members of the common market and outer seven groups. Later in the month of July there will be a meeting on the ministerial level which will be considering the problems raised by the question of the hon. member.

The situation is kept constantly under review, and Canada's position with regard to any proposed restrictions on trade has

been repeatedly put before the members of the two regional trading groups in Europe. Later during the summer there may be a more comprehensive report available with regard to the whole situation.

Mr. Argue: I wonder if the minister would comment on the report and tell the house whether there have been Canadian government studies made; and would he comment on the statement that these studies reveal that the common market is likely to set its price for wheat 20 per cent above the world price in order to call forth increased production within the common market countries and displace a large part of Canada's exports to this area?

Mr. Churchill: Studies of the problem have been made and are continuing. As I reported last week, I think it was, representatives of Canada and of the United States, Australia, Argentina and the wheat exporting countries have been discussing agricultural policies with representatives of the common market. It is quite possible that there will be an increase in the production of wheat in Europe, and that increase in production, if confined to consumption within Europe, will have the effect of restricting imports of wheat. The imports of wheat which will be affected most seriously are those from Argentina, the United States and Australia, who are producers of soft wheat, which is the same type of wheat produced in Europe.

The same or an equal effect will not be felt by Canadian wheat exports, Canadian wheat being a hard wheat which is used in substantial quantities for mixing with the soft wheats which are grown in Europe. Over a period of several years it may well be that exports of Canadian hard wheat to Europe will be restricted, but that is something in the future. We are watching it very closely indeed, and it is because of that development that may occur within the course of the next five years or so that we are making very great efforts to expand our markets for wheat and flour in the countries of Asia, Africa and Latin America.

Hon. Lionel Chevrier (Laurier): A supplementary question. In the light of the announcement made this morning of tariff cuts, which now amount to 20 per cent in so far as the common market countries are concerned, and in the light of the answer the minister has given with regard to wheat exports, can the minister say what effect this reduction will have on Canadian exports generally to these countries?

Mr. Churchill: That will have to be examined. I was reading the press report today to which I assume the hon. member is referring, and I draw the attention of the house to the fact that despite the reduction in tariffs among the six nations in Europe their trade with the outside world increased by 8 per cent, which bears out what I have said on many occasions here in the house that Europe is one of the great trading areas of the world, just as dependent on exports for the maintenance of its economy as we are and just as interested in maintaining its position in world trade. The fact that its trade with the outside world has increased by 8 per cent is an indication of the outward-looking factors in so far as the European nations are concerned.

I think this is just another indication of the expansion of world trade. Canada's position has been very clearly put to the European trading nations. As I have repeatedly stated in the house, in conversations I have had with ministers of trade and commerce of nations of the Six and the Seven in Europe, each one has told me that his hope is for expanded trade with Canada and the other nations outside Europe.

Mr. Chevrier: It is true, as the minister has stated, that there has been an increase of 8 per cent in the trade of the six common market countries with the outside world. On the other hand there has been an increase of almost 30 per cent—29 per cent is the figure I have before me—in trade within the common market itself, and the question which comes to my mind is this. What measures is the government taking to protect our exports in the light of this declaration?

Mr. Churchill: All measures that are possible. I should like to examine the subject more fully when the estimates of the Department of Trade and Commerce are before us for consideration, as they will be shortly.

DOMINION-PROVINCIAL CONFERENCE

REPORTED STATEMENT BY PARLIAMENTARY SECRETARY TO THE MINISTER OF JUSTICE

On the orders of the day:

Mr. H. J. Robichaud (Gloucester): I have a question to ask the parliamentary secretary to the Minister of Justice. Was the parliamentary secretary expressing the views of the government when he said last Saturday that New Brunswick, and I quote "—must have the leadership of Hugh John Flemming if we are to get our just due at the federal-provincial fiscal conference in July"?

Some hon. Members: Oh, oh.

Mr. Speaker: The hon. member is not asking a question which comes within the administrative responsibility of the government. I would remind the house also, as I said the other day, that the matter to which the question relates no longer has any urgency.

COAL

CAPE BRETON—REQUEST FOR INVESTIGATION INTO EFFICIENCY OF OPERATIONS

On the orders of the day:

Mr. Robert Muir (Cape Breton North and Victoria): I should like to address a question to the Minister of Mines and Technical Surveys in reference to a statement attributed to President Michael MacLean of Princess local, united mine workers of America, as reported in the Cape Breton *Post* of June 27, which reached me this morning. This report states:

> President MacLean asserted that in the face of reports of additional government financial assistance it would appear that the company is deliberately attempting to scuttle the coal industry in this district.

In view of this statement and others indicating that the actions of the company are causing alarm with respect to the future of the industry, would the minister consider having technicians from the dominion coal board go to the area in order to investigate the situation in the interests of the Canadian people and of the coal miners in particular?

Hon. Paul Comtois (Minister of Mines and Technical Surveys): In answer to that question, Mr. Speaker, it would not seem advisable to send mining experts to the coal operations of Dosco just at this time, in view of the fact that I am informed that the Rand commission recently had an internationally recognized mining and management engineer spend several weeks covering all aspects of Dosco's operations. His findings will no doubt form an important part of the Rand commission report which is expected to be released soon. When this document is received the whole question of mining operations in the area can again be reviewed in the light of what is reported at that time. I know the hon. member will take up the matter with me again after the report is published, in the interests of his constituents, and I will be glad to talk to him then.

LABOUR CONDITIONS

ELLIOT LAKE—INQUIRY AS TO FEDERAL ASSISTANCE PROGRAM

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, I should like to ask a question of the Minister of Trade and Commerce. In view of the report that the provincial government of Ontario is going to announce its program of assistance for Elliot Lake, has the federal government decided to make a similar announcement with regard to its program at the same time?

Hon. Gordon Churchill (Minister of Trade and Commerce): Mr. Speaker, we are looking forward with interest to the proposed announcement by the provincial government of Ontario. The government at Ottawa will make its announcement in due course, when plans have been completed.

Mr. Hazen Argue (Assiniboia): A supplementary question, Mr. Speaker. Can the minister say whether the announcement being made by the province of Ontario follows discussion between the two governments; and has the minister been made aware of the provisions of the Ontario announcement?

Mr. Churchill: That question was asked yesterday. Again this is repetition. There have been frequent consultations between the government at Ottawa and the provincial government at Toronto with regard to this problem.

Mr. Pearson: Mr. Speaker, the question I asked yesterday, which perhaps I could repeat now, was not had there been consultation between the two governments but had there been meetings between the two governments.

Mr. Churchill: At times there have been meetings between representatives of the two governments.

EXTERNAL AFFAIRS

CUBA—THREATENED CONFISCATION OF SUBSIDIARY OF CANADIAN COMPANY

On the orders of the day:

Hon. Lionel Chevrier (Laurier): Mr. Speaker, may I direct a question to the Secretary of State for External Affairs. Has the government made representations to the government of Cuba in connection with the threatened confiscation by that government of the Cuban subsidiary of a Canadian corporation?

Hon. Howard C. Green (Secretary of State for External Affairs): No, Mr. Speaker, but I will look into this situation.

Human Rights

HUMAN RIGHTS

MEASURE PROVIDING FOR RECOGNITION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Right Hon. J. G. Diefenbaker (Prime Minister) moved the second reading of Bill No. C-79, to provide for the recognition and protection of human rights and fundamental freedoms.

Mr. Speaker: Before the Prime Minister speaks I observe that the hon. member for Timiskaming is rising on a point of order.

Mr. Arnold Peters (Timiskaming): Mr. Speaker, I am rising on a point of order on which I ask your consideration and ruling. The introduction of the second reading of Bill No. C-79 is a breach of the general rules of this house and is therefore out of order. I wish to make it clear that I do not oppose the introduction of this bill, but I know we would not intentionally introduce a bill in this house that would not stand the scrutiny of the law and would contravene the rules of the house. The house at all times is master of its own business, and may agree to consent to change the rules.

The rule which the present motion violates is a rule of this house and of the United Kingdom House of Commons which was ordered to be a rule of the United Kingdom parliament in 1604 and has continued in that house ever since. The subject matter of this bill has already been introduced and discussed by the house in a previous bill this session, and I should like to point out the conflict that will take place between this bill and a bill previously passed this session. The general rule, and I have precedents in considerable number, is that it is generally conceded that where a subject matter has been decided upon in one session, that matter cannot be raised and introduced again though it is in slightly different form.

Mr. Speaker: It is true there is a rule against the house taking a decision twice on the same issue unless the earlier decision has been rescinded. However, the hon. member's proposition strikes me as rather remarkable, and in the interests of shortening the matter perhaps he would indicate what previous matters this house has dealt with which cover the scope of the bill now ordered for second reading.

Mr. Peters: The bill of rights proposes that this house should affirm that in Canada there have always existed certain specified human rights and fundamental freedoms as indicated in clause 2, and that no act of this parliament shall, unless otherwise expressly stated therein, abrogate certain freedoms, rights and remedies—clause 3—and that any other rights not specified shall continue—clause 5. Each of these questions or propositions is affirmatively expressed to permit of no negative exception, except that mentioned in clause 3 and in clause 6.

Earlier this session this house negatived by vote each of these questions in greater or less degree, so that the bill which was passed by this house, passed by the Senate, received royal assent and became an act stands as an exception to the questions propounded in the present bill. This house cannot vote upon the absolute and affirmative propositions in this bill without voting again upon the reverse negative propositions in the former bill.

Mr. Speaker: Perhaps the hon. member would refer to the earlier decision of the house. I am familiar with the principle but I see no application in anything he has said yet.

Mr. Peters: The earlier bill containing the negative propositions to those contained in this bill in positive form is the Feeds Act, chapter 14 of the statutes of the present session. This act was Bill No. S-27; it was introduced in the house and passed, and it interferes in these respects. The particular human rights and fundamental freedoms that were negatived by the house earlier this session in the Feeds Act and are now proposed again in the Canadian bill of rights are as follows: first, security of property and search without warrant involving security of the enjoyment of property and the right not to be deprived thereof except by due process of law.

Mr. Brunsden: Mr. Speaker, on a point of order—

Mr. Peters: Section 7 (1) (a) of the Feeds Act empowers a government inspector, who may be any person designated by the Minister of Agriculture, to enter private property, search the premises and any private documents and papers therein, and take away samples, all without the due process of a search warrant.

Mr. Speaker: Order. I am sorry not to recognize the hon. member for Medicine Hat (Mr. Brunsden) but only one point of order can be raised at a time. From what the hon. member for Timiskaming has said I think he has perhaps misconstrued the application of the rule with respect to this bill. If he will permit me to express my opinion, I will be glad to look into the earlier matters to which he referred in order to see how far they have been covered, but in general this is a bill that is quite new in its terms and broad in its scope. The house has ordered it to be read a second time this day, and the duty of the house is to proceed in accordance with its own order.

If, as the hon. member alleges, there is anything in this bill which will be contrary to a decision taken, for example, in the Feeds Act—and I must say that on its face I find difficulty in following the argument—then to my mind the proper time to take exception would be when the clause involving a second decision on the point comes before the house in committee. The whole bill is so broadly different and new that I hope the hon. member will agree that the point he has taken cannot be mentioned; and in any event, to my mind it should have been asserted when the house ordered the bill for second reading.

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, on this Dominion day once more we think of the genius of the fathers of confederation and the contribution they made in their day and generation to the setting up of a national political organization which, despite the many vicissitudes of national and international events, has proven one of the most forward-looking constitutional accomplishments among the nations of the democratic world. Today we have reason for celebration when we look back over the years and recall that the purpose of the legislation which brought about confederation, in the words of its major architect, Sir John A. Macdonald, along with Sir George Etienne Cartier, was "to make a great people and a great nationality".

We have been able during the intervening years to add steps which more and more have expanded the democratic rights of Canadians as a whole. At the present session we have passed legislation which provides for the first citizens of Canada, the Indians, the full right of the exercise of the franchise, thus removing any suggestion that they or any other Canadians are in the position of being second class citizens.

It is in this context that I rise for the purpose of speaking on a subject on which I have spoken through the years, which has to do with the maintenance and preservation of freedom against governments, however powerful they may be; for in the words of an organization which was set up some years ago by our great neighbour, the United States, "freedom is everybody's job." On this day there should be a realization of the responsibilities of citizenship, with pride in the achievements of the past, and the added assurance that individuals will know that henceforth under law they will at all times have preserved to them the rights and benefits of that institution.

I am dealing particularly with the national field, for the bill of rights is entirely within the jurisdiction of the federal parliament. It covers only those matters which under the division of powers are allocated to the federal parliament and thereby in no way will it impinge upon or infringe the absolute powers provided by section 92 and one or two other sections of the British North America Act.

Our federal system causes us to recall something of the development of Canada and something of its history. This day causes us to reflect on one of the outstanding features of Canada and her history, and that is the fact that had it not been for the French speaking people in 1777, when Canada was invaded, Canada would have become a part of the United States. We sometimes forget the fact that only 14 years after the treaty of Paris, it was French courage and French valour that preserved this part of North America for the British crown.

We in Canada inherit the British traditions. Indeed, it is something to recall, when we speak of freedom, that for the first time, among all the colonies of Great Britain, indeed it was in Canada before Great Britain herself that freedom of religion was granted under the Quebec Act passed by the British parliament. Thus freedom of religion was assured to the people of these colonies who were of the Roman Catholic faith more than 50 years before that freedom was granted in the United Kingdom.

In so far as our federal system is concerned, we adopted it from the experience of the United States and adapted it to meet our needs, endeavouring at the same time to resolve some of those difficulties which in the light of 80 years of experience the United States had found required to be repaired or at least to be altered. It is of interest, too, when we speak of the contributions that the various nations have made to us to note the contributions of the French, their culture and their love of freedom and the British contribution of their traditions, parliamentary system and the rule of law. From the United States we received the framework of our constitutional set-up, a federal system; from the French and British we received the spirit and strength of our constitution.

It may be of some interest to note this; that through the action of the states which joined together as the United States, Canada was placed in a preferred position in their articles of confederation and perpetual union in 1781. There are few Canadians who know this; there are fewer Americans who realize it. Under these articles of confederation, No. 11 one reads that "Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this

union; but no other colony shall be admitted into the same unless such admission be agreed to by nine states." Canada was placed in a preferred position. Canada preferred not to accept that preferred position and through the years Canada has maintained that preference without there being any possibility of any change in the decision that was then made.

I might point out also that had the United Kingdom in 1776, following the battles of Concord, Lexington and Bunker Hill, acceded to the request of the American colonists, the course of history would have been very different from what it has been. In that year, and following the shedding of blood, the colonists sent to the United Kingdom a delegation headed by Benjamin Franklin and endeavoured to place before the colonial secretary of that day the viewpoint of the American colonists. This viewpoint was that in all the colonies of the United Kingdom, and in particular the 13 colonies, they have the right to look after their own internal business, to govern themselves and not be subject to taxation without representation.

May I digress in that connection and say this. When we hear the legendary story of John Hancock affixing his signature to the declaration of independence in such large letters that the English king would be able to see, it is sometimes forgotten that Hancock also signed the olive branch petition in the No. 1 position and in the same large handwriting. Amongst the others who signed this petition were John Adams, Benjamin Franklin, Patrick Henry and Thomas Jefferson.

In other words our commonwealth of today was a germ in the minds of those colonists who in that petition prayed that the English king give them those rights which were finally enacted, almost in their entirety and without any subtraction or addition whatever, by the Statute of Westminster in 1931.

However, when we think of the contributions of various nations to our country, we ask ourselves why it was that when the United States constitution was set up there was no initial bill of rights. The reason was that it was felt that a bill of rights setting forth fundamental freedoms was no longer necessary. But after a few years, two years in fact, Jefferson came to the conclusion that a bill of rights was necessary, and the first 10 amendments to the constitution of the United States were added to that constitution as of December 15, 1791.

For the sake of the record I simply point out this fact. These 10 amendments cover the fundamental freedoms of religion, speech, and security of the individual. In general, they are those which, with the necessary additions that have to be made in the light of present day conditions, are in the bill of rights which I now bring to parliament.

Immediately the question will be asked, why did not the British North America Act include a bill of rights? A reading of the discussions that took place at that time and the conclusions arrived at, indicates that many of those who became the fathers of confederation were of the opinion that these fundamental rights would never be infringed nor invaded by any parliament; that they had become embedded not only in the experience of generations in Britain but had become part and parcel of the thinking of the people in a parliamentary democracy constructed on the basis of parliamentary government.

Their hopes or their expectations did not eventuate. A little later I am going to refer to several general examples, not for the purpose of resurrecting the past but simply to indicate things that were done, legislation that was passed, orders in council that were issued, that had the effect of denying one or more of the fundamental freedoms.

May I say at this moment, Mr. Speaker, that I am not going to endeavour to cover the entire field of liberty. I am going to keep within bounds to the end that the Leader of the Opposition will have, before we adjourn, an opportunity to open today and, if he so chooses, to continue when this matter again comes up for consideration.

I am going to refer first to one or two steps that have been taken internationally in connection with the subject of human rights and civil liberties. The immediate question that will be asked is this. What are civil liberties? I defined them on one previous occasion as constituting the individual a sacred being and making him a sovereign in his dealings with the state. To adopt the words of that philosopher, Justice Oliver Wendell Holmes of the United States supreme court, civil liberties give the right to the individual to hold the view that I disagree with so long as that individual keeps within the law and does not endeavour to undermine my beliefs by force.

We have today, in effect, although never adopted by Canada, a universal declaration of human rights which was passed by the United Nations. It contains 30 articles. Its preamble sets forth clearly and unmistakably, as does the preamble of the United Nations charter, the greatness of human rights and the determinant that the preservation of human rights is on the peace of the world. It begins in these words:

> Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas member states have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The general assembly

proclaims

This universal declaration of human rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance—

This measure that I introduce is the first step on the part of Canada to carry out the acceptance either of the international declaration of human rights or of the principles that actuated those who produced that noble document. Going back over the years I simply point out this fact. The first occasion on which I brought this matter before parliament was in the form of an amendment on May 7, 1946, when there was before parliament a bill that all through the years I have advocated, namely a citizenship bill that allowed Canadians to be Canadians. On that subject I have spoken through the years as one of mixed origin, believing that Canada could never be called a united Canada when people were unable, whatever their racial origin and however proud they were of that origin, to become Canadian.

It was in 1944, I think in August, on the first occasion I brought that matter before the house, that the prime minister, Right Hon. Mackenzie King, said that after the war he would join with me and others who had similar beliefs to bring into effect a citizenship bill to provide for a Canadian citizenship in law as well as in fact. At the time when that bill was before the house two years later, I endeavoured to secure an amendment setting forth the freedoms generally set forth today in the bill now before the house.

Then on several later occasions, particularly on March 24, 1952, as reported in volume I of *Hansard* for that year at pages 714 to 722, and also on an earlier occasion, on May 16, 1947, as reported in volume IV of *Hansard* at pages 3149 to 3159, I brought before this house my ideas as to a bill of rights for Canadians.

I am now going to review for a moment some of the clauses of this bill. There is nothing unusual in a bill of rights. It is of interest that every country which has adopted the federal system since 1867 has incorporated in its constitutional development a bill of rights. Two other countries, India and Ireland incorporated into their constitutions bills of rights when they became republics. That Canadians as a whole ask for one and have continued to ask for one is shown by the fact that on one occasion in 1947 and on another occasion in 1949, 500,000 Canadians on the one occasion and 600,000 Canadians on the other, signed petitions asking for a bill of rights. There were almost two and a half times as many signatures on those petitions as on any other petition ever presented to the parliament of Canada, even though one such petition was for the increase in old age pensions. In other words there has been widespread interest and demand.

The Canadian Daily Newspapers Association had this to say back in 1952:

In Canada we have been coasting insecurely upon British precedents and sometimes violating them, and in the light of Canada's membership in the United Nations and its responsibilities as a member, the Canadian Daily Newspapers Association urges that the parliamentary committee on human rights and fundamental freedoms give favourable consideration to a constitutional amendment guaranteeing these fundamental freedoms.

I shall refer to the question of the constitution a little later on. The essence, however, of the view of the Canadian Daily Newspapers Association, representing 86 of the 89 English and French daily newspapers in Canada at the time and 99.4 per cent of their combined circulation, indicates the widespread support for action in this direction.

The bill in question can be summed up in a few words. In clause 2 the following fundamental freedoms are provided:

(a) the right of the individual to life, liberty, security of the person and enjoyment of property—

Not the ownership of property, notice, which is a matter within provincial jurisdiction.

—and the right not to be deprived thereof except by due process of law;

(b) the right of the individual to protection of the law without discrimination by reason of race, national origin, colour, religion or sex;

Pausing there, Mr. Speaker, may I say that above everything else in the world today there is no element more dangerous to the legions of freedom everywhere and to the nations which espouse freedom than the practice of discrimination. Clause 2 continues:

(c) freedom of religion;
(d) freedom of speech;
(e) freedom of assembly and association; and
(f) freedom of the press.

Mr. Speaker, this is the first time in Canadian history that freedom of the press is going to be recognized under law. Freedom of the press is a matter of federal responsibility, and I say that on the basis of the Alberta press case in 1938. Here for the first time this bulwark of freedom will be embodied in a declaration by parliament that it is in existence and cannot be violated. Furthermore, if any of these several rights should be violated under legislation now existing the courts in interpreting the particular laws or statutes which have been passed will hereafter, if this bill is passed, be required to interpret those statutes of today in the light of the fact that wherever there is a violation of any of these declarations or freedoms the statute in question is to that extent non-operative and was never intended to be so operative.

That is a major step forward. Whatever the mistakes we have made in the past may be, and I am not going to bring in the act that was mentioned a moment ago by the hon. member who raised the point of order, whatever act has been passed that violates any of these principles of interpretation, the courts from now on will determine the ineffectiveness and inapplicability of the sections concerned in view of this declaration by parliament.

This is provided for in clause 3, which says that:

All the acts of the parliament of Canada enacted before or after the commencement of this part, and all laws enforced in Canada or in any part of Canada—

They are all federal laws.

—at the commencement of this part that are subject to be repealed, abolished or altered by the parliament of Canada, shall, unless it is otherwise expressly stated in any act of the parliament of Canada hereafter enacted, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgement or infringement of any of the rights or fundamental freedoms recognized by this part—

Then, in light of the experience of the past the clause in paragraph (c) provides that no one shall be deprived of the right to retain and instruct counsel without delay.

I happened to be the counsel in a particular case under the Excise Act, which stated that a man was subject to be examined as to what he knew regarding certain commodities found in his possession. The examining officer had the right to deny him counsel. I could go over many statutes which contain abridgements of that kind which, however efficacious they may be to those who are engaged in the prosecution of the law, will hereafter be denied in the event that this legislation is passed. Then again, a person shall not be denied—

—of the remedy by way of habeas corpus for the determination of the validity of his detention and for his release if the detention is not lawful.

Mr. Speaker, habeas corpus in the United Kingdom has never been denied in the last 100 years except by parliament—and there is provision for that a little later on—for the security of the state. If parliament acts, when security is paramount, freedoms may have to be placed in pawn as security for victory. But habeas corpus was denied here in 1946 by a simple order in council that was later forgotten. It was passed in September, 1945. I asked about it in November, 1945, and the minister of justice said there was no such order in council. Then in February, 1946 the prime minister, Right Hon. Mackenzie King, said well, the minister of justice had forgotten about it.

That order in council denying habeas corpus simply stated that anyone detained would be considered as being lawfully detained, which denied any application for habeas corpus. That is over from now on, if this legislation is passed. I go on to the next provisions; that no one shall be denied the right of a fair hearing in accordance with the principles of fundamental justice, and no court, tribunal, commission, board or other authority shall compel a person to give evidence if he is denied counsel, protection against self-crimination, or other constitutional safeguards.

Mr. Speaker, that is very necessary. There will be some statutes in existence which will have to be changed and which will be interpreted accordingly. If we pass this legislation it will put an end to a trial within a trial—a trial outside the trial—which denies to the individual concerned those constitutional rights which are the basis of freedom. To continue further, no one shall—

—deprive a person of the right to a fair and public hearing by an independent and impartial tribunal for the determination of any criminal charge against him.

I am not going into examples. Examples could, however, be given of cases in which the individual in the past, and in the very recent past, has been charged with an offence

and tried before one or other of those who laid the charge. These things will no longer exist in this country.

I am going to set out some of the abuses which have taken place. I am not going to be partisan. I am going to quote from the submission of the committee for a bill of rights, and when I read some of the names here, hon. members will begin to understand that there is no partisanship in this. From Vancouver, Dr. Grauer, Dr. Norman McKenzie; from Alberta, Elmer Roper; from Saskatchewan, Dean Cronkite, Hon. T. C. Douglas; from Manitoba, Grant Dexter, E. J. McMurray, a former solicitor general of Canada and an outstanding counsel, Victor Sifton, Dr. A. W. Trueman; from Ottawa, Mrs. John Bird, Hon. J. M. Macdonnell, M.P., the late A. R. Mosher, Senator Arthur Roebuck; from Toronto, the late Joseph E. Atkinson—I am just picking out a few of these names—Andrew Brewin, Murray Cotterill and so on; from Windsor, I do not want to leave Windsor out, George Burt and Mayor Arthur Reaume; from Montreal, George Ferguson, Roger Ouimet, Dr. Penfield.

So I could go across the country. I mention these names only for the purpose of indicating that no one could ascribe partisanship to these people in this regard. This is what they said, and I am reading from page 9 of the submission:

> Why, then, is it now necessary to state explicitly in the constitutional document what is already implicit? The answer is that experience has shown that what is only implicit is in fact endangered by lack of recognition and of acceptance, and that an explicit statement of rights is not only advisable to create public recognition of the fundamental basis of our society but also to prevent definite infringements of those rights. The exigencies of total war and the inevitable growth in the functions of government both have naturally and inevitably resulted in a tendency to the abrogation of these civil rights.

Then it goes on to point out a few examples, and I know all of us regret those examples today. It says:

> Under the sweeping powers conferred by the War Measures Act, the executive (or cabinet) in December 1945, some months after the cessation of hostilities and without reference to parliament, passed three orders in council, which if they had been enforced, would have exiled to Japan some 11,000 or more persons of Japanese origin, a large proportion of whom were Canadian born citizens.

When we talk about discrimination and its dangers we recall that the only offence committed by these people in 99 per cent of the cases, as it turned out subsequently, was their colour. The submission says:

> It is true that some of those liable to be "expatriated" to Japan had signed a request to be sent to Japan. But it is also true that none of them had committed any offence against the law or had been guilty of any acts of disloyalty.

It goes on to point out that the privy council held that the cabinet, by order in council, could do that. A second example given is the order in council which was passed on October 6, 1945. The submission says:

> This ... was another illustration of disregard of constitutional liberties. Habeas corpus was swept aside. Persons were detained and interrogated by a royal commission and before any court trial was held, their guilt was publicized by findings of a royal commission. The ordinary protection of counsel and habeas corpus was denied to them. No charges were preferred against them but they were held incommunicado.

Other examples are referred to. I do not intend to go into all those at the present time. I will have an opportunity of doing so when I come to reply at the conclusion of this debate. I will deal with other invasions since the war, in connection with the wheat board, where a farmer won his case against the board and then an order in council was passed stating, in effect, that whatever the judgment of the court might be, this was the law. I refer to the Oatway case, lest anyone has forgotten.

I can think of another example, when in tremendous haste the House of Commons passed legislation to deny the right of transportation companies to run air lines. This had to be passed, it was passed, and then it was never made effective.

In the Foreign Exchange Control Act after the war provision was made that you could be searched and examined, that no matter what the wrongdoing was toward the individual, the person against whom that wrong had been done had no right of action. Everything that had been done to him was to be regarded as lawful.

When some people start telling me about the rights of the individual I go back to the years 1945-49 and recall these things. I brought this matter before the house and the answer finally given was, "Well, we will amend the law and give the individual who is wronged the right of action in the courts, but whatever his damages are they shall be restricted to $1."

Mr. Chevrier: Will the Prime Minister allow a question?

Mr. Diefenbaker: Surely.

Mr. Chevrier: Is the Prime Minister aware of the Georgian Bay airways case which took place just a few months ago, in which after an appeal had been made to the Minister of Transport the governor in council changed the law in exactly the same manner the Prime Minister has referred to, and contrary to the Aeronautics Act?

Mr. Diefenbaker: Mr. Speaker, that is not the viewpoint of the Minister of Transport,

and I am not accepting that as being a fact. I am saying, however, that if such a thing happens at any time then I am looking for support from the hon. gentleman, because we are going to put an end to that.

Mr. Chevrier: That is only one of many cases.

Mr. Diefenbaker: This indicates that there is going to be general support of this measure, and I am very glad to see that attitude. I do not care what situation may arise, this sort of thing is not going to happen any more under the proposed federal legislation.

Mr. Chevrier: Will the Prime Minister allow another question?

Mr. Diefenbaker: Mr. Speaker, I am endeavouring to conclude in five minutes in order that the Leader of the Opposition will have a chance to speak.

Mr. Chevrier: I have just one short question, Mr. Speaker. Will the Prime Minister stop this kind of action on the part of his own government?

Mr. Diefenbaker: Of course, Mr. Speaker, I do not always rely on the complete objectivity of the questions asked by the hon. gentleman.

Mr. Pearson: Nor do we rely on the complete objectivity of the Prime Minister's statements.

Mr. Diefenbaker: I know that the hon. member for Laurier (Mr. Chevrier) intends to be objective, but I am sure that if I looked into these matters individually I would find that the statement made by the Minister of Transport was in accordance with the facts.

Mr. Chevrier: The minister has made no statement on it.

Mr. Diefenbaker: I am trying to get through in five minutes to enable my hon. friend the Leader of the Opposition to speak. I will answer the hon. member for Laurier once more. I could go through the record and review it briefly. I believe the hon. member for Laurier was a parliamentary assistant on the occasion when the rates on government annuities were unjustifiably increased by order in council. This is just one instance of a statute being amended or suspended by order in council. The hon. gentleman will recall, too, that he was a member of the cabinet when an order in council was passed which legalized taxation three months before parliament met on it. That is not going to happen any more. I also seem to recall that taxation was once imposed by a radio speech.

I have been forced to refer to these things because of the attitude of the hon. gentleman. I simply wish to underline that these things are not going to happen from now on. Knowing from experience that they have happened, I feel I can rely on the assistance of the hon. gentleman, and I am confident that he will be joining with us in assuring that they will not happen in the future. If what the hon. member says is correct, what I am saying is again underlined.

I shall pass along quickly in order to give the Leader of the Opposition an opportunity to speak. Those who now seek for action to be taken say yes, some action should be taken and a bill of rights is necessary. They used to say it was not but now they say it is. They say it should be by a constitutional amendment rather than a statute. They do not seem to recollect that constitutional amendments within the federal jurisdiction are in the same position today as any statute. They can be simply passed by both houses of parliament and automatically become the law. In other words we amend our constitution within the federal responsibility today in the same way we amend any statute.

They say, if you want to make this effective it has to cover the provinces too. Any one advocating that must realize the fact that there is no chance of securing the consent of all the provinces. I am not thinking of any one province in particular; any amendment to the constitution that will interfere with whatever the meaning of civil rights is within the words, "property and civil rights", will not win the consent of all the provinces. This will be a step forward. It will cover those things within the federal jurisdiction alone.

They say it can be repealed at another session. Certainly it can. Habeas corpus is a statute of the United Kingdom which has remained on the statute books now for approximately 160 or 170 years. The bill of rights was a statute enacted in 1691. They have never been changed, because experience has shown that once these declarations are made subsequent governments and parliaments are most careful not to interfere with the rights and liberties embodied in those statutes.

As far as constitutional amendment is concerned, it is impossible of attainment at this time.

Mr. Winch: Why?

Mr. Diefenbaker: Simply because of the fact that the consent of the provinces to any interference with property and civil rights cannot be secured. That is no criticism of any province. The rights under the constitution

which pertain to the federal parliament and the provincial legislatures and affect both have been found in the light of experience to be unamendable, as things are and have been.

They say this will be limited only to dominion jurisdiction. I realize that, but in reply I say it will at least represent the essence of the conscience of the people of Canada. It will be applicable to a large field of civil rights; and in the light of the interpretations given by the Supreme Court of Canada particularly since 1943 and 1944, will assure that where there have been invasions within the jurisdiction of the federal authority, these will not happen again.

Critics of this measure say the bill provides no penalties. Naturally there are no penalties provided; but what it says in effect is that any legislation that is passed which derogates from the constitutional freedoms that are mentioned shall be ineffectual. You cannot impose penalties on parliament and say that if parliament passes a statute which contravenes any of these freedoms, therefore the members of parliament will be liable to a penalty. In effect what you do is this. You declare in a united parliament that every statute which has ever been passed by parliament, or that will hereafter be passed shall not contravene or diminish these freedoms.

Some say that the bill does not cover wartime, and it does not. I have not the quotation here, but I call as my witness in that behalf Right Hon. Louis St. Laurent, who said on one occasion that in the days of war freedom must often be diminished in order to assure the ultimate triumph of freedom.

This bill does except the days of war, but not by order in council. When parliament in its wisdom states that the time has come that our freedoms, or any of them, should be abrogated or suspended in any way in the interests of the preservation of the state, then in that case the action taken will suspend those freedoms during the days of war.

The situation is the same everywhere. In the United Kingdom during the days of war they did so, but not by order in council. They did it in open parliament. Any change that is made at any time in the future which will depart from the maintenance of these freedoms will only take place when the voice of parliament gives its approval to the need of such legislation being passed.

I will postpone other matters I should like to deal with to a later occasion. I wish to say that the bill of rights, as I see it, will deny the right of any government to interfere with my right to speak within the law, my right to be free from the threats of the activities of a police state, whether consciously or unconsciously administered. It will deny anyone the right to prevent me living my own life within the limits of the law without regard to race or colour or creed. It will remove from any government the right to deny me the right to belong to an unpopular minority anywhere in the country. It will deny any government, however powerful in the future, the right to deny recourse to the courts.

Those are some of the benefits that will come from the passage of this legislation. I was glad to note from a speech made by the Leader of the Opposition, as reported in the Toronto *Star* of November 18, 1958, that the Liberals will offer amendments. All of us hope that when the bill of rights is passed it will represent a forward step. It will not go as far as I would have liked to go. As a matter of fact the art of politics is the capacity to move forward even without covering the complete field at any one time. In this case it cannot be done.

To wait for a constitutional amendment is to wait for years to come, as I see it. However, one or more provinces have passed bills of rights effective within their own limits and jurisdictions. I hope that other provinces will follow suit, and that as a result of the national parliament taking action, other provinces will follow the same course, so that ultimately, everywhere within this country, all our provinces, having determined the fundamental freedoms and rights that are necessary for the maintenance of democracy itself, will join in their own way and in co-operation.

I also want to add that if at any time the provinces are prepared to give their consent to a constitutional amendment embodying a bill of rights comprising these freedoms, there will be immediate co-operation from this government. We will forthwith introduce a constitutional amendment covering not only the federal, but the provincial jurisdictions when and if there is consent by the provinces everywhere in this country.

I hope the house will support this measure. It is introduced on Dominion day. It is one of those steps which represent the achievement and the assurance of that degree of liberty and freedom under law that was envisaged by the fathers of confederation. I think it embodies a pledge for all Canadians, a pledge which I place before you not as something original but changed to meet the fact that I am speaking in the Canadian parliament.

I am a Canadian, a free Canadian, free to speak without fear, free to worship God in my own way, free to stand for what I think right, free to oppose what I believe wrong, free to choose those who shall govern my

country. This heritage of freedom I pledge to uphold for myself and all mankind.

Mr. Argue: Mr. Speaker, before the Prime Minister sits down I wonder whether I could ask him a question. He has said that a constitutional amendment on the basis of agreement by the provinces is impossible at this time. He also said that if the provinces would agree to such an amendment the federal government would go forward. Did the federal government canvass the provinces with respect to whether or not they would agree to an appropriate constitutional amendment embodying a bill of rights?

Mr. Diefenbaker: Mr. Speaker, one has only to review the discussion that have taken place at the several dominion-provincial conferences in recent years, and as a matter of fact throughout the years, to give a completely effective answer to that question.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, the Prime Minister emphasized in the house this morning and over the air last night that this bill is being introduced in the House of Commons on our national day, Dominion day. I wish I could express in less eloquent language my own feelings in rising to talk about this bill on this day. But, Mr. Speaker, I have been allowed only 16 minutes to make my speech, or that part of it which I can make this morning, so I will have—

Mr. Diefenbaker: I do not want to interrupt, but I was told that 20 minutes would be sufficient. However, we will sit until the hon. gentleman has had time to conclude his remarks.

Mr. Hellyer: Curtailing our freedoms already.

Mr. Pearson: It has been agreed that the house should rise at one o'clock, and while I appreciate the Prime Minister's offer in connection with this matter I understand there are other members in this house who are not willing to sit beyond the agreed hour of one o'clock, and quite properly so. In any event, all I wanted to say was that I wish I had time to repeat, as the Prime Minister did, that I, too, am a Canadian. On a day like this I think we are all conscious of the fact that the things which draw us together as Canadians are far more important, far deeper and more enduring than those things which separate us.

Now, Mr. Speaker, obviously I will have to try to deal with some of the points the Prime Minister has made when we continue this debate. I can say at once that while on our side there is no disagreement about the desirability of this parliament doing everything it possibly can to protect human rights and fundamental freedoms, and while there is no difference of opinion in regard to the principle, if you like, and the purposes embodied in this bill, we do quarrel with its terms in that they are not, in our view, adequate to discharge that purpose.

We also will contend, and I will not have time to argue it this morning, that the procedure that has been followed in regard to this bill, introduced as it has been on July 1 in what perhaps, if we are not too optimistic, we may call the dying days of this session, is wrong. This is a bill which should be submitted to a committee where witnesses could be called and where the bill could be given the same kind of consideration which this subject was given in the past when committees were set up, one of which met on 20 occasions.

There is one matter which I want to mention this morning because, while I would have preferred to deal with it later in my speech, it is directed to this point of whether this particular bill is adequate and whether it cannot be improved. It is our desire on this side of the house not only to criticize the terms of this bill but to put forward some constructive proposals which we think will make it more effective. I am referring to the inclusion in the bill of a section which deals with the War Measures Act, and with the danger from this mentioned by the Prime Minister this morning. A very jealous, sensitive and vigorous guardian of liberty and freedom in this country, Professor Lower of Queen's University, whom the Prime Minister quoted, had this to say in connection with this matter not long ago in Ottawa:

> I submit that if we are going to have a bill of rights in Canada, and there will be a great deal of debate about it, we ought to have one that means something. I believe that in normal peacetime our liberties are not in very serious danger. But in wartime they are in very serious danger, the liberties of all of us. Hence it is the duty of the government to find a method of enacting legislation which will give at least minimum guarantees. Suggestions could be made which would modify the War Measures Act. In the meantime, as long as it is on the books—

It has been on the books since 1914.

> —it is the duty of everybody who loves a free society, who loves liberty, to bend his best efforts to attack this act and try to get rid of this invidious liberty-destroying statute, the War Measures Act.

But, Mr. Speaker, an important and, if I might call it that, a negative feature of this bill is the inclusion in it of the War Measures Act. The only change, and I am not going to deprecate its possible importance, makes possible parliamentary debate on the proclamation which brings the War Measures Act into force, and makes possible

parliamentary revocation if, after such debate, parliament decides on that course. This may be an improvement, and I think it is. But, on the other hand, does not this bill give to the War Measures Act greater sanctity, greater prestige than is necessary or desirable by its inclusion in a bill of rights, with all the symbolic and constitutional significance that the Prime Minister envisaged this morning? This specific reservation, then, in a bill of rights of a war measures act may have this undesirable effect.

It also emphasizes what the Prime Minister forgets when he tries to support the need for this kind of bill by referring to events of the past such as the spy trials and the expulsion of Japanese Canadians. It underlines that all these things would still be possible if and when this particular bill of rights becomes law in the same way that they were possible before under the War Measures Act. Historically, Mr. Speaker, I think there is a good deal to say for Professor Lower's contention that there has never been any serious abridgement or any attempt to abridge what are generally understood to be human rights and fundamental freedoms by the parliament of Canada in time of peace or non-emergency. There may be, and the Prime Minister has pointed this out, provisions in specific statutes to which exception could be taken; but surely we all know, Mr. Speaker, that the proposed bill would not in any way affect that situation in the future, because if a future parliament wishes to enact legislation which varies the provisions of the bill now before us, parliament continues to be sovereign and the legislation will be valid notwithstanding anything we may do, or attempt to do, by way of this or any other mere act of parliament.

Mr. Diefenbaker: Provided you refer specifically to this.

Mr. Pearson: Provided we refer to what is being done in this bill, and I will come to that later.

The present War Measures Act, which has been on the statute books since 1914, gives to the governor in council, that is the cabinet, in time of war virtually unlimited powers to restrain the freedom of the person of Canadian citizens. It can be argued, and it has been argued, that things have been done under the War Measures Act which interfered with human rights and fundamental freedoms in a way which was really not necessary for the successful prosecution of the war. Canada, like other countries engaged in the last great war—perhaps not the last, though I hope it will be the last—and with the overwhelming approval of parliament, as well, I believe, as of the public, did detain persons, some of them for a long time, without trial. He would be a bold man, bolder than I am, who would argue that war emergencies may not make it necessary in the future for persons to be so detained, not because of any act they have done but because of the danger that they might do certain acts which would endanger the safety of the state; on the principle, I suppose, of *salus populi suprema est lex.*

Moreover, Mr. Speaker, under the War Measures Act it is possible, and it is still possible today, to deprive citizens of their citizenship, to exile citizens from this country. Indeed, certain action was taken with respect to some residents and citizens of Canada of Japanese origin during the last war which I do not believe any Canadian today looks back upon with pride, and which a lot of Canadians look back upon with discomfort and some with shame. But I would remind the house that this action was taken in complete good faith by a government which believed that it was essential at that time for the safety of our country, and in circumstances and in an atmosphere which it is easy to forget now. I would remind the house that some hon. members opposite now on the treasury benches gave strong and even zealous support to the course taken by the government of that day. However, looking back on the matter in retrospect and, of course, with the wisdom of hindsight which always makes judgment so much easier, I wish to say for myself and for those associated with me in this house that we do not believe that certain of those actions were really necessary, or that they should be repeated in any similar situation in the future.

Moreover, in the interval we have adopted our own citizenship legislation in this parliament, and we have now made it impossible for the government in peacetime to deprive of his citizenship any Canadian citizen resident in Canada. That matter has been cleared up. I suggest we should now go further. I suggest that any bill of rights which this house in its wisdom passes should contain a provision limiting the powers given to the governor in council under the War Measures Act by expressly excluding the power by order in council to deprive any Canadian citizen of his citizenship. We also believe that the governor in council should be expressly forbidden to act under the War Measures Act to banish or exile any citizen of our country in any circumstances.

I wish it were possible also, Mr. Speaker, to say that we feel that the governor in council should be expressly forbidden, even in wartime, to detain any citizen or resident of our country without providing for an early

trial on charges specifically laid in accordance with the law of the country. I do not feel—nor does the government, I gather from what the Prime Minister has said—that this would be a responsible thing for parliament to do in the present circumstances, and I am not prepared myself to go that far. Nevertheless—and this is the third proposal I should like to make—I feel that there should be a limitation by law on the absolute and arbitrary power of the government to detain persons, even in wartime.

I therefore believe there should be written into this bill some provision which would limit the power of the governor in council, even under the War Measures Act, to detain any person for more than a stated period—say some few weeks—without a hearing before a superior court judge and without having satisfied that judge that there were serious grounds for believing that the detention of that person was essential for the security of the state.

It is our view on this side of the house that if these three proposals were included in the present measure, it would be a much more effective bill than it is at the present time, in view of the fact that it is merely an act of parliament and is not to become in any way part of the constitution. It might transform an act of parliament which in its present form has not the meaning it should have into something which would have more meaning, something which would provide for protection of human rights and fundamental freedoms at the time—and I think in our form of society it is the only time, namely in the time of war emergency—when historically they have been in any kind of jeopardy so far as action by our national parliament or national government is concerned.

I therefore suggest to the Prime Minister and to the government that they might give favourable consideration to these proposals which would transform something which is now, in our view, not likely to be very effective in achieving the purpose which he has in mind, and which we all support, into a meaningful and significant act. There are other proposals or other improvements, or we think they are improvements, which in due course we shall be privileged to put forward.

That brings me to the other complaint I have with regard to this bill, namely the procedure which has been adopted by the government for the consideration or lack of consideration which is possible by parliament. This bill, Mr. Speaker, could have been introduced at any time this session. A committee could have been set up earlier in the session. Witnesses could have been called. The response of the country to the bill when it was introduced two years ago showed the general interest in the matter. We could then have given this particular draft the kind of examination which it should have and which perhaps, in the circumstances which confront us now, it will not be so easy for it to get. The Prime Minister last Tuesday, as reported at page 5465 of *Hansard,* said:

> —the legislation is being introduced almost as soon as it would have been possible to introduce it.

Some hon. Members: Oh, oh.

Mr. Pearson: The first bill dealing with this matter was introduced in this house on September 5, 1958. This house met again in January, 1960. This bill, which is supposed to embody the ideas that have been submitted from throughout the country to the government and which have been found acceptable to the government, is now introduced into this house on July 1, 1960, in the closing days, we hope, or the closing weeks of this session.

That is a major criticism we have. The Prime Minister emphasized the importance of this matter. If this bill has the significance he attaches to it, if it is going to be the Magna Carta of Canada to guard sacred human rights and freedoms, is this the way in which to deal with it in the parliament of Canada?

Mr. Speaker, may I move the adjournment of the debate?

On motion of Mr. Pearson the debate was adjourned.

At one o'clock the house adjourned, without question put, pursuant to special order.

HOUSE OF COMMONS

Monday, July 4, 1960

The house met at 11 a.m.

PRIVILEGE

MR. SPEAKMAN—REFERENCE TO REPORTED REMARKS BY HON. MEMBER FOR ASSINIBOIA

On the orders of the day:

Mr. J. S. Speakman (Wetaskiwin): Mr. Speaker, I rise on a question of privilege affecting many of the members of this honourable house. My question of privilege is based on a statement attributed to the hon. member for Assiniboia (Mr. Argue) which appears in the *Globe and Mail* of Friday, July 1, 1960:

Mr. Argue charged that the Conservative M.P.'s have never represented the farmers in parliament.

The hon. member for Assiniboia and the gentlemen from the fourth estate know that members of the government and government backbenchers are honest and hard-working members of parliament fully conscious of their responsibilities to the people they represent and to Canada.

Mr. Winch: The people will be glad to know that.

NATIONAL DEFENCE

NUCLEAR WARHEADS—STATEMENT ON NEGOTIATIONS WITH U.S.

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, I should like to ask the Prime Minister whether he is now in a position to deal with the question which I asked him on Friday about negotiations with the United States regarding the use of nuclear weapons for Canadian forces, and which he said he would be in a position to answer today.

Right Hon. J. G. Diefenbaker (Prime Minister): In reply to that question, Mr. Speaker, may I say this. I have reviewed the various answers given and statements made by myself since February 20, 1959. On February 20, 1959, as reported on page 1221 of *Hansard,* I set forth the views of the Canadian government with respect to this matter, and they remain unchanged. At that time I set forth, as I say, that the full potential of these defensive weapons is achieved only when they are armed with nuclear warheads, and that of course was referring to Bomarc and other defensive weapons.

I followed that statement by a complete statement on January 18, 1960, in which I used these words, which are to be found on page 73 of *Hansard:*

In these circumstances negotiations are proceeding with the United States in order that the necessary weapons can be made available for Canadian defence units if and when they are required. I cannot comment in detail on these negotiations but I wish to state that arrangements for the safeguarding and security of all such weapons in Canada will be subject to Canadian approval and consent.

I want to make it abundantly clear that nuclear weapons will not be used by the Canadian forces except as the Canadian government decides and in the manner approved by the Canadian government. Canada retains its full freedom of choice and decision.

Since that time there have been continuing negotiations. By that I mean discussions between the representatives of the two countries. I am in no position to advise that there has been any determination made as a result of these discussions which would permit as yet of any negotiation taking place as between the Department of External Affairs and the department of state of the United States.

Mr. Hazen Argue (Assiniboia): A supplementary question. I wonder if the Prime Minister could say whether the government has given consideration to abandoning these negotiations and adopting a policy of opposition to nuclear weapons on Canadian soil?

Mr. Diefenbaker: Mr. Speaker, in so far as general policy is concerned we are always in this position. On the one hand we are desirous of attaining disarmament; on the other hand we have to discharge our responsibility of ensuring to the maximum degree the security of the Canadian people. So far as that is concerned, discussions are taking place with respect to the Goose Bay and Harmon air bases, where an endeavour is being made to arrive at a formula which will ensure that Canadians in those bases shall exercise joint control. In other words, so far as these two United States leased bases are concerned, negotiations are continuing with respect thereto.

Beyond that I simply point out that as the hon. gentleman fully realizes, this is a subject which has exercised the minds of people

everywhere in the world. Only the other day in the United Kingdom the leader of the Labour party, Right Hon. Hugh Gaitskell, if I might summarize what he stated, accepted the need of nuclear defence and also the fact that the onus for nuclear defence must rest upon the United States.

Mr. Pearson: May I ask the Prime Minister a question based on his reply and based also on the statement made by the Minister of National Defence to the effect that at the present time negotiations are proceeding with the United States in connection with the storage by Canadian forces of atomic weapons in Canada for use either by United States or Canadian forces. My question is, in this connection is the Department of External Affairs participating in any way and, if not, what department is conducting these negotiations.

Mr. Diefenbaker: The use of the word "negotiations" is, of course, a material part of the question as framed by the hon. gentleman. What is taking place is that discussions are continuing between the Department of National Defence and the United States authorities in regard to this matter. When any basic agreement is arrived at in respect of these discussions then, of course, the Department of External Affairs will enter the picture and make the necessary negotiations to the end that notes may be exchanged.

Hon. Paul Martin (Essex East): In view of the statement by the Prime Minister that the Department of External Affairs is not actually a party to the negotiations in the sense that the right hon. gentleman has now paraphrased those arrangements, is it not a fact, however, that there is a representative of the Department of External Affairs who has taken part in some of the discussions between the two defence departments?

Mr. Diefenbaker: There will always be representatives of the various departments concerned, but the specific question asked was on the subject of negotiations.

Mr. Martin (Essex East): I thank the Prime Minister for that answer. May I ask him which minister is in charge of these negotiations. Is it the Minister of National Defence or the Secretary of State for External Affairs?

Mr. Diefenbaker: In so far as the discussions are concerned the responsibility must necessarily be that of the Minister of National Defence, whose officers meet with their corresponding numbers in the United States and place before them the stand taken by the Canadian government, which is of the essence of any possible agreement in the future, namely that if and when the Canadian government should decide to equip its forces with nuclear weapons, those weapons would be under Canadian control and would be used in Canada only as the result of a decision by the Canadian government.

[*Later:*]

Mr. Martin (Essex East): Mr. Speaker, can the Secretary of State for External Affairs advise the house whether Canada has yet concluded the agreement with the United States with respect to the control and use of atomic weapons?

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, I think that subject has already been fairly well dealt with this morning. The negotiations with the United States concerning the United States leased bases have not yet been completed.

Mr. Pearson: Mr. Speaker, may I ask the Prime Minister whether the Minister of National Defence has reported to the cabinet in respect of these negotiations, and whether any decision has been taken?

Mr. Diefenbaker: Mr. Speaker, I have already made it perfectly clear that no decision has been arrived at. This is a subject that requires continuing consideration having regard to all the circumstances, on the one hand the need of assuring security and on the other the maintenance of that spirit toward disarmament which has characterized this government. When a decision is made, as I have said on more than one occasion, it will be brought to the attention of the house immediately.

POST OFFICE DEPARTMENT

INQUIRY AS TO REPORTED OPENING OF PRIVATE MAIL

On the orders of the day:

Mr. H. W. Herridge (Kootenay West): I wish to ask a question of the Postmaster General, a question which is most appropriate on the day when we continue our debate concerning human rights and freedoms.

Has the attention of the minister been drawn to a news item in this morning's *Globe and Mail* entitled "Opening of Mail by Post Offices Under Fire", wherein the Sarnia chamber of commerce expresses deep concern that in recent months several thousand letters mailed by and to Canadians have been intercepted and opened by the Canada post office?

Would the minister inform the house whether this report is correct and, if so, would he tell us the reason for opening this mail?

Hon. W. M. Hamilton (Postmaster General): My attention has not been drawn to this item, and I doubt whether the house would allow me to confirm or deny newspaper reports in any case. However, letters passing through the Canadian post office are not intercepted and opened unless the address discloses that they are connected with something that is illegal. Second, even in these circumstances they are only opened where there is no address on the outside of the envelope which would permit such letters to be returned to the senders.

EXTERNAL AFFAIRS

CUBA—STATEMENT ON CONFISCATION OF SUBSIDIARY OF CANADIAN COMPANY

On the orders of the day:

Hon. Lionel Chevrier (Laurier): May I direct to the Secretary of State for External Affairs a question which I asked on Friday in connection with the confiscation of certain Canadian property in Cuba. Can the minister say whether Canada has made any protest against this action? I note by the morning press that the confiscation is now complete.

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, there has been no protest made. It so happens that the real ownership of this refinery is in the United Kingdom and the Netherlands.

Mr. Chevrier: Mr. Speaker, the information I have is that the particular company referred to in the Friday morning press is a Canadian company with a subsidiary in Cuba.

Mr. Green: Mr. Speaker, evidently this is a holding company registered in Canada which is owned in the United Kingdom and the Netherlands. The hon. member will realize that the Shell interests are essentially British and Dutch.

Mr. Chevrier: If it is incorporated in Canada, it is a Canadian corporation.

DISAPPEARANCE OF U.S. PLANE—PASSAGE OVER CANADIAN TERRITORY

On the orders of the day:

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, I should like to direct a question to the Secretary of State for External Affairs. In view of the reported disappearance of a United States reconnaissance plane close to the northern coast of the U.S.S.R., can the minister inform the house whether this plane took off from an airfield in Canada or passed over Canadian territory at any point in its mission? If the answer is in the affirmative, why?

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, I received a copy of this question just as I was coming into the chamber.

Mr. Herridge: I apologize.

Mr. Green: This plane was lost a great many thousands of miles from Canada, and I am afraid I shall have to make inquiries.

DISARMAMENT—REFERENCE TO REPORTED STATEMENT BY U.N. SECRETARY GENERAL

On the orders of the day:

Hon. Paul Martin (Essex East): Mr. Speaker, in view of the fact that Canada previously indicated its support of the view that disarmament discussions should be referred to the disarmament commission of the United Nations, may I ask the Secretary of State for External Affairs whether in the light of the statement made by the secretary general of the United Nations with regard to this matter, the government wishes to modify its position.

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, the hon. member, as he so often does, has based his question on statements which he may think are facts but which in reality are far removed from the actual facts. In answering the question today I am not admitting that his premises are correct. The Canadian government has taken the stand throughout that the United Nations must be kept connected just as closely as possible with the disarmament negotiations. As the hon. member knows, there was a representative of the United Nations in Geneva during those discussions. Now that the negotiations have been broken up in such an irresponsible manner by the five eastern nations represented on the 10-member committee, it obviously becomes necessary that a report be made to the United Nations disarmament commission which, of course, is made up of all the nations who are members of the United Nations. We hope that such a report will be made at as early a date as possible.

HARBOURS

VANCOUVER—REQUEST FOR INCREASED FIRE BOAT PROTECTION

On the orders of the day:

Mr. J. R. Taylor (Vancouver-Burrard): Mr. Speaker, I wish to direct a question to the Minister of Transport. In view of the extensive waterfront fire in Vancouver last evening, would the minister expedite his department's decision as to what help Vancouver might expect in the way of increased fire boat protection?

Inquiries of the Ministry

Hon. George H. Hees (Minister of Transport): Mr. Speaker, we are always very agreeable to carry on discussions with the municipal authorities in Vancouver about this or any other matter they might wish to discuss with us.

FINANCE

REPORTED LOSS THROUGH OPERATIONS OF EXCHANGE STABILIZATION FUND

On the orders of the day:

Mr. W. H. McMillan (Welland): Mr. Speaker, I should like to direct a question to the Minister of Finance. Would the minister care to comment on an article in Saturday's *Globe and Mail* to the effect that Canada recently lost $101 million through the operations of the exchange stabilization fund, in keeping the Canadian dollar above par with the U.S. dollar?

Hon. Donald M. Fleming (Minister of Finance): Mr. Speaker, I saw that article. It is an article that purports simply to be a paraphrase or to give the substance of an article appearing in a foreign periodical. Of the foreign periodical I have only this to say, and it applies to this article on their part as well as to others they have published. I do not know how a publication could go on publishing articles about Canada which are based on such total ignorance of Canada and Canada's policies. I would think it has got almost past the point now where that publication could offer ignorance as an excuse for writing the type of misleading propaganda of which they have been guilty.

As to this latest misleading statement on their part I have only this to say. The operations with respect to the foreign exchange control fund which have been carried on recently were completely in accord with the method of operation carried on by the Bank of Canada on behalf of the Minister of Finance ever since this government came into office, and prior to that time by the former government. There was no change in policy or in the basis of operation. These were simply normal operations carried out with a view to reducing the fluctuation in the exchange rate from day to day.

DOMINION DAY

INQUIRY AS TO TAKING OF SALUTE BY PRIME MINISTER

On the orders of the day:

Mr. Alexis Caron (Hull): Mr. Speaker, may I direct a question to the Secretary of State. Will the Secretary of State explain to the house the protocol followed on Dominion day, or can he give us any reason which required the Prime Minister to take the salute in preference to the representative of Her Majesty the Queen of Canada?

Hon. Leon Balcer (Acting Secretary of State): I am no expert on protocol, but I will make the proper inquiry from the office. Offhand, as far as the circumstances are concerned, I would say that since the Governor General was away from the capital it was proper for the Prime Minister to take the salute.

Mr. Caron: I have a supplementary question. Knowing that the Governor General was in Ottawa that day I would ask the Secretary of State whether it is the intention to make Dominion day Diefenbaker day?

Mr. Grafftey: Shame.

Some hon. Members: Cheap.

Mr. Martineau: You are as small as you look.

INCOME TAX

DEDUCTIBILITY OF EXPENSES OF WIFE OF CONVENTION DELEGATE

On the orders of the day:

Mr. Hubert Badanai (Fort William): Mr. Speaker, I wish to direct a question to the Minister of Finance. Can he explain why the expenses of the wife of a delegate to a convention are not deductible at present for income tax purposes? Will the minister consider making such expenses deductible—

Mr. Speaker: Order. I think the hon. member has misconceived the time that would be appropriate to deal with this matter.

ATOMIC ENERGY

REQUEST FOR REPORT ON PROGRESS TOWARD INTERNATIONAL CONTROL FOR PEACEFUL USE

On the orders of the day:

Mr. Hazen Argue (Assiniboia): Mr. Speaker, I should like to direct a question to the Secretary of State for External Affairs, arising out of the widespread support, common to all Canadians, of any measures that can be adopted to provide international control of the peaceful use of atomic energy. Can the minister report on the progress that is being made in discussions with international atomic energy agencies to establish the first international safeguards on the peaceful use of nuclear energy? Can he say what position will be taken at the coming conference at the end of September?

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, perhaps the best place to discuss this question would

be when my estimates are under review. I shall be very glad to try to get the information for the hon. member.

Mr. Argue: Can the minister not take this as notice and make a reply tomorrow? I do not know how soon his estimates may be before the house, but this matter is of current interest.

Mr. Green: I hope the estimates will be up this week.

TRANSPORT

GREAT SLAVE LAKE—COMMISSION REPORT ON PROPOSED RAILWAY

On the orders of the day:

Mr. M. A. Hardie (Mackenzie River): I should like to direct a question to the Prime Minister. Has the Prime Minister received a report from the commission which was set up 13 months ago to study and report on a favourable route for the railway to Great Slave lake? If not, can he tell us whether the commission or the government is stalling on the report?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, the report in question is now available for distribution, and I hope that copies will be tabled in the house in a day or so.

SUPPLY

Hon. Donald M. Fleming (Minister of Finance) moved that the house go into committee of supply.

Motion agreed to and the house went into committee, Mr. Flynn in the chair.

The estimates of the following departments were first taken up and entered for consideration:

LEGISLATION

The Speaker of the Senate—

175. Allowance in lieu of residence, $3,000.

PRIVY COUNCIL

308. Payment, notwithstanding anything in the Financial Administration Act or the Senate and House of Commons Act respecting the independence of parliament, to each member of the Queen's privy council for Canada who is a minister for whom no salary or allowance in addition to the allowances under section 33 and section 44 of the Senate and House of Commons Act is provided (the acceptance of which shall not render such member ineligible or disqualify him as a member of the House of Commons) of a salary of $7,500 per annum and pro rata for any period less than a year, $7,500.

SECRETARY OF STATE

383. Departmental administration, $311,264.

Proceedings reported.

HUMAN RIGHTS

MEASURE PROVIDING FOR RECOGNITION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The house resumed, from Friday, July 1, consideration of the motion of Mr. Diefenbaker for second reading of Bill No. C-79, to provide for the recognition and protection of human rights and fundamental freedoms.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, in the comparatively few minutes I had on Friday to deal with this very important matter I made clear, I hope, that we on this side approve the principle of this bill and will support its second reading so it can be sent to a committee, where we hope changes can be made in it which will make it a more adequate bill to accomplish the purposes that we all have in mind.

In that connection, Mr. Speaker, I have already made three suggestions concerning the improvement of this bill by amending the War Measures Act, which will give greater protection to Canadian citizens where perhaps they need more protection than in non-emergency circumstances.

We feel that the importance of this bill to accomplish the purposes we all have in mind, in its present form at least, has been very greatly exaggerated by the Prime Minister and that exaggeration of its significance can only mislead and raise perhaps unrealistic hopes, indeed leading to later disillusionment. The test of the government's objectivity in this matter, of its real appreciation of the importance and, indeed, of the complexity of the subject, will be in examining the procedure followed concerning it and judging this against the procedures promised and the assurances given and the performance so far.

Let us look at the record in this regard, Mr. Speaker. The Prime Minister mentioned the desirability of a bill of rights and his decision to introduce such a bill into the House of Commons during the election campaigns of 1957 and 1958. In accordance with those election statements he did, indeed, introduce such a bill on September 5, 1958, some 19 or 20 months ago. This bill was limited in scope and, in its effect, declaratory only.

It should be made clear that that bill, and indeed the bill before the house today, bear no relationship whatever, notwithstanding what the Prime Minister now says, to the impressive and indeed eloquent proposals which he used to make and which he has brought to our attention already in the discussion of this bill, proposals which he used to make when he was in opposition about an

effective and comprehensive measure to protect our rights and freedoms. In those days he thought such a measure should be binding on all Canadian legislatures, thus protecting all Canadians against all acts of all governments which violated those rights. Indeed, in those days the Prime Minister used to get quite impatient with those who pointed out the constitutional difficulties in this field because of the division of authority and jurisdiction as between federal and provincial legislatures, each of which, of course, is sovereign in its own field.

I had something to say in the house on September 5, 1958 on the first reading of the other bill, and I ventured to quote some of the statements made by the Prime Minister in 1947 concerning what should be done in connection with the protection of rights and freedoms through parliamentary action. In those days, and subsequently, the Prime Minister proposed that representatives of the provinces should be called in so that the final result would be, he hoped, a joint federal-provincial bill of rights for Canada.

On May 16, 1947 in this house he said that human freedoms were not circumscribed by territorial considerations and he advocated, in addition to a comprehensive bill of rights, the repeal of the War Measures Act and a revision of the Official Secrets Act which presumes guilt unless an individual can prove innocence. He could not do those things earlier because, as he explained to the house on September 5, 1958 he was on the opposition side with a small membership. At this time, as he put it and it was certainly true, he said he was on the government side with no small membership. There is, therefore, no obstacle of that kind now in the way of a more comprehensive bill than the one we had before us, a more comprehensive approach to parliamentary protection in this field.

Furthermore, the Prime Minister once argued that if there were doubts about federal jurisdiction and what could be covered by a bill or an amendment to the constitution, if that procedure were to be followed, then let the supreme court give an opinion. On March 14, 1958, during the election campaign of that year, he was quoted as saying as follows, and I quote from the press report of his speech:

> The Supreme Court of Canada would be asked to rule whether Ottawa has the power under the constitution to bring in such a measure. We want such a ruling so that we will encounter no constitutional obstacle when we bring such a bill before parliament.

Again on March 18, four days later, in Vancouver he was quoted as saying:

> The Prime Minister explained that the bill of rights would be submitted first to the supreme court in the form of a reference.

[Mr. Pearson.]

We know that this was not done. Indeed, we have before us in this bill no proposal of any kind for a constitutional amendment even in respect of matters under federal jurisdiction alone. What we have is a normal piece of legislation to be passed in the ordinary way with ordinary effect and which, of course, could be abrogated or changed by any future parliament in the ordinary way. Without recourse to any of the procedures that were promised some time ago, this limited and purely declaratory bill was introduced. I am now talking about the first introduction in 1958. The Prime Minister asked for its careful examination by all who were interested, and indicated that suggestions would be welcomed. In his statement at that time in 1958, as reported at page 4644 of *Hansard*, the Prime Minister had this to say:

> I can only hope that Canadians as a whole will give to parliament the benefit of their suggestions and ideas in the next few months so we shall be able to make such amendments in the bill to be presented to the next parliament—

That was the parliament of 1959.

> —as will still the heart stirrings of those who fear for freedom in our country—

Then he concluded his speech on this occasion by saying:

> I hope we will be enabled next session—

That is the session of 1959.

> —to discuss this question again fully and completely, and that out of the counsel of parliament and the representations of our fellow Canadians, whatever changes should be made in this bill of rights can be made in the bill then to be presented,—

At that time, Mr. Speaker, when I ventured to speak—and by agreement there were only three speeches, one by the leader of each party—I had these suggestions to make. As reported at page 4652 of *Hansard* of 1958—and I mention this so that we can see whether any of these suggestions have been carried out—I said this:

> ...I have only three suggestions to make, one of which was put forward this morning by the Prime Minister on behalf of the government; first, that there should be the widest possible circulation of the bill to organizations which have shown an interest in this question and to individuals such as deans of law schools with requests for their views and comments—

I do not know whether that has been done, although I know that in the intervening period the government has received suggestions and comments. Then I continued:

> —second, that there should be set up next session—

That is last session.

> —to consider this bill a joint committee of both houses with broad powers, including the power to summon witnesses; third, and this is something even more important that might be done, that we should try to secure the support and co-operation of the provinces for any Canadian action in this field. Indeed, as a result of consultation with the

provinces it might be possible to widen the action so as to include both the federal government and provincial governments in a joint declaration on individual rights and freedoms. Then indeed we would have a powerful symbol.

We know now, Mr. Speaker, what has happened or rather what has not happened. The provinces have not been approached and were not consulted. Nothing was done in the last session of parliament. Then there was the Prime Minister's promise made to the annual meeting of the Canadian Bar Association in Vancouver last September. In a statement at page 94 in the printed record of that convention the Prime Minister said this, and I would point out that we are now into September of 1959:

From the chairman's agenda I note that one subject for discussion this morning is the bill of rights. It is my intention to have the measure to provide for a bill of rights introduced early in the next session of parliament—

That is the present session of parliament, nothing having been done in 1959. The Prime Minister continued:

—and to have it submitted to a committee of both houses of parliament.

He also had this to say:

No one occupying the position that I do can overstate the benefits that come when the people of the nation give me and those associated with me, and through them to parliament, the benefit of their counsel and advice. Parliament will welcome any suggestions from the Canadian Bar Association in connection with the prospective legislation on the bill of rights. Indeed, the more attention given to an analysis of the bill of rights, the more beneficial will be the net result when the legislation is brought before parliament.

At this convention a resolution was passed on a report by the civil liberties section submitted to the bar convention. It indicated that in view of the assurance of the Prime Minister that this bill would be submitted to a joint committee, perhaps the kind of analysis which they were about to make might be superseded because of the possibility of their appearance before this joint committee. In the report to the conference—and I quote from page 192—the chairman of the civil liberties section, Mr. David W. Mundell, had this to say on behalf of his committee:

As explained to the attending members—

That is the members of the civil liberties section.

—at the beginning of the first session, Mr. Diefenbaker's bill is no longer a practical proposal since it will go before a joint committee of the house and Senate where it will obviously be changed from the ground up.

Therefore in the resolution of the civil liberties section, which was adopted, this committee came to this conclusion in that resolution:

Be it resolved, therefore, that this section on civil liberties recommends to the council and executive that appropriate steps be taken to ensure that the views of the association be presented to the joint committee as the opportunity may arise.

It would be interesting to find out whether any such opportunity is now about to arise in view of the fact that we have reached July and that it is not now possible, I understand—and the Prime Minister will correct me if I am wrong—to set up a joint committee of the Senate and the House of Commons. Certainly no such joint committee as promised was set up previously in this session, although that procedure would have been possible. The Prime Minister decided not to follow that course but to postpone the introduction of this bill until July 1, 1960, Dominion day, when it could be brought in in the morning prior to the trooping of the colours in the afternoon.

As I have said, this bill has already been examined very carefully outside parliament during these intervening months. In that examination I think it is correct to say that the purposes of the bill have been universally applauded; but the reception given to the text of the bill which was introduced in September, and which is substantially the same as the bill we are considering today except for some changes, some of which are I think helpful and some perhaps can be considered retrogressive, was cool and in large part critical. Many suggestions have been made for improvement, particularly by the bar association, whose views were embodied in the March, 1959 edition of the *Canadian Bar Review* which devoted itself entirely to this bill, and which views certainly bear very careful examination by anyone who is interested in an objective analysis of the purposes and provisions of the bill.

In addition, a very impressive submission was made to the government on April 29, 1959 by 30 reputable and important Canadian associations, and that submission should be also carefully examined. Yet you will find very little of it in the amended bill. Indeed this is very surprising in view of what the Prime Minister said in his broadcast the other night, that this present bill contains some additions which have resulted from the views expressed in order to strengthen the guarantee of individual rights and freedom.

Anyone who studies the views expressed by the experts and the organizations will not be impressed by the changes made in this bill in order to meet those views. That is all the more surprising when we consider that such a measure as this needs the widest possible basis of public support in order that it might achieve its maximum usefulness and value. It is no great inducement for individuals and

organizations to come before a committee of this house, which presumably is about to be set up, and repeat their views when their suggestions have been so completely ignored by this government.

Then, Mr. Speaker, there is the question of consultation with the provinces. So far as we can ascertain, and we have tried to find out, there has been a complete failure to consult with the provinces and to explore the possibility of a jointly agreed declaration which might be inserted in the constitution. As I have just indicated, I urged the government in September of 1958 to conduct such consultations, and numerous groups and organizations and individuals have also urged that this course be followed. It seems to me, Mr. Speaker, that it cannot be denied that this would be the best course to follow.

The Prime Minister as recently as last Friday, repeating what he had said previously, threw up smokescreen of the impossibility of infringing upon provincial jurisdiction in this field. No one is suggesting that there should be any infringement upon provincial jurisdiction in any field. Such a binding and collective declaration would not involve any transfer of jurisdiction from one sphere of government to the other. It would mean that individual rights and freedoms would be as fully protected as they can be in this country by legislative action once the government has decided to proceed by way of such legislative action. Federal action alone will not cover the most important sector of human rights and fundamental freedoms under our constitution.

The Prime Minister also attempts to justify his failure—

Mr. Diefenbaker: Would the hon. gentleman tell me what particular constitutional freedoms come under provincial jurisdiction? The hon. member made the statement that it would not cover that question.

Mr. Pearson: I made the statement that the whole field of rights and liberties falls under two jurisdictions, the provincial and the federal. Surely the Prime Minister, who is a lawyer—I am not—must know that the provinces are very jealous of the authority given to them by the constitution in this field; and if that is true, then federal action alone will not cover all the matters which come under human rights and fundamental freedoms. It does not cover legal rights or all the constitutional rights, and it certainly does not cover economic rights.

Surely, Mr. Speaker, it is a very unimpressive attempt to justify the failure to make any efforts of any kind to consult the provinces to say that such consultations would not be successful, that the record of the past shows that, and that they would postpone indefinitely any action on this front. That is surely a poor excuse for not making at least an attempt.

Mr. Speaker, Saskatchewan, as we know, already has a bill of rights. The new Quebec premier, Mr. Lesage, had already stated more than once during the election campaign that he intended to present such legislation for the province of Quebec. No opposition has been expressed from any other province against such consultation and against at least the possibility of united action in this field. There is going to be a federal-provincial meeting at the end of this month in Ottawa; so why was it not possible, once it was decided to postpone this matter until July, to put this whole question on the agenda of that meeting for at least preliminary discussion? If no progress were made then it would be possible for the government to proceed with its own bill at the next session.

Well, Mr. Speaker, the government has ignored all these suggestions and has done nothing until July 1, 1960. The government even refuses to put in the constitution provisions—and they are in this bill—covering federal matters only, matters over which it is claiming full authority in this field. The excuse given by the Prime Minister, or the reason if you like, was that it would be no more difficult to change a constitutional provision of this kind than to change ordinary legislation.

That is true; technically it is correct. But what an argument to be used, Mr. Speaker, by one who admits that the main value of this bill is its moral and symbolic value; that its main importance is the deterrent and warning effect it would have on future parliaments which might be tempted to pass laws which would affect the rights mentioned in this bill. If that is its main value, surely that value would be greatly increased by putting these federal provisions in our constitution and giving them the prestige, the sanctity and the significance which would go with inclusion in the constitution. The government, however, will have none of this. The Prime Minister prefers to introduce an ordinary legislative measure—that is, ordinary in its procedural and constitutional significance—at the close, or what we still hope to be the close, of this session.

From this, Mr. Speaker, you can assess the purposes of those sponsoring this bill as a great national, non-partisan move in the field of human rights by the flat refusal of the government to adopt any other procedure; by the flat refusal of the government to adopt any other procedure even though that would have been better in every way, except perhaps

from the viewpoint of a government determined to push this measure through in the dying days of a long and exhausting session. I ask, therefore, is this carrying out the assurance given in this parliament on September 5, 1958 which I have just read? Is this discharging the Prime Minister's commitment to the Canadian Bar Association to set up a joint committee of both houses, which I have also read?

Let us look for a moment at the bill itself and since this is second reading, the principles embodied in it. As I have said, there is no difference of opinion in the house about the importance of protecting and promoting human rights and fundamental freedoms. We all of us know that the price of freedom is eternal vigilance. We know also that it is the responsibility of freedom to provide among other things security for its citizens, including basic economic and social security, which cannot be said to exist in any country in which large numbers of its citizens cannot find work, as is the case in this country in July, 1960. Freedom from want and from the demoralization and deprivations of unemployment is an important part of the whole concept of freedom in our modern age, but there has been no mention of this by any spokesman for the government so far.

Furthermore, freedoms are not guaranteed by words, even words in a constitution, let alone by words in an ordinary, normal act of parliament. Earlier as well as contemporary history is littered with the wreckage of high-sounding declarations and bills of rights which were to guarantee so very much and last forever. But as Professor McWinney of the Toronto law faculty, writing in the *Canadian Bar Review* from which I have already read, reminded us, "Words alone are frail packages for human hopes".

Incorruptible and respected courts enforcing laws made by free men in parliament assembled and dealing with specific matters, with specific sanctions to enforce their observance; these are the best guarantee of our rights and liberties. This is the tried and tested British way, and this is a better course to follow than the mere pious affirmation of general principles, to which some political societies are addicted.

Mr. Diefenbaker: Would the hon. gentleman permit a question? Does he regard the international declaration of human rights, which is in no way enforceable, as one of those wrecks?

Mr. Pearson: No, I do not. The international declaration on human rights adopted by the United Nations is a great landmark in international progress in this field, and can be used as a means of advancement by those countries which do not yet possess human rights. But all those rights are, I think, already realized to as great an extent in this country as in any country in the world. What I refer to as the wreckage of high-sounding declarations are the declarations made by some countries in this world at the present time, and in the nineteenth century, about the inviolability of human rights and freedom, and then the refusal to implement any of those declarations by legislative or policy action.

Surely the Prime Minister, as a student of history, must know that there have been these wreckages throughout history. Indeed, I have myself heard people talking about freedom and human rights in the United Nations and attacking a country such as France, which has been in the forefront of progress in this direction, because it has not gone as far as it should, according to those delegations; and those delegations came from countries at least one of which recognized legal slavery but which had subscribed formally to the international document on human rights. That is what I mean by the wreckage of high-sounding declarations.

Anyway, the problem is not whether we should protect our rights, but how to do it most effectively. This bill, it cannot be denied, cuts across our traditional practices. That does not necessarily make it wrong, because conditions change and circumstances alter; but it does underline the necessity of giving this measure the most careful scrutiny inasmuch as it is such a departure. We all recognize that the preservation of our rights and freedoms, as the very foundation of our culture and our civilization, depends primarily on our community itself, on its manners and morals, on its constant willingness to fight against prejudices and discrimination and arbitrary power. While this is true—and the experience of many other countries shows that a written law alone cannot adequately protect human rights—we agree that such protection may, in present circumstances, require from time to time new legislative and judicial safeguards.

There is, however, a wide range of opinion as to what those legislative safeguards should be. There are those who believe that existing provisions are adequate and that a bill of rights would not only be useless but might conceivably be dangerous. Professor Scott, who is an authority in this field, whether or not we agree with all his views—

Mr. Martin (Essex East): A great authority.

Mr. Pearson: Yes, he has devoted many years of study to these questions—Professor Scott sums up that view, without agreeing

with it, when he says in his "Civil Liberties and Canadian Federalism", at page 13:

> With Magna Carta in the background and Dicey's rule of law in the foreground, we have not seemed to need any further safeguard for civil liberties. And in truth, when we look at other constitutions with bills of rights in their written texts, not excepting the American constitution, and compare the rights of citizens under them with what has commonly prevailed in Canada, we have not felt that we were under any particular disadvantage.

Mr. Diefenbaker: Is that his view?

Mr. Pearson: I said that is one view, and it is a very good summary of the viewpoint of those people who accept it. Professor Scott has other views and he would go much further, as I shall point out later, than is gone in this bill. That is one extreme, the view of people who do not think we should proceed with this project at all but should stick to the tried and trusted procedures and not worry about bills of rights. At the other extreme are those people who are so anxious to have a bill of rights that they are ready to accept and support any bill on the ground that a bad bill is better than no bill; that a piece of bread is better than no loaf.

We on this side do not support either of these extreme positions. If we are to have a bill of rights not only to protect our own freedom but to serve as an inspiring symbol of the values we need to protect, it must be a good and effective bill for that purpose. We do not think that just any bill, irrespective of its limitations and inadequacy, will necessarily serve a useful purpose. The Prime Minister described his own bill in September, 1958 as a first step, and he confirmed that description on Friday, advancing the view that a first step, however small and timid, was better than nothing. Professor Scott, in the lectures from which I have already quoted, warned us against the danger of such a view when he said:

> It seems to be assumed that a first step is always a good thing. Presumably a first step is a good thing if it is taking us closer to a desired goal and will be followed by a second step. But if the taking of the first step confuses the issue and discourages people from any further effort then it may not be a good thing. I am frankly afraid that this is the position we may be facing.

It will be our purpose on this side to support the motion to send this bill to a committee even at this late date, and do what we can in that committee to make this bill a more adequate and suitable one than it is now for the purposes for which it is intended. Certainly its present inadequacy has been exposed by many who have examined and commented upon it.

Perhaps particular attention—and I referred to this earlier—should be given to the criticisms contained in the special number of the *Canadian Bar Review* of March, 1959, criticisms which apply to this present bill as much as to the earlier version. If you read the articles in this review and other articles written by men quite as sensitive as any hon. member of this house to the need to protect our rights and liberties, the Prime Minister's claims for this bill become extravagant and excessive.

Let us look at what some of these objective, non-partisan commentators have to say about some of the principles and provisions of the bill. Let us take only one paragraph from the article in this review by Professor Bora Laskin, of the University of Toronto, an authority in this field. I am sure it will not be suggested that Professor Laskin has any political axe to grind in making this comment:

> Committed though I am to the thesis which is implicit in Bill No. C-60, the document is disappointing in its approach, unnecessarily limited in its application and ineffective in its substance. It is disappointing in its approach because it does not provide a constitutionally-protected charter of liberties. It is merely a timid and tepid affirmation of a political and social tradition which, for all practical purposes, carries us no farther than the prevailing tradition in unitary Great Britain. It is unnecessarily limited in its application because (1) it takes an extremely narrow view of the constitutional values that are involved in the promulgation of a bill of rights and (2) it confines such force as it has to the federal or central level of government, leaving the provinces unaffected by its provisions. It is ineffective in its substance because, taken on its own terms, its grandiloquence of expression is set in so narrow an operating framework as to rob the expression of any substantial value in concrete cases.

I could quote at length from articles in this publication by authorities taking that same stand. Indeed, I think there is only one article in this whole review that supports the bill in the form in which it was presented to them and to us, a form which is substantially the same as that which we have now before us.

Mr. Diefenbaker: Would the hon. gentleman allow a question? In view of his reference to this statement that the provinces would be left unaffected by the bill of rights in its present form, will the hon. gentleman tell the house why it was that during the long period in which he was secretary of state for external affairs he did not bring before the house for approval by Canada the United Nations declaration of human rights?

Mr. Pearson: Mr. Speaker, the question the Prime Minister asks me is why did I not bring before the House of Commons the United Nations declaration of human rights when I was a member of the cabinet. That declaration, it is known, caused some hesitation on the part of the government of that day because it included matters which were

within provincial jurisdiction. This hesitation made it impossible for us to have accepted an international bill of rights without provincial approval; but it did not prevent the government of Canada at that time accepting the United Nations declaration of human rights.

That was done; that was accepted by the Canadian representatives. It was possible for any hon. member of the house, and particularly for hon. members of the opposition, to have put on the order paper at any time during those years a private member's motion to have this matter discussed. The government did not initiate any such discussion true, but the present Prime Minister and other hon. members of the opposition of that day did not take the action open to them.

Mr. Diefenbaker: I asked the government about it regularly, did I not?

Mr. Pearson: I know that the Prime Minister asked for discussion of this matter inside and outside the house, but were steps taken by the opposition to bring about a discussion? It could have been done if there existed at that time the kind of anxiety to have it done that is being expressed now.

Mr. Grafftey: Have you contacted the provinces?

Mr. Pearson: Yes, indeed we have. My complaint is that this government is not making any effort to contact the provinces. The government has had two and one half years at least in which to get in touch with the provinces on this matter and so far as we know—and the Prime Minister can deny it if it is not correct—there has been no step taken in that direction.

Mr. Grafftey: That has nothing to do with the question I asked.

Mr. Pearson: The Prime Minister said that the really significant importance of this bill is the warning that is contained in it to future parliaments not to pass legislation infringing the freedoms and rights which are declared to exist in this bill. The hon. gentleman knows, of course, as we all know, that it cannot bind any future parliament. It is an ordinary piece of legislation in that sense. When I use the word "ordinary" I refer only to the technical use of the word. But while he says it cannot bind future parliaments, it will make it much more difficult for future parliaments to infringe the provisions of this bill if they feel inclined to do so.

If parliament in this country does in fact need this kind of warning we are in a bad way. Surely the fact is that no Canadian parliament would ever lightly take action of the kind we are now being warned against except perhaps in time of apprehended war or emergency under the War Measures Act, which the Prime Minister and the government are not intending to change along the lines we advocated on Friday but are suggesting that the only change to be made is to have the proclamation bringing it into effect discussable in parliament.

Surely it is obvious that a warning of the kind embodied in this particular bill can be only as effective as the self-restraint, self-control and self-imposed discipline of the representatives of the people make it. In our parliamentary system it is this on which we must rely. As Professor McWhinney states in the *Canadian Bar Review* article of March, 1959:

> If the new Canadian bill of rights happens to correspond to deeply felt popular sentiments, no legislative majorities in the future are likely to interfere with it.
>
> If it does not so correspond—then no bill now will be an adequate protection against legislative action.

In short, I doubt whether the wrong kind of parliament would be more hesitant to pass the wrong kind of legislation merely because this proposed bill of rights had become law, especially as it would be ordinary law and not embodied in our constitution. Why should a future parliament be more impressed by and respectful of this bill than it would be of historic charters of our liberties such as the Magna Carta, the petition of right of 1627, the habeas corpus act of 1640 and the bill of rights of 1689, all of which are now part of the fundamental law and heritage of Canada?

It can be argued that a reaffirmation in law of these fundamental principles will do no harm and will, in fact, do some good. Perhaps it will; yet it must be emphasized again that it fill not bind any future parliament, even though it is designed to limit and check wrong tendencies in future parliaments. It must be re-emphasized that if it is to have that deterrent effect the language of the bill must be impressive, effective and beyond doubt or uncertainty.

A distinguished lawyer in this country, Mr. Carter, writing in the *Canadian Bar Review*, of March, 1959 at page 261, on this idea that parliament must be warned in a bill of this kind, had this to say:

> How much better it would be to trust parliament and the courts as they have been trusted in the past to modify the law relating to such private rights as circumstances and public opinion require, and not put this part of the law in a strait jacket of the model of 1959. It will be a sorry day for Canada when parliament is so distrustful of itself and its successors that it surrenders its power to change the law. Of course, the idea is absurd. If parliament in the future should decide that the law should be changed, it would simply preface its enactment by the formula

"Notwithstanding anything contained in the bill of rights". The prohibition in the bill against abrogation, abridgement and infringement of rights, in other words, is idle and to the layman misleading.

Well, Mr. Speaker, legal arguments aside —and I know there can be legal arguments for and against the value of this bill—this bill, we have been told by the Prime Minister, transcends these legal considerations. It is to serve as a beacon; a red light against parliamentary carelessness or arbitrary conduct; a symbol; a great charter of liberty, or at the very least the first chapter in a charter of liberty. But if it is to be the document that we have been told by the Prime Minister it is meant to be, it should not only be broad and deep in its meaning but should be inspiring in its language; something that will stir the pulse, stimulate our national patriotism, something that could be read and be remembered by school children on July 1—

Mr. Diefenbaker: Does the bill of rights of the United States, or of India, do that?

Mr. Pearson: —as one of the charters of our growing nation; something reaffirming our dedication to freedom and to great ideals; something, in short, like the declaration of the United Nations on human rights and fundamental freedoms in the international sphere, in the kind of language that should be accepted by the Canadian government.

Mr. Diefenbaker: Not by parliament, because you would not bring it before parliament.

Mr. Martin (Essex East): Parliament could not deal with it.

Mr. Pearson: The Prime Minister must know that this is an international declaration, not a law, not a convention, not anything that could be ratified by parliament. The Prime Minister must know, because at any time he wished during the years he has been in opposition he could have put a resolution on the order paper affirming our acceptance of and our dedication to the ideals in this declaration. He could have done so.

This value of the bill of rights, this symbolic, inspiring value, was, among other things, exactly what the 30 national groups and associations representing a large cross-section of the people of Canada asked for when they saw the Prime Minister, I think it was in April, 1959. In their submission, which I have before me and which I wish I had time to put on the record, they did include this paragraph:

> This act we feel should contain an inspiring statement of the basic rights and liberties which are part of our inheritance and to which every person in Canada is entitled. It should, we believe, be expressed in clear, beautiful and moving language. Language that will be understood and will make a lasting impression on our children in the schools, on new immigrants who come to Canada; on all Canadians when they hear it at meetings, in court, at worship, over the radio, or on television, or read it in the press or in books.

Does this bill do that? Read its ambiguous and uninspiring language. Is it the kind of urgent, moving appeal that will be listened to by school children, or even by adults? Read it. Is it a standard that can be raised high to which men and women of this country could repair when their liberties were threatened? Read it. Does it include any of the ideals, inspiration and noble words that might be used to make a declaration which, even without any binding legal effect, would nevertheless be a landmark in our history? Does it include any of the ideas, the proposals, the words submitted to the government in the last two years, by organizations and citizens, some of which I have just quoted? Yet the Prime Minister tells us that this dry, legal document which begins, "This part may be cited as the Canadian bill of rights" without any preamble; this legal document with these dry, unexciting words, is to be the Canadian Magna Charta.

If the Prime Minister feels that way why did he not put in the preamble something worthy of the high place he gives this bill, as is done in the submission I have just mentioned? In committee we shall try to repair some of these omissions and inadequacies. Detailed criticism of the omissions and inadequacies of this bill will be given by other members on this side; and particularly, as I think will be appropriate, when the committee is set up we certainly hope to examine very, very carefully clause 2 of the bill.

The Prime Minister makes high claims for the significance of this clause. Professor Laskin, however, in his article has this to say:

> Nothing except repetition is gained by setting out in the proposed bill what may be termed common law postulates of our criminal law. The postulates would not survive a deviating amendment of the code.

This clause merely declares; it does not guarantee. It creates no new offence, it imposes no penalty, no sanctions of any kind for a breach of any of its declarations. Any individual who claims his freedoms or rights have been interfered with by anyone else will be in the same position as if this bill never became law, notwithstanding the Prime Minister's eloquent assurances on television.

Mr. Diefenbaker: That is not a fact.

Mr. Martin (Essex East): That is a fact.

Mr. Pearson: No enforcement machinery is set up, as I have said, though the Prime Minister has often talked about setting up some enforcement machinery; and in committee we may have something to say about the desirability of setting up at least some supervisory machinery.

It is true the Minister of Justice has to examine bills and regulations to ascertain whether they are inconsistent with the purposes and provisions of this legislation. In the earlier 1958 edition the Minister of Justice, under clause 4, was told "to examine legislation and regulations in order to ensure that the purpose and provisions of this part in relation thereto are fully carried out." Now, that language was pretty strong, and perhaps you could read some kind of sanction into that language; but as a result of the amendment in the present bill he does not have to examine these matters to ensure that the provisions are being carried out. All he has to do now is examine regulations and legislation to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this bill. That, Mr. Speaker, is a weakening of the earlier bill in regard to machinery to ensure, if it can be done, that it should be carried out.

Is the Minister of Justice accountable to parliament for the discharge of this particular duty? How do we deal with him if he fails?

Mr. Martin (Essex East): Take out a writ of mandamus.

Mr. Pearson: There is another clause of the bill into which the Prime Minister has read much, which instructs—and I am paraphrasing the language—judges to interpret the law now along certain lines. That, however, hardly goes beyond the ordinary canons of judicial interpretation. Surely it does not render null and void or qualify any laws, rules or orders incompatible with the declarations of this bill. As Professor Laskin said:

> The injunction to the courts to construe an enactment in conformity with the bill would not enable the courts to ignore terms that ran counter to the bill.

I wonder how the Prime Minister reconciles that statement with what he said last Thursday evening and Friday morning. The other detailed provisions and questions will be dealt with by my colleagues.

There is something more important than these detailed provisions in sections 2 and 3, and that is the general confusion that may arise over the interpretation of these provisions by the courts. Is this bill—perhaps we will get an answer to this during the course of the debate—to be interpreted as legally operative to override provincial legislation that conflicts with the rights specifically enumerated in section 2? The majority of the commentators on the bill whom I have been able to study think not, but some take the other view. If the former view is the right one, then by this bill we merely confirm, underline and emphasize the fact that there are fundamental and human rights in Canada on two different levels, federal and provincial. This has caused a great deal of anxiety in legal circles.

Perhaps on this point I might read from an article by Mr. David Mundell on the Canadian bill of rights included in the bar review at page 256. In this article, he is dealing with this particular point, and he says:

> To some persons the bill is to be interpreted as legally operative to override provincial legislation. To others, since the language is in terms declaratory only and not directly mandatory and since section 3 is restricted to federal legislation, the bill is to be interpreted as intended to be restricted in its effective legal operation to federal legislation. Support has been given to this view by statements that have been made.
>
> The intended effect of the bill should be made clear, to enact it knowing that a basic question of interpretation which can be avoided will arise at the outset, is undesirable. The adoption of the principle of the declaration appears to make it logical to give it its fullest possible legal effect as overriding inconsistent provincial legislation.

This is a very important point which certainly should be cleared up. It could have been cleared up if this bill or a draft had been submitted to the supreme court for an opinion, as the Prime Minister himself once thought should be done. Arising out of these views expressed by Mr. Mundell and others, the question was asked at the bar association meeting and in the committees which were dealing with this matter, and a recommendation was made to refer this to the supreme court for a decision on this vital question of constitutionality.

Well, Mr. Speaker, this is the new bill. The few changes that have been made from the old bill are, as I have suggested, not of major importance. One or two of them, I think, do extend the bill and are perhaps helpful from that point of view, but one or two of them are retrogressive in character. We ask ourselves, therefore, on July 4, 1960, is this all we have to show; is this all the government has to show for the consideration presumably given from September, 1958 to July, 1960? Is this all the government has to show for all the submissions, all the evidence and all the statements that have been made concerning this matter?

I think it is also true to say, Mr. Speaker, that the few changes that have been introduced—in fact I know it is true to say—are not the result of public hearings, because none have been held, or of examination by a committee of parliament, because none

has been set up. What a commentary that is on the government's public statements about the seriousness and importance of this subject for all Canadians.

I repeat that we on this side of the house do not underestimate the seriousness or importance of the subject in any way. We do criticize both the declaration and the bill, and the effectiveness of the government's handling of the whole matter once the Prime Minister and the government decided to proceed by way of legislation.

May I conclude, Mr. Speaker, with one or two very general and very short observations. In recent years the asserted claims of the individual on the state have been matched by his protests against the state's interference in his activities and in his private life, an interference which his own demands have made easier and in some cases inevitable. The state cannot provide services and support for the citizen without acquiring the power and authority which is necessary and desirable for that purpose. Put it another way; more social security, desirable and even necessary though that is, may often be the means to greater state powers, and the latter persistently press against the freedom and rights of citizens who are to benefit from these powers.

Now, that pressure is often embodied in masses of legislation and regulations which are required; often so great and complicated a mass that only with difficulty can it be reconciled to the equal necessity of defining and protecting the rights of an individual against the state from which he demands these services and this protection. This is the great dilemma of a democracy in the changing circumstances of today. Its resolution in the interests of the individual is not going to be easy whatever kind of legislative action we may or may not take. It will require careful and continuous watching and safeguarding by an alert and vigilant public opinion expressed in a very alert and vigilant parliament.

It will require, above all, strict adherence to the principle that the rights of the individual are paramount and cannot be subjected to official interference and limitation unless such official action can be unmistakably justified on the grounds of overriding public interest or national security. In this essential protection of our rights and our freedoms, words, declarations and even laws are not enough. At times they are nothing at all. History shows that. It also shows that in this matter the spirit is greater than the word; that custom and convention can be more powerful even than the law. It is the British tradition and the British instinct to rely on these intangibles, traditions, customs, opinions. That British instinct and that British tradition which we have inherited in these matters is based upon, and I think justified by, experience. If these intangibles go wrong everything goes wrong and no law will save us. It is also this instinct and this tradition which have encouraged us to rely on parliamentary action in specific cases for specific purposes to protect our rights and our freedoms, rather than to rely on any fundamental law above and beyond parliamentary control.

Well, Mr. Speaker, the record over the years is certainly not perfect. However, I think it has in the past justified this approach and adherence to these principles which are grounded in the sovereignty of a free and democratic parliament. In this bill we are departing from this British tradition. New circumstances, new difficulties and new pressures may justify some such departure, but they will not justify the limited, confused and uncertain departure embodied in this bill. Exaggerated language, extravagant claims and window dressing can only add to the confusion; they cannot supply a justification.

Mr. Hazen Argue (Assiniboia): Mr. Speaker, the very fact that the Canadian parliament has under consideration a bill to provide for the protection of basic human rights and fundamental freedoms is, in my opinion, in keeping with world feeling on this question. Some of us who watch the affairs of man as they unfold from day to day cannot help but be discouraged at abridgements of human rights and fundamental freedoms when they occur, and cannot help but be concerned and disappointed when there are setbacks. However, at an ever increasing pace I think mankind is going forward to a higher plane of human relations, and that all over the world, with few exceptions, human rights and fundamental freedoms are on the increase and are receiving greater and greater recognition.

Those of us who discuss this bill will have in mind many types of rights and fundamental freedoms. Some are mentioned in the bill; others are not referred to. These rights include the right of the individual to protection of the law without discrimination by reason of race, national origin, colour, religion or sex; freedom of religion; freedom of speech; freedom of assembly and association; and freedom of the press.

The whole question of human rights and fundamental freedoms has been a matter of long, careful and frequent discussion by the Canadian House of Commons. Participating in this discussion over the years have been many distinguished Canadian parliamentarians.

The Prime Minister introduced his bill of rights last Friday, and it is being discussed again today. He will take satisfaction in the distance he feels that it is moving toward the betterment or greater protection of human rights and fundamental freedoms. The Leader of the Opposition, in a very full and informative statement, has placed his ideas on *Hansard* in this regard. I have the honour today to follow in the long and consistent tradition of the C.C.F. party in supporting a bill of rights and in supporting guaranteed human rights and fundamental freedoms.

As a matter of fact, looking back through the record of *Hansard*, I find that the first resolution having to do with the proposition that there should be a bill of rights in Canada was moved in this house in 1945, as reported at page 900 of *Hansard* of that year, by Mr. Alistair Stewart, who was at that time the member of parliament for Winnipeg North. His resolution, presented some 15 years ago, is extremely interesting in that it points out some of the important questions relating to human rights and fundamental freedoms being debated at this very time. The resolution reads as follows:

> That, in the opinion of this house, there should be incorporated in the constitution a bill of rights protecting minority rights, civil and religious liberties, freedom of speech and freedom of assembly; establishing equal treatment before the law of all citizens, irrespective of race, nationality or religious or political beliefs; and providing the necessary democratic powers to eliminate racial discrimination in all its forms.

This motion was presented at that time and debate was postponed because of the assurance of the present hon. member for Essex East (Mr. Martin) that a citizenship bill would be introduced that would go at least part way in providing these important human rights and fundamental freedoms. Then in 1947 Mr. Stewart went on to discuss this question and, in a paragraph that I feel points out very adequately the choice of this parliament and for the matter the choice of mankind, he had this to say, at page 3161 of *Hansard* for that year:

> We realize that there are two paths ahead, either one of which we as free agents may choose to follow as we will. One path leads to heights of splendour yet undreamed of; the other to the darkness of hatred and strife. One leads to a realm where the human spirit will rise, triumphant over the bigotries and persecutions of our age, where racial discrimination and intolerance of another's religious beliefs will be regarded as crimes against all mankind; where freedom of speech will be the inalienable right of every citizen; where men will no longer exploit their fellowmen for private gain; where every man will be master of his soul. That is one path we can choose.
>
> The other path can lead only to that spiritual desolation to which our enemies would have consigned us.

Canada, I think chooses the first path outlined in this statement. As ideas of what might appropriately be done toward the greater protection of human rights and fundamental freedoms were revealed in this house the national leader of this party, Mr. M. J. Coldwell, the then member of parliament for Rosetown-Biggar, placed on the order paper a resolution which supported the amending of the Canadian constitution as a most appropriate means by which we could protect human rights and fundamental freedoms. His motion was debated in 1955. At that time I believe there were three motions on the order paper, one by the present Prime Minister, one by Senator Croll and one by Mr. Coldwell. By arrangement this motion standing in Mr. Coldwell's name was moved as an amendment. It reads as follows:

> That, in the opinion of this house, immediate consideration should be given to the advisability of "the taking of whatever steps are necessary to amend the British North America Act so as to include therein the following heading and sections:
>
> XII Human Rights
>
> 148. Notwithstanding anything in this act, it shall not be lawful for the parliament of Canada or the legislatures of any of the provinces to make laws;
>
> (a) Abridging freedom of speech and expression, or freedom of religion, or of the press or other means, of communication or the right of lawful assembly, association or organization.
>
> (b) Depriving any person of life or liberty by arbitrary or abusive measures, or denying to any person the equal protection of the laws.
>
> (c) Requiring or imposing excessive bail or cruel or unusual punishment or exiling Canadian citizens.
>
> (d) Subjecting any person to unreasonable interference with his or her privacy, family, home or correspondence.
>
> (e) Subjecting any person to arbitrary arrest or detention or denying to any person the right after arrest to be informed promptly of the charges against such person and to trial within a reasonable time or to be released.
>
> (f) Suspending the right to habeas corpus or depriving any person of a fair trial or the right to be represented by counsel".

The C.C.F., elected as the government of the province of Saskatchewan, lost no time in bringing forth a bill of rights and placing that measure in the laws of the province of Saskatchewan. So the C.C.F. movement has been consistent over the years in doing everything possible to protect human rights and fundamental freedoms.

Mr. Speaker, we are prepared at this time to give consideration to the bill which is before the house. The Prime Minister has said it is a step toward guaranteeing the more adequate protection of human rights and fundamental freedoms, but we believe it is not the most adequate measure which could be adopted. We believe the government has not prepared the ground for the bringing in of a constitutional amendment, which would

have provided a much more secure guarantee of human rights and fundamental freedoms. In other words we think this bill is hesitant, inadequate and merely a feeble attempt to do that which is required to be done and which can be done in adequate measure only by an appropriate amendment to the Canadian constitution.

Over the years there have been many occasions in this country when human rights and fundamental freedoms have been abridged. There was the famous Alberta press act which was set aside. There was the interference which took place with the religious freedom of Jehovah's Witnesses. We have had indications in recent years of discrimination in this country against people whose skin is coloured. We had instances in Canada at the time of the last war and following it in which there was great discrimination against Canadians merely because of the colour of their skin. There were great debates in this House of Commons when the Liberal government of the day was taking action to deport Japanese Canadians and to disperse Canadians of Japanese origin all across this country. In taking that action at that time they were supported by members of the Conservative party who were then in opposition. They were supported by certain members of today's cabinet; but in all those debates at all times the members of the C.C.F. group supported the rights of Japanese Canadians to equal treatment with other Canadians, and opposed the discriminatory action which was taking place.

Mr. Speaker, one of the leaders in this battle to protect the rights of Japanese Canadians was Angus MacInnis, who for many years, from 1930 to 1953, was the member for Vancouver East and from 1953 to 1957 was the member for Vancouver-Kingsway. Many members of the house at that time felt that Mr. MacInnis was not only wrong in his attitude but was committing political suicide. His constituents continued to support him over the years, however, and not long ago he was singled out for distinction by being given an honorary doctor of laws degree by the University of British Columbia in recognition of his strong and consistent fight in support of equal rights for Canadians no matter of what racial origin, no matter of what religion and no matter of what colour.

So, Mr. Speaker, I think it is very appropriate that Canada should at this time go forward once again with other nations of the world in providing greater security for human rights and fundamental freedoms. The question before us is, will this measure guarantee those human rights and fundamental freedoms in an adequate manner?

[Mr. Argue.]

One of the criticisms most often advanced about this type of measure is that it is merely an amendment to a statute law, that it can be amended by any parliament at any time and in any way, and that it does not provide for full and adequate protection of human rights and fundamental freedoms in the days ahead. There is also the argument that a measure of this kind does not protect Canadians from rights which have been interfered with by laws already on the statute books of this country.

I think the Prime Minister is of the opinion that this law will be passed at this session of parliament, and that it will supersede laws passed heretofore which at present interfere with human rights and fundamental freedoms. I trust that is the correct interpretation of this bill and that it is the interpretation which will be placed on this measure by the courts.

Mr. Speaker, I have in my hand an excerpt from a submission by the Canadian Jewish congress conference on human rights which took place in Ottawa on December 8-10, 1958. In the course of this conference they had this to say:

> To say, as Bill C-60—

That was the predecessor of this bill.

> —says, that all acts of parliament "shall be construed and applied" as not to abridge the rights and freedoms declared therein may mean no more than that they shall be interpreted compatibly with these rights and freedoms if such an interpretation is not inconsistent with the express terms of those acts. Nothing would be changed by Bill C-60 where by express provision an act of parliament spoke in contrary terms.

Here is an opinion which says that with the passage of this bill it will not supersede previous acts of parliament where there is a special and clear conflict in terms. That is a very severe condemnation of the value of the bill now before the house.

Mr. Speaker, may I call it one o'clock?

At one o'clock the house took recess.

AFTER RECESS

The house resumed at 2 p.m.

Mr. Argue: When we rose at the luncheon adjournment I had quoted from the submission of the Canadian Jewish congress in which the congress stated that in its opinion this bill would not protect human rights and fundamental freedoms when these were at odds with the provisions of acts of this parliament which had already been passed.

The second criticism of the strength of this bill is that when it becomes an act it will

be possible for parliament, by a simple step, to contravene the guarantees contained in the measure. Professor Bora Laskin of Toronto university has the following to say on this point:

Section 4 of Bill C-60—

That is the present bill's predecessor

—states that the Minister of Justice shall examine every draft bill introduced in the house and every regulation so that they shall not contradict the declarations of part I of Bill C-60. His failure to do so in any particular case will not, I suggest, affect the validity of an act of parliament and beyond this, the legal power of parliament to ignore the terms of Bill C-60 in any future legislation is unquestionable.

An amendment to the constitution would remove the possibility of parliament, by the enactment of a simple statute, contravening the guarantees contained in such a constitutional provision. The weakness of this measure as it stands is that parliament, by a simple act, many remove the benefits that are stated to flow from this legislation when it becomes law.

There is a further criticism I wish to make on the same ground. Not only does this bill, as I see it, not endeavour to protect Canadian citizens against an infringement of their rights by way of provincial legislation, but it does seem to me that it may well exclude provincial acts from the effects of this present measure. In other words this act, if passed, might make it easier for provincial legislatures to interfere with the rights of Canadian citizens in the various provinces. My reason for saying this is the wording which appears in clause 3 of the bill:

All the acts of the parliament of Canada enacted before or after the commencement of this part, all orders, rules and regulations thereunder, and all laws in force in Canada or in any part of Canada at the commencement of this part—

Here are the qualifying words:

—that are subject to be repealed, abolished or altered by the parliament of Canada, shall, unless it is otherwise expressly stated in any act of the parliament of Canada hereafter enacted, be so construed and applied as not to abrogate, abridge or infringe—

And so on. It seems to me that this provision opens the door wide for provincial governments if they should so desire, to abridge human rights and fundamental freedoms by precisely excluding acts of that kind from the effects of this measure.

It has already been stated in this debate that there is one provision in this bill which seems a good deal weaker in its substance than the corresponding provision in the bill which was presented to us on a former occasion. I refer to clause 4 of Bill No. C-60, the first bill introduced on this subject on September 5, 1958, in which it was stated:

The minister of justice shall, in accordance with such regulations as may be prescribed by the governor in council, examine every proposed regulation submitted in draft form to the clerk of the privy council pursuant to the Regulations Act and every bill introduced in the House of Commons, to ensure that the purpose and provisions of this part in relation thereto are fully carried out.

That would seem to be a clear directive from parliament to the Minister of Justice to make absolutely certain that no future bills introduced in this house should contravene the provisions of the act. However, clause 4 of the present bill has changed the operative words, which now read:

... in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this part.

Well, should the minister find that certain provisions in a bill do contravene or are inconsistent with the purposes and provisions of the part of the act mentioned, that does not prevent him from recommending that such legislation should nevertheless be presented to this house, and does not ensure, as the former bill said must be ensured, that "the purposes and provisions of this part in relation thereto" are fully carried out.

In the light of this clause of the bill it would appear that after waiting for almost two years, instead of obtaining a more adequate bill stronger in its terms and in its protection of human rights and fundamental freedoms, we have a bill that is in fact weaker in its phraseology and its instructions to the Minister of Justice.

We are debating this bill in the concluding days of this session. I do not know how one could do it, but I think there should be some kind of legislation to assure that statements made by the government and its representatives and by the Prime Minister are in fact lived up to and carried out. When saying that the bill of rights would be laid over to the next session the Prime Minister, as reported at page 6293 of *Hansard* of July 18, 1959, had this to say:

In saying that I want to make clear that from the suggestion I have to offer to postpone the introduction of the bill of rights until the beginning of the next session—

That was the clear understanding. This bill was to be introduced at the beginning of this session, and during this session a committee was to be set up to study the provisions of the bill. Over a long period of time, perhaps over a substantial part of the session, the committee was to have the right to hear witnesses and evidence and decide whether or not the bill in an improved form could be brought into the house. The Prime Minister will not argue that the legislation was not ready, because there have been so few amendments that one might say it was almost ready in this form on September 5, 1958.

Human Rights

I have in my hand a copy of the bill that I take it was in final form, in the view of the appropriate officers of the house. This is an advance copy of the bill to which reference has already been made in the daily press, and it is stamped January 12, 1960. In other words the bill was available and printed on January 12 of this year. Where was it hidden? It was put away in somebody's closet. The Prime Minister denied this bill to the House of Commons for six months, and failed to carry out the terms of his undertaking given to this house.

In the light of the hopes of Canadians and the fight the Prime Minister has waged over many years for a bill to guarantee human rights and fundamental freedoms, this is a pale image of the legislation the Canadian people had hoped would be introduced at this time. There seems to be a great difference between the way hon. members of the government act when in government and the way they spoke and acted when in opposition.

On previous occasions I have referred to the way this government has failed to protect human rights and fundamental freedoms under the constitutional power it now holds. One of the darkest events in Canadian history was the passing in the province of Newfoundland of certain labour laws. Although an application was made to the governor in council requesting that this legislation be set aside, the Prime Minister refused to set it aside as we think he should have, and failed to be frank with parliament by telling us the decision was made. The hon. gentleman procrastinated and evaded when asked what the government would do until a year had elapsed. The legislation remains in effect. This is not the attitude of a government that is sincerely endeavouring at all times to protect human rights and fundamental freedoms.

One does not expect that this government can have jurisdiction in any way over the citizens of other countries. We are part of the United Nations organization. We have taken a strong stand on previous occasions with respect to certain questions respecting human rights and fundamental freedoms. When we saw some months ago a shocking revelation of racial prejudice and discrimination in South Africa, some of us raised this question in the house. We asked Canada through the government and the Prime Minister to take a strong stand on the issue. The government did not stand in favour of racial discrimination, but there was hesitancy. The question was evaded. Many months went by before the Prime Minister made a statement. In some ways it was a peculiar statement. It contained a peculiar sentence which I think is a shocking reflection of the attitude of the Prime Minister toward human rights and fundamental freedoms in South Africa. I quote from the Prime Minister's statement as reported at page 3088 of *Hansard* of Monday, April 11, 1960:

> I would also point out that if I were not sitting where I am, with the responsibilities that are mine, I would express myself somewhat differently from the way I am at the moment.

That may well be a true statement. If it is true it must mean that there is one attitude taken by the Prime Minister in opposition and a weaker attitude taken by him when in government.

Mr. Diefenbaker: Mr. Speaker, I rise on a question of privilege. First, quotations from previous debates during the same session are not allowed. I do not raise any objection to that. Second, the interpretation placed upon my words by the hon. gentleman is entirely removed from the fact. All I can say is that all the governments of the commonwealth took a similar attitude to that taken by me, with the result that the commonwealth conference adopted the attitude which I had stated was the only official one I could take having regard to the necessity of preserving the commonwealth.

Mr. Speaker: The point the Prime Minister mentioned is, of course, well taken. Quotations from previous concluded debates should not be raised in the course of subsequent debates in the same session. The hon. member should not continue to use such quotations as the basis of his conclusions.

Mr. Argue: In reply to the Prime Minister I can only say that in my view, instead of making commonwealth relations more difficult this government would have helped commonwealth relations if it had at the earliest moment expressed itself more strongly in condemnation of racial discrimination in South Africa.

Mr. Diefenbaker: That is not what the commonwealth prime ministers said.

Mr. Argue: Indeed, the government should express itself strongly on any occasion when racial discrimination arises. To elaborate that question—

Mr. Speaker: Order. The only reason for permitting any reference to that question is that it was raised as a question of privilege. I believe that matter has been disposed of, and I urge the hon. member to proceed with the main debate.

Mr. Argue: I accept your ruling, Mr. Speaker, as I always do. I have no further

remarks to make on that subject. In a discussion of the question of human rights and fundamental freedoms I feel it is appropriate to refer to the lack of those rights in other parts of the world, so long as there is some connection between that situation and what is happening in Canada or statements that are made in this house from time to time.

We in this party have argued for a long time that what is required by way of protection of human rights and fundamental freedoms is a constitutional amendment. I do not know whether the Prime Minister is opposed to a constitutional amendment; it is very difficult to find out. But if the Prime Minister is opposed to a constitutional amendment then he is acting in a very consistent manner; because at page 5650 of *Hansard* he said in reply to a question of mine as to whether the government had considered approaching the provinces to obtain agreement on a constitutional amendment that he had not consulted the provinces and I quote:

> Mr. Speaker, one has only to review the discussions that have taken place at the several dominion-provincial conferences in recent years, and as a matter of fact throughout the years to give a completely effective answer to that question.

If that is the effective answer, it is that the Prime Minister did not canvass the provinces, that he did not try. At least one province suggested to the government that such a canvass of the views of provincial governments should be undertaken. The premier of Saskatchewan, in a lengthy letter dated January 19, 1959, wrote to the Prime Minister asking that such a course be followed, and in so doing he had this to say:

> For these reasons, I urge you to reconvene the constitutional conference of federal and provincial governments which was held in 1950 and to submit to it your proposals for an amendment to the constitution which will contain a statement of human rights and fundamental freedoms in clear and explicit form.

As far as I can tell from the return that was brought down—and the Prime Minister will correct me if I am wrong—the Prime Minister himself, over his own signature, has not yet replied to that letter. I make that statement because on June 23, in reply to a motion of mine for the production of papers, this correspondence was produced and the only answer in the correspondence is one dated June 22, 1959, addressed to the premier of Saskatchewan and signed "Respectfully, Gowan T. Guest, executive assistant and private secretary" to the Prime Minister. I know the Prime Minister is a busy man. I know that from time to time, because of public business, he is outside of Ottawa, but I do not think it is an indication of good federal-provincial relations for the Prime Minister himself not to have made an immediate reply, or if out of Ottawa, then in a relatively short period of time, to this important submission to him by the premier of Saskatchewan.

In our view these are the things that the government should have done; it should have explored every possible avenue to the end that an amendment to the constitution of this country, agreed to by the provinces, might be brought in.

Many important submissions have been made on this question, one of them made by Professor Bora Laskin, who argues, and I quote his words:

> Enough has come from the courts to suggest that if there is any dominating authority in the area of civil liberties it is that of the parliament of Canada and not of the legislatures of the provinces.

He goes on to show that in his view parliament should act in a field that is clearly within its jurisdiction. Mr. Justice Thorson of the Exchequer Court of Canada makes a statement along the same lines:

> But it seems to follow, under our federal system which divides the field of self-government in the manner which I have stated, that since the legislative assemblies of the provinces cannot abridge these freedoms, the parliament of Canada can validly do so. There is strong support for the view that these freedoms, at any rate, ought to be embedded in our constitution by an appropriate amendment of the British North America Act so that not even the parliament of Canada can detract from them. And it would seem to follow from what I have said that parliament could properly seek such an amendment without prior approval of the provinces, since the subject matter of the amendment is not within their legislative competence.

Therefore we have the views of many learned authorities who believe that the course taken by the government today is a the very best a second course, and not the more preferable one that is available to the government. This afternoon we have been talking about certain human rights and fundamental freedoms. We have been talking about freedom of speech, of assembly, of the press and of other freedoms that we usually refer to. Professor Frank Scott, in his very interesting series of articles on the Canadian constitution and human rights, after an elaborate inquiry into what can be done to better protect those rights, ends his series of articles and broadcasts with these words:

> If we are going to put anything into the constitution I hope we shall put in economic and cultural rights as well as the basic freedoms. We live in the age of the positive state, not the negative state, and it is important that we keep before us the democratic goals toward which all state power should be aimed.

In other words, Mr. Speaker, in the development of human rights and fundamental freedoms it is the opinion of this authority

on our constitution and of other authorities around the world that the time has now come when economic freedoms should be added to the list of what we might call traditional freedoms.

Mr. Speaker: Order. I am sorry to interrupt the hon. member, but his time has expired.

Mr. Argue: Mr. Speaker, I do not think I have done this for years, but may I ask for the indulgence of the house. I will be finished in a few moments.

Mr. Diefenbaker: Go on.

Mr. Speaker: Has the hon. member leave to continue?

Some hon. Members: Agreed.

Mr. Argue: As I see it, Mr. Speaker, the present course that is being followed can be criticized for seven basic reasons:

1. Bill No. C-79 is not an amendment to the constitution and therefore does not protect those basic rights to the same extent that would flow from an amendment to the constitution.

2. The action now being taken does not protect basic rights, freedom of speech, religion, assembly, the press and the right of association against all attackers. It protects those rights from action of this parliament, but it does not protect them from action of our legislatures or of our municipal councils.

3. As I see it, the language of the bill is unnecessarily weak and narrow, and even in this kind of amendment the government could have improved the strength and the degree of guarantee contained therein.

4. This bill fails to enumerate in any way basic economic rights that thinkers are now saying should be included in any modern bill of rights.

Mr. Diefenbaker: Will the hon. gentleman permit a question? Who are those thinkers who say that a bill of rights covering political freedom and fundamental rights ought to include economic rights?

Mr. Argue: The United Nations is a good enough authority to put forward as one organization of learned men who say there should be economic rights in such a charter of freedoms, and I have quoted from Professor Frank Scott who I believe, and who I think the Prime Minister will agree, is a very important constitutional authority in Canada, although the Prime Minister may disagree with his views from time to time.

My fifth criticism, Mr. Speaker, is with regard to the record of this government. The record of this government in its approach to human rights and fundamental freedoms is weak and compromising. The Canadian people would be given greater assurance and confidence if the government's record had been consistent, which it has not been.

My sixth criticism concerns the timing of this legislation. I criticize the timing because the bill has been introduced in the dying days of this session. My further criticism on this point is that it has been introduced in the latter part of this session in spite of the clear commitment by the Prime Minister that it would be introduced early in the session and the evidence that this bill has, in fact, been printed since early in January.

My seventh and final criticism is that the Prime Minister has failed to consult the provinces and therefore has failed to show any desire for a strong bill of rights that would flow from an amendment to the constitution.

Over the years in this parliament, Mr. Speaker, many hon. members have spoken out strongly and consistently in support of human rights and fundamental freedoms. No one will endeavour to take away from the Prime Minister his many years of consistent work in this field. I only wish that his work were being crowned by something more substantial than this bill before us this afternoon. Those who have worked in favour of human rights and fundamental freedoms have not been confined to any one political party. Earlier today I said that certain members of the Prime Minister's cabinet had supported the discrimination against Japanese Canadians. This was not true of all the members of his cabinet who were in the house at the time. I am very pleased to be able to say that the hon. member for Greenwood (Mr. Macdonnell) has consistently, throughout his years in parliament, been a strong defender of human rights and fundamental freedoms.

I believe that all men of good will in all political parties will look upon the measure now before us as perhaps a small step toward the strengthening of human rights and fundamental freedoms. We have a long way to go. We should consider this measure as the first instalment of a program that ultimately must guarantee to all Canadians, these basic rights and fundamental freedoms.

Mr. Paul Martineau (Pontiac-Temiscamingue): Mr. Speaker, there are, of course, many different approaches that can be taken to a bill of rights. Some people state that civil liberties are a part of the framework of our laws; that they are deeply embedded in our temperament and form a part of the great intangibles; that a formal document would add nothing to those safeguards and guarantees that have been built up through the centuries and that are a part of our

British heritage. Some people even say that any codification would be perilous. They feel that by enunciating certain rights, by limiting them in a text, there might be serious dangers of omissions and that therefore far from adding anything new in the way of safeguards, this would be a retrograde step.

Then there are others, and if I understood the Leader of the Opposition correctly this morning I believe he is one of those who approve of the principles of the bill but make some reservations as to its extent, its form, the sanctions or penalties that may or may not be provided. I shall endeavour to answer some of the objections that have been raised to this bill of rights that is now before us.

First of all, Mr. Speaker, it might be useful to get back to fundamental principles and ask ourselves, with what is a parliament such as ours really concerned? If we look at the matter carefully and thoughtfully we might conclude that such a parliament should have as its primary aim the safeguarding of civil liberties. Then we may be brought to ask ourselves, what are civil liberties and what is the origin of such liberties and rights?

In answer to this question I should like to quote from the review *Les Relations* for April, 1949, in which the director of this publication, Rev. Father Richard Ares, of the Society of Jesus, asks himself precisely the same question: "D'où viennent les droits de l'homme?" The rev. father states:

(Translation):

> To this question, Christian doctrine replies by bringing in, in turn, God, human nature and the state.

That is human rights.

> If their ultimate basis is God, according to the Christian doctrine, human rights have their proximate and immediate source in the very nature of the human being, in the dignity of man. That is why they are, at one and the same time, natural and inviolable.

(Text):

And that, Mr. Speaker, may be going back a very long way indeed. There is certainly no doubt that from the very outset of recorded history man has had within himself that urge for liberty and freedom to do those things which he conceives to be necessary to reach his appointed end. Yet throughout that long period civil rights were for the most part flouted and denied. It was only in the period of Greece and Rome that democratic ideals came near realization. Yet even those times were periods of slavery and periods in which the ordinary citizen did not have rights. Throughout the middle ages man aspired to freedom. Indeed, in many countries progress was made toward those ends in the formation of cities, guilds and trade corporations where the rights of free men were enunciated. However, civil rights such as we know them first came to be respected in the first centuries of British history.

I need not go into the details of the great charters of Anglo-Saxon liberties. The Prime Minister has already referred to them and they are known. We have Magna Carta in 1215 and the petition of right in 1628. In 1670 trial by jury was recognized following Bushell's case. In 1679 we have the habeas corpus act and in 1689 the bill of rights. In the same year we have the toleration act. In 1701-02 we have the acts of settlement providing for the life tenure of judges. In 1792 there was the libel act. In 1695 the British parliament refused to renew the licensing act, and this refusal in effect abolished political censorship.

Besides those great charters we have in our literature many classics on liberty. I think in particular of that great statement prepared by John Milton in 1644 and presented to both houses of parliament. This has been described as the greatest statement for the case of free speech that has ever been written. The Areopagitica contains these words:

> Give me the liberty to know, to utter and to argue freely according to conscience, above all liberties.

It goes on to say this, and it is quite relevant inasmuch as freedom of the press is part of this bill:

> For who knows not that truth is strong next to the Almighty? She needs no policies, no stratagems, no licensing to make her victorious; those are the shifts and the defences that error used against her power.

We are also all familiar with that great essay of John Stuart Mill on liberty published in 1859, in which he showed how any despotism, however benevolent, must in fact cramp and destroy the development of a people. Political liberty alone is insufficient; social tyranny may be more grinding than legal tyranny.

Mr. Speaker, these and others were great words in the advance of the freedom of the peoples throughout the earth. We are proud that they were spoken in the mother of parliaments, and we are also proud that we are heirs to that tradition. That great wind that blew or that was born in that country spread across the seas. If we examine the position that exists in the great republic to the south of us we find that their liberties —I refer to the United States liberties— are even to this day largely English liberties. We recall that Thomas Jefferson wrote into the declaration of independence of 1776:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

Benjamin Franklin wrote:

> Without freedom of thought there can be no such thing as wisdom, and no such thing as public liberty without freedom of speech.

Basic is the conviction that respect for the reason and conscience of the individual man will increase the power of reason in the universe and thus give greater assurance that human affairs will be dominated by reasonable men.

The first congress of the United States incorporated in the United States constitution the first ten amendments which in effect became their bill of rights. Today is Independence day in the United States, and I do not think it would be amiss to refer to it at this time and to salute that country which shares with the United Kingdom that heritage of great and basic freedoms.

Our tradition of freedom and civil liberty in Canada was received, as I stated, from England and also from the United States. These were modified by many other currents. They were modified by the wind that swept from France with the French revolution and its desire for freedom of the individual man. On Friday the Prime Minister referred to many of the constitutional guarantees, the enactments, which make this country what it is. The treaty for Paris in 1763 guaranteed the free exercise of religion to the French Canadians of Quebec. The Quebec act of 1774 retained the French civil law which was based on "La coutume de Paris". The constitutional act of 1791 set up consultative assemblies in Canada. There followed the fight for responsible government which was marked by uprisings in both the upper and lower house which led to the union of the Canadas of 1841. The British North America Act of 1867 contained these words in its preamble; that the provinces are to be united together federally under the British crown with a constitution similar in principle to that of the United Kingdom. Certain parliamentary and minority rights are guaranteed, but there is no mention of individual rights.

Since 1867 there has been a great advance in so far as the legal recognition of human rights is concerned. On a national scale we have advanced all the way from a self governing colony to a nation. Our minority rights are protected by constitutional guarantees. Provincial autonomy acts as a powerful guarantee against too great a centralization of power at Ottawa. However, in the case of individual or civil liberties there has not been such great progress, and there are recorded many instances of violations of these rights.

In 1948 Canada voted for a declaration of human rights passed by the general assembly of the United Nations on December 10 of that year. This was described as a goal for all mankind regardless of race, colour, language or creed. Canada has been one of the foremost nations of the world in terms of specific human rights legislation to establish equality of opportunity for its people in terms of specific legislation in the fields of employment and public accommodations, and there are quite a number of statutes which provide these guarantees.

Mr. Speaker, all this is very good as far as it goes, but what of the future? In the words of the Prime Minister, changing conditions have shown that freedom cannot be static. In recent years there have been tremendous upheavals in our way of life. The industrial revolution of the nineteenth century brought in its wake the end of the feudal system, the rise of industrial cities and its accompanying misery of slums, the poor laws and child labour. There has been the rise of the proletariat and the bleak, dismal existence during the nineteenth century of the labouring masses.

Thinkers, appalled by so much misery, endeavoured to devise new systems for the distribution of wealth and also to assure a full measure of social justice to all classes. We have seen socialism and also Marxism. Some of these thinkers and political philosophers who devised these systems were sincere and genuinely advocated improvement in the conditions of society and of the classes as they saw them. However, practical, hard headed realists who applied these theories very often denied these very liberties and exercised power for power's sake; and we have had these extremes of fascism and communism which brought with them the brutal suppression in many countries of all civil liberties and mass extermination of many millions of people.

Today we look at new problems created by the complexity of our modern existence. We look at the problems which are created by the population explosion and by shrinking natural resources. Then we have the east-west struggle. We see the hundreds of millions of red China, laden in toil and satisfied to endure endless servitude in exchange for bread and security. Certainly no one can conceive of red China, for instance, adopting a law providing for the recognition and protection of basic human freedoms.

Some writers have brought up a vision of the future. H. G. Wells in "The Time Machine" envisaged the men of the future. They were all in similar garb and had the same soft, rounded figures, unable to concentrate and tiring quickly. He described them as the sunset of humanity. In this society there was no need for strength. The

world was at peace and secure. The strong of body and of mind would only have felt frustrated.

In Aldous Huxley's "Brave New World" individuality is a thing of the past. Society bends every effort to make completely true its motto of community, identity, stability. In a foreword written to a re-edition of his work in 1946, speaking of the real world as he saw it, not the nightmarish vision of his work of fiction, he had this to say:

> In an age of advanced technology inefficiency is the sin against the Holy Ghost.
>
> A really efficient totalitarian state would be one in which the all-powerful executive of political bosses and their army of managers control a population of slaves who do not have to be coerced because they love their servitude. To make them love it is the task assigned in present day totalitarian states to ministries of propaganda, newspaper editors and school teachers. Already throughout the world in many parts democratic forms of government have gone out of fashion and have been replaced by the rule of a dictator or a tyrannical clique; even in democracies, governments have often been attracted by the illusion of the efficiency of all-out control.

All of this, I believe, points to one thing, and I am now reminded of one of the concluding statements made by the Leader of the Opposition this morning, when he stated: "Encroachments by states on individual rights in recent years have been matched by individuals protesting that infringement." The hon. gentleman went on to say that constant vigilance was necessary, and that the great dilemma of modern times was how to organize a modern state while at the same time preserving individual freedom.

I agree that that is the most important question. I think that by this very bill of rights we have shown in an unmistakable form that we are more attached to individual liberty than to anything else. That is, as I see it, the purpose behind the bill; that is the cause underlying the great struggle which has been carried on by the Prime Minister ever since he came to this house, both within and outside this chamber. He wanted it to be established clearly and beyond a doubt that here in Canada in the twentieth century, in 1960, despite all the great problems that are massing all over the world, we still stand for that basic freedom; that this ideal is not out of date.

This bill of rights, imperfect though it may be according to some of the critics on the other side, serves its purpose because it is a beacon and an inspiration. It is an inspiration to Canadians both old and new, both to those whose forebears came here in the first days of the colony and also to those who have newly migrated to our shores. It is a beacon which will shine very brightly, also, before the eyes of the newly emerging nations who will say, "Canada, a country which is materially wealthy, still puts first things first." That is the great merit of this bill.

I have not time to go into the detailed criticisms which were made of this measure, and I do not wish to do so. But I wish to say that this is indeed a step in the right direction, and a very long step. The Leader of the Opposition referred this morning to the Magna Carta. He said we have Magna Carta. If we look at the terms of Magna Carta we discover that its language was far from perfect. Nevertheless it can still, after 800 years, serve as an inspiration to the living democracies of today.

I was reading a few days ago from the book on Sir John A. Macdonald written by Mr. Donald Creighton, "The Young Politician". In that book, describing the first Dominion day, the author says:

> Everybody noticed the beauty of the day; everybody observed how auspicious was its splendour.

Mr. Speaker, July 1, 1960, was also a clear, bright day, auspicious too in its splendour as the parliament of Canada heard the Prime Minister speak on his cherished bill of rights, the charter of the freedom of Canadians everywhere.

Mr. Alexis Caron (Hull): The big show is on. On Dominion day the Prime Minister brings up his pet legislation. I do not know if it was his intention to have the people of Canada forget about the poor administration or anything else. As a matter of fact, he chose the time in order to try to make the biggest show for himself.

(Translation):

There is no doubt, Mr. Speaker, that the Prime Minister places enormous value on his pet project, but does so in a very inconsistent way.

For several sessions, he has talked to us about the bill of rights. In fact, he introduced it at the second session, then withdrew it. He is introducing it again at the end of this session, hoping no doubt that the opposition will not take the trouble to give it proper consideration.

Nothing in the world could take his mind off this fixed idea of his, of appending his name to a Canadian bill of rights.

In its present form, it is ludicrously ponderous, and unadapted to the minds of the people, especially of the younger generation, of school children, who one day will be taking our places.

Besides, an article published in the Ottawa *Citizen* on February 6, 1959, reflected about the same opinion as the one expressed by the Canadian Bar Association.

(Text):

> The Diefenbaker government's proposed bill of rights was criticized as being dull. It is a declaration rather than a law enforcible throughout the country. For this very reason, the lawyers agreed that it should be so written so as to inspire children and stir the hearts of men.

(Translation):

Further on, the same paper recalls great declarations, like Lincoln's Gettysburg address. This is how they start:

(Text):

We here highly resolve that these dead shall not have died in vain ... and that government of the people, by the people, for the people shall not perish from the earth.

(Translation):

Now compare this, Mr. Speaker, with the terms used by the Prime Minister when he introduced his bill. It is a ponderous bill, especially in its legal phraseology. It could never be applied.

Let us now look at the initial paragraph of the constitution of the United States and that of the United Nations:

(Text):

We, the people of the United States of America, we the people of the United Nations.

(Translation):

Those are exalted terms, which speak to the mind and to the imagination.

Now here is the beginning of the American declaration of independence:

(Text):

When in the course of human events—

We hold these truths to be self-evident, that all men are created equal—

(Translation):

Are those not inspiring words, quite out of the ordinary?

The Atlantic charter also, in its turn, proclaims human rights.

(Text):

—to live out their lives in freedom from fear and want.

(Translation):

That is a simple and brief statement, but surely a declaration of general principles understandable to the lowliest mortal.

Let us look now at the constitution of UNESCO:

(Text):

Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed.

(Translation):

The United Nations Declaration of Human Rights reads as follows:

(Text):

To promote social progress and better standards of life in larger freedom.

(Translation):

Now let us compare this, Mr. Speaker, with what the Prime Minister has to offer:

(Text):

It is hereby recognized and declared that in Canada there have always existed and shall continue to exist the following human rights and fundamental freedoms.

(Translation):

Do you notice the ponderous, legal terminology, bound to displease the public at large?

Besides, if those rights have always existed and will continue to exist, why clutter up our statutes?

We still have that famous document, the Magna Carta of 1215, which paved the way to basic human freedoms.

Over the years, Britain quietly proceeded to draft its own general declaration, and was able to increase the freedoms demanded by the people. The result is that no country in the world enjoys more freedom than Great Britain. There are few countries in the world where human freedoms are more respected than in Canada.

Particularly in the past few years, Canadian courts have adequately protected the rights of individuals, especially in the religious field.

However, must we please the Prime Minister, who is seeking to achieve fame through this pointless bill?

Why not simplify his sentences, as suggested by the editor of the *Citizen* who instead of the cumbersome sentence put forward by the Prime Minister, suggests this:

(Text):

Canadians always have enjoyed and always shall enjoy the following rights and freedoms—

(Translation):

It is shorter, simpler and more easily grasped.

I admit that this may seem somewhat rhetorical, as the Prime Minister, it seems, would rather have it in the form of legislation than a declaration of principles.

Under what circumstances are we called upon to enact legislation? When are such enactments required to maintain peace and order, to promote morality and neighbourly relations among the citizens of a country or a province?

As for the rights specified in this bill, could the Prime Minister single out any that has not already been guaranteed by laws or treaties since 1760? The Magna Carta itself —since we inherit the British traditions— fully safeguards every individual whatever his race, religion or language.

And the Prime Minister made the same statement himself when he said: "Those fundamental freedoms have always existed and shall continue to exist in Canada." Since those freedoms have always existed, the bill is a perfectly useless duplication. Had the Prime Minister been as wise as some people would have him, he would have agreed to our intelligent suggestion that a committee of both houses be appointed to study this legislation, for he is not omniscient. He should have enough humility to recognize that his thinking, good though it may be, might still leave room for improvement. Such a committee could, while preserving the Prime Minister's basic thinking, introduce

more poetry into the bill and make it possible for school children to learn it by heart and thus build the new spirit of the future, as stated by UNESCO:

Since wars begin in the minds of man, it is in the minds of man that the defences of peace must be constructed.

It is from the minds of young people that we must remove fanaticism.

There is no doubt about it, our legislation has proved adequate to protect the individual against interference by mobs and by governments. In proof of this, there was the supreme court judgment against the Quebec government respecting Jehovah's Witnesses. We all know that this sect was waging its propaganda by trying to destroy Catholic thinking in the province of Quebec, in an insulting, defamatory and degrading way. The proper way to deal with them would have been to bring them before the courts for insults and disparagement. On the contrary, those people were prevented from holding a meeting in a private house, some of them were placed under arrest, the police confiscated some pamphlets and other printed matter. On account of the arbitrary method used in their arrest, Jehovah's Witnesses won their case.

Not very long ago, the Supreme Court of Canada also gave judgment against the former premier of the province of Quebec, in favour of a restaurant owner who had been deprived of his license because he had supplied bail in favour of the Witnesses of Jehovah.

Those who want to avail themselves of our laws as the they exist in Canada, always succeed in vindicating their just claims, even against those who do not resort to legal methods to reach their aims. If we look one by one at the various judgments rendered by the Supreme Court of Canada in various fields, we will find that anyone who chose to appeal to our courts always obtained fair treatment.

Would the passing of this bill, in its present form, improve or amend anything whatever? Not as far as I know. Anyway, I am not the only one to think so. The Winnipeg *Tribune*, which always has had great admiration for the present Prime Minister and has long been advocating the proposed bill on human rights, published the following editorial under the title:

(Text):

A Bill of Rights that Means Little—

Mr. Diefenbaker is determined to have the bill passed during the present session.

(Translation):

He was referring to the last session, that of 1959:

(Text):

With the Conservative majority as large as it is, chances are the Prime Minister will have his wish. But this does not alter the fact that in its present form the bill of rights is little more than window dressing.

(Translation):

And farther down, the Winnipeg *Tribune* continues as follows:

(Text):

It is a pity that Mr. Diefenbaker, after being so vigorous a champion of individual rights for so many years, is settling for such a puny bill.

(Translation):

This from a newspaper usually friendly towards the Prime Minister.

That is exactly what I claim, and it is in those very terms that, a few years ago, I criticized the bill then introduced by the leader of the Canadian socialist party, Mr. Coldwell. Besides, last year the people most interested, i.e. the members of the League for Human Rights, at a meeting held at the Chateau Laurier, strongly criticized the bill of rights now introduced by the Prime Minister in its present form. I am not telling him anything new; he has already been told by that very association.

I said a moment ago that the situation is in no way changed, because it is not our laws that are defective, but the human spirit that is unsound.

The *Gazette* of December 26, 1958 published the following words on this subject by Mrs. G. Marshall:

(Text):

A decade of international legislating of human rights has not proved peaceful, effectual or satisfactory, so perhaps now what is needed is a new heart and a new mind in those people who are entrusted with the nation's destiny to see that righteousness, justice and honesty are carried out.

(Translation):

Then too, Mr. Speaker, Soviet Russia and all countries behind the iron curtain have adopted similar bills to protect human rights and, in spite of all those laws, thousands of people have been exiled, deported, imprisoned, because they did not see eye to eye with the government, which did not prevent the Russians, in spite of those bills of rights, to invade Hungary and to proceed there with the most awful massacre ever recorded in history.

The hon. member for Pontiac-Temiscamingue (Mr. Martineau) said a moment ago that China could not afford to have such a bill of rights.

Well, Mr. Speaker, may I say to the hon. member that China has indeed adopted a bill of rights. Let me quote a few sections of this act, which is in force in China at this time.

Section 85 reads as follows:

(Text):

Citizens of the people's republic are equal before the law.

(Translation):

Section 87 says:

(Text):

Citizens have freedom of speech, freedom of the press, freedom of assembly, freedom of association.

(Translation):

Section 88 provides:

(Text):

Citizens have freedom of religious belief.

(Translation):

Yet, despite all these freedoms which are included in the Chinese acts and constitution, hundreds of priests, clergymen and bishops have been persecuted for years, and are still being persecuted.

Section 89 of this act says:

(Text):

No person may be arrested except by decision of a people's court or with the sanction of a people's procuratate.

(Translation):

Section 90 reads:

(Text):

The homes of citizens are inviolable, and privacy of correspondence is protected by law.

(Translation):

Now, Mr. Speaker, we all know what those people's courts amount to in communist China. A mass meeting or mob is organized. People are whipped into a frenzy of hostile demonstration against an individual whom the government dislikes, and who, without further ado, is led off either to jail or to violent death.

Mr. Speaker, communist China has passed a bill of rights, but what good did it do?

I remember reading and hearing missionaries say that their residence had been broken into, that they had been placed under arrest, thrown into jail, and that after a few months, when they were broken down by ill-treatment, that famous people's court was called to sentence them to an even longer jail term. That is what they do with human rights in communist China, despite existing legislation. This proves that it is always the mind that has to be cured, and that minds cannot be cured by legislation. It is better to train the people to see their duty and to be charitable to their fellowmen.

Despite all those bills of rights, the Chinese as well as other people living behind the iron curtain enjoy those freedoms to the extent where they submit to the often iniquitous legislation enacted by their government. Nothing has changed; everything is as bad as before those laws were passed.

This bill of rights would be really effective only if the Canadian government were fully sovereign, which is not the case. We have provincial governments which, in their own field, that is to say in the field of civil law, enjoy absolute sovereignty; therefore, there is no sovereign government in Canada, and there can be no truly efficient legislation of this type unless it is drafted and accepted by the federal and provincial governments.

Besides, the British North America Act confirms the rights of the minorities, and because of the ill-will of certain people, its application has been extremely difficult. Now a bill such as this, imposed by the Canadian government, is by no means binding on the provincial governments, because they are never subject to the legislation of other governments. They can act as they see fit, with or without justice, with regard to minorities. A bill such as this would have no effect in wartime because no provision is made in that respect.

Therefore, the bill comes almost a hundred years too late, and is too ill-drafted to achieve its real purpose.

On December 16, 1958, the Winnipeg board of trade had this say about this measure:

From our study of this bill, that is the bill of rights, it seems to us that nothing is being added to the liberties now enjoyed by the people of Canada. Our freedoms are founded on British common law, and on tradition, on our constitution and on our statutes. Even if Canada is a young country, it is known as a nation where individual freedom and protection of individual rights have been developed to a degree which is envied in many parts of the world.

We are concerned about this bill to guarantee human rights and which, as it does not add anything to the rights now enjoyed by Canadian citizens, may only, over the years, obstruct the development and evolution of those rights. In fact, we could truly say that generally speaking too much defining is limiting, and we hesitate to support any legislation which might result in limiting the development of individual rights in Canada.

Some of the rights we enjoy today were neither known nor even hoped for 200 years ago, and we think that if a legislation like the one proposed had been introduced two centuries ago, we would probably today, be restricted to those freedoms only, which were legally accepted at that time.

Mr. Speaker, so as to establish clearly that the bill cannot achieve its purpose and that it is unnecessary, let us bear in mind that, in spite of statutes and treaties, the only province which really has respected the rights of minorities and individuals throughout Canadian history, is the province of Quebec.

We know that the Canadian constitution conferred upon minorities the right of having their own schools in so far as that freedom was part of the statutes of the said provinces before the British North America Act was passed. Now, in New Brunswick, right after the British North America Act was enacted and because conditions which had prevailed until then were not based on a statute but merely on tolerance, a persecution was started which prohibited the teaching of French and religion in the schools, and abolished any privilege which we had considered our right.

So, the French speaking minority appealed to Sir George Etienne Cartier, who was at the time the leader of the French speaking minority in Canada, asking him to have that

law disallowed. Sir George Etienne Cartier rightly refused, to avoid setting a dangerous precedent. True, in the meantime, the situation in New Brunwick has improved, as in most other Canadian provinces; but, in spite of human rights, persecution has persisted in some provinces.

When, in 1871, Manitoba joined the confederation, Sir George Etienne Cartier, in order to protect minorities, and after what had happened in New Brunswick, took the precaution of having included, on behalf of French speaking minorities, the same principles which prevailed in favour of protestant English speaking minorities in the province of Quebec. But, in spite of that precaution, by 1891 the Manitoba government outlawed the teaching of French and of religion in schools, in spite of the laws which had been passed.

Do you believe, Mr. Speaker, that the federal government of the time could have mustered an army and invaded Manitoba to compel the provincial authorities to respect the act which they had signed when joining the confederation? That was impossible. It was only after discussions between Sir Wilfrid Laurier and the leader of the Manitoba government of the time that, quietly, around 1897, legislation was enacted which relieved to some extent the difficult situation of the minorities in that province. It was in the minds of men that everything was wrong.

Do you think the adoption of this Canadian declaration could have prevented, in 1911, the province of Ontario from adopting its famous regulation XVII against the teaching of French and religion in the schools? Even if this bill had then been in force, the Ontario government would have defied it and would have acted as it did. It was the courage and the fighting spirit of the French speaking minority that helped us overcome those difficulties. Today, those things are of the past; they are forgotten, but still I say that a law such as this one would have failed to remedy the situation.

Would the adoption of a law such as this have prevented Mr. Anderson, leader of the Saskatchewan Conservative party in 1928, from fighting the Gardiner government, because it was granting too much protection and latitude to the teaching of religion and French in schools? Would it have prevented Mr. Anderson's government from removing crucifixes, which are not a sign of Catholicity, but a sign of Christianity? No, Mr. Speaker. All those efforts would have been in vain.

The fault lies in people's minds, and it is through the mind of men that it can be remedied.

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Thank God, the day has come when the rights of Canadian citizens are respected, and not only because we have laws but because the attitude of Canadians has improved, and people have a better understanding of their duties. Thanks to this better understanding we may enjoy more freedom in all parts of Canada.

In any event, the persecutions which had started in the Atlantic area slowly moved towards the Pacific, and it can be hoped that whatever traces remain of this spirit of persecution will soon fall into the Pacific and completely vanish.

Mr. Speaker, there can be only one way of drafting a piece of legislation in such a way as to prompt our young people to have a little more respect for justice, and that is to go into the matter more thoroughly, and give the bill a more literary, more poetic and less legalistic form. Once their minds have been steeped in justice, we will no longer have to worry about rights being violated. Mr. Speaker, when the house comes to a vote on second reading, I shall support the bill which I regard in its present form as pointless, useless, but not really harmful.

Again I urge the government, or rather the Prime Minister to postpone his bill until the next session, and by that I mean the beginning of the next session. Then we might set up a joint committee of the Senate and the Commons, which could hear the suggestions and objections of individuals and public bodies such as chambers of commerce, boards of trade, the Conseil de la Vie française en Amérique, the Canadian Bar Association, the civil liberties association and a number of others. Indeed, there have been many criticisms so far. In its present form, the bill drew some rather sharp remarks from the Ontario bar, as reported in *Le Droit* for February 2, 1959, and I quote:

> Ontario barristers agreed Saturday that the bill on Canadian civil liberties should be of higher inspiration, and should be "something that will roll off our tongues and that will echo in our classrooms."

Professor Stuart Ryan, of Queen's University, stated that the bill should be written in language "appealing to the hearts of men, while protecting rights and liberties".

The delegates agreed and recommended in a resolution that the federal government transpose the legislation "into words expressing the full nobility of both the French and the English languages."

As it is, the professor stated, the bill of rights is "prosaic, pedestrian and commonplace".

"We want something that can be used to inspire our children, that can be taught in our schools; something that will roll off our tongues and that will echo in our classrooms".

Let us not forget that there are people who support this bill for such opposite reasons that you wonder how they can meet, just as there are people who oppose it for equally different reasons.

Take the case of Nicholas Saloablancas Schatroph, who takes issue with it because, as he says, it is aimed at maintaining in Canada a respect for the minorities. Here is what Mr. Schatroph and like people have to say:

(Text):

Since the obvious purpose of the bill of rights is to fit Canada to the requirements of minorities, let us analyse a minority group to have a better understanding of the subject.

There is no law in this country prohibiting anyone from becoming a part of the majority. Therefore the desire to remain part of a minority is strictly personal and deliberate.

What are the motives behind this choice?

They are entirely matters of prejudice.

(Translation):

As you see, Mr. Speaker, the gentleman who wants to be a true, dyed-in-the-wool Canadian, resorts to objectionable exaggeration because he fails to understand that, whenever a new Canadian arrives in this country, wherever he comes from, something is added to Canada's cultural heritage, and that the newcomer only adds to the development of his new country as long as he remains himself.

For instance, anywhere in the world, the Irish remain themselves, keeping their songs, their dances, the fighting spirit which is their hall-mark yet they are loyal and generous with regard to their adopted country.

The same is true of the Jewish race, which becomes acclimatized without ever being absorbed. I could quote many instances of people from other countries who brought new wealth to Canada, and to the United States. If that Mr. Schatroph had thought it over even five minutes, he never would have written those lines.

In conclusion, is it not surprising that the same man who waxes quite sentimental about human rights does not seem to consider them here in this parliament? In proof of this, I shall quote part of an article by Mr. Jean-Marc Poliquin, which was published in *Le Droit* for June 28, 1960.

By so heavy a timetable members of parliament are treated as beasts of burden. Only in factories thriving on sweat labour can similar working conditions be found.

But our M.P.s are not the only ones to suffer from such unreasonable conditions. *Hansard* editors, interpreters, translators, stenographers, typists, clerks, etc. are driven like slaves. It is unqualified exploitation of the parliamentary staff. The federal government eagerly legislates to promote more humane labour conditions in private industry. But for two and three months a year, they think nothing of riding roughshod over principles that are held sacred by organized labour. But soon we will hear a pathetic plea in favour of a Canadian bill of human rights.

Such inconsistency in our parliament is quite unspeakable.

And what about Bill C-27 which was introduced during this session? I have no intention of dealing with it, as this would be irregular. But, before passing this bill, the government should have disallowed the former. Bill C-27 deprives our citizens of any right provided in this bill with regard to the recognition and protection of human rights and fundamental freedoms.

Yet, when the bill is passed, that other legislation will still be in our statute books allowing government inspectors to enter premises without a warrant, by day or by night, to question and even to arrest people, whereas the latter are not entitled to appeal to the courts before the inspectors have finished their investigation. Before this bill is enacted, the Prime Minister himself should have rescinded Bill C-27.

Therefore, the Prime Minister ought to do some hard thinking over his own mistakes before offering to solve the problems of others.

May I be permitted a few suggestions, Mr. Speaker? It seems to me that the bill should contain some such sentence as: "Men being equal before God shall likewise be equal before society"; or this "Christ's message: 'love thy neighbour as thyself . . .' must be outwardly expressed towards one and all"; or this: "Life, liberty, security and the possession of property shall therefore be an inalienable right to be respected by all"; or this: "Freedom of religion, of language, of speech, of association, together with freedom of the press, are sacred, natural rights that the parliament of Canada may not hinder"; or this: "Colour, racial origin, religion or sex do not confer inferiority or imply any disadvantage to the human person".

Mr. Speaker, I could suggest many more possible forms.

Even if the Prime Minister wishes to have this legislation passed, in order that human rights may be respected, may I tell him that he will never achieve his end if he does not succeed in giving rise to that feeling of respect in individuals.

In concluding my remarks, I ask him again to set aside the purely legal aspect of this

bill and to submit to us something lighter, so that children in our schools may prepare right now to take over the leadership of the Canadian people, steeped in a spirit of true fraternity and charity towards all. Then, it will no longer be necessary for the Prime Minister to present his bill on the 1st of July, Dominion day, Diefenbaker day.

(Text):

Mr. Arthur Smith (Calgary South): Mr. Speaker, it is my intention to take only a few minutes of the time of the house this afternoon on Bill No. C-79. While this proposed legislation has been described by the Leader of the Opposition (Mr. Pearson) as ordinary legislation, I do not consider it as such. I therefore recognize that there are unquestionably a great number of my colleagues on both sides of the house who feel some deep responsibility in speaking on what is, I am sure, in the opinion of the Canadian people, the most important piece of legislation that has yet come before this parliament; and I can speak only for the parliament in which I have had some experience.

I think we can understand the unusual sensitivity of the opposition members who have spoken, in particular the Leader of the Opposition and the hon. member for Hull (Mr. Caron), who have directed at the bill a number of criticisms, some of which I propose to deal with. Those gentlemen, having sat in their seats for so long and having contributed to a government which to some degree ignored some of these liberties or freedoms, now take offence that any government should decide to take action and see that the individual, the little man, is going to be given protection against any bureaucracy, regardless of who may be in power at any given time.

I subscribe to the principle that this legislation cannot be considered in the light of just today. This bill was introduced for a purpose or a time when we Canadians take for granted our fundamental freedoms. This bill was designed to meet the possible alternatives that were open to a government desiring to see that fundamental freedoms were indeed protected. What were those alternatives? The first was to do nothing, to sit back and to assume that abridgement of and encroachment on civil liberties should continue. The second was to attempt to obtain a constitutional amendment by negotiation or discussion with the provinces. The third was to introduce a statute which would at least clean the doorstep of the federal parliament of the responsibility so as to ensure that future encroachment on civil liberties and fundamental freedoms will not occur henceforth.

The criticisms that we have heard to date fall roughly into two categories. The first to which I subscribe is a legitimate and serious criticism, namely the purpose or hope of obtaining a constitutional amendment which in effect would bind provincial legislatures as well as the federal authority.

The second criticism is one that I find hard to grasp. It was dealt with at some length by the Leader of Opposition who on the one hand described the bill as unexciting and unimaginative, and said that its language would not be remembered and that it would not serve as a beacon to the future generations. That criticism was supported by the hon. member for Hull who again at some length described the language used in this bill as unexciting and without any real meaning. We are obliged to ask these gentlemen, I suggest, whether indeed they want an exhibition of literary prose or whether they want a bill which is in fundamental principle going to mean something to the Canadian people. In its concise terms I suggest that the bill can and will be clearly understood and that it should not be cluttered up with a great number of words which are indeed meaningless.

There are two other criticisms and these are supported by a number of witnesses which the Leader of the Opposition introduced into the debate. They are gentlemen who have unquestionably given a great deal of study and thought to the matter, namely university professors and members of the Canadian bar. It is that particular group to which I refer. I think the government of the day took into consideration the views of these gentlemen and that there can be no suggestion that time has not been given for every Canadian to make representation in a similar way inasmuch as this bill was referred over from the last session. I would remind the house that each of these individuals, regardless of the ivory tower from which he speaks, has not the responsibility of piloting a bill through the House of Commons and of working out an agreement with the provinces and therefore, I suggest, has not the same appreciation of this very real difficulty as has a member of the House of Commons.

Let me say a word about the problem of obtaining a constitutional amendment. We in Canada take some pride—and I think rightly so—in the make-up of our ten Canadian provinces and the formation of the constitution of this land. Each province jealously guards its own rights in a manner which is perhaps unique in the world. Because of this fact certain problems are presented to

any federal authority. I think all of us even in the House of Commons accept the principle that the rights which were granted to the provinces are those which they indeed should jealously guard. But recognizing as we do the need for a federal statute to give human rights and fundamental freedoms to individuals in Canada, we say that we also accept the responsibility of encouraging and providing leadership to the provinces to introduce their own complementary legislation so that some day we can eventually have an all-embracing law affecting the provincial governments as well as the federal government.

This then, Mr. Speaker, represents the first step, and an extremely important one it is, in this respect. But let us look at the other criticisms that we have had directed at the bill. It is said by the Leader of the Opposition that by defining those rights we may eventually delay an all-embracing law. As to the ordinary man, that person who today will be reading the report of this debate, I suggest that the introduction of this Bill No. C-70 may not necessarily have a direct bearing on his life. He may be unaware of its existence even today. It is significant perhaps that he may not be called upon to ask for redress in the event that any of his fundamental freedoms have been encroached upon. What is important is that the statute will exist. He will have that right of redress. He will therefore be given that protection by this parliament, and unless this action is taken through this bill, these rights will indeed be denied to him. So I suggest that in defining these principles contained in the bill we are in effect safeguarding these fundamental principles.

Then we have heard it said that these rights are inherent in our customs and in our traditions. I think this is basically true, but again I ask the house to look on this legislation not in the light of today, where as I said at the outset we assume or take these liberties purely for granted, but under a circumstance in which a situation can indeed change. The Leader of the Opposition said—I think I am paraphrasing him correctly—that if parliament does indeed need to be reminded of this need for a bill of this nature then we are not in very good shape. The fact of the matter is that parliament does need to be reminded because parliament itself in the past decade has abused these same privileges and freedoms that we are attempting in this bill to protect.

A criticism which hardly seems justified and to which I have made some reference relates to the question of language. When you find hon. members of the opposition repeating the views of a school boy, and while these views have every right to be described in this parliament, when opposition members take the time of the house to describe the inadequacies of the language, you really wonder if they have any basic criticism of the bill at all. I suggest that it has to be concise so that it is going to be clearly understood.

The last point the Leader of the Opposition made, a rather important one, was that he talked of the need for eliminating the War Measures Act. I would not support this suggestion under any circumstances because the War Measures Act is designed to meet a circumstance which is out of the ordinary to say the least, namely an emergency situation where all Canadians are required to give up certain rights so that in the common interest of survival we can continue to work and live. If the provisions of this act were in any way removed it would mean that our basic fundamental freedoms would have little or no meaning whatsoever for we might not live to enjoy them.

A bill of rights, I suggest, is no ordinary legislation. It is not in itself designed as the only remedy for the situation it seeks to meet. It is a document of compromise rather than of precise definition, yet one or more of its inherent defects has characterized nearly every important document in our history. The arguments both pro and con which we are now hearing have been heard before when breaking some new ground. If we enact our bill of rights it will be the first in our history as a democracy under a federal system.

This poses some special problems. They are far less difficult than the problems which have already been met and will continue to be met under similar circumstances. It may prove to be that we are contemplating here just the first step. To the extent that this is so it will be subject to the criticism of those who view the matter from a purely academic or idealist point of view. Even the United States bill of rights, which is far more detailed and specific than our own was so criticized for many years.

It is not surprising, nor is it I suggest necessarily regrettable, that there are these constitutional problems to which I have made some reference. Surely if by introducing a federal statute or taking this first step we can then encourage those provinces to come with us by introducing complementary legislation, we can thus achieve those same objectives which the Leader of the Opposition spoke of at some length. A statutory bill of rights does no more than keep the spotlight continually on the encroachment process. It would in my opinion more than justify its existence on the statute books.

Finally, Mr. Speaker, may I say that in our parliamentary system we have the process that on third reading, at the end of the debate, we assess the views of those members of the house in order to determine the outcome of such a measure through the use of the simple vote, and I suggest that when the vote is passed here we will be separating in effect the men from the boys when we decide who is in support of basic rights and fundamental freedoms and who is not.

Mr. Hubert Badanai (Fort William): Mr. Speaker, I doubt whether any bill has ever been presented to parliament more eloquently than this one was presented by the Prime Minister (Mr. Diefenbaker) last Friday. Nor do I think that a better case has ever been made out for the inadequacy of this measure than that which was so effectively portrayed by the Leader of the Opposition (Mr. Pearson), notwithstanding the fact that we are all in agreement with the intent of the bill.

The government's desire to enact a bill of rights further to guarantee the liberty of the individual is indeed commendable. There can hardly be too many safeguards against officious persons, guardians of the law and others who may enjoy pushing people around. But the greatest danger does not come from those who enjoy pushing others around; it comes from the well intentioned official who thinks he knows best what people ought to have regardless of what they want and are willing to pay for.

The man or woman who suffers injustice at the hands of government agencies appears to be at once at a disadvantage. An example to which I wish to refer is the case of a restaurant owner in the Toronto area who was refused the renewal of his licence to operate his restaurant because women of easy virtue and others of unsavory reputation were served in his establishment. I suppose that if this eating place was located next to the stock exchange or a bank it would probably draw a different type of customer. The denial of the renewal of this man's licence is rank discrimination.

Will this bill guarantee the operator of a restaurant, some of whose clients may be hoodlums or prostitutes, the right to operate an eating establishment when he has committed no offence except that of having served possible law breakers? I submit that this bill in its present form appears to be merely a prestige piece rather than an all out effort to secure certain safeguards for our people.

A brief presented to the Prime Minister on April 29, 1959 by a number of organizations, after enumerating a number of individual rights, contained this paragraph:

> Finally it is felt if the act is to be truly effective it must provide legal protection for the individual in cases where his rights or freedoms are violated. The very nature of a right or freedom contemplates that to exist it must be respected and therefore enforced. An act which did not provide any remedy to a person whose rights or freedoms were attacked would serve little purpose and be of little practical value.

Will this bill be a real safeguard to former inmates of prisons, who having paid their debt to society at the expense of their freedom are still being discriminated against, their terms in jail being used as a club over their heads? A former inmate is unable to obtain a bond such as it would be necessary for him to have in order to find employment in a warehouse or even as a truck driver. A good bill of rights would contain a clause designed to protect individuals against such discrimination.

The traditions of rights, privileges and responsibilities which we inherit from the framers of our constitution are, by the nature of our own way of life, as essentially our guide and protection as is the British North America Act itself. Those positive elements which ensure the fair treatment of almost everyone are as much a portion of our own heritage as is even Magna Carta. The treaty of Paris, the British North America Act and our own traditions since 1867 ensure the protection of individual rights and privileges. But even these do not give positive and complete assurance. If the government really wants to do something more substantial than make a general declaration it should consider establishing something like the public petition committee which has enjoyed such success in New Zealand.

In the New Zealand parliament there are very interesting administrative procedures for processing petitions of grievance that may arise as a result of administrative decisions or actions. Would this present bill provide guarantees, for example, to the rights enjoyed by any ordinary citizen or to an illegitimate person? I have in mind the case of an illegitimate son in New Zealand. His father had committed an indiscretion in his youth resulting in this boy being born. The son later moved to England where he was a resident when his natural father died without leaving a will and without a legal heir. The son, who had never been legally adopted, tried to claim his father's estate, but New Zealand law prohibited illegitimate children who had not been adopted from receiving benefits not granted in a will.

The son petitioned parliament, and the public petitions committee which investigated the case recommended that the son be

allowed to take possession of his father's estate. The government accepted the recommendation, though to do so meant ignoring an indisputable provision of New Zealand estate law. The issue was not subsequently contested in the courts, so the son, as far as I know, is now in possession of the property which had been his father's.

This is an example of a true heir, not legally adopted, being granted his petition to take possession of his bequest despite a legal oversight. In this instance an indisputable legal provision was boldly ignored in order to remedy a genuine injustice.

I suggest the establishment of an effective public petitions committee similar to that which has been set up in New Zealand. Perhaps such a committee could be established in the other place; no more trustworthy agency to discharge the duties of such a committee could be found than that august body, the Canadian Senate.

It is true that for many years the Prime Minister has been advocating some procedure which would make the rights of individuals more secure. For example, in 1945, as recorded on page 2460 of *Hansard* the right hon. gentleman had this to say, speaking on the national emergency bill.

> If we are going to delegate this absolute power that will make of this parliament for a period of one year a phantom, legislatively speaking, let there be a provision in this bill, as there is in Great Britain:
>
> "and every order in council... shall be laid before parliament... and if either house... resolves that it be annulled, it shall cease to have effect..."

The present Prime Minister then asked: "Why have we not done that here?" Then he proceeded to say:

> There is another control in the United Kingdom. The house of lords has set up a committee to review all these orders in council. I think the time has come when possibly the other place might well consider—and I say this with great deference—looking over and considering the mass of orders in council, this march of legislative enactments over a period of years. They should be examined so that it could be ascertained which of these orders in council impinge and infringe upon private rights and are unnecessary.
>
> Can there be any objection to that? That committee would have before it the controllers and other officials who could come marching with their orders in council which they are asking us to perpetuate for a period of another year and possibly more. Great Britain protects the right of parliament by providing that orders in council may be set aside after being submitted to the scrutiny and examination of parliament. Do that, and those who desire to perpetuate themselves in office under order in council legislation will be placed on the defensive.

Then the right hon. gentleman said that when laws that are to be passed will affect every phase of the economic life of the country as well as our national life—laws which also deal with nationality and deportation—there should be safeguards. He added:

> Let us retain in parliament, with the coming of peace, the right to legislate. If that is given up, let us know how it is being exercised. Let us act, if I may use the expression, as the police of the regulations that are enacted.

Again, the Prime Minister speaking on the debate on the address in 1949, as reported on page 147, made the following suggestions:

> I should like to make a suggestion which would give an opportunity for service to the new members who have a feeling of frustration because of their inability to find anything to do. I should like to see a committee of parliament set up, that would examine delegated authority—in other words, a committee on ministerial powers. At the moment I am not criticising the principle of delegated power, but if it is carried too far it is a denial of the democratic system of government.
>
> Delegated legislative power results from the technical nature of most legislation and the difficulties involved in legislating to meet complex conditions. In the United Kingdom it has been found necessary to set up a committee in this regard, and I should like to see a similar committee appointed by this house.
>
> Such a committee would report to the house from time to time on all orders in council passed where there is a matter of principle in issue and where the question of delegated power arises. Where legislative power is conferred, the committee would make the necessary criticisms of orders passed by civil servants under the powers granted by legislation enacted by parliament. Members of the house would be given an opportunity to serve. There should be no difficulty about the government having a majority in the committee. Its members would be charged with noting any breaches of parliamentary privileges and democratic rights; in fact, in orders in council it would be a watchdog in the preservation of our democratic rights.

The Prime Minister lauded, and properly so, the usefulness of British parliamentary scrutiny committees. I might add that the Australian senate has a scrutiny committee too, the efforts of which have been crowned by surprising successes in protecting the rights and freedoms of Australians from enlisted airmen to importers. One of the new members of the commonwealth, India, also has an effective scrutiny committee in the lower house which operates under terms of reference similar to those of the British house of commons committee.

Surely it is time that the Canadian parliament caught up with developments in younger parliaments. What would be the position of this government in relation to the bill of rights if confronted by a petition of a citizen against the abuses of some ministerial discretion, such as we have in the Immigration Act, or abuses of some departmental power in connection with an import or export regulation?

In Denmark they have a parliamentary commissioner whose duties are to supervise

and investigate any possible abuses of administrative powers. His functions are similar to the New Zealand petitions committee.

Much of our federal legislation containing features of a prejudicial nature such as the detention provisions under the War Measures Act should be amended which would perhaps be more effective than the mere declaration of rights.

The passing of this bill in its present form, which in essence simply highlights certain parts of the legislation, does not ensure that no injustice will be perpetrated. In fact, it does no more than provide one more reference for the establishment of justice and that is not a new or really different one. In clause 2 of the bill it is stated, and I quote:

> It is hereby recognized and declared that in Canada there have always existed and shall continue to exist the following human rights and fundamental freedoms, namely,
>
> (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
>
> (b) the right of the individual to protection of the law without discrimination by reason of race, national origin, colour, religion or sex;
>
> (c) freedom of religion;
>
> (d) freedom of speech;
>
> (e) freedom of assembly and association; and
>
> (f) freedom of the press.

There is also the implication of provincial jurisdiction it is true, but the Prime Minister has made it clear that this bill will not infringe in any area of purely provincial jurisdiction.

I have heard, however, from a source close to the legal profession that it is a fairly widely held opinion in those ranks that such loosely phrased provisions as "freedom of speech" and "freedom of assembly" without qualification may open up possibilities for litigation and that the greatest benefits, financial and others, will accrue in most cases not to the ordinary person but rather to the lawyers themselves. But, Mr. Speaker, I am not a lawyer, so I will leave further analysis of this problem—and I see it from the layman's point of view as a serious one—to hon. members trained in the law. I am sure you will agree with me when I say that this house has an impressive array of these.

The bill is merely declaratory and does not create new rights. That being so, I am disappointed that it does not contain a declaration couched in words such as those of which the Prime Minister is preeminently capable, or in language that would inspire, something that every school child would memorize as the people of the United States memorize passages of the declaration of independence. I should like to quote directly from that declaration:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness:—That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed—

The declaration of independence of the United States concludes with this inspiring pledge:

> And for the support of this declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honour.

It is not too late to include a similar preamble with which to adorn the rights of man. In time such a declaration in memorable English prose, possibly in Churchillian style, could provide the basis of a genuine political guarantee or the basis for an agreement to amend the British North America Act to provide therein a true bill of rights.

Mr. M. D. Morton (Davenport): Mr. Speaker, the introduction of the bill of rights, Bill No. C-79, by the Prime Minister (Mr. Diefenbaker) gives rise to a consideration of a number of fundamental problems the effect of which is not easy to codify or state in precise terms. We become suspicious that perhaps those making the request that these should be more precisely defined have not given full consideration to the implications of such a bill. For instance, the bill gives rise to a discussion of the principle of the supremacy of parliament versus the supremacy of the rule of law.

Under some other constitutions, including that of the United States the legislative bodies cannot change certain aspects of the constitution. In approaching the question of the introduction of this bill we must decide in our minds whether we are to follow the historic practice of our parliamentary institution in making it supreme or depart from this practice and include certain matters under the rule of law. I will come to discuss that more fully later.

The introduction of this bill also gives rise to the problem of the method of amendment of the British North America Act. During the course of this debate many have suggested that they agree with the principles of the bill but feel that we are making a mistake in not making this bill a part of our constitution by amendment to the British North America Act. I and many other Canadians are ashamed of the fact that at this date in our history we have not evolved a method of amending the British North America Act as regards the rights of the provinces and of the dominion.

I was very pleased to hear our Prime Minister say at the beginning of the session that

he was giving some consideration to this problem. Most of us must reluctantly consider that it is because of our lack of initiative that we have not come to any conclusion on a method up to the present time. Therefore, I suggest that perhaps it might be unwise if we tried to solve two problems at this time even if a method of amending the constitution would serve the purpose better than this bill of rights. We must wait until we have solved the first problem before we consider whether it should be our method of enacting a bill of rights at the present time.

Mr. Martin (Essex East): Surely not as far as political freedoms are concerned.

Mr. Morton: The hon. member has raised that question, Mr. Speaker. In the course of my remarks I hope to discuss the question, but among our judiciary there are some differences as to what are civil liberties and what are civil rights. I will discuss that. If we had that clearly defined I would agree with the hon. member.

The other problem which is brought up is the matter of civil rights versus civil liberties. What are civil rights and what are civil liberties? Perhaps I might go into that question now. In the discussion of our constitutional problems our courts have shown a tendency to separate some of the things that might once have been considered matters of civil rights; they may be matters of civil liberties and thus, shall I say, extend the power of the dominion government. In the *Canadian Bar Review* of March, 1959, Professor Maxwell Cohen, at page 231, said:

> Broadly speaking, I am of the opinion that so far as the constitutional aspect is concerned, many matters considered heretofore to have been within the field of "civil rights", strictly so-called,—

And he is referring to the bill of rights. I continue:

> —and therefore often within jurisdiction of the provinces, may now appear on closer examination to be matters of the broadest public policy and of national concern. That this is so already emerges from the line of decisions of the Supreme Court of Canada in the Saumur, Switzman and Roncarelli cases, among others, where it may be said a re-examination of the nature of Canadian civil liberties has been taking place. Moreover, both federal and provincial legislation already reflect the provisions of the charter dealing with human rights on such questions as "fair employment" and "fair accommodation" practices.

However, when we read the article of Professor Bora Laskin, Q.C., in the same edition at page 116, in referring to the Saumur versus Quebec and the Attorney General of Quebec case we find the following:

> Saumur versus Quebec and Attorney General of Quebec is the only case which may properly be regarded as giving any support to the contention for provincial power over the political freedoms, and it was the judgment of a badly split court.

> Moreover, the course of decision before and after Saumur is quite inconsistent with the views of those members of the nine-judge court who held that the political freedoms were within provincial competence. In truth, the Saumur case presented no clear majority view on exclusive power to legislate in relation to civil liberties. Three members of the court were of the firm opinion that freedom of religion was within section 92 (13) as a "civil right in the province". Four members of the court were of opinion that it was not within provincial competence; and of these four, two concluded that federal power was exclusive. The remaining two justices were unwilling to say that exclusiveness resided in either province or dominion; either might deal with the political freedoms in certain respects.

I give this quotation to show that there is no clear-cut decision on the part of our courts saying what are civil liberties and what are civil rights and, therefore, this is a matter that has to be decided.

Mr. Martin (Essex East): What about the Boucher case?

Mr. Morton: It adds to the jurisprudence of the country but in all fairness I say we cannot say specifically what the boundaries are, what are civil liberties and what are civil rights.

In passing, I would say that the right of the individuals to develop their individuality is also involved in such a bill as the one before the house. As I interpret it, the bill provides that parliament itself shall have more control and closer supervision, over the acts of the executive part of our government. We cannot avoid nor ignore the important role which our courts are to play in respect of this legislation. If this legislation itself were to be the sole definition of what is to happen, then I think you would have to look into it and get a clear codification of what it sets out to do. But carrying on with our common law tendencies and the practice of jurisprudence we know that this bill will be a declaration which will be interwoven into and added to the common law that already exists on this subject matter.

Mr. Speaker, may I just briefly bring the matter into focus by reviewing the principles involved. Starting with early English history, from which our common law has evolved, there were many struggles for freedom and greater security of the individual. In 1100 Henry I set out a charter of liberties. In 1215 under King John the Magna Carta was signed. Then during the reign of Charles I there were petitions of right. During that time there was a struggle to eliminate the absolute power of the sovereign, a struggle to set up the rule of law, or the supremacy of law, and to bind the ruling monarch to rules and regulations which might apply also to subjects. This struggle having been won, there followed a movement away from the

rule of law. From 1688 onward in England parliament itself took unto itself all the absolute powers of the monarch and parliament became supreme.

Of course throughout the development of history we have had these great petitions, these declarations which were part and parcel of the everday law. Parliament itself, during this period which followed, had the power to rescind all these declarations if it so desired. However, as I stated earlier we find that when the people of the United States came to consider their constitution they set out certain things which they felt their legislative bodies should not consider. Now in Canada if we were to add together the powers of the provinces and of the dominion we would still find that although the principle of the supremacy of parliament is retained by the combination of the provincial and federal legislative bodies, there is no supreme parliament in Canada. In effect, through this division of powers we have a form of the bill of rights or a guarantee of rights. It is in this situation that we have brought before us the measure which we are discussing today.

Perhaps, as a reminder, we ought to look at section 89 of Magna Carta, to which reference has been made, the great charter of liberty in our system. Section 89 says:

> No freeman shall be taken or imprisoned or deseised from his free tenant or from his liberties or from his free customs, nor shall he be outlawed nor exiled nor in any way destroyed, nor shall we go on him nor shall we set against him, unless by the legal judgment of his peers or by the law of the land.

One might think that this would be all-inclusive, but if we know the history of feudalism we know that there was no guarantee of rights to the serfs who worked for the freemen. The only guarantee of rights was for the landed gentry against the monarch. The charter did not grant right to every individual within the state. However, as a result of that declaration a basic principle of our jurisprudence has been established and has been extended so that today all individuals within England have the same rights. If we were to take that charter in its original form we could have a great discussion on its inadequacy but as a result of that declaration we have the heritage that we have today.

Therefore, Mr. Speaker, with these things in mind I believe we should consider what would be the best method of making a declaration here in Canada, something which has not yet been done. As has been stated, we could have a constitutional amendment which would cover provincial matters. For reasons which I have stated before, I do not feel that is a practical method at this moment. As a matter of fact, I feel it would be presumptuous and unfair for us to ask the parliament of the United Kingdom to pass a bill of this sort. It would reveal our inadequacy and the fact that we are unable to make the amendment ourselves. We would be asking the United Kingdom parliament to decide something for us. It is true that we can petition for it and it would be a sort of automatic process, but in principle I feel it would be wrong to have such important principles which affect all Canadians declared and passed by the parliament of the United Kingdom.

The other method would be to enact a constitutional amendment that would affect the powers of the Dominion of Canada and urge the provinces to pass complementary legislation. Mr. Justice Locke seems to consider there is some difference between a constitutional amendment by the dominion government and a statutory enactment but, in effect, I think they are both the same. It makes no great difference under the present circumstances whether we proceed by a statutory enactment of the parliament of Canada or by way of an amendment affecting the powers of the Canadian parliament. I feel that this is a first step, and the only step we can take at the present time. I would urge hon. members, therefore, that we follow this procedure.

Certain criticisms have been directed to the fact that the bill has been introduced in the dying moments of the session. I should like to remind the house, just as the hon. member for Calgary-South (Mr. Smith) did, that this matter has been discussed for many years in this house, even before many of us came to this parliament. It has been discussed by the Canadian Bar Association and many articles have been written about it. Hon. members, if they wish, could look at the issue of the *Canadian Bar Review* for March, 1959, which was devoted almost entirely to a discussion of this bill. The question of a bill of rights has been discussed at two Canadian bar conventions. I had the privilege of being present last year when it was discussed in Vancouver, and the consensus was that the principle of the bill was good. Of course, lawyers do not agree on the wording of any act and there was a discussion as to that. However, I believe the spirit of the act was agreed upon. The bar association felt that the Canadian parliament would be justified in passing such an act.

I know that hon. members of the official opposition have directed criticisms against this bill, and I feel it is proper that they should. We cannot believe that they think any less of freedom and the rights of individuals,

which this bill sets out to protect, but possibly they are thinking more of their historical reputation in this country. The hon. member for Assiniboia (Mr. Argue) has discussed economic rights and said perhaps they should be included in such a bill. Without discussing whether they should or should not I would say that that is a field that is difficult to define. Economic rights are becoming more and more a part of various statutes of this land.

I, for one, would rather hesitate to say now what should or should not be included in such a bill. Perhaps the hon. member recalls the example of the wording in Saskatchewan when the original act, as I understand it, contained the phrase "the right to work". This phrase sounds very innocent, but it was found that if it were fully implemented it would run counter to certain union policies so the act had to be amended.

Mr. Argue: What they want is the right to a job, an opportunity to work.

Mr. Morton: I can only observe, Mr. Speaker, that you cannot guarantee jobs by statute.

Mr. Argue: Not with the Tory party.

Mr. Morton: Not with any party; this must depend upon the actions of the government and the initiative of the individual. I know the hon. member is of the school of thought that thinks that all things that are done in this country should be done by the government pulling the strings. I think we should develop the idea of self-reliance of the individual.

Mr. Argue: Tell that to the unemployed.

Mr. Morton: We are not in a discussion of the unemployed; we are talking about the bill of rights. If these rights are adhered to, individuals will be given the right to exercise their initiative in developing this country as it should be developed.

Mr. McCleave: Down with Marxism.

Mr. Argue: Don't whisper to *Hansard*. Let us all in on it.

Mr. Morton: In conclusion I should like to reiterate some of the remarks that have been made by some other hon. gentlemen in this house. Perhaps I can make some comment on the War Measures Act which has been mentioned. Perhaps the War Measures Act does nullify, especially with regard to citizenship, certain things that should be guaranteed in the bill of rights. I would suggest that we review again the War Measures Act in order to eliminate what can be eliminated of those features of it which are objectionable rather than try to spell out in detail such things in the bill of rights.

One of the effects of the passing of this act, in my opinion, should be that it will require parliament to give second thought to its legislative program having regard to its effect on the individuals within the country. I think that is a great step forward. Too often not only the various legislative bodies in their acts but of executives and even senior level civil servants in their declarations have, because of the expediency of the moment and the urgency of the problem forgotten their long reaching implication and effect on the rights of the individual.

We can pass this bill and put it on the statutes, Mr. Speaker, but I think those of us who have witnessed the experiences in Europe know that a statute is not enough if the spirit of freedom and of the consideration of rights does not live in the hearts of our people. No statute in itself is a guarantee of those freedoms. Whether there be a constitutional amendment or a statute nothing will stop the growth of tyranny or of totalitarian states if the people are not willing to fight and to protect their freedom, as witnessed by the advance of nazism in Germany prior to the second world war and of communism today in Europe. If our people are indifferent to the actions of their government and fail to exercise their vote or if they carry on their daily activities without regard for the rights or desires of their neighbours, no statute can alone maintain the vital rights in our democracy. As it was necessary to unite Canada in the early days by rails of steel it is now necessary, because of our expanding population from many origins, to have a common declaration of rights applicable to all and understood by all, in order to unite us from coast to coast in the defence of our democratic system and in the practice of those principles which will give the maximum security and happiness to our people.

Mr. Harold E. Winch (Vancouver East): This afternoon, Mr. Speaker, we have had the privilege of hearing from the hon. member for Calgary South (Mr. Smith). As I recall his words, the hon. member said that in his opinion the people of Canada feel that the bill we are now discussing is the most important one to come before this house at this session. I wish it were possible to agree with that contention but I do not think I can do so. I do not believe the average member of the general public of Canada knows the import or the implication of this bill or how it will or will not have an effect on his daily life, responsibilities, freedoms and liberties.

We also heard from another worthy member on the government side—and I think

I am right in saying that—the parliamentary secretary to the Prime Minister (Mr. Martineau), who said in his speech that this bill was a beacon, if I remember his words correctly, to the people of Canada in the outlining of liberties and freedoms. That too is a statement that I wish were completely correct, but once again I am obliged to disagree because the bill is not a beacon. It is a fizzling squib. I want to say that I am most disappointed that I must stand in my place and make those two views known on those two statements.

I am bitterly disappointed in this statute. I am disappointed because in the seven years that I have been here I have followed closely the statements made by the hon. member who is now the Prime Minister of Canada on this matter of a bill of rights. Not only have I followed closely all he has had to say in this house but I have read with interest the reports of his speeches outside of this House of Commons and I have read with a great deal of interest his views and opinions before I came here as a member of this august body. May I say quite honestly and most sincerely, Mr. Speaker, that the high principles and the high motives which I heard expressed by the present Prime Minister make this bill completely unworthy of him. I expected something different, something more vital and more concrete, in order to guarantee to the people of Canada their rights and their liberties.

I have always been greatly disappointed over the fact that when the declaration of human rights was being considered the Canadian representative had found it necessary or expedient to abstain from voting on some occasions and that, although endorsing the principle, Canada by statute has never taken any action on it. Some mention was made of that during this debate. It is quite interesting to note that some of the same reasons expressed today are exactly the same as were expressed when the universal declaration of human rights was being considered. I have here the booklet entitled "Human rights: a program guide for group and community action", and on page 12 it says:

> During the framing of the declaration of human rights Canada at times found herself in an awkward position. Our representative considered himself forced to abstain from voting when some of the articles in the draft convention were adopted. This was because the matters under discussion fell within the responsibility of the provinces and not of the government at Ottawa. A large part of the declaration concerns itself with the social securities and with employment—

I draw that to the attention of the previous speaker.

> —areas which are substantially within the jurisdiction of the provincial governments.

Mr. Speaker, that was several years ago and I know drew the attention and the interest of the present Prime Minister (Mr. Diefenbaker). It was our hope in this group that over the years the Prime Minister in introducing a bill of rights would have found the method or perhaps a policy or plan whereby it would be possible in this country to adopt and to maintain from coast to coast within all jurisdictions a bill of rights. But it is apparent that that is not to be.

As I said, I was disappointed in that this bill in my opinion is unworthy of the high motives and principles which have been expressed by the Prime Minister in the past. On page 16 of this pamphlet on human rights I quote the Prime Minister as follows:

> In 1958 in Winnipeg, Mr. Diefenbaker announced his government's intention to institute a bill of rights for Canadians which recalled his previous statement on the subject in Winnipeg on February 8, 1947.

Then it quotes the statement:

> When the British North America Act was passed, the fundamental freedoms of Magna Carta and the (British) bill of rights were believed to be so firmly embedded in our constitutional development that they would never be infringed. For that reason they were not included in the British North America Act. But changing conditions have shown that freedom cannot be static. To be preserved it must be practised—

On another occasion the Prime Minister said:

> What would a bill of rights do? It would establish the right of the individual to go into the courts of this country, thereby assuring the preservation of his freedom. These great traditional rights are merely pious ejaculations unless the individual has the right to assert them in the courts of law.

I would like to bring this back to the memory of the Prime Minister. He said:

> At present, the individual's rights are maintained only at the caprice of the government of the day.

In trying to be honest and in being most sincere does the Prime Minister remember the statement that "These great traditional rights are merely pious ejaculations unless the individual has the right to assert them", and "the individual's rights are maintained only at the caprice of the government of the day"?

Mr. Diefenbaker: Unless he has recourse to the courts, and that is provided for in clause 3.

Mr. Winch: And I presume that means all of Canada. I also presume that the Prime Minister said that the individual's rights are maintained only at the caprice of the government of the day.

I presume the Prime Minister objected to the individual's rights being at the caprice of the government of the day, and wherein do we differ now with the introduction of

the bill now before us which, as I understand it, is something which is strictly at the caprice of the government of the day. I understand that a government cannot do anything which will supersede any act of any other parliament and therefore with a majority of one it is at the caprice of the government of the day. I gather not only from the statement I have quoted but from previous pronouncements of the Prime Minister over the years that he wanted a bill of rights which was not at the caprice of one individual, one government or any particular parliament.

I was most interested in the remarks of the previous speaker, the hon. member for Davenport (Mr. Morton), because he did bring in some mention of the attitude as he understood it of Canadians on this matter and he also brought in the ancient declarations of liberty. When this bill was originally introduced a year ago I did considerable work in preparation anticipating it might come up at the last session of parliament. I still have in front of me some of my preparatory work and I cannot see any great reason for changing the opinions I formed at that time. Following what the previous speaker said, I also say that I feel that quite often Canadians are much too complacent about their heritage of freedom and they tend to take their civil liberties for granted. I also say that from my own point of view I feel there is no room for complacency in Canada. Freedoms of which we are wont to boast, and therefore to feel proud about, are not as secure as many are led to believe; nor are they as secure as they should be.

I do feel that we have to bear in mind that the freedoms that we think we have have been infringed upon in the past, and when they have been infringed upon the necessary steps to remedy these breaches of freedom have often taken a good many years to come about. As the previous speaker said, there are certain great declarations of liberty. As he mentioned, we had the Magna Carta of 1215; we had the habeas corpus act of 1679; we had the bill of rights of 1689. But they do not bind our parliament, the parliament of Canada, any more than they do the British parliament.

The reason for that is that federal and provincial parliaments are supreme within their own spheres of jurisdiction as outlined in the British North America Act and no citizen and no court can challenge that jurisdiction. Admittedly there are certain spheres of rights which are protected by special clauses, but many to the best of my knowledge have no protection in what we might call a Canadian constitution whatsoever. I refer to two clauses guaranteeing freedom of speech, freedom of association, freedom of the press and freedom of religion. These freedoms sprang from the instincts of the people and their basis was public opinion or tradition or special acts of parliament.

So this does show that they may arise in the absence of constitutional provision. Because this question is of such importance I want to give a résumé of legislative interference with freedom. I have these examples listed here because they were prepared when the bill was first introduced. After the Winnipeg strike in 1919 the parliament of Canada passed an immigration act authorizing the deportation of certain aliens without trial and interfering with the freedom of association. The measure was finally repealed, but not until 1936.

Hon. members will recall that in 1946 there was the spy investigation in the course of which suspected persons were seized, denied counsel, held incommunicado and interrogated by commissioners before a charge was ever laid. This was done by order in council P.C. 644 passed on October 6, 1945 and revoked in April, 1946.

Then again, when Japan entered the war, thousands of Japanese—Canadians born in Canada—were seized from their homes and deported to camps in the interior of British Columbia and elsewhere after their property had been seized. They were not permitted to return to their homes until 1949.

Then, of course, Your Honour, being a lawyer, will know about the Expropriation Act of 1952 under which a person's property can be taken away from him without his leave or without even informing him of what is being done, merely by filing a description of the property in the appropriate registry office. I am told by those who are versed in the law that this is perhaps the most arbitrary procedure for expropriating property for public purposes that exists in the whole of the civilized world. I am told by those who are versed in the law that that is correct.

Then who needs to be reminded that in 1937 the province of Quebec passed the iniquitous padlock act, and it was not until 20 years later that it was declared ultra vires by the Supreme Court of Canada. Under that act the attorney general of that province was given power to padlock the premises of any person suspected of promulgating communism or bolshevism. The power was altogether arbitrary, and no definition of the offence needed to be made because in the act there was no definition of what constituted communism or bolshevism. Even today in Alberta there is a statute on the books

of that province restricting the right of Hutterite colonies to purchase land. They cannot purchase land within 40 miles of an existing settlement, and the land which they so purchase cannot exceed 6,400 acres, half of which must be cultivated and must have been for sale on the open market at least 90 days before a Hutterite colony can purchase it. I mention these things to show how by legislation, both provincial and federal, it has been possible in the past to abrogate what I am certain the Prime Minister believes should be the rights, freedoms and liberty of all the people of Canada. That is still possible at the present time.

As has already been pointed out by previous speakers, there are two ways in which a bill of rights could be given the force of law. First, it could be written into the British North America Act as an amendment or, second, it could be enacted by the Canadian parliament as a solemn statute. It is the second method which the Prime Minister has chosen inasmuch as he has introduced this session the bill which is now before us. I believe, as do the others in this group, that this second method is not going to bring about the results which we have always felt the Prime Minister has in mind.

There are without doubt a number of high-sounding principles in the bill, but because it is a bill of this parliament alone which is, to use the words of the Prime Minister, subject to the caprice of any succeeding parliament, it is bound to have serious limitations. It is not binding upon any provincial legislatures or any municipality because it is just a bill of this parliament, and it is not binding on any individual in Canada in so far as its expression of principle is concerned because there is no provision for enforcing it in principle even as far as the parliament of Canada itself is concerned. I do not know how you are going to enforce a bill which has no penalties attached to it.

This is, actually, a directive to the people of Canada as to how we feel they should carry on in a social and moral way. A bill of rights, to have any profound significance, can only be one that is embodied in the constitution; one that is agreed to by all the jurisdictional and parliamentary bodies in Canada. If the introduction of the present bill is a move to try to educate the people—an indirect request to the provinces that they should follow in a similar direction with regard to their own jurisdiction—then from that point of view the measure may be of some benefit. But in view of the fight carried on by the Prime Minister in the past, and the statements he has made both while in opposition and as leader of the government both here and outside the house in speeches from the Pacific to the Atlantic, we did expect more than a bill of wishful thinking and window dressing. I know that when I heard the Prime Minister indicate from his place the other day that this bill was to be introduced on Dominion day I hoped that it would be non-political, not an emotional appeal based on expediency but a bill of power and vitality, a bill of understanding and strength so that when it was introduced on Dominion day it might make a real impact with regard to guaranteeing freedom and liberty in Canada.

I can only repeat that my disappointment has been very keen. The bill was not introduced in January but has been brought before us in the concluding days of this session. There have been months of study, analysis and correction since its introduction. This indicates that the Prime Minister must have found himself on a hook and did not know how to get off. I know that the hon. gentleman must feel badly that the content of this bill stacks up so poorly with what he has said in the past about a bill of this nature.

We in this group are constructive, sympathetic and co-operative.

Some hon. Members: Oh, oh.

Mr. Argue: Let us not overdo it.

Mr. Lambert: The halo hangs heavy.

Mr. Winch: We want to help the Prime Minister. To the extent we can we wish to contribute to a real bill of rights that will have an impact and be enforceable. As the hon. member for Fort William (Mr. Badanai) said, it is impossible to pick up a newspaper in Canada from year to year without reading of people being discriminated against in hotels, restaurants and elsewhere.

Mr. McCleave: And in the House of Commons when it is considering divorce bills.

Mr. Winch: Yes, one reads about such events every year in Ontario and unfortunately you read about such events in British Columbia too. Mostly, however, these things occur in Ontario. I will not discriminate in making this reference because this is just one country. This bill gives no power over situations of this kind. Our immigration policies are outmoded and permit discrimination on the basis of colour although we are all members of the British commonwealth. I do not know to what extent this bill can meet the situation. I speak for myself but I think I am right in saying that the Prime Minister must feel dissatisfied with his bill. It is not the guarantee that is required. The

hon. gentleman must recognize that such a guarantee can be provided only by amendment to the constitution.

The Prime Minister must have been irritated with me the other day because he went back 17 years to find something I said. If he had been present on that occasion he would have known exactly what was meant. I was talking about the need to bring the British North America Act back to Canada so we would have control of our own constitution in Canada and so it could be brought up to date to meet the changing requirements of the times. I have the record if the hon. gentleman wishes to examine it.

The Prime Minister in introducing this bill has revealed what he has in his heart and mind. The hon. gentleman should now go further and bring in a bill that is more cogent and that is enforceable. Because of the inadequacy of this measure I propose to introduce an amendment designed to help the Prime Minister. Strange as it may seem I am really trying to help the hon. gentleman. I therefore move, seconded by the hon. member for Burnaby-Coquitlam (Mr. Regier):

That this bill be not now read a second time, but be it resolved that this house is of the opinion that the provinces should be consulted in order to ascertain whether agreement can be reached on the terms of a constitutional amendment to guarantee human rights and fundamental freedoms.

Mr. Speaker: If no hon. member wishes to raise any question about this amendment I will place it before the house.

Mr. Heward Grafftey (Brome-Missisquoi): Mr. Speaker, in a day and age when many peoples of the world cannot take human rights and fundamental freedoms for granted this bill represents a landmark in what we might refer to as the field of human rights. Hon. members know that although we enact written legislation in this and other fields it is the spirit of this type of legislation which is of more importance. Already in this house reference has been made to the fact that many countries that have very fine documentation outlining the basic tenets of human rights do not in fact enjoy them.

In listening to the hon. member who preceded me I concluded that he outlined the fact that a C.C.F. government would incorporate in written legislation many things with which I personally could not agree. I am sure that a Conservative administration could not agree either with some of the things the hon. gentleman suggested should be included in written legislation. With respect to the economic aspects of this legislation particularly, the hon. gentleman attempted to assert the fact that we should incorporate in written legislation many things which I do not feel lend themselves easily to the written approach.

The hon. member spoke in general terms of building by legislation and other actions toward that degree of human rights which should be enjoyed by all the Canadian people. I merely put this question to the house. Does not the legislation we are considering at the present time, as the Prime Minister has already enunciated, represent a real step toward the attainment of the condition which the hon. gentleman described in general and forceful terms?

Mr. Speaker: Order. I hope the hon. member will forgive me for interrupting him but to my mind the main question has been superseded by this amendment and attention should now be given to the principle of the amendment which is a contrary principle to the bill. Perhaps the hon. member would prefer to defer his remarks until disposition of the amendment has been made, if he wishes to discuss the principle of the bill itself. May I read the amendment again:

That this bill be not now read a second time, but be it resolved that this house is of the opinion that the provinces should be consulted in order to ascertain whether agreement can be reached on the terms of a constitutional amendment to guarantee human rights and fundamental freedoms.

I would think that in the interests of orderly debate that question should be debated and disposed of before members return to the principles of the bill.

Mr. Argue: On the point that you have raised, it is a well-known practice in this house that a motion and an amendment are considered at the same time. It has not been the practice formerly at any rate to endeavour to restrict the debate to an amendment to a given motion that may be before the house. I think this is unduly restrictive. I have no particular axe to grind. The debate has now been going on in the house for a few hours; but I do feel it is unnecessary and an undue restriction of the debate that after an amendment is moved there should be a narrow or a narrower interpretation of what can be discussed at that time. After all, the motion before the house is that the bill be read a second time. An amendment has been moved, as provided for by the rules of the house. In my memory here it has not been the practice to endeavour to restrict speeches to the particular wording or the particular subject of the amendment.

Mr. G. H. Aiken (Parry Sound-Muskoka): Mr. Speaker, in connection with the same reservation may I refer Your Honour to Beauchesne's Parliamentary Rules and Forms,

fourth edition, citation 201, at page 168. In referring to amendments to a motion it says:

> In that case the debate that follows is not restricted to the amendment, but includes the motives of the amendment and of the motion, both matters being under the consideration of the house as alternative propositions.

If the amendment that has been moved is an amendment, then I would think it would be in order to discuss it as an alternative. On the other hand, if it goes further and is merely a negative motion then, of course, it may be out of order. If it is merely an amendment, then I would think it is in order to discuss the main motion under this principle.

Mr. Pearson: I take it you have accepted this as an amendment, and not as a motion negativing the main motion, which would make it out of order. Because of the rule which has just been cited I would hope that the hon. member who has the floor could be permitted to speak on the main motion and amendment. The two are so closely related to each other that if the amendment has to be disposed of before the motion can be debated again it seems to me it would be really unrealistic. I would hope that the hon. member for Brome-Missisquoi could be permitted to speak on the main motion and on the amendment, if he so desired, at the same time.

Mr. Speaker: What has been said is quite true if the amendment is simply an amendment of the motion varying it in some degree; but this is not an amendment of the motion; this is asserting a contrary principle on the basis of the motion that the bill be not now read a second time. It is not simply a negative; it is a negative associated with a principle contrary to the principle of the bill, and to my mind the two are quite dissociated and distinct propositions. However, I do not propose to thrust my views on the house. Apparently the house is quite content to have the matter debated as one motion, and I therefore withdraw the objection which I took on the basis that the house gives its leave to vary its procedure, notwithstanding that I consider it not strictly in accordance with proper practice.

Mr. Grafftey: Mr. Speaker, up to now it seems to me that perhaps the crux of this debate is certainly that one of the centrifugal arguments revolves around the fact of whether this particular type of legislation should be introduced by way of a constitutional amendment or not. With that thought in mind and arguing for the passage of this bill as it is I hope I can keep my remarks within the realm of your decision.

I should like to relate this part of my remarks to the amendment. The hon. member who just spoke said that he wants something enforceable. I put this question to him and to the house. I repeat; everybody has agreed that this is one step forward. It is not all perfect. As far as it goes this bill is certainly enforceable. We have something enforceable right here now. Is this bill not enforceable? I suggest to the hon. member who made that remark that he take this observation most seriously. He pointed out the fact that in the past the Prime Minister claimed that individual rights were maintained only at the caprice of the government of the day. That is exactly what the Prime Minister said and meant. At that time individual rights and freedoms were maintained only at the caprice of the government of the day. If today or in the future he sees human rights being tampered with by the interpretation of the government, by the courts, by a body or groups of bodies, then the hon. member has a real duty to inform this house and the Canadian people at large of any such breach or caprice.

Time and time again, the hon. member said this legislation was unworthy. I forget how many times he used the word, but I would suggest to him that he offered the house no reasonable alternative to the present legislation except a constitutional amendment. I feel that already the government and many government supporters and spokesmen have dealt very ably with this aspect of the debate.

In days gone by we have often heard the expression "It is written". The ten commandments are written. Each and every one of us can certainly fulfil all the rules perhaps—and I underline "perhaps"—of the ten commandments without necessarily fulfilling all the obligations inherent in being a good Christian. Many things are written, and thus the compelling symbolism of the present legislation before the present Canadian House of Commons. As I said—and I repeat myself—this present legislation does not pretend to cover the whole field; but the Prime Minister has referred to it as a landmark, a mark of progress in the general field of human rights.

In times gone by, and especially during this debate, the opposition have said that this bill might and should do things that the government has never pretended it might or should do; thus the smokescreen; thus the straw men that have been brought up before us time and time again.

When we were young, many of us heard about the other place and this House of Commons, but seeing is believing. Like so many school students do, we have actually to come

here and see the physical rooms in the physical buildings here, the House of Commons, which makes our undertaking of governmental and parliamentary processes so much more improved and important. Thus, again I say, herein lies the symbolism of this bill that so many members of the opposition in an intellectual, cynical and sophisticated way attack. They attack a bill that many Canadians are glad to have at the present time. I refer especially to the many new Canadians who not so long ago were not enjoying the fundamental human rights, liberties and freedoms that are outlined in the legislation before us.

I have often said, and I repeat today, that perhaps one of the hardest jobs the Prime Minister has is following the Leader of the Opposition in debate. I can readily imagine the trend toward clipping newspapers, Professor Lamontagne writing that brief of 20 or 30 pages that the Leader of the Opposition appears with in the house. We get the "on the one hand" technique and the "on the other hand"; we get "maybe this or maybe that"; we don't agree with this extreme or we don't agree with that extreme. During this debate we have heard the Leader of the Opposition (Mr. Pearson) declare that we should have a bill with more teeth in it, yet the hon. member for Hull (Mr. Caron) said we should have a general declaration. We have had a potpourri of criticisms, of press clippings and of opinions that were against this legislation for goodness knows how many years in the past. But I ask the opposition, where is the principle? Where do they stand? I know they are going to say that I am going to say, "Are you going to vote for it or against it?" That is not what I mean. What I am looking for is not factious opposition, but principle in debate. We have had a potpourri of opinion in connection with this legislation.

This morning the Leader of the Opposition said he rejected this extreme and he rejected that extreme. I wonder if any of us know exactly where the Liberal opposition stands on this legislation at the moment. The only thing for which I appeal, sir, is just a little consistency in debate. If we go back into history, I might say that in the years shortly after confederation they laughed at the western vision of the party of confederation, of Cartier and Macdonald, to open the west; they laughed and they called our northern vision igloo to igloo. Now, sir, while they are not doing it out loud in front of the Canadian people, they are laughing at this piece of legislation in a cynical, sophisticated and overly-intellectual way. I believe that every freedom-loving Canadian is calling for this

[Mr. Grafftey.]

legislation at the present time. I know that they would like it to be said that they gave this legislation bi-partisan support.

However, it seems to me that I have these notes which I made during the debate. They have called it "puny"; they have called it window dressing. I tell them to make these remarks to many of the new Canadians whom I met in western Canada just a few weeks ago. These people, in the months and years gone by in other lands, knew the real meaning of these freedoms and they will not take these remarks so lightly.

The hon. member for Hull demanded more inspiration in this legislation which he felt should be more in the nature of a declaratory instrument. We are not dealing with declarations this afternoon, we are dealing with a law on the statute books. If he wants inspirational declarations I ask him to look at many of the pronouncements made by the Prime Minister in the years gone by.

I should like at this time to make one remark. I hope the hon. member for Hull realizes that when he makes what I consider on many occasions are overly partisan remarks about the Prime Minister and the office of the Prime Minister in this country, not even the members of his own party smile while he smiles. I think I am speaking for everybody in this house in a bi-partisan way when I as the member for Brome-Missisquoi ask him to stop these overly partisan attacks on the office of the Prime Minister. He did it this morning, and he did it again in debate, and I feel that even the members of his own party do not appreciate these remarks.

I do not believe I am enunciating principles of narrow nationalism when I say that I feel legislation of this type should be dealt with by Canadians in the Canadian House of Commons. Getting more directly to the point, I would say it has been advocated by the Leader of the Opposition that a constitutional amendment is in order. I ask the hon. member for Hull, a man who is often preoccupied with many of the theories of divide and rule in this house, how can he go back to the people of his constituency—I know he would not—and say that he advocated a policy which would require this type of legislation to be passed at Westminster. One of the arguments raised by the Leader of the Opposition in his initial speech in the House of Commons was that future legislation in this Canadian House of Commons could nullify the legislation which is before us. But if a constitutional amendment were in order, possibly the same thing could be said of legislation passed by the British House of Commons at Westminster.

Again, it is just talk; it is ridiculous. I ask for consistency in debate. I believe that the Prime Minister in his speech completely covered this point, but the British House of Commons could just as easily, if it were possible and if it were desirable, nullify legislation of the Canadian House of Commons so I should like to bring this point to the attention of all hon. members. As usual, we have seen hon. members in the opposition bring up the following points during the debate: first, important legislation is being introduced late in the session. Then they made reference to the fact that we have a large majority. I can say this, and I say it with all sincerity and conviction, never in the history of Canadian parliamentary life have the rights of oppositions been more scrupulously observed. I realize that I am only young in my parliamentary work, but I can only say this: I cannot imagine an opposition being more factious.

The hon. member for Essex East (Mr. Martin) brought up the point that at the time the United Nations declaration of human rights was being discussed no member of the opposition proposed that the government of the day have further consultations with the provinces in order that such legislation might be adopted. He forgot the fact that the Prime Minister did speak out loudly and clearly at that time. What more could be asked of an opposition in the house? This is another straw man brought out before the Canadian people in this House of Commons by the hon. member for Essex East. If this statement were true of that day, the same thing could be said today. Why did the opposition today not press for consultation between the federal government and the provinces in order that their proposed constitutional amendment might be effected? The same situation holds true, so again I plead for what I might call consistency in debate.

I repeat that I shall support this legislation and I shall support it with pride. I feel it is legislation which forms an important link in the progress of human rights for all Canadians. I support it with pride, and I say it is legislation that should be, and is being enacted by Canadians for Canadians in this Canadian House of Commons.

Mr. R. D. C. Stewart (Charlotte): In rising to take part in this debate I am going to try to be realistic and deal with the matter as I feel it should be dealt with. In speaking in this house on another occasion I endeavoured to outline some of the safeguards which had been placed upon the statute books and which had become part of the law of Canada. The British North America Act defines certain fields in which the federal parliament is supreme and certain fields in which the provincial legislatures are supreme. In certain fields, there is an overlapping and when we consider Bill No. C-79, which is a bill dealing with human rights and fundamental freedoms, I think we should keep that in mind and not endeavour to try to categorically define all these freedoms.

The proposed bill of rights deals with some of the fundamental freedoms and it distinctly states that it is limited to those fields in which the federal government has exclusive jurisdiction. The fact that in the exercise of those rights there might be some infringement of or some trespassing on the provincial field does not in itself make such legislation invalid.

I listened witn a great deal of interest to the Leader of the Opposition (Mr. Pearson) this morning and I have no serious quarrel with many of the propositions set out by him in his remarks. A great many of them are set out in detail in the *Canadian Bar Review*, volume XXXVII, which is the report of the committee dealing with the Canadian bill of rights.

The leader of the C.C.F. party set out seven major objections to the proposed bill of rights. Although I do not intend to deal with them in detail, I think I should refer to some of the objections made by him to the introduction of Bill No. C-79 at this time. The first objection was that it was not an amendment to the constitution. We members of parliament who are lawyers know that an amendment to the constitution can only be made in one of two ways, namely by an act of the imperial parliament or by an agreement between the federal government and the provinces. Surely no member of this house would care to revert to colonial days and have the imperial parliament bring in an amendment to the British North America Act.

The Leader of the Opposition referred to an article written by A. N. Carter, Q.C. of the city of Saint John. In that article Mr. Carter does not approve of an amendment to the British North America Act by the imperial parliament. This would take away from the Canadian parliament its jurisdiction over our own act. As to an amendment by an agreement with the provinces, possibly that will come in time. However, I think most members of this House of Commons realize that at the present time an amendment that would be required and would be extensive enough would not meet with the approval of the ten provinces and the federal government.

Mr. Martin (Timmins): Will the hon. member permit a question?

Mr. Stewart: Yes.

Mr. Martin (Timmins): Can the hon. member tell us which of the ten provinces he feels would object to a bill of rights?

Mr. Stewart: In reply to the question of the hon. member may I say this. I do not think that possibly is a proper question, whether it is an objection to a bill of rights or whether it is a refusal to amend the British North America Act at this time.

Mr. Martin (Timmins): To amend the British North America Act and permit a bill of rights.

Mr. Stewart: That is right. I say that, as I am at present advised, I do not think agreement could be obtained from all ten provinces and it would not necessarily mean that that province would be opposed to a bill of rights.

The hon. member for Assiniboia (Mr. Argue), speaking of the proposed bill of rights, referred to the language of the bill. Is that matter so important? We are not dealing with high sounding language; we are dealing with basic concepts. I think we should be realistic enough to realize that any language which expresses basic concepts such as those with which we are dealing should be sufficient.

There has been some criticism of the proposed bill in that it does not deal with basic economic rights. I am suggesting to this House of Commons and to the hon. member that we have come a long way and have done so on the basis of the development of the common law. Our law of Canada was brought to this country by our forefathers as part of their goods and chattels, so to speak. The supreme court of Nova Scotia, in a very old case, decided that the common law of England was brought to this country by our forefathers but none of the statute law except that part which was clearly applicable to the new country at that time. That common law has grown and developed except in so far as it has been modified by statute—I am speaking now of the common law of the provinces—and it is still the common law of Canada and is still in effect except in so far as it has been modified by statute law.

We speak of fundamental freedoms. Freedom is purely relative. We must not confuse freedom with obligations and duties. We must not either confuse freedom with licence and use it in that sense. Freedom is the right to do certain things under the law. As the law develops, so do our obligations and restrictions develop. In order that a full appreciation might be had of Bill No. C-79 we must examine quite closely the freedoms dealt within the bill. The bill states:

> —there have always existed and shall continue to exist the following human rights and fundamental freedoms—

We speak glibly at times of the Canadian way of life but many of us fail to realize many of the elements involved in that way of life or to appreciate the sweat and tears that have gone into the making of that way of life. We fail in that appreciation when we rebel against certain enactments or certain restrictions imposed upon us. In a little book entitled "The Changing Law", written by Sir Alfred Denning, one of the lords justices of England, in dealing with the encroachment on human freedom these observations are made:

> —what are the true remedies that we must follow? First of all, I believe we must have a vigilant, a resolute and strong parliament... Secondly, I believe that we must maintain a strong and independent judiciary... absolutely independent of any control at all. I thank God that I believe we have that today, and I think we shall always have it.

The first freedom dealt with in the proposed bill is the right of the individual to life, liberty, or in other words the right to own, acquire and hold property; the freedom to move from place to place and in all other respects to carry on human activities of a purely personal nature. These rights, although we exercise them today, have not always been exercisable by the Canadian people or by the British people. We obtained these at a price and they were first formulated as part of the Magna Carta.

The second freedom in the proposed bill is that we shall have the right under the law not to be subject to discrimination by reason of race, national origin, colour, religion or sex. During the past ten years or a little longer there have been in many parts of the world uprisings as the result of race and religion. Most of us are familiar with the racial struggle now going on in the country to the south and also in the Union of South Africa. I have in mind the statement made by the late Clarence Darrow, that great criminal lawyer in the country to the south, when defending coloured people at a trial, and I think these words and this attitude must have been prevalent and before the Prime Minister when he drafted the bill of rights. These are his words:

> The right to defend your home, the right to defend your person, is as sacred a right as any human being could fight for, and as sacred a cause as any jury could sustain. This issue not only involves the defendants in this case, but it involves every man who wants to live, every man who wants freedom to work and to breathe; it is an issue worth fighting for, and worth dying for. It is an issue worth the attention of this jury who have a chance that is given to few juries to pass upon a real case that will mean something in the history of a race.

The proposed bill of rights also deals with freedom of religion. This is the right to worship when and in what manner the supreme being of our individual choice. Sir Alfred Denning in his book "Freedom under the law" has expressed the same thought in these words, which are more eloquent than any of mine:

> We have attained to as high, if not higher, a degree of religious freedom than any other country. We are free to worship or not to worship, to affirm the existence of God or to deny it, to believe in the Christian religion or in any other religion or in none, just as we choose. It has taken us a long time to attain this freedom. For many centuries the judges held that Christianity was part of the law of the land, so much so that any denial of the existence of God amounted to the offence of blasphemy punishable in the criminal courts of the land. You will find it stated in the law books that it is an offence to use language having a tendency to bring the Christian religion or the Bible into contempt;—

We have also in this proposed bill freedom of speech. This is one of the freedoms that we are more familiar with, because on freedom of speech depends the democracy of our governements and our institutions. This was very well expressed by the last Chief Justice Duff in the Alberta case.

We have heard a great deal today on the constitutional question as to the interrelated duties and obligations arising out of the assignment of certain powers under the British North America Act to the federal parliament and to the assignment of certain powers, duties and obligations to the provincial legislatures. It is true that there is in the British North America Act an assignment and a setting aside of certain powers; but, as I will endeavour later to explain, those topics do not necessarily mean that they are all excluded.

Mr. Speaker, may I call it six o'clock.

At six o'clock the house took recess.

AFTER RECESS

The house resumed at 8 p.m.

Mr. Stewart: Mr. Speaker, at six o'clock I had begun to refer briefly to the headings enumerated under the British North America Act.

I frankly admit that some considerable difficulty arises in this field. The learned law lords of the privy council have themselves run into a good deal of difficulty over the years, and I appreciate the feelings of the Leader of the Opposition when he says that the subject has a great deal of confusion attached to it. But is that sufficient ground for refusing to enact a bill or to question the validity of a statute? The Leader of the Opposition suggested that a reference should be made to the Supreme Court of Canada to test the validity of this bill. Would it not be better, to wait and then have the bill tested in the light of the situation existing at the time?

We are not dealing with something that can be pigeon-holed. We are dealing with fundamental human rights characterized by individual responsibility and individual feelings and sentiment and I suggest that we should go along with this bill and judge it in the light of developments. There is an old saying that we must walk before we can run. By passing this bill, inadequate as we may think it is we shall be making a start in trying to set up a basis for the development of basic and fundamental freedoms, something which will meet the needs of the present time.

Mr. Reynold Rapp (Humboldt-Melfort): Mr. Speaker, in rising to take part in the debate on Bill No. C-79, for the recognition and protection of human rights and fundamental freedoms, I should like to state at the outset that it is not my intention to discuss the legal aspects of this measure. That will be done by others who have the proper training to deal with legal and constitutional matters. Rather I should like to make some observations and to express an opinion on the proposed enactment from the standpoint of a new Canadian and one who has desired all his life to see enacted the high principles incorporated in the bill which is before the house at the present time.

Dominion day, July 1, 1960, when our Prime Minister (Mr. Diefenbaker) introduced a bill of rights, was indeed a historic occasion for the people of Canada, one which had been long overdue. This bill when passed will incorporate the following provisions, as stated in clause 2:

(a) The right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;

(b) the right of the individual to protection of the law without discrimination by reason of race, national origin, colour, religion or sex;

(c) freedom of religion;

(d) freedom of speech;

(e) freedom of assembly and association; and

(f) freedom of the press.

I listened with great interest to the words of our Prime Minister and was deeply moved by what was said and by what is incorporated in this new bill. If one could realize what it means to the millions of new Canadians

who have come to this country, the greatest portion of whom left their own country of origin for no other reasons than they had no freedom and liberty, then and only then would one understand the meaning of a bill of human rights and fundamental freedoms.

It is true that Canadians as a whole take their freedom for granted; they have always possessed it and it seemed that no need had ever arisen to have it put into statutory legislation. On the other hand, incidents are recorded showing that some of these rights have been infringed during the past few years, as has been stated here in the House of Commons during the present debate. Would it not then be in order to assure the Canadian people, by passing the present measure, that these high principles of our democratic system shall never be infringed and that no Canadian citizen shall ever fear that his liberties may be taken away. During the long history of Canada millions of people have emigrated to this country. One outstanding reason given by these immigrants for coming to Canada is that in most cases they had to leave their own countries because they underwent persecution or were deprived of freedom of religion, freedom of speech and freedom of assembly or association.

In this connection I might say that it is not the easiest thing in the world to become uprooted from your own country of origin, to leave friends and relatives and to start life anew in another country. But to have these liberties and freedoms people have done this in the past and they will do so in the future. They will come to lands like Canada where freedom and liberties are no idle words but are the principles upon which their existence can rest. This is the reason why I am so pleased and grateful to our Prime Minister for introducing in this Canadian parliament the bill of rights.

The new bill of rights, as I see it, will deny the right of any government to interfere with the right of the individual to speak within the law. It will deny anyone the right to prevent a Canadian living his own life within the limits of the law and without regard to race, colour or creed. It will prevent any parliament denying the right of a Canadian to belong to an unpopular minority anywhere in this country. It will deny parliament at present or in the future, however powerful that parliament might be, the right to deny the individual recourse to the courts.

As for myself I must say that Canada has been good to me and my family ever since we came to this country. To me it is a heaven on earth compared to the place I left behind. It has given me the right to live my own personal life in the manner I desire and allowed my wife and I to bring up our family as we wished. This country has provided us with the means and opportunity to give our children the education of their choice. I hasten to say, that deep down in our hearts we are also aware that we have given our children a foreign nationality which is no fault of the family.

Although this bill in future will protect the minority as much as all other Canadians, nevertheless let me say this: It is a great feeling indeed to know that this provision is incorporated in the new bill of rights to prevent such incidents as happened not so long ago in this country ever happening again under any circumstances. The new bill of rights will assert the individual's right tc life, liberty, security of person, enjoyment of property and to the protection of the law without discrimination as to race, national origin, colour, religion or sex.

This new bill, it is interesting to point out, was introduced on Dominion day, the very day on which the fathers of confederation united the provinces as a nation to be known as the Dominion of Canada. Our Prime Minister in introducing this bill concluded with the hope that the house will support this measure which I shall do wholeheartedly. The hon. gentleman expressed the belief that the bill embodies a pledge for all Canadians, a pledge which he placed before us and which I am greatly honoured to repeat as follows:

> I am a Canadian, a free Canadian, free to speak without fear, free to worship God in my own way, free to stand for what I think right, free to oppose what I believe wrong, free to choose those who shall govern my country. This heritage of freedom I pledge to uphold for myself and all mankind—

—So help me God.

Mr. J. R. Taylor (Vancouver-Burrard): Mr. Speaker, it is a genuine honour to follow in this debate the hon. gentleman who just resumed his seat and who made such a very sincere address. I certainly did not plan to speak on this bill but after hearing the Prime Minister (Mr. Diefenbaker) speak so eloquently and sincerely in introducing this bill I decided that when history was in the making—as in my opinion it was on Friday last—I wanted to make some contribution however small it might be.

I always regret that upon these great occasions—and when the Prime Minister spoke last Friday it was a great occasion—more people cannot see or hear the drama that is unfolding in this chamber. The Prime Minister's speech last Friday was one that could well have been televised and certainly it was one for posterity. Possibly in the days to come keynote addresses

such as that given by the Prime Minister and the reply by the spokesman for the opposition parties could be given wider scope through being televised. Although the Prime Minister's mother cannot come to the chamber because of ill health television could reach her. Here in itself would be history in the making for I do not believe that any Canadian prime minister has occupied that office while his mother was still living.

It was an historic occasion for me when Prime Minister Macmillan spoke here and also when President Eisenhower addressed us in this chamber. I will not forget their addresses nor will I forget the address of the Prime Minister. The Prime Minister's bill of rights has been distilled from the sweat of years and represents, as he said:

> —the achievement and the assurance of that degree of liberty and freedom under the law that was envisaged by the fathers of confederation.

The previous bill dealing with the same subject was sharply criticized by a segment —and I underline "segment"—of the press as well as by lawyers and others. Certainly the opportunity existed to withdraw it but with greater vigour the government has pursued it.

All hon. members, I suppose, have a subject which becomes with them a specialty, and so it is with the Prime Minister. He is best known for his interest in this bill and the more you study his life the more you come to realize that here is a man who knows what he is talking about as a result of heartaches and experience. Here is a man who is giving leadership to one of the bigger issues of the day. As the hon. member for Calgary South (Mr. Smith) has said, this is one of the bigger issues of the day.

I was moved by some of the references made by the hon. member for Vancouver East (Mr. Winch) to cases involving the violation of civil liberties. These instances have long been embarrassing to us in British Columbia. As the Secretary of State for External Affairs (Mr. Green) has said, the hon. member for Vancouver East knows in his heart of hearts that this bill represents a step in the right direction.

The Prime Minister told the house about the indignities suffered by the Japanese-Canadians—who are as Canadian as any hon. member of this house—under our democratic system. I can well remember the time when they were conveyed to the immigration building in Vancouver in wooden colonial railroad coaches, the type of coach which in later years the Prime Minister referred to in a celebrated case which I believe involved a telegrapher at Blind River. I remember that many of the Japanese Canadians were unable to be housed in the immigration building; they were housed in colonial cars for days on end while R.C.M.P. officers patrolled the cars, mind you, to see that no Canadian wandered away. Many gave as much attention to their rights in those days as some give to the local traffic ordinances.

The record books show that the right hon. gentleman, while able to command the richest of fees, was happiest when he took the cases of immigrant Canadians, including the relocated Japanese in world war II, of whom I have been speaking, whose civil liberties were impaired or threatened. Over the years the name of the right hon. gentleman has been associated with civil liberties. I ask all hon. members to search the record books of the proceedings of the civil liberties section of the Canadian Bar Association and they will see what he has said from time to time over the years. From my own personal experience I can recall when he spoke to very small groups, not with the press around, of a committee of the civil liberties section. He spoke so sincerely that I am sure all the lawyers present were most appreciative of his remarks and knew that he spoke sincerely. His name in actuality also gave him an identification with the immigrant minorities.

You will probably find—certainly our records will show—that the right hon. gentleman received 90 per cent of the votes of the ethnic groups who regard themselves for whatever reason as Canada's outsiders looking in. After reading his address, I am sure they will know that he is fulfilling a promise to them. Is it not those people in particular, as well as all other Canadians, that the right hon. gentleman has in mind when he urges us to pass this bill, a bill which is most assuredly a step in the right direction.

There are many of us who take our liberties for granted, such as freedom of speech, freedom of assembly, freedom of the press and other freedoms to which the Prime Minister has referred but, as the Prime Minister has pointed out, our freedoms can be whittled away even under our present laws and over the years they have been curtailed. Today the Leader of the Opposition (Mr. Pearson) referred to some of the proceedings of the civil liberties section of the Canadian Bar Association. I also ask hon. members to read the addresses given by the presidents of the Canadian Bar Association and see what they have said about liberties and rights and those rights being whittled away unless attention is given to the law. The Prime Minister has put the facts on the record and he simply says "Let's not let it happen again".

The Prime Minister can through personal experience relate the feelings of so many fine western Canadian settlers during the first world war, those who still had direct ties with their British and European homelands. The battlefields to them never seemed remote. The war opened old wounds; traditional antagonisms were renewed. In that atmosphere a neighbour's name mattered. Was it not at this time that the Prime Minister made passionate declarations against hyphenated citizenship, and many years later—yes, when he delivered his first speech here in the House of Commons—he was still fighting against registration of Canadians according to paternal racial origin. Today I took the opportunity of reading his first address. Incidentally, he had asked other questions in the house prior to June 13, 1940; but in his first major address he did in fact deal with the liberties of Canadians. At one point he said, when referring to the census, as reported at page 749 of *Hansard*:

> My criticism of the census is that, regardless of the number of generations that have elapsed or the admixtures of nationality that have taken place during 40, 50, 75 or 125 years, so long as persons must register under the nationality of their paternal ancestor, there will never be that Canadianism which we wish to establish.

In the field of religion, here is a man who knows what liberties are. I did have some time over the week end to read about some of the cases in which he was engaged over the years, and my attention was drawn to an appeal in the criminal courts handled by the Prime Minister some twenty-odd years ago in the province of Saskatchewan, a case involving religious rights. The right hon. gentleman conducted the appeal; the appeal was successful and the conviction was quashed.

I should like to refer to an editorial in the Vancouver *Province* of Tuesday, April 8, 1958, dealing with a Canadian bill of rights. The editorial says:

> The need for a Canadian bill of rights has been debated for a long time. But nothing has ever been done about it.
>
> Now, fortunately, a go-ahead signal to apply new policies has been given to a Prime Minister who, before he achieved this office, was a great champion of a bill to set out and protect the basic freedoms and privileges of Canadian citizens.
>
> Canadians, therefore, are looking for this long-awaited reform, and expect it without any great delay.
>
> The reason why a bill of rights has not been incorporated into our constitution is simple, though it is seldom frankly acknowledged.
>
> It is because it is the nature of government to reach always for more and more power. It is also —and this we should recognize clearly—because in latter times people have been looking more and more to governments to solve a large number of the problems of modern life.
>
> Yet freedom for the citizen is basically a matter of resisting the enroachment of governmental power over his life. If he does not preserve absolutely certain fundamental rights he is no longer a free citizen.

Some argue, and will continue to argue, that the fundamental rights which the Prime Minister has mentioned are inherent in our constitution and legal system. Yet as the Prime Minister and others, including the hon. member for Vancouver East (Mr. Winch), have pointed out today, there have been any number of cases down the years where citizens of Canada have not been protected in these rights by existing processes of law. The real value of the bill lies in the fact that it does limit the capacity of the government to circumscribe and diminish the rights of private citizens.

I do not know how many statutes of the federal government will be affected when the bill is passed, but it will certainly put an end to many of the unfair practices and procedures under the Immigration Act. Passage of the bill may automatically, and to a degree, give us a new Immigration Act. May I say that so far as the practices and procedures under that act are concerned, if this bill has that effect upon that statute this again is one more reason why I support the bill wholeheartedly.

May I draw hon. members' attention to clause 3(e) of the bill which deals with the right to a fair hearing for the determination of rights. This clause will have a bearing on section 3 of the Immigration Act, for under that act persons who allege Canadian citizenship are still examined outside of Canada to test this important matter. I confess it is a wonderful thing to be able to say "I am a Canadian". Clearly when a person alleges that some tribunal should be set up to allow that person to prove whether he is a Canadian citizen or, for that matter, whether he has Canadian domicile. Section 3 will also affect those who allege Canadian domicile.

Undoubtedly the bill of rights will check the unfettered discretion of the minister. I do not mean to criticize her in any way, but I am sure all of us would like to see some system set up whereby these rights can be brought before boards and tribunals. In this way we might well rid ourselves of many of the cases which appear on the front pages of newspapers and in which one judge after another condemns the system that is in operation.

Section 4 of the Immigration Act deals with loss of Canadian domicile. Under that section the minister is the sole judge of whether or not a Canadian resident has the intention of making his permanent home outside of Canada. Under the present act no provision is made for a hearing. I presume that section 3 of the new bill of rights will provide for a fair hearing.

Once out of the country the returning Canadian resident can be barred for indefinite periods until the immigration officer abroad is convinced there was no intention to give up Canadian domicile. As I mentioned, there is certainly no criticism of the officers, my criticism is directed only to the act and the regulations under which they operate.

Section 9 of the Immigration Act is a section to which I should like to refer because of the effect which this bill of rights will have upon the Immigration Act in particular. This section of the act gives the minister certain powers to land an immigrant, among other things, providing such landing is not contrary to the public interest. The minister again has sole discretion to decide what is and what is not in the public interest. Should the immigrant want to challenge this absolute power as it relates to this section, or any other section of the act, he is met with section 33 which prohibits the courts from interfering. This is the celebrated section of the Immigration Act which pretty well bars courts and judges from interfering.

Section 16 of Canada's Immigration Act provides for an immigration officer, without the issue of a warrant, arresting and detaining those persons referred to in that section. What about these powers in the light of the provisions of this bill of rights?

Section 3 (d) of the bill of rights is going to have a profound effect on section 20 of the Immigration Act, for it has become the practice—

Mr. Martin (Essex East): Will my hon. friend permit a question? He is an experienced lawyer. Will he be good enough to explain how this bill will in any way affect any of the sections of the act to which he has referred, having in mind the fact that the decision in future cases will be made by courts which will have before them a specific section in the bill to which my hon. friend directs the attention of the house and this bill just refers to certain freedoms in very general terms?

Mr. Taylor: I may say that the Immigration Act gives rights mainly to Canadian and to people or residents of Canada who possess Canadian domicile, and it has long been felt that those who do not come within these categories have no rights whatever. The bill of rights does not speak of Canadians or Canadian residents, it simply affirms that any person who is within the boundaries of Canada has now got certain rights. I think that over the years the immigration department has felt that persons seeking admission at ports of entry are not even in Canada, as has so often been stated by the district superintendents. I hope I have answered, to a degree, the question asked by the hon. member.

Section 22 (1) of the Immigration Act will be affected by the bill of rights, and rightly so. Here the immigration officer can order a person out of Canada if that person cannot be immediately examined because of sickness or other cause. I ask hon. members if they would at some early date refer to section 22 (1) to ascertain the powers of an immigration officer under that section. It could happen that a traveller, for example, arriving at Vancouver from Mexico could be returned all the way to Mexico at great expense and humiliation if that person were ill. I do not say this would happen and I do not say it has happened, but the power is there to send that person all the way back to Mexico if he arrives at a port of entry in that state.

Section 23 of the Immigration Act says that where an immigration officer, after examination of a person at a border point, is satisfied that a person does not qualify for admission he can then detain that person and bring about a board of inquiry. It is at this time, and not before, that counsel is permitted. Under the new bill of rights there is a provision to the effect that a person once detained under any law has the right to request counsel. Up until now persons arriving at ports of entry have not been able to retain counsel until after the case has been referred to a board of inquiry. This new bill is certainly going to be a step in the right direction in that regard.

Section 24 of the Immigration Act will be affected by the bill of rights. At the moment a person travelling from Alaska to Vancouver could have a deportation order made against him without that type of hearing afforded to others under the previous sections of the act. This person, for example, could be returned to Alaska. The bill of rights, because it affects any person in Canada—this may answer the hon. member for Essex East (Mr. Martin)—will create new rights for that person.

I am not going to refer to any more of the sections, but may I refer to section 27 (1) of the Immigration Act which says that an inquiry by a special inquiry officer shall be separate and apart from the public but in the presence of the person concerned wherever it is practicable. Another subsection says that the special inquiry officer may at the hearing receive and base his decision upon evidence considered credible or trustworthy by him in the circumstances of each case. My only comment is that under section 27 (1) the inquiry could take place without the presence of the applicant. Under the new bill the applicant, of course, would

have to be present. This long established practice of the department would go by the boards.

Section 29 of the Immigration Act allows an officer to hear a case, make a decision and later on reopen it and make a different decision should he deem it necessary. My only comment is that he purports to do this after a decision was made and if the courts could do this there would be sheer chaos. I understand that once this bill comes into force that practice would no longer be applicable.

Section 30 of the Immigration Act—

Mr. Speaker: Order; I thought the hon. member was perhaps nearing the end and I did not wish to interrupt him unnecessarily, but it seems to me he is applying the principle of the bill as it will affect statutes now on the books and, by way of illustration, has referred to the Immigration Act. I should remind the hon. member we are not debating the Immigration Act. His references would be in order by way of illustration, but it seems to me that to go through the whole act would be going beyond the scope of this debate.

Mr. Taylor: I thank you, Mr. Speaker. I shall not refer to any more sections of the act. I might say that I have been interested in amendments to this act for such a long time that when we are now dealing with a bill of rights which will probably contain provisions affecting this act, many of us will be extremely pleased to know that possibly these old procedures will be a thing of the past.

If, as the Minister of Citizenship and Immigration (Mrs. Fairclough) has said, a new bill is to be introduced, I hope it will be in line with the bill of rights; and I imagine that it will be, although I cannot be sure. For that reason I should like to commend the Prime Minister for continuing to fight for this bill. I think it will bring about tremendous relief throughout the country.

Mr. Romuald Bourque (Outremont-St. Jean): Mr. Speaker, I had really no intention of entering this debate until I read the editorial in the Montreal *Star* of June 30 which brought to my attention the fact that this bill had been brought in very late in the session. I am not denying the contention of the Prime Minister (Mr. Diefenbaker) that we probably need a change in the constitution, or that we should have a change provided for in the bill of rights. Time is going on. It is a long time since we have had a change in the constitution. But Bill No. C-79, an act for the recognition and protection of human rights and fundamental freedoms is too important a bill to be brought in in the dying days of the session and for us to be asked to study this bill carefully and to pass upon it in the matter of a few days. The editorial in the Montreal *Star* of June 30, 1960 stated as follows:

> Since Mr. Diefenbaker first mooted his idea most of the threats have been dissipated by judgments of the courts. These judgments have shown that the fundamental rights Mr. Diefenbaker seeks to safeguard are already protected by either law or custom.
>
> It was altogether laudable that Mr. Diefenbaker, when he first introduced his bill, should delay its passage so that the public might study and discuss it . . . There was nothing to suggest in Monday's presentation that the Prime Minister intends the bill to go to committees of both houses for study. It should. It should not be passed in haste at the end of the session, although its passage, if it does no good, will do little harm.

Mr. Speaker: Order. The hon. member is now quoting an editorial commenting on the proceedings within this house, a procedure which is out of order. The earlier part referring to the principle of the bill generally would be acceptable but he should not pursue the quotation to the point where it comments on the conduct of members or the proceedings of this house.

Mr. Bourque: I did not intend to enter into that subject, really, Mr. Speaker, but I think that this bill affects the provinces seriously and that, as the editorial mentioned, the Prime Minister should move toward a constitutional amendment by agreement with the provinces. That is the point I wanted to make and that is why I raised this question of the editorial.

Some time ago—I think it was on April 29, 1959—a delegation composed of 30 important Canadian organizations came to Ottawa and presented a brief to the Prime Minister. These organizations were extremely important ones and I think they were willing to give to the bill the study that it required and they were anxious to make suggestions and representations to the Prime Minister. If this bill is adopted at this session those associations will be deprived of the right they sought, namely the right to make representations and to advise the Prime Minister of what they thought this bill should contain. There is no doubt that they would have constructive suggestions to make if they were given time in which to study the purport of Bill No. C-79.

In their brief on April 29, 1959 they suggested a whole list of human rights and fundamental freedoms which they would have liked to have incorporated in this bill of rights. Conditions have changed in the last 15 months and I am sure that if they were given an opportunity to revise the brief they submitted at that time they would have many more valuable suggestions to submit than those they submitted at that time.

It has taken many years to reach the stage of liberty we now enjoy. We had the charter of liberties in the year 1100 and Magna Carta in the year 1215. Both of the above measures were fought for and extracted by Frenchmen from Frenchmen. The foundations for English liberties were laid by French speaking barons and later written in English. The petition of right in the year 1628 made everyone subject to the law, the king included. The revolution of 1688 drove out James II. He refused to recognize that he was subject to the laws of the land and he lost his throne. Parliament became the supreme body and has since remained so. Later came the declaration of rights which was later changed to the bill of rights which became a statute of the parliament of England. All these great documents form part of our Canadian heritage; they are included in our constitution.

All men are born free and equal, and equally entitled to the pursuit of life, liberty and happiness, free speech, freedom of the press and of religion. That is an inherent right of all Canadians. The constitution of Canada guarantees to the provincial governments many rights. Canada is a federal country. Federalism consists in a guarantee of rights, some powers to the provincial governments, other powers to the federal government. We have a limited sovereignty in Canada. It is not a country of parliamenttary sovereignty. We have in Canada no parliamentary body that is sovereign. The British North America Act divides the powers of the governments.

Before enacting legislation making this new bill of rights law let us make sure that it contains no discrimination of any kind against anyone owing to race, colour, sex, language, religion, political opinion, national or social origin, birth or other status. This bill of rights, Bill No. C-79, to my mind would add nothing to the fundamental rights of the Canadian citizen. I believe the most effective means of safeguarding the rights of Canadian citizens would be by means of amendments to the British North America Act. I believe an interprovincial conference should be held to decide in what fields the federal government might set down human rights legislation. If, as and when the conference has reached an understanding or accord as to the legislation required to protect the rights of all Canadians, then the whole question could be brought before this house for discussion and approval.

The constitutional right of all the provinces must be fully safeguarded. This bill strikes at the very root of our civil code. Quebec is the only province in Canada which has a civil code of its own. Other provinces are guided in civil matters by British common law and jurisprudence.

This bill, Bill No. C-79, wil no doubt result in juridical chaos and inextricable tangles. We must guard against any bill that would constitute an infringement upon the autonomy of the province of Quebec or conflict with any of its existing laws.

Due to the complexity of the many problems contained in this bill we must not make haste but bide our time, giving careful attention and study to the many problems involved and making sure that it contains all the elementary principles of justice and equity for all so that it can never become a bill of injustice and inequity and a thorn in the side of Canadians. We must make human rights and fundamental freedoms in Canada effective and secure.

Our basic rights and liberties which are part of our inheritance and to which every person in Canada is entitled must be preserved, and only a close study by a commission composed of members of this house and of the Senate can offer the guarantee that our rights will be enhanced and not diminished, having in mind the inherent dignity and worth of the human person and the inalienable rights which derive therefrom.

It would take too long and I would take up too much time of the house to give a full list of the human rights and fundamental freedoms which I believe Canadian citizens should be granted. I have no doubt that other hon. members feel as I do, that in order to be able thoroughly to discuss this most important legislation it should be handed over to a commission or a committee that would have full power to call witnesses and to give all the items derived therefrom its most careful consideration. Two full days given to the consideration of such a bill is ridiculous; it should take at least ten days and receive long study.

For this reason, Mr. Speaker, I would suggest it be sent to a conference or commission as I proposed previously so that justice and freedom may prevail.

Mr. H. F. Jones (Saskatoon): Mr. Speaker, to be in the House of Commons on an occasion such as this is a rare privilege. It is a privilege to participate in making history. Not only is this so because of the contents of the bill before us and the struggle which has been waged in the past by the Prime Minister (Mr. Diefenbaker) to bring this bill about, but surely it is a historic occasion for another reason. This Canadian bill of rights is not forced upon a reluctant government as has been the experience with measures of this kind in other countries in the past. It is

brought before the house by the government, the leader of the government, and if anything it is forced upon a reluctant opposition.

I am sure there are many who recall the earlier comments of the Prime Minister over the years on the necessity for this bill. About a decade ago when I was at law school in Saskatoon the students there were addressed by the then member for Lake Centre. On that occasion he dealt with the historic rights and civil liberties which are part of our heritage, and I said then that if there was anything I could do to help that man I would do it. That sentiment in return found its response in the hearts of millions of Canadians, and those today who decry this measure would do well to remember that fact.

The separation of the grass from the brass has been the subject of much comment by the Leader of the Opposition (Mr. Pearson) and his party, and it is evident that it still exists today. They are unable to understand the importance and significance of this bill to the ordinary and little people of Canada. May I draw to your attention, Mr. Speaker, the words of the hon. member for Humboldt-Melfort (Mr. Rapp), who testified to the real significance of this measure to new Canadians, and indeed to all Canadians. The hon. member for Vancouver-Burrard (Mr. Taylor) dealt with some of the effects of this bill in remedying long standing injustices.

The position taken by the Leader of the Opposition is on all sides of the question. He is for the principle of the bill. He seems to be against the bill itself. He says it is meaningless, and others of his followers said "Oh, it will affect the provinces". In effect the Leader of the Opposition says "They are mere words meaning nothing", and then he spoke for over an hour to prove it. One of his followers said that the words of the bill are not inspiring enough. The Leader of the Opposition said that we should have something like the universal declaration of human rights, that it should be a ringing declaration; yet in the same breath he claimed that the present bill was not prosaic enough to contain the sort of sanctions he seemed to envision were necessary in this type of legislation. He said the bill should have been introduced long ago; in other words, he is against its introduction now. There is not enough time to consider it, he says, and then goes on to request that not only this bill be dealt with but that the War Measures Act should also be dealt with in extenso. He said that we should re-write the War Measures Act now. I think every hon. member of the house would like to consider the provisions of the War Measures Act and review them, but surely it is possible to do one thing at a time.

The Leader of the Opposition said that the bill should be embodied in the constitution; that is to say, he wants it to apply in the field of provincial jurisdiction. The hon. member who has just spoken claims, not that the bill is meaningless but that it infringes provincial jurisdiction. They are all over the shop on this bill. They are most unhappy about it. They were in government for 22 years but did nothing about it.

Mr. Deschatelets: We are very happy about it.

Mr. Jones: We are glad we finished it so that we can get down to dealing with some of the serious problems in this country.

Mr. Speaker, they say that the bill is not necessary, yet at the same time they say it goes too far and then in the next breath say it does not go far enough. Embodying these things in the constitution to affect federal jurisdiction only would allow them to be changed, as the Minister of Justice (Mr. Fulton) has pointed out on other occasions, much more easily than if they were embodied in the bill before us.

I should like to deal with some of the contradictory allegations that have been made. First, I should like to refer to one made by the Leader of the Opposition. With the highest approbation he quoted some of the words of Professor Lower. As reported at page 5650 of *Hansard*, he described Professor Lower as a very jealous, sensitive and vigorous guardian of liberty and freedom in this country. I am acquainted with Professor Lower, and I know he enjoys the high esteem of many Canadians and has done so for many years, but the Leader of the Opposition did not quote all the professor had to say about this bill. The reference which was made by the Leader of the Opposition was taken from a résumé of a panel discussion on a basis for a charter of human rights held at the University of Ottawa on January 20. On that occasion Professor Lower had this to say:

> Our bill of rights will touch on the question of civil liberties—

Then he went on to make a distinction between liberties and rights.

> —and as such I suspect it will affect the whole country. It will be a great statement of principle. It will be comparable to the American declaration of independence.

Then what did the professor say in connection with the remarks of the Leader of the Opposition about incorporating this into the constitution? He said on that occasion:

> I recognize the weakness of a simple statute instead of the constitutional method, but I recognize also the impossibility of getting this latter at present.

That was the opinion of the authority quoted by the Leader of the Opposition. What is the value of the bill of rights? Professor Lower again says:

> My point is that if you enunciate a great principle which is intrinsically sound, sooner or later your law will be shaped accordingly, and sooner or later you will begin to think accordingly, too.

Then Professor Lower refers to some of the great declarations which have been made in the past. He says:

> It was a very great fortune of the English speaking people to found institutions which would embody freedom. It is those institutions under which we live today; our parliamentary government is only one, our trial by jury is another one, the presumption of any man's innocence until, by a free trial, he is proved guilty, and there are so many others.

What about the contention that this bill should be entrenched? I should like to quote from an address given by the Minister of Justice on February 18 last on the occasion of the first annual dinner of the law society of the University of Western Ontario. On page 11 of the report of the address the hon. gentleman is reported as saying:

> One of the most persistent recommendations which we have received is that the bill of rights should be placed, or "entrenched", in the constitution, thereby to curtail the powers of parliament or of the provincial legislatures, or both, to encroach upon, amend or repeal the rights it enunciates. Let us first dispense with the question of provincial legislatures. As you may know, our draft bill extends only to matters which concern the federal constitution. This is because we believe that the principle of provincial autonomy—which is so very basic to our constitution—does not permit us to force our conclusions, much less our methods, upon other freely elected governments. Indeed, so firmly do we believe in the absolute necessity for respect of provincial integrity that the greatest possible care has been taken in drafting the Canadian bill of rights to avoid infringing the rights of provincial governments.

I shall not deal with the other points which have been made about the inclusion of these provisions within the constitution, since they have already been dealt with. The Leader of the Opposition said something about sanctions. He said the bill should provide sanctions. If we refer to clause 3 of the bill we shall find it clearly sets forth how the rights therein mentioned are to be preserved for the people. The clause reads, in part:

> All the acts of the parliament of Canada enacted before or after the commencement of this part, all orders, rules and regulations thereunder, and all laws in force in Canada or in any part of Canada at the commencement of this part that are subject to be repealed, abolished or altered by the parliament of Canada, shall, unless it is otherwise expressly stated in any act of the parliament of Canada hereafter enacted, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgement or infringement of any of the rights or freedoms recognized by this part, and, without limiting the generality of the foregoing—

That is where provision is made for the effective enforcement of this bill.

The hon. member for Hull (Mr. Caron) thought that the bill was not inspired; indeed, he thought it was dull. I think the hon. member for Hull would be well advised to read some of the great statements on this theme which have been our heritage, passing down to us through long generations the freedoms which we call ours today. All these were not in language distinguished by ringing terms. The words in the Canadian bill of rights are clear. They are meant to serve a purpose. I should like to refer, by way of example, to the words of Magna Carta which has been the very foundation of our liberty from an early time. Here are some of the words used in that document—not inspiring language, but words which inspire because of the importance we attach to them. Section 17 of the charter says, for example:

> Common pleas shall not follow our court, but shall be held in some fixed place.

Section 23 provides:

> No community or individual shall be compelled to make bridges at river banks, except those who from of old were legally bound to do so.

Section 38 states:

> No bailiff for the future shall put any man to his "law" upon his own mere words of mouth, without credible witnesses brought for this purpose.

Not until we reach section 39 do we come to the great words which are enshrined in our memory.

> No freeman shall be arrested, or detained in prison, or deprived of his freehold, or outlawed, or banished, or in any way molested; and we will not set forth against him nor send against him, unless by the lawful judgment of his peers and by the law of the land.

In other words, you have to read the enactment to see what these phrases really mean and to get the value from them. It is said that our Canadian bill of rights does not claim or make any new rights. We look back to the bill of rights passed in 1689 in the United Kingdom. Were they asking for new rights on that occasion? Here is a portion of the wording of that act:

> An act for declaring the rights and liberties of the subject, and settling the succession of the crown—

They called parliament together—

> —to meet and sit at Westminster upon the two and twentieth day of January, in this year one thousand six hundred eighty and eight, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted: upon which letters, elections have been accordingly made,
>
> And thereupon the said lords spiritual and temporal, and commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the

best means for attaining the ends aforesaid; do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare—

Then there follows the specific provisions of the bill of rights proclaiming the ancient rights and liberties of the people as we are proclaiming them here today.

What is the significance of this measure? I was interested in reviewing the United States declaration of independence. This is not mere words as the Leader of the Opposition described the documents. The United States declaration of independence commences with these words:

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitled them, a decent respect for the opinions of mankind, requires, that they should declare the causes which impel them to the separation.

They thought it was important in the process of the nation-building to declare the causes which had set them forth on that mission. Some have said that at the time of the founding of Canada brought about by the work of Sir John A. Macdonald and Sir George Etienne Cartier there was in effect a declaration of rights for Canadians. There are those who have asserted that view. May I say if that is so this is another great step taken by another great Canadian. A great Canadian has initiated another important step in the building of the Canadian nation. Ours is no declaration of independence but a declaration of unity in freedom. I submit it is a great step forward in the creation of this nation and one upon which those in the years that follow will be able to look back with pride and say, these things were set forth for all to know so that no one may contravene the rights and liberties of the Canadian people.

Mr. Deschatelets: Mr. Speaker, would the hon. member permit a question. Does my hon. friend not think that the right to work is also a fundamental right?

Mr. Jones: Mr. Speaker, is my hon. friend suggesting that we should start infringing upon provincial legislation in the field of labour? What other specific provisions would the hon. gentleman have us infringe upon?

Mr. F. J. Bigg (Athabasca): Mr. Speaker, we have heard a lot in this debate about whether or not we should have a written bill of rights. A written bill of rights is not new among Anglo-Saxon people. We can go back to the Magna Carta which is perhaps the keystone of all our freedom. This was a written bill which has been re-enacted in the British parliament no less than 30 times. This indicates that we need not only a written bill but what I would call a living statute and we need to start on it now.

There are several reasons why I say we need to start now. Perhaps up to this time we have not been aware of the real need for a bill of this nature. It has been said that we need no written bill because England did not have one. England has had one for many years. Not only has that country had the Magna Carta, it has the statutes of Westminster. The latest statute of Westminster was enacted in 1931 but there were no less than three in the 13th century, the first in 1275, the second in 1285, completed in 1288, and the third in 1290.

At the time James II left the British throne in 1688 William and Mary were called in. It was found necessary at that time to re-affirm British rights and freedoms in the bill of rights of 1689.

Again I pose the question: Why should we enact a bill of rights now? It is because we are a federal nation. When you have a federal nation it is difficult to delineate clearly the rights of the federal power and the rights of the provincial power. It is up to the federal power to show the way. We want to pass this bill to show that the dominion government is out in front, that it is ready to give a lead to the provinces. No one here today has objected to the list of freedoms enumerated except to say that the list is not long enough. This may be so. I personally would like to see, if possible, a bill of rights which would bring in all the freedoms of the United Nations charter and more. I should like to see Canada foremost in the whole world in her list of freedoms but I am making a plea that we make a start now.

I have heard great arguments about the use of words. This is not a flowery bill. We have very few flowery phrases in this bill about "judicial difficulties" and "inextricable complications". But the great charters of the world that have changed global thinking have been couched in very simple language. Moses gave us a charter of morals and freedoms: thou shalt not kill. What would a man say if he came to Canada and was given the freedoms we enjoy? He would say: I am free. What do a man and wife say when they are taking on the most solemn of contracts? I will, or I do. These are not flowery words but think of the implications. Think of the changes they make in human lives. I am suspicious of long and flowery phrases and inextricable complications. When you have a bill containing such words you will certainly have inextricable complications.

I like to see a bill full of words like "I am free; free to use my property; free to

speak; free to assemble with my friends; free to go to the church of my choice; free to spend my own money when and where I like; free to go to sleep at night and not wait for that knock at the door." In some countries you are not even taken to court, you are taken out in the back yard and stood up against the wall. I am not talking about ancient history. Think of Cuba today. Where are the oil interests in Cuba? Can a person in that country say, "I am free?" You can say that in Canada and I think it is time we put it on paper if for no other reason than to demonstrate how proud we are to be able to stand up and say, "I am free." When we answer the question, "Are we free Canadians?" the answer is yes. Let us put it on paper.

I am as aware if not more aware than most hon. members that you have full freedom only when you have an incorruptible police force. It is of no use to have a criminal law which is as near perfect as possible, tried and tested in the British tradition and backed up by the common law if you do not have enforcing these laws men whom you can trust and courts in which you can have complete confidence. We are here today mainly to see whether we intend to keep them.

In this day of unrest when other nations are sliding, when they believe in nothing or, if they believe in something they have not the courage to stand up and say they do, this is a day when we can take action and put on paper in simple words as simple, honest men a few of the freedoms we believe in. We are absolutely sure that we can pass a law in our federal capacity, and we should say that we intend to stand behind it.

I do not think it is any accident that this bill was introduced by such a man as our present Prime Minister who has shown by his whole life that he believes in the little man and the big rights of the little man. In his cabinet he has no fewer than 14 veterans, men who at the time they were needed answered the call without compulsion and stood alongside a flag they loved and fought for a country they loved. They acted and they did not rely on high, flowery words.

Therefore, it is a great pleasure for me to stand here tonight and add my small voice to that of those who have already backed this bill. I hope it will be only the first of many steps in giving to Canada a complete bill of rights federally and provincially which will show light to all men.

Mr. Deputy Speaker: Is the house ready for the question?

Mr. E. J. Broome (Vancouver South): Mr. Speaker, I had not expected to take part in this debate for some time and the opportunity has been thrust upon me in a hurry. This bill of rights is the climax, not of the work of a few days, a few months or a few years but of 14 years, particularly on the part of our present Prime Minister (Mr. Diefenbaker), because the history of this bill goes back to April 2, 1946, when the hon. member for Essex East (Mr. Martin), as secretary of state, moved the second reading of the citizenship bill. I was very much taken by certain remarks made at the end of the minister's speech at that time because it appeared that at a previous session this bill had been given first reading. The minister in charge of the bill said that when it had received second reading it would go to a committee. When it received second reading the then member for Vancouver Quadra (Mr. Green) asked the minister when the committee would be set up. The reply was that the hon. member was quite correct in his assumption that it had been proposed to send the bill to a committee but that conditions had changed and that the bill would no longer go to a committee.

It was during this debate that the present Prime Minister, then the hon. member for Lake Centre—and his transition from hon. member for Lake Centre to hon. member for Prince Albert might tie into the thought behind this bill a little bit—first introduced his concept of a bill of rights. He pointed out that having established the basis of Canadian citizenship and having given a new unity to this country, it might be suggested that if citizenship is to mean what our citizenship should mean it required at that time the adoption by Canada of a bill of rights. He was referring particularly to the passage of various orders in council which had been passed after the war had terminated which denied to certain Canadians those rights which should have been inalienably theirs.

The present Prime Minister pointed out that the British North America Act contains no personal safeguards against unwise or discriminatory legislation which might be passed by federal governments. It contains nothing to prevent government by order in council from doing things which deny Canadians the rights that flow from Canadian citizenship. He pointed out that the various great charters of the English speaking peoples, Magna Carta, which was passed in 1215, was the foundation for the petition of rights of 1628; the habeas corpus act of 1679 and the bill of rights itself of 1689.

I was very interested in what the Leader of the Opposition (Mr. Pearson) had to say this afternoon in regard to the fact that if this bill were approved by this parliament any succeeding parliament might revoke it. I wonder whether it is not possible for any parliament that wished to do so to revoke

any of those great charters that I have mentioned, and whether it would not be possible for any parliament to revoke a constitutional amendment incorporated in the British North America Act? What parliament can do, parliament can undo.

This bill is a major step forward, and eventually perhaps it may be written into our constitution, but this is the only means by which we can achieve this very necessary advance at this time. The Leader of the Opposition said that this is a purely declaratory bill and could be changed by any future parliament. I think what I have said is the answer to that.

The history of the struggle to enact a bill of rights went on in 1946, 1947 and 1948, but I was particularly taken by 1947 when there was a debate in this house in regard to setting up a joint committee of the House of Commons and the Senate, and with the words of the minister who introduced the resolution, the Hon. Ian Mackenzie, at page 3140 of *Hansard* of May 16, 1947. Part of the resolution reads:

> And, in particular, in the light of the provisions contained in the charter of the United Nations, and the establishment by the economic and social council thereof of a commission on human rights, what is the legal and constitutional situation in Canada with respect to such rights, and what steps, if any, it would be advisable to take or to recommend for the purpose of preserving in Canada respect for and observance of human rights and fundamental freedoms;

Please note, Mr. Speaker, that this resolution seems to imply that certain action should be taken by Canada and that this committee—we have been talking about setting up committees—that was talked about on May 15, 1947 was set up to bring forward recommendations to this parliament as to what should be done in the way of implementation of a charter of the United Nations in regard to human rights and fundamental freedoms. That committee met in 1947; it met again in 1948. The final committee met in 1950. The 1947 and 1948 committees were joint committees, but the 1950 committee was a committee of the Senate. I should like to refer for a moment to the final report of the 1950 committee, page 306, where it is stated:

> Your committee therefore recommends that, as an interim measure, the Canadian parliament adopt a declaration of human rights to be strictly limited to its own legislative jurisdiction. Such a declaration would not invade the provincial legislative authority, but it would nevertheless cover a very wide field. While such a declaration would not bind the Canadian parliament or future Canadian parliaments, it would serve to guide the Canadian parliament and the federal civil service. It would have application within all the important matters reserved to the Canadian parliament in section 91 and in other sections of the British North America Act. It would apply without limitation within the Northwest Territories.

The reason this recommendation was written in this manner will become very clear as I go along and try to outline the history of the fight to enact a bill of rights in Canada. The next chapter occurs on April 9, 1948, when the Right Hon. J. L. Ilsley, minister of justice, moved the following motion on behalf of the prime minister, as recorded on page 2842 of *Hansard* of that date:

> That it is expedient to appoint a joint committee of both houses of parliament to consider the question of human rights and fundamental freedoms, and the manner in which those obligations accepted by all members of the United Nations may best be implemented;
>
> And, in particular, in the light of the provisions contained in the charter of the United Nations, and the establishment by the economic and social council thereof of a commission on human rights, what is the legal and constitutional—

These are the important words.

> —situation in Canada with respect to such rights, and what steps, if any, it would be advisable to take or to recommend for the purpose of preserving in Canada respect for the observance of human rights and fundamental freedoms;

It is interesting to note the names of the members on that committee, particularly the names of those who sit on the treasury benches today. In the discussion of this resolution, the present Prime Minister had this to say, as recorded at page 2846 of *Hansard*—again, this is a little bit of history, a summation of what had taken place up to that time:

> We were circumvented last year in the committee by the constitutional issue being raised on every possible occasion; and the minister tonight reiterated the summation of the answers given by the attorneys general of the provinces and by the deans of the law schools, apparently believing that those answers, coupled with the evidence given before the committee, would once and for all end in this country the crusade for a national bill of rights and would determine as well Canada's position as being unable to discharge her international responsibilities.

The reference to the provinces and to the deans of the law schools is a matter of history, and it is in that debate in Mr. Ilsley's statement of April 9. I shall read from page 2846 of *Hansard*, where he sums up the replies which the government of that day had received from the various provinces. I think this is extremely important in view of the statements which have been made today by various hon. gentlemen speaking from the other side of the house. What did Mr. Ilsley have to say? He said this:

> Before I pass on to deal with the replies of the deans of the law schools, I think I can sum up the result of this correspondence in this way. No attorney general says affirmatively that he is of opinion that the dominion parliament has power to pass a comprehensive bill of rights applicable

to all of Canada; certain attorneys general express a negative opinion and deny that power, and several show very little or no interest in the matter.

He goes on and says that the general course and tone of the correspondence with the deans of the law schools makes it clear that if the dominion government does undertake to set limits to the activities of the provinces in dealing with civil rights of this kind it is altogether probable that a considerable provincial rights controversy will be precipitated. He goes on further to say that this is borne out by the replies received from certain deans of law schools and he lists the various universities from which replies have been received. Then he says:

I shall not undertake to summarize the opinions of these deans because they are contained in an exhibit before the committee, but generally speaking they are most unfavourable to an affirmative answer to the question as to whether this parliament has that power.

He goes on to say that it will be the duty of that committee to determine what is right and what is wrong in connection with this question. I believe that this is a fairly clear indication that since 1946 there has been a tremendous amount of work done in this whole field of human rights and fundamental freedoms. The method taken in presenting this bill is the only method which could be taken with any hope of immediate success. We are dealing in this bill only with those matters which are within the jurisdiction of this parliament. There is no possibility of any controversy in regard to provincial rights. It may well be that after this bill becomes law; at some future time there may be agreement with the provinces. At that time the proper changes can be made in the British North America Act.

What has been of concern in the drafting of this bill has been the fact that our fundamental freedoms are not protected by anything; they are not protected by any act of parliament or any other single thing. For instance, on March 24, 1952, the present Prime Minister, when he moved his motion to ensure fundamental freedoms, as recorded on page 714 of *Hansard,* quoted from Lord Reading when he introduced a measure in the British House of Lords in 1947. I think this is applicable because the history of this country has shown that what Lord Reading was talking about then has happened here. This is what Lord Reading said:

Personal freedom had for so long been the current coin of life in this country that we had been apt perhaps to forget that currency may be slowly and steathily withdrawn from circulation, that coinage may be debased without any very evident outward signs, and that it may even be deliberately counterfeited without immediate detection.

It is no part of my case today to allege any malign conspiracy on the part of anyone deliberately to attempt to overthrow the liberties of the subject. The process has been gradual, stealthy, haphazard, almost inadvertent,—

I should like to emphasize that word "inadvertent" because these things do not happen as a result of some deep, secret plan to take away our freedoms. They usually happen in the name of efficiency, in the name of good government, in the name of progress or in the name of getting the job done. I continue to quote what Lord Reading said.

—but unfortunately both insidious and menacing in its cumulative effect.

On the same page there is a quotation from Viscount Samuel's statement in 1951, which is as follows:

During the last 30 or 40 years, imperceptibly, almost unconsciously, here a little and there a little, there have been encroachments upon that great and precious heritage.

I do not suggest today that we have lost, or are in danger of losing, those liberties, but I do suggest that they have been again and again impaired, that that process is still continuing, and that it needs to be stopped and reversed.

Even now, after the peace, or semi-peace, of the last five years, not all these liberties have been restored, and there is danger that some of these restrictions may be allowed unnecessarily to slip into our permanent system of government.

As the Prime Minister said in speaking to his own motion:

The declaration of human rights is predicated upon a realization by the statesmen of the world that there can be no peace unless there is freedom, and there wherever discrimination exists because of race or colour anywhere in the world there is soil that is productive of potential future wars.

Mr. Speaker, it has also been said that this love of freedom is not the prerogative of this particular party, that it is in all parties and on all sides of this house. In all sincerity I say to the opposition that this step is the best one we can take at this time. I say that this step is a good step. Members of the opposition, who were ministers of previous governments have said that this is a good thing and have agreed with the principle of what we are trying to do here. But, somehow or other, whether there was not present the drive, the force or the conviction, they did not carry through. In fact, time after time, as recorded in *Hansard,*—and I have gone back through *Hansard* back to 1946 and beyond—actions of government taken in the past in good faith have resulted in loss of freedom.

This is a good bill, Mr. Speaker. This is a bill that has been 14 years in coming to fruition. This is a bill in response to a petition signed by 600,000 Canadians saying that they wanted a bill of rights. This is a bill of rights asked for by 86 of 89 Canadian English speaking newspapers. This is a bill that is not perfect. What bill is perfect? You may

quibble with this word or with that word, but you cannot quibble with the underlying philosophy behind the bill. The Leader of the Opposition said that he agreed in principle with this bill. All things considered, and taking into account all that has happened previously, all of the various problems that we face in this country as a confederation,—our problem of the two races, the problem of provincial rights and the problems that we in the federal sphere are obliged to face—I say that this is the best, in my opinion, that we can have at this present moment.

(Translation):

Mr. Maurice Allard (Sherbrooke): Mr. Speaker, in rising to speak at this time, I am deeply convinced of expressing one of the oldest feelings of mankind: a man's privilege of standing for his rights and freedoms. Ever since his emergence from the cave, man has had to wrestle against the forces of nature, and indeed the egotism of his fellowmen, to develop his personality and assert his right to life and freedom of action.

In these few remarks, I intend to trace back the struggles undergone by man to break away from the ties of slavery and despotism. I would like briefly to cover the rights won under British charters, through the American revolution of 1776, the French revolution of 1789, the Russian revolution of 1917 and the action taken by the United Nations under a universal bill of rights since 1945.

I will then recall the unceasing efforts of the Prime Minister (Mr. Diefenbaker) to incorporate a bill of rights into our legislative system.

Finally, after an indication of the real basis of our rights and freedoms, I should like to delve into the Canadian constitution aspect of the matter.

When you look at the whole picture of human rights and freedoms, you notice that essential changes in political institutions originated in England. From the eleventh century, in the face of growing intransigency on the part of royalty, the barons succeeded in diminishing royal authority by obtaining the grant of substantial privileges. The discussions and agreements between kings and barons are known as charters. And those English charters were the first written documents in the lengthy process of establishing human freedoms.

First of all, we know the charter of William the Conqueror, which was enacted in 1071 for the preservation of Saxon rights and customs.

Later on, there was the charter of Henry I conceding to Londoners the right to elect their sheriff, their lord justice, to hold assemblies, and exempting them from certain extraordinary taxes.

The two charters of Steven confirmed the freedoms granted by his predecessors and reformed certain abuse of authority and exactions by royal officers.

Both of Steven's charters enabled the barons to build castles and fortify them for their own defence.

In 1154, Henry II, on the occasion of his coronation, confirmed all charters granted before his reign, without however giving any guarantee in this respect. But, as several hon. members who spoke before today recalled, it was on June 19, 1215, that John Lackland and the assembled barons signed the Magna Carta. That document is the basis of English freedoms. However, we must note that it was not yet the people, but the barons, who proved themselves the wardens of public freedoms.

In its provisions, the Magna Carta of 1215 authorized the English barons to free themselves gradually from royal interference and autocracy. Later on, the petition of rights of 1627, the Bill of Rights of 1688, and the establishment act of 1701 continued aiming at a restriction of royal power, protection of individuals against the arbitrariness of the crown and recognition of an omnipotent parliament.

We must therefore conclude that the English charters are, in the last instance, not a triumph of men's natural right to freedom, but rather a pact between two conflicting forces, royalty on the one hand and, on the other, sometimes the barons, as in the case of John Lackland's Magna Carta and sometimes parliament, as in the petition of rights, the Bill of Rights and the establishment act.

The true system of the Bill of Rights was only established by the American declaration of rights of Virginia, in 1776, and by the French declaration of human rights and citizen's rights, in 1789. In the United States, as in France, violent revolutions shook off the yoke of past domination and placed the individual on a true basis of emancipation for the conquest of freedom.

As a matter of fact, we may conclude, from that brief review, that the doctrine in this matter originated in England, later to emigrate to the United States whence it returned to influence the French revolution. In the course of that peregrination, law and freedom, which first had a feudal character, gradually became an individual prerogative based on human nature.

But, when we go on to the Russian revolution of 1917, we discover that this right

was subjected to another transformation. Elsewhere it had had a feudal and individual aspect; in Russia it takes on a socialistic turn. Individual freedoms, the freedom of the press, of assembly, of speech, etc., are then considered not as freedoms but as an obligation for the state to provide citizens with official papers and books, entertainment, public meetings, etc.

Those are the principles that come to light in the bill of rights of the Russian people enacted November 15, 1917, and in the new constitution of human rights passed on December 5, 1936.

Thus, it must be noted that the Soviet conception of freedom is entirely different from that of the western democracy. The Soviet freedoms are not looked upon as a right of the individual but as a task for the state, where the individual remains irrevocably subordinate to the state.

After the first world war, several European countries, such as Germany, Poland, Czechoslovakia, Yugoslavia, Rumania, Estonia and the free city of Danzig incorporated in their legislation a mixture of various aspects of the human rights now under consideration. They did not confine themselves to recognize the legal independence of the individual, but they set themselves to create a minimum of conditions necessary for his social independence. The same rights that were defined as individual stood out then as steeped in a spirit of social responsibility.

It is in this atmosphere of transformation, tempered with rights and liberties, when the league of nations had failed in the pursuit of its ideal, that the second world war broke out. After this second consecutive war, countries were further impelled to define specifically the fundamental freedoms and rights.

The former president of the United States, Mr. F. Delano Roosevelt, made a masterful speech in January 1941. That historic speech called for the realization, the recognition of the "Four Great Freedoms" for all peoples of the earth. Those four freedoms are:

(1) Freedom of speech,
(2) Freedom of worship,
(3) Freedom from want,
(4) Freedom to work for one's security.

Those freedoms claimed by Mr. Roosevelt were also proclaimed in the House of Commons by the prime minister on March 7, 1947, on April 12, 1948, on April 15, 1948, on October 28, 1949, on March 24, 1952, and on February 7, 1955.

Mr. Roosevelt's wishes gave rise later on to the United Nations Charter signed in San Francisco, on June 26, 1945.

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The day the United Nations charter was signed by 50 nations, on June 26, 1945, mankind entered into a new phase. International protection was no longer a dream and the future, for all peoples of the earth, was turning towards new destinies.

The United Nations now look after the protection and respect of our rights and of our fundamental freedoms.

Canadians now wish to achieve the realization of the principles of the United Nations charter, which specified the fundamental rights belonging to each man, in the social and legal field.

That great doctrine of human freedom was clearly set out by Pius XI in his encyclical entitled *Divini Redemptoris.*

> Human beings must rank first among earthly realities.

And Pius XII went still further, in a letter written to the president of the social weeks of France, on July 14, 1946:

> In the last analysis, everything must tend and converge toward the liberation of human beings. It is those creatures that God placed on top of the visible universe, making of them, both in economics and in politics, the measure of all things.

On April 14, 1945, that is, a month before the signature of the United Nations charter, the executive committee of the Canadian Episcopate stated:

> Always, throughout history, the things that have compromised world peace have been the unfair treatment of minorities, the denial of civil and religious liberties, and other denials of man's innate right.

In 1946, 18 member states of the United Nations set up a commission called upon to prepare recommendations towards the development of a charter of human rights. That commission was composed of a theologian, a jurist, sociologists and moralists. Its work was to be divided in three parts:

(1) To draft a statement establishing the limits of human rights;

(2) To prepare a pact, to be signed by the various states, giving legal effect to such rights;

(3) To prepare means of enforcing and guaranteeing such rights.

In February 1947, the commission held its first meeting in Lake Success and, under the chairmanship of Mrs. Roosevelt, submitted a report of its recommendations. The first to promote the principles of that commission before the United Nations were Brazil, Lebanon and the Netherlands. And the representatives of those countries concluded:

> The responsibility of the state is to regulate human rights in the social exercise.

That universal declaration, which was adopted in the United Nations on December 10, 1948, summarizes human rights and now holds a place of honour in the minds of national leaders.

Mr. Speaker, what good will it do to defend our parliamentary liberties, our economic or intellectual freedoms if we do nothing about the fundamental freedoms of man?

On February 7, 1955, the present Prime Minister had this to say in the House of Commons:

> I think it is in the public interest to write human rights into our constitution, as a means of protecting the security not only of the state but also of its citizens.

Examining this whole question of our freedoms, he made this statement before the house on March 7, 1947:

> Let us consider this matter as members of parliament without regard to party considerations, and build the future of Canada upon the foundation of a declaration of our rights which will assure the maintenance of the priceless rights in which we believe and for the preservation of which ninety thousand Canadians gave their lives in two world wars.

Since the beginning of this discussion, we have been speaking about freedoms and human rights. Is it not proper to try and find the sources of those rights and freedoms?

In short, we can say that the enjoyment of those prerogatives man owes to God, to his own nature and to the state.

Having created man, God gave him rules which, if observed, guarantee his security and the respect of his own aspirations. One of God's commandments states:

> Thou shalt not steal.

The individual who recognizes his neighbour's property can reasonably expect that his own will be respected.

The very nature of man elects him to the free exercise of his actions and his thoughts. The hierarchical values in creation raise man to a higher level. Mineral, vegetable and animal lives have no freedom; but the three of them remain in the service of man who, by his spiritual faculties, enjoys a relative power and the free choice of his activities. Living among his fellow men, he must grow according to his human nature and remember that his neighbour deserves the same authority.

Thus comes into the picture the part played by the state which creates the favourable conditions of social life where the citizen may exercise his personality in a free but orderly atmosphere. The individual must not become an instrument or a victim of the state; it is the state which, while making laws, promotes the numerous freedoms of man.

But how can we define freedoms and rights? I do not pretend to do so adequately, since up to now the social and economic commission of the United Nations has not been able to obtain universal approval of such definitions. All I can do, is to give an acceptable explanation of them.

To recognize the freedoms of man is to admit the exercise of his natural faculties, as freedom of speech, for instance. To recognize the rights of man implies, besides, a corresponding duty on the part of his fellowmen or of the state, as the right to education. If man is free to enlighten his intelligence, his fellowmen or the state have an obligation to encourage the expansion of this freedom. Thus, right is more than freedom, since it forces the other men or the state to respect the natural aspirations of man. The citizen considers his freedoms in relation to himself. He claims his rights from his fellowmen and from the state.

Thus we shall see later on, that a Canadian bill of rights is restrictive by nature because it imposes a limitation on individuals, as well as on governments, federal or provincial.

Were those freedoms and rights written into our own Canadian constitution before this Bill C-79, was introduced?

The British North America Act does not contain any explicit statement guaranteeing individual civil freedoms, nor any definition of social and economic rights. But we may say that we find therein implicitly stated, a good part of those freedoms and rights.

In its preamble, the British North America Act states that the Canadian constitution should be similar in principle to that of Great Britain, based on the Magna Carta of 1215 with regard to the birth of the freedom of speech, conscience, association, meetings, of the right to equal treatment before the law and to presumption of innocence as long as guilt has not been established. Thus, our constitution tacitly contained the petition of rights of 1627 and the declaration of rights of 1688. Besides, several provisions of that petition are incorporated in our Criminal Code.

Also, although not conspicuous, social and economic rights are recognized, not by any general system, but by a series of laws governing, in an incomplete way, the field where those rights are formulated, like the right to unemployment insurance and family allowances.

In the Canadian constitution, we note that several rights of Canadian minorities are very specifically protected. Under the British North America Act, the federal government and the provincial governments are absolute masters in their own respective spheres, and may enact laws, provided they respect the rights of minorities.

Some of those rights concerning language and, indirectly, religion, are pointed out in sections 133 and 93.

In the same field, let us not forget equality of representation in both houses of the federal parliament: in the Senate, 24 senators per area; in the House of Commons, proportionate representation according to the population of each province. Furthermore, section 92 reserves to the provinces all matters relating to property and civil rights in the province.

Since 1867, some provinces such as Manitoba, Ontario and Quebec have passed legislation guaranteeing racial and religious freedoms.

However, all those bits and pieces of legislation and constitutional provisions point up the fact that we have no complete definition, no official proclamation of the rights of Canadian citizens. That is the reason why it is now useful and most appropriate to add such a declaration to our statutes, following the example set by the United Nations.

If you look at the various comments in Canadian newspapers, particularly over the last year, and if you consider the views set forth by leading jurists on the scope and value of such a declaration, you find that, on the whole of course, it is an expression of certain Canadian freedoms which have been in existence for a long time and which we want to proclaim formally through this Bill C-79.

If such views are expressed and are not agreed by all, it is an indication that freedom is exercised in this country, but we note that in all those comments, everybody recognizes there are many advantages in this bill.

One of the aims of the United Nations is to achieve international co-operation by developing the respect of human rights and of basic freedoms without discrimination due to race, sex, language or faith. All the members of the United Nations have pledged themselves to take individual and concerted steps towards this aim. Since the charter is a treaty, Canada has a legal obligation to act in this field. It is a project of high inspiration: the aims are among the highest.

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So it is that this bill is a parapet for the government, since it reminds it that it must always keep to the straight and narrow.

Any citizen could appeal to that bill if he thought that his rights have been tampered with. Judges will have the use of an interpretation act and this Bill C-79 at once supplies a basis for the promotion of rights and freedoms.

A few speakers have expressed the fear that provincial rights might be affected by this bill. To this I would reply that a bill has to be read in full and in its proper context. Now the bill as a whole shows that only federal legislation is affected. So much so that any province wishing to pass such a bill, that is a bill of rights and freedoms, will be entitled to do so, whether the province be Ontario, Quebec, Manitoba or any other province. And I distinctly recall that last year Mr. Gerin-Lajoie, one of the recent members-elect in the next Quebec government, had a bill of human rights and freedoms in his program for Quebec. I think that the time has come to define those rights and to embody them in our legislation. The Canadian people, who have already contributed to the common effort in three wars to protect the principles of democracy and freedom, have become more conscious of the importance of defining, first inside our country, the reasons why they accept so many sacrifices. Because of Canada's role as mediator on the international scene its government is bound to provide its citizens with adequate protection before even suggesting to other countries the benefits of democratic principles.

In order to bring to our constitution the wealth of spiritual and Christian values, we should declare that our human rights come from the supreme authority of God. I humbly suggest, if this bill must be studied by a committee, that this point of view be considered.

I sincerely believe that we, Canadians, should recognize, in the very first provision of such an important bill, the reality of the divine authority and the principle that the rights we advocate derive primarily from the Creator.

(Text):

Mr. M. J. A. Lambert (Parliamentary Secretary to the Minister of National Revenue): Mr. Speaker, I welcome the opportunity to speak on this bill at this time. It is not my intention to rehash the arguments

that have been so ably put forward by hon. members who preceded me. However, having heard some of the things hon. members have said I feel compelled to say something in at least partial reply.

I was most interested in what the Leader of the Opposition (Mr. Pearson) had to say and as a lawyer I was pleased to see that he had reached deeply into the writings of members of the profession and drawn at least some of his inspiration from contributions to the *Canadian Bar Review*. However, bearing in mind that these contributions appeared in the March, 1959 issue of that publication it is instructive to read the proceedings of the annual meeting of the Canadian Bar Association held in Vancouver in September of last year. I would direct the attention of hon. members to the publication of those proceedings wherein starting at page 85 there appears the report of the civil liberties section. Frankly one would expect that among lawyers there would be some crystallization of the opinion on the question of the bill of rights.

I recall attending the annual meeting of the Canadian Bar Association held in Toronto in September of 1958 shortly after the first draft of the bill had been presented to this honourable house for consideration by the representatives of the Canadian people. Perhaps it was because the election of 1958 was so recent, but unfortunately it seemed to me that at that time a certain element of partisanship was injected into the consideration given this bill. Members of the association present at the time did not approach this matter objectively. It was finally concluded that members of the association could go back home and study the bill. We observed with what result. Having let their partisan feelings die down and become more dormant they considered the question more dispassionately and we have the articles that resulted including those, for example, that appeared in the March, 1959 issue of the *Canadian Bar Review*.

I was amused while doing some research for material for use in these few minutes at my disposal to find traces of book mice in copies of the proceedings of the 1958 convention. I do not know what the habit is that leads people to draw lines down the side of the pages of library books. Strangely enough the book mouse whose traces I discovered must not have been of our persuasion because every passage which aroused the interest of the book mouse were of those who disagreed with the viewpoint expressed by the author of the bill.

Mr. Deschatelets: It must have been the hon. member for Restigouche-Madawaska (Mr. Van Horne).

[Mr. Lambert.]

Mr. Lambert: I do not think I would undertake to embarrass the hon. gentleman by indicating the identity of the person I think was the imitator of mice and who left his tracks behind.

Let us look at the resolution put forward by the civil liberties section of the Canadian Bar Association, which reads:

> Whereas it is apparent that there is a wide divergence of opinions of the members of the section on the subject of a bill of rights.
>
> And whereas it is imperative that the views of the association should be presented to the joint committee of the houses of parliament appointed to consider a bill of rights.
>
> And whereas it would appear desirable that the views so presented should be those of the association as a whole and not only those of a section thereof.
>
> Be it resolved, therefore, that this section on civil liberties recommends to the council and executive that appropriate steps be taken to ensure that the views of the association—

An amendment is inserted—

> "And to include those articles appearing in the March, 1959 issue of the *Canadian Bar Review*" be presented to the joint committee as the opportunity may arise.

Those were the conclusions of the Canadian Bar Association. I recognize that inevitably there will be honest differences of opinion on a question of such vital importance as that of our civil rights. This question goes to the very root of our being and so we cannot help but differ in opinion to at least some degree.

I believe that the Leader of the Opposition indicated that he was in sympathy with the end purpose of the bill but that he had some differences with respect to the means whereby that end would be achieved. It will always be thus, but no better means within the limitations of our Canadian constitution has yet been suggested.

Again referring to the proceedings of the annual meeting of the Canadian Bar Association, at page 92 of the report there is an indication of the viewpoint of the legal profession of Canada with respect to the bill of rights:

> Now, in civil liberties, the views that are expressed in this association with regard to a bill of rights roughly categorize themselves into four basic views. Those who contend that we shouldn't tamper with it at all, that no legislation is necessary and we will leave it to the developing jurisprudence. Those that like the former bill. Those who say, "Well, a statute is fine but it should be amended." And those (who)—insist or contend for a basic amendment to the British North America Act.

For those who contend that we should not tamper with the present situation at all but should look with confidence to Great Britain where the civil rights we possess had their origin I suggest we should examine their situation to see whether or not there is need

for a bill of rights. If hon. members want some very instructive reading I commend to their attention a book entitled "Laws and Orders" by Sir Carleton Allen which followed the book entitled "The New Despotism" by Lord Hewart. There hon. members will see just what can take place under an unwritten constitution. Those hon. members who were in Great Britain during the war will remember regulation No. 18 (b). Those who are lawyers with an academic bent will also recall the famous case of Liversidge *v.* Anderson.

Regulation 18(b) gave the secretary of state the power to detain any particular person—and I paraphrase—if satisfied that it was necessary to do so. True enough, this was under conditions of war and terrible war, and conditions may be somewhat different. But I think everyone will agree with me, as I agree with the author of this learned text, that regulation 18(b) disappeared none too soon from the statute books of Great Britain. There were other regulations made under their food control—and here it is elementary—any law or any regulation made under any statute should be published and should come to the knowledge of the people who are governed by such laws. And yet food regulations were passed in Great Britain during the war which had written into them, notwithstanding the fact that this regulation was not even published, "it shall be operative, and there will be an offence committed under these regulations by any breach thereof notwithstanding any nonpublication." I know of cases where people were actually convicted who did not even know, had no possible chance of knowing, that such a regulation existed. These are the things that we must guard against. Again, gentlemen, may I commend to you a reading of this text. It will show you what can happen.

No one here will deny that there have been excesses. After all to err is human and we are human; but because we have erred in the past—and I say this without any sense of partisanship—because there have been errors committed in the past and errors could be committed today and errors will be committed tomorrow, is that any argument for not putting on our statute books, in so far as we are empowered in the federal jurisdiction to do so, a statute which will relieve as much as we can against such a form of tyranny? We cannot say that this is perfect; otherwise, long before now this world would be perfect. This group, this nation, has not a sudden monopoly of superintelligence.

However, in commenting further, the hon. member for Vancouver East (Mr. Winch) this afternoon stated that this bill will not create anything—and I am paraphrasing my notes of what he said—people will not realize that this is anything important; that it will not affect their daily lives. What does he want, something that sticks out like the Income Tax Act or the Criminal Code? People are not so conscious of habeas corpus or writs of mandamus, and yet they do know they exist, that they protect. If you asked the average man, what about habeas corpus, I think he would scratch his head and say, what is it? But yet it does exist. The hon. member further said that this should be something more than just a fizzling squib. I suggest to you that this is a beacon; this is something toward which we are pointing.

Human rights and civil rights are not something that you can cram down people's throats. I do not know—the hon. member did not suggest what he had in mind or how he could go about it—whether he wanted something dressed up in fancy language that sounded sonorous. This is a bill in simple language, and those elemental rights which we possess are simple rights.

There are those who complain that this bill has no sanctions; how can it function? But enforceability of a bill does not require a sanction. Surely its enforceability lies in the restoration of an aggrieved right and if subsequently there may lie an action in law. That is something further upon which I do not wish to speculate.

There are others who would object that this is poor timing. Why? Because they say we will not have time to consider it. Most of the arguments that have been put forward on behalf of the opposition against this bill have come forward from the criticisms which appeared in March of 1959, and those self-same gentlemen would be invited to come forward again. Those are not short essays that have been written by those learned gentlemen, but learned discourses. If anyone wishes to go into greater detail to find out what is meant, let him read.

Is there anything to be gained by the reading of those complete essays, by the detailed examination of those self-same authors? Yes, they may be brought forward to explain in part or to elucidate on some particular aspects; but do they have to present the whole case all over again? All it means is that somebody has to go and do a little homework.

There is one final point that I should like to make. This does not exist to such a great extent or it may not exist to such a great extent in the federal jurisdiction, but there has been a tendency in the United Kingdom and here for legislation to be drafted, considered and passed under which authority is

delegated by parliament to boards and commissions which fulfil quasi-judicial functions and from whose rulings there is no appeal. While there may be some argument for finality in some of these matters, it is my firm conviction that that is one feature of our administration as government, be it at any level, which must be curbed rather than extended.

I hope that this bill may serve the purpose of restoring to an individual those rights which may have been removed from him by the decision of a board, commission or official, from whom it is stated that there shall be no appeal. How else can rights be restored if transgressed?

Mr. Martin (Essex East): Will my hon. friend permit a question?

Mr. Lambert: Yes.

Mr. Martin (Essex East): I have been following him with interest, but can he tell us how this bill will deal with rights that may in any way have been affected by decisions of administrative tribunals? What right of appeal will be given against such decisions under this bill?

Mr. Lambert: It would be my view, that under this bill if any of those rights which are enumerated in the bill, if any of those processes which have been enumerated in the bill have been transgressed the provisions of this bill could be invoked to provide an appeal against the ruling; that is my hope. I should like to hear the views of my learned friend from Essex East (Mr. Martin) on this subject.

Mr. Chevrier: Where in the bill does that appear, if I may ask?

Mr. Lambert: There is no definite statement, but I would say that a careful reading of section 3, combined with section 2, in the appropriate cases—I will not say in all cases —will show that this bill may be invoked to relieve against any transgressions of the rights therein enumerated.

Finally, Mr. Speaker, let me say that we have been talking a lot about rights. I would say that we must never forget that for every right there is a concomitant duty; wherever there is a right of the individual as against his fellow citizen there is a corresponding duty; wherever there is a right of the individual against the state there is a corresponding duty; wherever there is a right of the state against the individual there is a corresponding duty. As long as we do not forget that, then we will see to the fulfilment of the preservation of the spirit of civil rights.

In termination, may I quote a citation which appears on the title page of this book, "Law and Orders", which I think is appropriate to our consideration this evening:

> Amongst many other points of happiness and freedom, which Your Majesty's subjects of this kingdom have enjoyed under your royal progenitors... there is none which they have accounted more dear and precious than this, to be guided and governed by certain rule of law... Out of this root hath grown the indubitable right of the people of this kingdom not to be made subject to any punishment that shall extend to their lives, lands, bodies or goods, other than such as are ordained by the common laws of this land or the stautes made by their common consent in parliament.
>
> Petition of the House of Commons, July 7, 1610.

Mr. M. W. Martin (Timmins): First of all, Mr. Speaker, I should like to compliment the Prime Minister (Mr. Diefenbaker) and this government for again taking the lead in following the example of the province of Saskatchewan. I am afraid that this bill in its present form would be no more effective, so far as Canadian citizens are concerned in the various provinces throughout the country, than if when this government followed the lead of the Saskatchewan government in connection with hospital insurance no other province had joined in the plan.

Today we have seen member after member on the government side of the house get up and almost slavishly express his confidence in the Prime Minister. I must confess that prior to the election of 1957 I possibly shared that confidence, perhaps not to the same extent as other hon. members, in the Prime Minister. However, I must say that since that time my faith, if not theirs, has been shattered. It has been shattered for a number of reasons. One of the first reasons that comes to my mind is the year of inaction followed by no action when the rights of Canadian citizens in Newfoundland were affected. Then in spite of all the glowing speeches we heard when the Prime Minister was a member of the opposition, we see four sessions of parliament go by under this government and then in the dying days of the fourth session, amid the rush of extended hours, we finally have this bill before us for discussion. In fact, I believe this is the first time I have had the privilege of speaking in this house after ten o'clock at night.

Then more recently we have seen a violation of human rights that has shaken the world. I will admit that the Prime Minister has told us South Africa knows his opinion. I am sure that most Canadians do not, and certainly those with whom I talked are not sure what the Prime Minister's opinion is of this violation of civil rights that we have seen recently carried out so brutally in South Africa. Furthermore we still see cases in which the very livelihood of civil servants hangs

upon the words of hon. members here, without any trial or any recourse. In fact, we see that civil servants are even being denied overtime pay for the extended hours they work while we are sitting here discussing this bill of rights. In addition, they are denied the right to bargain for that, which privilege other citizens of this country enjoy.

But, both the Prime Minister and the hon. member for Edmonton West (Mr. Lambert) admitted past mistakes. I think the words of the Prime Minister were to the effect that whatever the mistakes of the past, here is a step by which we are going on to the future. When this bill was introduced last Friday it seemed to me that the stage was set just a little too pat. It was introduced on the anniversary of Canada's birthday; all the faithful were here in greater number than normal on a Friday and the galleries were filled. I am wondering, if that was not what prompted some person to send this post card which I received this morning. The message reads:

Exercise your jaws on this for a while.

It contains a cutout of the *Globe and Mail* a little advertisement which reads as follows:

To flee Chauvinism non-citizen needs job and pay.

Mr. Speaker, I agree with hon. members who have spoken so far and who say that this is the first step. I was also pleased to hear the Prime Minister state so clearly that this government is willing to meet half way with any province which desires to extend this bill of rights to their provinces. I hope the example we saw two years ago with regard to hospital insurance catches on just as rapidly with regard to a bill of rights and that the provinces fall in line once the lead is taken by the federal government.

I recall the hon. member for Brome-Missisquoi (Mr. Grafftey) saying before lunch that he greatly feared a C.C.F. bill of rights. For the benefit of the hon. member, if he is not aware of it, may I say this. At the present time we have in our provinces four Tory governments, three Liberal governments, two Social Credit governments and only one C.C.F. government; but that one C.C.F. government is the only one which for years has had on the statute books a bill of rights.

Mr. Martin (Essex East): Alberta has one.

Mr. Martin (Timmins): I noticed that neither the hon. member nor any others on the government side have stated just in what respect they disagree with the bill of rights that is on the statute books of the province of Saskatchewan. Several of the government members stated that new Canadians are calling for a bill of rights. Not only are new Canadians calling for a bill of rights; old Canadians are calling for a bill of rights and they have been doing so for years.

I wonder whether we might not sell them a false bill of goods by just passing this bill of rights in its present form. Maybe they will think that because the federal government has passed a bill of rights their rights are protected wherever they may live in this country. Unfortunately they may find that is not so.

I note that on Friday the Prime Minister said that it is impossible at the present time to get an amendment to the constitution or to get the consent of all the provinces. I also notice that many of the government members have, like parrots, repeated that statement today. However, I have yet to see any evidence, let alone any proof, that this is so. I should like to know which provinces object to passing a bill of rights. Certainly the province of Saskatchewan does not object because it has one on its statute books right now. Surely all the other three parties represented in provincial governments across the country believe just as much in human rights and fundamental freedoms as do the C.C.F. I maintain that we have no evidence, whatsoever, that it is impossible today to get the provinces to agree to an amendment to the constitution which would incorporate a bill of rights that would be applicable to all Canadians regardless of where they live in this country. Why should we at this time pass what in effect will be not much more than an empty shell?

I notice that just in this session the Prime Minister and the government were able to get the ten provinces to agree to an amendment to the constitution with regard to judges' retirement. Surely if they will agree to that amendment they will also agree to something as basic as the fundamental freedoms and rights of the citizens of this country. If we fail at this time to pass an amendment to the British North America Act that will make this applicable to all Canadian citizens regardless of where they may live I would say that we will find ourselves in a position where we will have a bill of rights but it will not mean anything outside of possibly the province of Saskatchewan; however, we will have a bill of rights.

Mr. R. S. MacLellan (Inverness-Richmond): Mr. Speaker, I am extremely pleased to have the opportunity this evening to join hon. members, from all sides of the house in general support of this bill. I firmly believe that when most of the other things we have discussed and most of the other bills we

have passed this year will have been forgotten this bill of rights will be the memento that will make 1960 a memorable year in the history of Canada. In the concept of this bill and in its idealism we have the foremost expression of our Canadianism that we will show to the whole world.

The timing of the bill was excellent. Year after year across countless generations to come students in school will open up their history books to read that it was on July 1, 1960, our Dominion day, that into the parliament of Canada was introduced one of the most important pieces of legislation ever to come before this House of Commons. And the timing is excellent in the session. Most minor things are almost through, and we now have the time, if we want to take it, in which to deal thoroughly with this vital bill. I hope every member of the house will take advantage of his opportunity to speak during the debate on this bill of rights.

It seems to me that we spend too little time in remembering how this nation was born and of what we stand for. It was only a few years ago that this nation was settled. Why? It was settled chiefly for freedom; and no other reason can compare to that one. People from other countries came here to find freedom of worship, freedom of thought and freedom of speech. It was the people of freedom who founded this nation. No matter what we accomplish in terms of material things; no matter what riches we accumulate; no matter the power we may achieve in this world, we should always remember that our strength and our Canadianism comes from the fact that we are a free people; that we respect each other's rights and that out of freedom we have built the nation we have today.

It is a pity that this bill was not passed years ago. What a wonderful thing it would have been if the fathers of confederation could have incorporated it in the British North America Act. What a wonderful thing it would have been if it had been a part of our history all of these years, in a way in which every school child could see it and could understand it. I think part of the reason why the great immigration came to the United States of America in the first half of this century and the last half of the last century was the fact that the United States of America made clear that above all else it represented the land of the free; that there was a country to which a man could come from any part of the earth and find freedom to do as he liked within the law, and to find equality of opportunity among his fellows. That is what we missed in the first 90 years of our life; we should have spelled out for everyone across this world to hear that we stood for freedom first, and that everything else was really secondary to that consideration.

This bill is in two parts. First of all, it is a declaration of our faith in a free Canada and of what Canada stands for in terms of rights of the individual. It is a declaration that we must show to all the world so that everyone will know how we revere the rights of man.

We talk from time to time in this house about gifts to underdeveloped countries. We discuss how we can assist new nations to develop and find the best mode of living and standards. I think more than anything else the gift that Canada has to give to the world is to be found in the fact that we have built this nation in freedom; and that in freedom is the fundamental concept of our Canadianism and our nation. We should take our declaration wherever the Canadian flag flies; wherever Canadians go they should bring with them that Canada is free; that all who live here are free; that we are bound in trust to cling to this before all else.

The first part of this bill is a declaration of basic human freedoms; it is the declaration of our people of our faith, in freedom and justice. The second part of the bill provides the sanction of our declaration. It has been said that this bill has no sanction. What more positive sanction can there be than that which is spelled out? In the future every act which comes before the courts of Canada is to be tested on this touchstone, that it must not deprive any Canadian citizen of his fundamental human rights. This will be the most important act upon the statute books of Canada. Every magistrate, every judge and every parliamentarian who from now on turns to the law of Canada must look at it through the glass of this bill of rights. Section 3 sets forth for everyone who wants to see that no Canadian may abridge the fundamental human rights of his neighbour, and that above all else in this nation we respect human freedoms and the right of the individual.

Consider the race between the ideologies of the world. The only fight we can really put up to communism and its materialistic philosophy is the fact that we are achieving the same material standards as they, or better, and are still free. We have always stood for the principle that the individual comes before the state and that is the foundation of our national heritage. Communistic nations have spread across the world the idea of economic splendour. They say if you toss the control of your life and your freedom into the pot, great economic reward will

flow from your personal sacrifice to the state. Our only answer to that is that freedom comes before all these things; we must have the right to worship the way we want; the right to say what we want, and the right to support what institutions we like and to turn down those we do not like. These are more important than any economic benefits which can be offered to any man.

Mr. Speaker, our pioneers, our first settlers came to this nation to prove just that. They left their homes in England or Scotland or Ireland; and the sunny fields of Europe to carve a new nation. They were ready to leave behind everything they had acquired to travel here where they could be free. We must never forget that.

From the point of view of practical operation the work this bill will do is chiefly as a watchdog over parliament. We will adopt this bill to govern ourselves and to provide that neither by hysteria, nor by carelessness nor by any subtle way will we cut down the rights of the Canadian citizen. We must be careful from now on about delegating powers to others. True, in our common law, in the precedents of English courts and of our own some of the basic freedoms set forth here do exist at law. Most of the safeguards set out in the bill exist somewhere in our case law. But here they provide a safeguard which no one can misunderstand, so that any individual who wants to may turn to this bill for sanctuary, and take it to the courts to seek relief.

Mr. Martin (Essex East): All the freedoms are not here.

Mr. MacLellan: All the basic ones are.

Mr. Martin (Essex East): The political ones.

Mr. MacLellan: The most important political freedom, and the only one which really counts, is freedom of speech, and that is here.

Mr. Martin (Essex East): All the political ones are there.

Mr. MacLellan: All the fundamental freedoms are here, where they ought to be.

Mr. Martin (Essex East): But not the economic ones.

Mr. MacLellan: We are not dealing with economic freedoms. This is a bill which codifies the rights of man we have been so proud of.

Without quibbling or question we will now have these rights as individuals, as Canadian citizens, and any man can go before the courts with a sword to claim his rights. It will strengthen the hand of every judge, and of every lawyer who pleads the cause of the oppressed or of the man shut out from his rights as a Canadian. It strengthens the arm of freedom before the courts of this land.

Our founding fathers established here a special concept of government. It was based on the philosophy that the less government we have the better. The only purpose of government is to guarantee individual freedoms. The chief purpose we pass laws in this course is to protect each other's rights. There is no such thing as absolute freedom; everyone must sacrifice something to the common cause. We cannot all run loose around the nation, we must have law. And the laws we pass every day restrict individual freedoms to a certain extent. But the chief reason why we are here is to protect our human rights and our Canadian concept that the individual comes before the state.

Any democracy must live by rule of the majority. But majority rule is only a way of deciding issues. Majority rule does not make wrong into right. A man can be injured or persecuted by majority rule. This bill is intended to protect the individual and to guarantee he is not trampled on by the majority acting wrongly. The courts have always to some extent provided this defence to Canadian citizens in one way or another; now they have a better chance to do it than ever before.

May I call it eleven o'clock?

BUSINESS OF THE HOUSE

Mr. Chevrier: May I ask whoever is leading the house what we will do tomorrow and Wednesday?

Mr. Brooks: Mr. Speaker, tomorrow we will continue with this debate, second reading of the bill of rights. If we should complete that we shall consider item No. 4, second reading of Bill No. C-82, respecting the department of forestry.

On Wednesday, Thursday and Friday we will take estimates as set out by the leader of the house the other day.

Mr. Chevrier: Has the order been decided?

Mr. Brooks: The same order as set out on June 30. First we will complete the Department of Justice. Then we will take the R.C.M.P., national revenue, transport, external affairs, northern affairs, labour and public works.

At eleven o'clock the house adjourned, without question put, pursuant to special order.

79951-0—361

Question

ANSWER TO QUESTION

The following answer, deposited with the Clerk of the house, is printed in the official report of debates pursuant to standing order 39:

KITIMAT INDIAN BAND EXPENDITURES

Question No. 400—**Mr. Howard:**

1. For each year since January 1, 1956, has any revenue money of the Kitimat Indian band been spent without the consent of the council of that band?

2. If so, upon what dates and for what purposes was each expenditure so made?

Answer by: **Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration):**

1. 1956, No; 1957, Yes; 1958, Yes; 1959, Yes; 1960, Yes.

2. The band revenue funds were expended during the following months for relief to band members under authority of section 66(2) of the Indian Act: 1957, May, September, October, November and December; 1958, January, February and March; 1959, April, May, June, July, August, September, October; 1960, February.

HOUSE OF COMMONS

Tuesday, July 5, 1960

The house met at 11 a.m.

RESEARCH

Second report of special committee on research—Mr. Murphy.

BROADCASTING

PERSONNEL OF SPECIAL COMMITTEE ON RADIO AND TELEVISION

Mr. John Pallett (Peel) moved:

That the special committee on broadcasting appointed June 21, 1960, be composed of Miss Aitken, Mrs. Casselman, Messrs. Asselin, Bourbonnais, Brassard (Lapointe), Caron, Chown, Creaghan, Danforth, Dorion, Drouin, Fairfield, Fisher, Forgie, Fortin, Halpenny, Keays, Lambert, MacEwan, Macquarrie, McCleave, McGrath, McIntosh, McQuillan, Pickersgill, Pratt, Pugh, Richard (Ottawa East), Robichaud, Rouleau, Simpson, Smith (Calgary South), Smith (Simcoe North), Tremblay and Webb.

Motion agreed to.

NATIONAL DEFENCE

BOMARC MISSILE—INQUIRY AS TO INTENTION RESPECTING BASES

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): I should like to ask the Prime Minister whether the government is going ahead with expenditures on Bomarc bases notwithstanding the fact that the right hon. gentleman said yesterday that the full potential of these weapons cannot be achieved without nuclear warheads, and that no agreement had been reached for the acquisition of these warheads.

Right Hon. J. G. Diefenbaker (Prime Minister): There is no change in government policy in that regard.

REPORTED INVESTIGATION INTO ALLEGED IRREGULARITIES

On the orders of the day:

Mr. Harold E. Winch (Vancouver East): I should like to ask the Minister of National Defence whether he can give the house any information on the story reportedly carried on the Canadian Press wires this morning to the effect that the Department of National Defence has had to call in the R.C.M.P. to investigate certain irregularities in one of the branches of the department.

79951-0—361½

Hon. G. R. Pearkes (Minister of National Defence): Mr. Speaker, I was informed some time ago that there were certain alleged irregularities in the interservice equivalents board, and I asked the R.C.M.P. to investigate the correctness of those allegations. I have not received a report from the R.C.M.P. yet.

INQUIRY AS TO RECOMMENDATION RESPECTING NUCLEAR WARHEADS

On the orders of the day:

Hon. Paul Hellyer (Trinity): Mr. Speaker, I should like to direct a question to the Minister of National Defence. Has the Minister of National Defence recommended to the government that Bomarc missiles for the R.C.A.F. should be equipped with nuclear warheads?

Hon. G. R. Pearkes (Minister of National Defence): Mr. Speaker, the Prime Minister made a perfectly clear statement of government policy yesterday regarding the use of nuclear weapons. That statement can be easily understood by anybody of average intelligence. There is, therefore, no need for me to make any further comment.

Mr. Hellyer: Mr. Speaker, there is a certain implication in what the minister has said that I cannot accept at face value, but I wonder whether the minister would accept a supplementary question. Does the minister agree that the authority for the use of nuclear weapons by Canadian forces must come from the President of the United States?

Mr. Pearkes: Again I can only repeat that the Prime Minister covered that point yesterday, and there is no need for me to make any further comment on the matter.

Mr. Pearson: Mr. Speaker—

Mr. Hellyer: Mr. Speaker, I have another supplementary question. I thought the Leader of the Opposition had one. I should like to ask the Minister of National Defence whether in fact he has changed his opinion since he stated to the special committee on defence expenditures—

Mr. Fleming (Eglinton): Order.

Mr. Hellyer: —that his understanding was that authority had to come from the President of the United States?

Mr. Speaker: Order. If the hon. member wishes to debate the matter I suggest that he leave it until the proper time.

Mr. Fleming (Eglinton): And learn to sit down when the Speaker is on his feet.

Some hon. Members: Oh, oh.

Mr. Chevrier: Don't lose your temper.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, may I direct a question to the Minister of National Defence as a man of average intelligence? Will the minister confirm—

An hon. Member: Don't be so modest.

Mr. Fulton: You are one of the three wise men.

Mr. Pearson: —what he is reported to have said outside the chamber, that when the Honest John ground to ground missile is supplied, which will be a year from now, our forces will then have a nuclear capability?

Mr. Pearkes: Mr. Speaker, the Honest John is capable of firing a nuclear warhead. We expect that the Honest John will be supplied to the Canadian forces in Europe in about a year's time.

Mr. Pearson: With a nuclear warhead?

[*Later:*]

Mr. Hellyer: I have one further supplementary question for the Minister of National Defence which may help to clear up some of the confusion.

Some hon. Members: Oh, oh.

Mr. Hellyer: Does the minister believe that within the year the policy of atomic John will have an honest capability?

Mr. Speaker: Order.

HUMAN RIGHTS

REPORTED DISCRIMINATION AGAINST U.S. NEGRO TOURISTS

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I should like to ask the Prime Minister a question based on a newspaper report that three negro tourists from Akron, Ohio, were refused accommodation by the Windsor hotel at Buckhorn, Ontario.

In view of the urgent need to remove all forms of racial discrimination, and for the sake of Canada's good name in international relations, would the minister consider making inquiries into this report; and is he prepared to use his good offices to the end that future incidents of this nature may be avoided?

Right Hon. J. G. Diefenbaker (Prime Minister): First may I say that in so far as discrimination of this or any other kind is concerned, it can only be deplored and condemned in the strongest terms. However, this type of thing—the denial of public accommodation—is a matter which falls within the jurisdiction of the provincial legislatures. The province in question has, I recall, a statute which provides penalties in cases such as this. I am also informed, but only through the press, that the department of the attorney general of Ontario is having the matter fully investigated.

I repeat what I said at the beginning, that there is nothing more serious in the interpretation given to the manner in which freedom is exercised in any country than the denial of public accommodation to people on the basis of colour.

Hon. L. B. Pearson (Leader of the Opposition): May I ask the Prime Minister whether this form of discrimination would be prevented by the proposed bill of rights if it became law?

Mr. Speaker: Order. As we are debating that matter, and since the question is a request for an expression of opinion on the bill which the house now has under consideration and with regard to which hon. members are freely expressing their views, perhaps it can be deferred until we are again considering the bill in question.

POWER

COLUMBIA RIVER—FEDERAL DISCUSSIONS WITH B.C. GOVERNMENT

On the orders of the day:

Mr. J. R. Taylor (Vancouver-Burrard): I should like to ask a question of the Minister of Justice. Can the minister make any statement in connection with his visit to British Columbia over the week end to discuss problems relating to the Columbia river?

Hon. E. D. Fulton (Minister of Justice): I think my answer should be confined to a resumé of the agreed statement which was made at the conclusion of the meeting and which, after recording the names of those who attended, reported the fact that the representatives of the two governments had reached agreement on the position to be taken at the next meeting with the United States negotiators, which meeting is to be held in Ottawa on the 14th and 15th of this month.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, may I ask the minister a supplementary question. Is there now any possibility of an agreement being signed on this matter between the two governments before the end of this session?

Mr. Fulton: Mr. Speaker, I am not in a position to determine when the session will

end. We hope to have a report from the two governments as soon as possible. The actual occurrence can only be determined when we know on what date this session will end.

PENSIONS

INQUIRY AS TO ESTABLISHMENT OF PORTABLE PLAN

On the orders of the day:

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, I wish to direct a question to the Minister of National Revenue. I ask it because many trade unions and many hon. members are confused about the government's position concerning pension vesting.

In view of the fact that when replying to representations made by the hon. member for Welland and the hon. member for Kootenay West for the recognition of the principles of pension vesting the Minister of Finance, as reported at page 4207 of *Hansard* of May 24, said:

> The fact is that parliament has no jurisdiction to provide for vesting of pension rights. This is obviously a matter falling within the sphere of property and civil rights and is a matter strictly under provincial jurisdiction.

And in view of the fact that according to press reports the Minister of National Revenue assured a union committee that his department intends to carry out a thorough investigation of companies which are claiming federal tax exemptions on pension plans which in the past had not been carefully policed, in order to clarify the situation would the minister inform the house whether the government recognizes the principle of pension vesting and now intends to give favourable consideration to representations made by hon. members of this house and representatives of organized labour.

Hon. George C. Nowlan (Minister of National Revenue): Mr. Speaker, that was a tremendously long preamble. I do not believe that is a question which should be properly answered on orders of the day. As was pointed out in one paragraph of the preamble, a copy of which I received only a moment ago because I was in another place this morning, the Minister of Finance, the Prime Minister and myself met with Mr. Don Gillies and other representatives of the mine, mill and smelter workers union and had long consultations with him.

During that time it was suggested that there are certain weaknesses in the administration of the Income Tax Act with respect to pensions. I said that this matter would be investigated. Otherwise, as a matter of course, other than the income tax aspects of it this is a matter requiring further investigation, and I understand one is being conducted by a committee of the Ontario legislature. We will administer the Income Tax Act. I do not think anything further should be said at this time.

INDUSTRY

AUTOMOBILES—REQUEST FOR INQUIRY INTO PRESENT SITUATION

On the orders of the day:

Hon. Paul Martin (Essex East): Mr. Speaker, may I direct a question to the Prime Minister. In view of the statement made this morning to the united automobile workers that the government would give consideration to the establishment of a royal commission to inquire into conditions that now confront that industry, will the Prime Minister give immediate consideration to the establishment of a committee of this house or to an arrangement for joint participation with the committee already established in the other place, so that the elected representatives of the people might give study to this very serious situation?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I think we will deal with the questions in the order in which they were dealt with today. The representatives of the united automobile workers made their representations this morning, and asked among other things that a royal commission be appointed or alternatively that the tariff commission make a survey similar to that made in 1934. That is the matter which at the moment will receive immediate consideration.

With respect to the question of setting up any further committees of the house at this point in the session, I am sure that even if I were to suggest it the suggestion would be met with the same objections, in multiplied form, that I have been hearing in recent days.

Mr. Martin (Essex East): May I ask a supplementary question, in view of the last remark by the Prime Minister. Is he not aware that there are members who regard this problem as so serious that they would prefer to sit here all summer?

Mr. Starr: You want to mess it up.

An hon. Member: Show-off.

Mr. Diefenbaker: Whatever the seriousness of the problem may be, may I say that representatives of the workers asked for a certain course of action, and that is what is being considered.

Inquiries of the Ministry

TRADE

RUSSIA—REPORTED NEGOTIATIONS FOR IMPORT OF OIL AND MOTOR CARS

On the orders of the day:

Mr. Hubert Badanai (Fort William): I have a question for the Minister of Trade and Commerce. Can the minister inform the house whether negotiations for the import from the Soviet union of the most unlikely commodities Canada needs, namely 2 million bushels of oil—

Some hon. Members: Oh, oh.

Mr. Badanai: —two million barrels of oil and 3,000 motor cars are still going on?

Mr. Ricard: You did not have time to study the question.

Hon. Gordon Churchill (Minister of Trade and Commerce): Will the hon. member please repeat the question? I missed part of it.

Mr. Badanai: Can the minister inform the house whether negotiations for the import from the Soviet union of the most unlikely commodities Canada needs, namely 2 million barrels of oil and 3,000 motor cars, are still going on?

Mr. Churchill: Mr. Speaker, I have no knowledge other than from press reports that businessmen are interested in importing those articles. A completely false report has appeared in certain papers and journals in this country to the effect that I made some deal with the Russians with regard to oil. The only specific commodity mentioned in the year-long negotiations with the Russians was wheat.

Mr. Pearson: May I ask the minister when the house is going to have an opportunity to discuss the Russian trade treaty?

Mr. Churchill: Just a soon as it is reported from the other house.

CANADIAN BROADCASTING CORPORATION

"CLOSE-UP"—ALLEGED PAYMENT TO PARTICIPANT FOR FABRICATED INFORMATION

On the orders of the day:

Mr. D. M. Fisher (Port Arthur): Mr. Speaker, I should like to direct a question to the Minister of National Revenue. Is the minister in a position to comment upon a report carried in the Toronto *Telegram* that the so-called divorce co-respondent who appeared on "Close-Up" has stated that the information she gave in great detail on her twilight activities was faked for a fee of $150 from the Canadian Broadcasting Corporation?

[Mr. Diefenbaker.]

Hon. George C. Nowlan (Minister of National Revenue): I heard something of this as I came into the house a moment ago. Together with the Prime Minister, I have been meeting a delegation of the U.A.W. this morning; therefore I have not had time to do my reading of that great family journal. But if the report was carried in the *Telegram* as the result of an interview between a responsible staff member of the *Telegram* and the person in question—that is, if the person was found—and if the report is correct, then it certainly will be investigated very thoroughly by the C.B.C. I can assure the house that this matter was checked upon by responsible senior officials of the C.B.C. in Ottawa and they were assured that the story was authentic.

LABOUR CONDITIONS

UNEMPLOYMENT—REPORTED REQUEST FOR FEDERAL INVESTIGATION

On the orders of the day:

Hon. Lionel Chevrier (Laurier): Mr. Speaker, I should like to direct a question to the Minister of Labour. Has the minister received a resolution from the federation of Ontario mayors and reeves asking for a probe into the serious unemployment condition in this country?

Hon. Michael Starr (Minister of Labour): Mr. Speaker, the hon. member for Laurier is most persistent in his question, but again I must disappoint him by saying no.

Mr. Chevrier: May I ask a supplementary question. In view of the condition as it exists in Canada, with the extent of which I am sure the minister is familiar, will the minister give consideration to the establishment of a committee composed of representatives of industry, management, labour and business to discuss and determine the causes of unemployment?

Mr. Starr: The government realizes its responsibility in many fields, and when it devises ways and means of coping with these problems announcements will be made accordingly.

Hon. Paul Martin (Essex East): May I ask a supplementary question. In view of the importance of unemployment in our country, does the Minister of Labour not think the time has come when his answers to questions should not be of an evasive kind?

Mr. Fleming (Eglinton): The hon. member should look back at the answers he used to give.

Mr. Speaker: The hon. member's question is not evasive—

An hon. Member: It is out of order.

Mr. Speaker: —but it is provocative and contrary to the rules.

COMMONWEALTH RELATIONS

SOUTH AFRICA—REPORTED INDICATION AT CONFERENCE AS TO FUTURE STATUS

On the orders of the day:

Mr. Harold E. Winch (Vancouver East): May I ask the Prime Minister whether his attention has been drawn to the report in the *Globe and Mail* this morning to the effect that in the parliament of South Africa there has been an indication that at the commonwealth prime ministers' conference in London an interpretation was given by the prime ministers of the United Kingdom, Canada and Australia that in the event of South Africa becoming a republic they would give a lead in retaining it in the British commonwealth?

Right Hon. J. G. Diefenbaker (Prime Minister): If the house will allow me to make a general reference preliminary to answering that question, I will do so. The question came before the prime ministers' conference as to whether assurance would be given that in the event that South Africa by a referendum were to set up a republic, the admission of South Africa to the commonwealth might be accepted. That question was dealt with in the report I gave in the house, in which I stated that the particular paragraph in the communique of the conference was to this effect:

> ... that membership in the commonwealth is not a formality. These words speak for themselves. They make clear that the prime ministers were not prepared to give an advance assurance that South Africa might remain a member of the commonwealth in the event that a decision was made to adopt the status of a republic. Therefore, the important point is that if a change of status does take place as a result of the referendum, the consent of the other commonwealth governments will be required as a pre-condition of continued membership.

Then I added these words:

> Again I emphasize the fact that this was accepted by all.

In so far as the question is concerned, may I say most unequivocably that nothing was said by me which would indicate or justify the conclusion that any advance acceptance was assured in the event that a referendum vote was in favour of the setting up of a republic.

FINANCE

INQUIRY AS TO USE OF FOREIGN EXCHANGE CONTROL FUND

On the orders of the day:

Mr. Erhart Regier (Burnaby-Coquitlam): I should like to ask a question of the Minister of Finance. In the light of his reply of yesterday to the hon. member for Welland, may I ask whether the foreign exchange control fund has been used within recent months in order to sustain the value of the Canadian dollar at an artificially high level in relationship to the United States dollar?

Hon. Donald M. Fleming (Minister of Finance): No, Mr. Speaker.

NATURAL GAS

REPORTED U.S. ATTEMPT TO SET PRICES TO ALBERTA PRODUCERS

On the orders of the day:

Mr. G. J. McIlraith (Ottawa West): I should like to direct a question to the Minister of Trade and Commerce. Has his attention been drawn to an Associated Press dispatch from Washington indicating that the United States federal power commission proposes to attempt to regulate natural gas prices to the producers in Alberta? If his attention has been drawn to the article, what position does the Canadian government propose to take in this matter?

Hon. Gordon Churchill (Minister of Trade and Commerce): I have not seen the article to which the hon. member refers, but its subject matter was drawn to my attention many weeks ago. It was based on the report to the federal power commission, of an official who was reporting to the commission with regard to certain export licences from Canada that were under consideration. Whether the matter has gone any further than just that report of an official, I do not know. The most recent information I have is that the federal power commission has not made a determination on the application before it. Until that is done it would be impossible to determine whether there would be any effect whatsoever on Canadian sources of supply or on the amount of money charged at the wellhead or things of that nature.

Mr. McIlraith: I should like to ask a supplementary question. Has the Canadian government any representative following the hearings in Washington in order to see whether any attempt is being made by the United States authority to regulate Canadian producers?

Mr. Churchill: The subject is being followed closely by the national energy board. I have discussed the matter with the chairman. We have stationed at Washington an official of the Department of Trade and Commerce who is an expert on matters of this nature, and he is watching this situation closely.

Mr. McIlraith: If I may, I should like to ask a further supplementary question, Mr.

Speaker. I understand that Premier Manning of Alberta has protested the suggestion by the United States authority, or at least the press report so indicates. Will the minister consider having the Canadian government protest what is attempted to be done if an investigation of the facts warrants it?

Mr. Churchill: Most certainly, Mr. Speaker, if it proceeds further than the stage I mentioned earlier, namely a report of an official to the federal power commission.

SPORTS

OLYMPIC GAMES—INQUIRY AS TO SELECTION OF 1968 SITE

On the orders of the day:

Mr. M. L. McFarlane (Kootenay East): I should like to address a question to the Minister of National Health and Welfare. In view of press reports in western papers, I should like to know the position of the federal government in deciding the location of the 1968 Olympic games. According to the news item, Fernie has not been mentioned as a possible ideal location for this event. Apparently erroneous reports are being circulated in British Columbia that Garibaldi park has been decided on by the federal government.

Hon. J. W. Monteith (Minister of National Health and Welfare): Mr. Speaker, the federal government has nothing whatsoever to do with selecting the site for the 1968 Olympic games.

Mr. Pearson: Oh, oh.

BUSINESS OF THE HOUSE

REQUEST FOR ANSWER TO QUESTION ON ORDER PAPER

On the orders of the day:

Mr. D. M. Fisher (Port Arthur): I should like to ask the Secretary of State whether he will check on a question. I have been waiting for some weeks for an answer to question No. 394. The reason I ask him to do so is that I asked the same question two years ago, on a different date, and obtained the material much more quickly.

HUMAN RIGHTS

MEASURE PROVIDING FOR RECOGNITION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The house resumed, from Monday, July 4, consideration of the motion of Mr. Diefenbaker for second reading of Bill No. C-79, to provide for the recognition and protection of human rights and fundamental freedoms, and the amendment thereto of Mr. Winch.

[Mr. McIlraith.]

Mr. R. S. MacLellan (Inverness-Richmond): Mr. Speaker, when the house rose last evening I was commenting that it seemed to me the bill of rights was divided into two separate sections. In the first place, clause 2 of the bill contains a declaration of the fundamental rights of Canadians as individuals; clause 3 of the bill sets forth the sanctions or the operative part of the bill.

As to the declaration of the rights of Canadians as individuals, it has been said that all the rights that are listed here already exist in the law of Canada. That is true. Indeed, the clause itself says that these rights have always existed in Canadian law. I submit that is the reason the clause "declares" and does not "enact" these freedoms. I think it would have been folly, when these rights and freedoms are already recognized in our law and have been for many years, to have attempted in this statute to enact them.

As to clause 3 of the bill, that establishes a watchdog over parliament and the judiciary to guarantee that these freedoms are not overrun by statutes of this parliament. From now on any man who wants to find out what his rights are need not be a constitutional lawyer or a political scientist able to turn up the cases and the precedents which have been built up over the years. Instead he can turn to the bill of rights. At the same time, if any judge or parliamentarian wants to test any act which has come or comes before this house to see whether it abridges our fundamental freedoms and basic rights, he has only to turn to clause 3 of this bill.

Clause 3 provides that no enactment by statute in the past or in the future shall be applied or construed so as to submit anyone to arbitrary arrest or imprisonment or to authorize or impose inhuman punishment. It provides the right to counsel. All these things may have hitherto existed somewhere in our law, but now they are spread out in this bill for everyone to see.

As far as we as members of parliament are concerned, I think the most important part of the bill is clause 3. From now on we will watch more closely every bill which comes before us, and every act which has been passed will come under the special scrutiny of the public of Canada and the bench who will see that it does not override the fundamental rights and freedoms of Canadians as individuals. It will also ensure that everyone has fair treatment in any contest between the state and himself.

Now, Mr. Speaker, for a few minutes I would like to deal with the prime objection to this bill which has been raised on a constitutional argument. As I understand it, there

are two ways in which the British North America Act could be amended. First, if this bill were to apply not only in this parliament but in every province of Canada, then the provinces would have to join with the dominion in requesting an amendment to the British North America Act. Then the bill as a part of the British North America Act would apply everywhere throughout the nation and in both federal and provincial fields. Or, the British North America Act could be amended under the 1949 amendment, I think it is section 91 (1)(a), since this bill deals only with matters coming within federal authority, by an address of both houses of this parliament to the British parliament.

With regard to an amendment jointly entered into by the dominion and all the provinces, it does not seem to me that we have any right to ask that of the members of other legislatures. We may show leadership to the provinces, and if they wish to do so there is nothing to prevent them from adopting this bill or similar bills in their provincial legislatures. I do not think it is up to us to interfere in their legislatures or to suggest to the provinces what procedures or practices they should follow. We will have shown them here what we think should be the law of Canada, and by doing so we suggest to them that a similar act might commend itself to them.

Mr. Speaker, I think we would be presumptuous if we asked the provincial legislatures to seek an amendment to the British North America Act which would limit the powers and authority of their legislatures when they are now so jealous, and properly so, of the powers of their governments. After all, why should such a bill be placed beyond the reach of the legislatures of Canada? Why should not members of parliament who have brought forward this bill be empowered to repeal it as regards federal matters? This bill has been sponsored by the public of Canada, and I believe the public of Canada wants to retain the right to amend it, to change it, or to repeal it if they see fit to do so.

As to the second method of amending the British North America Act, this parliament could by a joint address ask the British parliament to amend the British North America Act without the consent of the provinces, inasmuch as this statute refers only to matters within federal concern. But what would be the gain from that? We have spoken so many times during this debate of the constitution of Canada. The British North America Act does not constitute the constitution of Canada; it is only that part of the constitution which delineates the authority of the provinces vis-à-vis the federal authority, limiting the authority of each.

The British North America Act does not contain the whole constitution of Canada. Most of the important parts of our constitution are not written at all; they come to us from the customs and traditions of many years. Much of the most important part of our Canadian constitution is to be found in a hundred statutes spread through the statute books and in many decisions of the courts which define the rights of citizens and of legislative bodies both federal and provincial.

Mr. Speaker, by proposing that we pass Bill No. C-79 we do amend the constitution of Canada. We set forth in writing rights which heretofore did not exist in the same form in any statute. We establish a special statute of interpretation and make it part of our constitution, so that from now on all federal statutes are tested in accordance with this one.

An amendment under section 91 (1)(a) of the British North America Act gives us no more, as far as entrenchment is concerned, than this bill does today. A section 91 (1)(a) enactment can be amended by a joint address on a resolution introduced in this house and passed also in the Senate, with one debate in each chamber. But to repeal this act would require not only a resolution but in addition first, second and third readings in this house, providing for several elaborate debates on the bill. I firmly believe that the only way any federal statute can be entrenched is by the insistence of the public of Canada that it remain the law of Canada. If at any time the Canadian people want to change this bill they are free to do so, and we would not want to have it any other way. But certainly to amend the British North America Act would give this bill no sacrosanct quality which it would not have after passage in this house.

In conclusion I would like to express my compliments to the Prime Minister, inasmuch as the introduction of this bill and this debate are in a way the culmination of a major portion of his life's work. Over many years and during many sessions he has advocated a bill of rights which would set forth for all Canadians everywhere what their rights are. He has always advocated that bills passed by parliament should be subject to special scrutiny to see that the fundamental freedoms of Canadian citizens were not trampled upon. He has always felt that there should be a statute which at least declared what our basic rights as citizens are so that any man who felt aggrieved could go before a court and point to a statute on the books which

guaranteed him certain fundamental freedoms, like his freedom of religion, his freedom of speech, his right of freedom from discrimination because of his race, his national origin or his colour, and his right to retain what is his until he is deprived of it by due process of law.

This is the principle of the bill of rights. It is an overriding statute to which any individual can flee for sanctuary regardless of orders in council, administrative regulations or so-called emergency situations that arise in the hysteria of the moment. It is simply a specific, basic recognition of the principle that society exists for the individual and not the individual for society. And if any man ever wishes to show that he has been wronged, he will in the future be able to rely on a concrete statute which places his rights as a human being and as a citizen in this land beyond question or doubt.

Hon. Paul Martin (Essex East): Mr. Speaker, I am sure you will agree with me that in this debate we have listened to a considerable number of constructive and able speeches. Certainly the hon. gentleman who has just resumed his seat has made a speech that deserves the recognition which I give it as being the careful analysis of a serious-minded member who is dedicated, as we all are in this house, to the principles and the concepts of human freedom.

Whether we agree with this bill in the way suggested by its proposer, or whether we seek to improve it along the lines of the suggestions which have been made, notably by the Leader of the Opposition, there can be no doubt that in all parts of this house every hon. member in every political party is firm in the belief that our society, predicated as it is on the existence and continuation of human freedoms, does present to totalitarian countries a unity of understanding and conviction as to the primacy of the individual in relation to the state.

But we cannot agree with the Prime Minister that the measure before the house will, for the first time in Canadian history, recognize in law the freedom of the press. His actual words were:

> —this is the first time in Canadian history that freedom of the press is going to be recognized under law.

That is not an accurate statement of the situation. That certainly is not a correct characterization of the effect of this bill; for the fact is that every human right and fundamental freedom with which this particular measure is concerned is now protected by law in this country. There are now in existence effective legal remedies to protect these human rights in Canada. That has been the situation, and that will continue to be the situation after this bill becomes law.

What are the facts? We have in this country inherited the British traditions of government and constitutional law. We have thereby inherited the historical safeguards of the subject. What are they? They are, in addition to Magna Carta, the petition of rights, the habeas corpus act, the bill of rights and the act of settlement. Our statute law, more particularly the growing body of judicial decisions, gives security to the individual as no other measure, I believe, can hope to do. This bill will not change that. This bill will not add something to our legal safeguards which does not at present exist. This bill has the value of being a declaration of the convictions of this parliament with regard to human rights and fundamental freedoms, but I submit that in its present form it is no more than that.

I do not deny the value of a declaration by this parliament of something that has long been recognized in our fundamental law and which, particularly in the last decade, has been recognized in this country by our courts and particularly by the Supreme Court of Canada. I am sure the Prime Minister wants this measure to be, in its final form, the most responsible and effective measure possible. In order to achieve that objective, I do hope that an opportunity will be presented in a committee of this house to afford to those who by training and interest are experts in this field an occasion to offer submissions.

Reference has been made by many hon. members in the course of this debate to the work of those who in March, 1959 put in writing in the *Canadian Bar Review* their views with regard to the bill of rights now before the house. An opportunity should be given to these gentlemen—to Mr. Lederman, to Mr. McWhinney, to Mr. Bowker, to Mr. Louis-Philippe Pigeon, to Professor Bora Laskin, to Professor F. R. Scott, to Mr. Albert S. Abel, to Mr. Donaldson, to Mr. Carter, to Mr. Mundell and others—of appearing before this committee and putting forward their views on this measure. We should have an opportunity of examining the deputy minister of justice. We should afford the opportunity to all the organizations which have made representations to the Prime Minister and the government in this matter to appear before the committee. In other words, nothing short of the most careful examination of this bill ought to be afforded, no matter how long that takes; because in years to come we will have confusion and chaos in judicial interpretation, in judicial law-making, if this bill does not emerge in a form

as perfect as it is possible for human beings to contrive by the use of words.

I know the deep interest on the part of the Prime Minister in this bill of rights. He and I have been members of this house for a long time, and I do not deny for a moment that his interest in this subject has been one which reflects his own legal training and his own concept of the role of government in society and the importance of freedom in society without which human personality cannot continue to grow and become truly enriched.

But having said that I say to the Prime Minister that this bill is not the best bill that could be brought forward. The hon. gentleman himself, I am sure, would recognize that if he would recall the words which he uttered at the Canadian Bar Association meeting referred to last evening by the hon. member for Edmonton West, when he said that this bill would be introduced at the beginning of this session and that a joint committee of both houses would be set up to give study to its implications and effect.

This bill is deficient not only for those reasons but because of another weakness. I express a prejudice in this area as a common law lawyer. The bill is deficient in terms of its weakness in reflecting the danger of rigid codification. In saying that I pay my respects at once to the civil law lawyers. There is the danger of restriction in trying to put into the document certain existing rights which will be expanded in the light of new situations, as we now know. The rights we talk about today —certainly economic rights and legal rights too—are not those mainly discussed in the last century. In a quarter of a century from now, in the light of this nuclear age, who is going to deny that there may emerge new situations that will create at least concepts of new rights and new obligations?

This bill deals only with our political liberties and with some of our legal rights. It does not deal with economic liberties. It deals with freedom of the press, freedom of speech, freedom of assembly, freedom of association, freedom of conscience and freedom of religion. Yes, it deals with all of these things. These freedoms are now guaranteed under the law of this country as a result of the incorporation into our fundamental law of the great charters to which I referred a moment ago, and more particularly the decisions of our courts, notably the Supreme Court of Canada in such instances as the Switzman case, the Saumur case, the Roncarelli case, among others. These cases now have gone far to establish these political freedoms so inherent in our parliamentary system that they cannot be looked upon as the property of the provinces. One judge has given the obiter dictum that it may even be that this parliament itself could not interfere with these freedoms, although the court has not really pronounced on that subject.

Yes, political freedoms are referred to in this bill, but it is not as a result giving to the citizen a greater security of enjoyment than what is now provided for in the law. Our legal liberties are partly mentioned but not our economic liberties, except for section 2 (a) referring to property. There is no mention nor is there any declaration of the conviction that must stand behind even these newly conceived rights. It may be that it is difficult to put into a charter like this what we mean by economic rights; but at a time when society is evolving and when the political philosophy of every party in this house subscribes to the view of full employment, is it unfair or extravagant to suggest in this twentieth century that we have the right to place alongside our political freedoms, with no less effect, those rights that affect the economic well being of the citizen?

We must not forget that the declaration of human rights to which the Prime Minister attaches so much importance deals in large measure with economic and social matters. The declaration of human rights says that all men have the right to the economic and social discoveries of our age, to the economic and social benefits of our time. The declaration of Philadelphia subscribed to by this country along with all the other United Nations in 1943, declared in as solemn a form as the declaration of independence that the nations that could use their powers and resources to wage war could also use the same powers and resources to provide for economic and social welfare.

I say that a bill of rights is not complete that does not take into account these economic rights. What are they? They are, it is true, tied up in some way with the concept of property, but they go far beyond that. They include such things as the freedom of an employer to hire at rates and under conditions which he may determine. They also include the right of a worker to his job—a proprietary right in his job—and the freedom to strike and to picket within the law, and to bargain collectively. Those are the new recognitions of rights and freedoms which in this day and age cannot be given a secondary place. That was possible in the nineteenth century, but that is not possible today.

Because this bill of rights does not deal with such rights as I see them, it is on that account deficient. Nor does this bill deal with liberty in what one might call its human

rights or egalitarian sense; such things as fair employment practice laws, fair accommodation laws, equal pay for women laws, all laws which emancipate women, the right to election, the right to medical care, the right to disability pensions, and so on. Are we to say that these are not rights? Are we to say that in the objectives we have placed for ourselves we are not to regard these as legitimate aspirations?

They are not absolutes any more than the declaration of political rights and freedoms in this bill can be regarded as absolute. These must be qualified. Freedom of the press is not referred to in the law as an absolute, although in this bill it is referred to as such. Surely in the consideration of the freedom of the press we must take into account that the law has taken in certain qualified safeguards, including the right to take an action for defamation of character, which would be and is a limitation under our law guaranteeing the freedom of the press. And so, Mr. Speaker, the bill is deficient for these reasons. In my judgment an opportunity undoubtedly ought to be given so that we can consider these matters when we get to the committee.

Is it unfair to suggest to the Prime Minister that the bill is somewhat vague and ambiguous in its present form? Are we satisfied, for instance, that the method to which we have resorted in order to incorporate these freedoms is the most effective one? To paraphrase the language of the Prime Minister, we are going to pass a bill that comes within section 91 of the British North America Act. We are not, the right hon. gentleman said, in any way going to interfere with the jurisdiction of the provinces. To that end we are simply passing an act of this parliament, an act with all the ordinary attributes of a bill that might be presented by a government or a private member.

But surely the Prime Minister and all those interested in civil liberties are concerned about the totality of freedom in our country, and not a measure of civil liberties which might be practised in a Canadian railway station, in a uranium plant, or in those areas that come under the exclusive jurisdiction of the dominion. We want to see these freedoms extended and guaranteed all over our country, any place, in any section of our country, and by anyone and for anyone. That is not what this bill does.

We have suggested, first of all through the Leader of the Opposition, that the proper way to bring forward a bill of rights is by embedding it in our constitution. That presupposes an arrangement with the provinces; that presupposes a conference with the provinces and agreement either as to a constitutional amendment through action on the part of this parliament, or through action by this parliament and by all the legislatures.

The Prime Minister has given no indication that he has endeavoured to try and bring about such an arrangement. It may be that as a result of the study which this committee will give—which I hope it will be able to give—to the bill it will be possible for us even yet to suggest to the government that we ought to deal with this matter comprehensively and with all the legislative jurisdictions which have some responsibility in the preservation of human rights in this country.

There are bills of rights now in Alberta and Saskatchewan. If embodying this idea in the constitution is not acceptable, could we not agree to have a conference with the provinces to discuss these matters; could we not at least make an effort to avoid the divisibility of enjoyment of these rights, so at least there could be parallel declarations by all the provinces affirming their conviction in the general declaration that we make here in this bill? That at least could be attempted.

This bill because of its vague language, such as that contained in clause 2 dealing with the question of property and of due process of law, will, I am sure, provide occasion for much litigation and legal argument. It is regrettable that the bill is limited by being made applicable only at the federal level; for in my opinion these questions of civil liberties should not be treated separately and differently in the various divisions of our country, and I am sure no one, including the Prime Minister, wants to see that kind of impression created or that situation developed.

The bill, of course, has many omissions. For instance, it is not clear in clause 3 what is meant by the phrase "all the acts of the parliament of Canada enacted before or after the commencement of this part". Clause 2 reads:

> It is hereby recognized and declared that in Canada there have always existed and shall continue to exist the following human rights.

Then the rights are enumerated. It is not clear that this bill does not in fact in these very words, and particularly those that follow, interfere with provincial matters. Does "Canada" here mean Canada in a geographical sense? I know what the Prime Minister intends. He said in this house it did not; he said this bill was to apply only to matters that came within the competence of the federal government. But the courts, when they come to interpret this bill in relation to other statutes or by itself, will not look at what the Prime Minister said in this house because, under the judicial rules of interpretation, it is not open to any judge, in

order to ascertain the meaning of a statutory word, to make reference to what was said in the debates of parliament or of a legislature. Therefore what the Prime Minister intended will not be applicable or will not assist the judges in arriving at the decisions they will have to make.

There may be something in the argument made by Louis-Philippe Pigeon in the *Canadian Bar Review,* at page 66, in which he refers to Canada as meaning in the geographical sense. If that interpretation is correct, his conclusion is that this is a violation of section 92 of the British North America Act, and particularly of the property and civil rights clause. If that is the situation, if the language is capable of that interpretation, can we not see at once that trouble is going to ensue in the interpretation of this measure unless this imprecision is corrected? It is for that reason that Mr. David Mundell, Q.C. suggests, among three recommendations that he makes, that not only should this bill be sent to the supreme court for interpretation, but that the language ought to be tightened so that nothing is done in this legislation to interfere with the constitutional powers of the provinces.

The same argument applies to the use of the word "property" in clause 2(a). That is a very important consideration. The Prime Minister says, of course, that what he has in mind is property within the control of the federal parliament, property that does not come within the ambit of the property and civil rights clause in section 92 of the British North America Act. That is what the Prime Minister says and that is the view of all of us in this house. But that will not necessarily be the view of the Supreme Court of Canada or of any other judicial body called upon to interpret this measure. Property and civil rights is a cornerstone of provincial authority in our country. They are as sovereign in the exercise of their competencies under section 92 of the British North America Act as we are in the exercise of our powers under section 91. The trouble that will ensue, that is to say the legal controversy that will develop, let alone the political difficulties that will follow, are so apparent that I would hope that when we do reach the committee stage there will be no difficulty in reconciling the situation.

In my judgment this bill does not modify all pre-existing legislation; at least there is doubt about that. The Prime Minister may have positive views. I am sure that when a court comes to consider a particular grievance and is confronted by a statute such as the Immigration Act and this particular legislation it will decide that because of the general character of this legislation it must take into consideration and recognize the primacy of an individual statute. Are we to say that as a result of this legislation, for instance, the Lord's Day Act in Canada is going to be repealed? That must be the conclusion if we are to take the view that this bill as it is drawn at the present time will have an overriding effect on all existing inconsistent legislation, or on all future legislation inconsistent with this legislation.

Mr. Diefenbaker: May I ask a question? In what way is the Lord's Day Act inconsistent with freedom of religion?

Mr. Martin (Essex East): Well, my hon. friend—

Mr. Diefenbaker: I am interested in knowing.

Mr. Martin (Essex East): —knows that for some people the Lord's Day Act is regarded as a limitation of freedom; for other people it is not. My hon. friend knows that is the case. I am sure his question was not intended as a trap. It has been the case that some people have regarded it as a denial of freedom. There are others who regard it as a proper discipline that must prevail in a society that is free. I am merely asking a legal question based on the Prime Minister's own premise as to the effectiveness of this bill. Does it mean that such a measure has to be repealed as a result of this bill of rights?

Let me go further. Must the Immigration Act now be repealed in its inconsistent provisions? Is it a measure that will be repealed, or is it automatically repealed? Last night we listened to a recital of the restrictive features of the Immigration Act by the hon. member for Vancouver-Burrard, who looked upon this measure as a way at long last of extricating the citizen from the restrictive features of that act. I ask the Prime Minister now; once this bill becomes law, assuming it does in its present form, does that mean that the Immigration Act is going to be repealed in so far as inconsistent measures are concerned?

Let us go further. What about the Criminal Code? Will the Criminal Code now be modified with respect, for instance, to its provisions for whipping as a form of declared punishment, having in mind the operative part of this bill? These are points that students of this measure regard as having very practical considerations.

Mr. Diefenbaker: What section of the bill would apply to the Criminal Code; degrading treatment or torture?

Mr. Martin (Essex East): Well, most of the operative parts.

Mr. Diefenbaker: Which ones?

Mr. Martin (Essex East): Let me make my speech and then the Prime Minister can ask questions.

Mr. Diefenbaker: If the hon. member will allow me, will he point out which particular portion of the bill of rights would prevent the application of punishment under the Criminal Code?

Mr. Martin (Essex East): What about section 3 (b), "impose or authorize the imposition of torture, or cruel, inhuman or degrading treatment or punishment"? If that is not contrary to the Criminal Code then I do not understand the English language. Let us go further. For instance, does the word "person" in section 3 (c) include witnesses as well as an accused or a complainant or plaintiff? Are witnesses going to have the right to counsel? What does the word "person" mean? If witnesses are not to have a right to counsel under certain circumstances, are we giving full effect to the right to counsel in situations where, either formally or informally, as Mr. Justice Rand said, a witness is being accused?

Mr. Fulton: Would the hon. member not agree that his question is answered by a reading of the applicable words? Section 3 (c) only applies to a person who has been arrested or detained.

Mr. Martin (Essex East): My hon. friend knows perfectly well that can happen to a witness.

Mr. Fulton: Only if he is arrested or detained.

Mr. Martin (Essex East): The Minister of Justice undoubtedly has read these learned articles. The minister must know that all these points I have mentioned have been discussed, and that concern exists. I am simply raising them now in the hope that the government, either at this stage of our proceedings or in the committee, will deal with these matters effectively.

For instance, let us take section 2. Are we satisfied that we have a clear understanding of what is meant by "due process"? We are all clear as to what "due process" means but, as Mr. Bora Laskin says, it is not sufficient that a man be assured of protection of his person and property under the protection of due process. It is important that we have a clear understanding of what we mean by "due process". Does it mean due process according to law and, if according to law, according to what law; or does it simply mean in this declaratory statement that it is due process according to certain basic standards of justice? That is very important, because if it is the latter then the citizen is not going to receive the kind of protection which, under statutes and under judicial interpretation, normally attends the meaning of the words "due process".

What do we mean, for instance, in section 2 when we talk of freedom? True, under the law as it now exists, and as it is going to be confirmed and further declared in this bill, we will have freedom of the press, freedom of speech, freedom of assembly and association; but are these intended as absolutes in this bill, or are we to take into account, or is a judge to take into account the qualifications that now exist as part of the law? When we talk in this bill, for instance, about trials in public, what does that do to the juvenile delinquents act, where a judge may, under certain circumstances, have a hearing in camera? Is that provision to be done away with? These are questions to which we will certainly have to have some answers.

What is meant, for instance, in section 3 (c) by "other constitutional safeguards"? What are they? Where do these other constitutional safeguards now exist in the law? The fact is that they do not exist in the law. Those are words that have a satisfactory implication when first uttered, but they have no legal substance whatsoever.

I could go on and make other observations with respect to what I regard as weaknesses in the bill. The bill does not in any way provide any method by which its provisions can be implemented. A bill of rights will not do away with conflicts between different persons and groups, nor will it remove the need for compromise with respect to many questions in the operation of our law.

There are many things that this bill could do. The Prime Minister was here last night when the hon. member for Edmonton West spoke. The hon. member spoke of the dangerous implications of administrative decisions, and he paid particular attention to the situation in the United Kingdom. He reminded us of the work of Sir Carleton Allen and particularly of Lord Hewart through his book, "The New Despotism". Does this situation not exist in this country? No one has pointed that out more eloquently or effectively in the past than the Prime Minister.

Mr. Diefenbaker: Ineffectively when you were in power. We are trying to remove those fears now.

Mr. Martin (Essex East): I always gave the Prime Minister careful attention, and whenever he made a submission that I thought was constructive it was generally acted on. But the Prime Minister did not always make constructive suggestions, and

he will be the first to recognize that this is so. If the Prime Minister wishes to egg me on I can go much further in this regard, because I followed with great interest the work of the Prime Minister in connection with the committee that discussed the declaration of human rights and his own particular proposal in 1947 and 1948, under the chairmanship of Mr. Ilsley and Senator Gouin. I know the Prime Minister will have in mind what I am thinking about in that regard, but for the moment perhaps it had better go unnoticed.

The Prime Minister, having spoken of these administrative decisions and their denial of various legal and political freedoms, had an opportunity in this bill to do something about the matter. Why is there no provision in the bill somewhat analogous to the provision adopted two years ago in the United Kingdom and referred to recently by the lord chancellor when he spoke to the bar association of the state of Illinois, and referred to yesterday by the hon. member for Fort William? There could be in Canada as part of this bill a provision such as the United Kingdom now has under the tribunals and inquiries act, whereby a permanent, independent council supervises all government agencies, with special attention being paid to threatened violations. Is that now going to be satisfied by the powers given to the Minister of Justice under section 4 of the bill? The Prime Minister indicates that is so, but surely he is not serious when he nods his head in assent.

Under the bill of last year the Minister of Justice was going to ensure, but under the present bill all he is going to do is ascertain. There is no sanction. All that the Minister of Justice will be required to do will be to examine and see whether any measures have been dealt with that are inconsistent with the general, declared provisions of the proposed bill of rights. There will be no powers given to parliament to cause him to take any steps. In other words there is no sanction and there are no teeth to deal with a situation respecting which certain assignments are given to the Minister of Justice.

In the United Kingdom they go much further. In addition to a public petitions committee, they have recognized the need to supervise administrative or governmental adjudication by means of a tribunal which goes into these matters carefully and is under obligation to take concrete steps. There is need to supervise government regulation and every subordinate lawmaker by means of parliamentary scrutiny or committee. But the suggested powers given to the Minister of Justice will not in any way deal with the situation.

I therefore say this to the Prime Minister by way of summary. I recognize that as a lawyer he has been interested in this problem for a long time. As he will recall, he raised the matter of a bill of rights when I had the responsibility of introducing the citizenship act. At that time I took the view, from which I now do not stray, that under our common law system, based as it is upon the principle of precedent to precedent, we have a safeguard for our rights that is as effective as anything that is provided for in this bill. Our political freedoms are now provided for in the existing law as interpreted by our courts.

The value of this bill, the Prime Minister and others have said, is in its declaratory character. If we want to give a lesson to new citizens, as was suggested, or if we want to bring home to our young and to the citizens of this country at large the value of our heritage of freedom, we could surely have done it in a declaratory way but in a way that would be more memorable than that which is provided for in the dull words of a statute of this house. We could have sought at least to imitate the language of the great prose writers of the nineteenth century, such as Bentham and Mill, who dedicated their lives and writings to the principle of human liberty. We could have had something like the language of Lincoln that would have made an appeal to the new citizens and the other citizens of our country instead of having this drab, weak, dubious and lacking in precision bill of rights which represents an ideal, an honest purpose and a desirable purpose, but which falls short of the mark for the reasons I have mentioned.

Mr. Diefenbaker: May I ask the hon. member a question?

Mr. Speaker: Order.

Mr. Martin (Essex East): I hope this bill will go to a committee so we may be given the opportunity of making it a really respectable and effective document.

Mr. Diefenbaker: I should like to ask the hon. gentleman whether he would tell the house in what bill of rights anywhere in the world, beginning with the United States bill of rights and including the other 29 countries that have adopted a bill of rights, was the course followed of describing freedom in other than the most simple language, indeed in almost the same language that is adopted here.

Mr. Martin (Essex East): I know the Prime Minister asks this question because he wants a serious reply.

Mr. Diefenbaker: I do.

Mr. Martin (Essex East): I want to give him one. The Prime Minister knows as well as I that the bill of rights in the United States had its genesis in the declaration of independence.

Mr. Diefenbaker: No.

Mr. Martin (Essex East): Yes, it did. Two years after that declaration came into being there were refinements put in article form, but the basic appealing language of the declaration of independence is referred to by every young American as his credo.

Mr. Diefenbaker: What about the bill of rights?

Mr. Martin (Essex East): You mean our own bill of rights?

Mr. Diefenbaker: No, the United States bill of rights.

Mr. Martin (Essex East): As I say, it became a refinement of the original declaration of independence. I would ask the Prime Minister to look at the words of Magna Carta, the words in the preamble of the act of settlement, or the words of the bill of rights. He will find that they are words that make an appeal. I say this to the Prime Minister. Are we really making an appeal by this bill when we say:

> It is hereby recognized and declared that in Canada there have always existed and shall continue to exist the following human rights and fundamental freedoms—

That is a statement to which every man in this house fully subscribes. That kind of language, together with that in sections 1, 2 and so on, is familiar to the hon. gentleman, to other lawyers in this house and to all legislators. However, it certainly will not make its appeal to those who are uninitiated in the jargon and the forms of parliament. The Prime Minister has missed a great opportunity by not himself sitting down, as Lincoln did, and writing memorable words for all generations to remember.

Hon. D. J. Walker (Minister of Public Works): Mr. Speaker, Lincoln wrote the Gettysburg address and did so in language of great simplicity and purity, not in the bombastic, arrogant, pompous manner which the members of the opposition would suggest. As a result the Gettysburg address is memorable. This bill of rights, because of the simplicity of its language and because of the clearness of the principle enunciated, will also be memorable years from now, even in the mind of the hon. member for Essex East.

I used to come down to the House of Commons to hear the debates on the bill of rights. Away back in 1942 the Prime Minister first mentioned it. In 1946 it was first debated. In 1947 he made that historic speech which was referred to in the United Nations and which was studied by the United Nations as they drafted that universal declaration of human rights. In all these things everywhere except in this House of Commons the Prime Minister's ideas, views and principles were recognized; but alas, during all these years, right down to the time when the former arbitrary government was cast from power in 1957, there was always a steadfast refusal by every Liberal member of the house and every cabinet minister even to countenance for a moment the suggestion that there should be a bill of rights.

From the visitors' gallery I used to look down in order to see whether my friend the hon. member for Essex East, with whom I used to debate at Hart house, would not stand up in his place and be counted. I looked at my old professor, now the Leader of the Opposition, in order to see whether he would not say something about a bill of rights.

Mr. Pearson: You will soon be up in the There was nothing but silence, nothing but gallery again.

Mr. Walker: Nothing was said, however. arrogant silence—

Mr. Pearson: Arrogant silence?

Mr. Walker: —nothing but a complete and absolute brush off; and if you look at the speech of the former minister of justice, Hon. Mr. Garson, you will find that there was complete contempt for any suggestion that there should be a bill of rights. However, having tasted defeat, and striving desperately to get back into power, what do the opposition do? Not only do they make a volte-face; not only are they in favour of a bill of rights, but they would go much further. They are doing just as they did before that election in 1958 when, with regard to everything we introduced, they said "Me too" and "We will go further".

So it is with this bill of rights. How ridiculous it is to hear the Leader of the Opposition say that this bill ought to be in grand, eloquent language. I suppose he means the language of diplomacy, but no one yet knows what that language means. If my hon. friend the Leader of the Opposition had been a lawyer he would have known that this bill of rights is couched in traditional language for which there are precedents in every court.

It is in language which, when brought to the Supreme Court of Canada for interpretation, will not be that fancy language which the Leader of the Opposition suggests it should be but will be plain, simple language which all lawyers, all judges as well as the plain man in the back concessions can understand. That is why the bill of rights is drafted in the present language.

Mr. Pearson: All except the bar association.

Mr. Walker: The Leader of the Opposition sounded the other day like sounding brass and tinkling cymbals signifying nothing. I do not know who wrote his speech for him, but it did not sound like the old professor who always extolled freedom 35 years ago.

The hon. member for Essex East, for whom I have great respect, made this rhetorical statement: "This is simply a declaratory bill". I infer from that he meant there is nothing substantive in its nature. Nothing could be further from the truth. Can the hon. member show me where in any of our laws and nomenclature there is a clause similar to clause 2(b), which gives the right of the individual to protection of the law without discrimination by reason of race, national origin, colour, religion or sex? Is that not substantive law? Is not clause 3 substantive law, although he is trying to tear it to tatters?

Mr. Martin (Essex East): I do not want to interrupt, but is the minister asking me a question?

Mr. Walker: No, I am answering it. I say, is clause 3 declaratory or is it substantive law, setting up an interpretative rule for all our courts to use in simple, unequivocal language which says in terms that all acts of parliament, past, present and future, shall be subject to this bill of rights? This clause says that all the acts of the parliament of Canada shall—

> —be so construed and applied as not to abrogate, abridge, or infringe or to authorize the abrogation, abridgement or infringement of any of the rights or freedoms recognized by this part—

Is that not substantive law? Is that not putting teeth into all the acts and statutes which have been passed and all the bills which will be passed in the future?

Mr. Speaker, there is our guarantee, right there in clause 3, because this bill of rights is superimposed upon every act and every regulation of the parliament of Canada. There is no law of the parliament of Canada that is not subject to this bill of rights, and here it is for the first time. How blind are they who will not see. It seems ridiculous at this time that we did not have this years ago, when every one of the 29 other countries which have passed a bill of rights saw the necessity long ago.

Mr. Martin (Essex East): I do not want to interrupt, but would the minister permit a question at this time?

Mr. Walker: I regret to say no; I have to open the public works picnic in a few minutes.

Some hon. Members: Oh, oh.

Mr. Speaker: Order. If the minister does not yield he must be allowed to continue.

Mr. Pearson: Then don't be noisily arrogant.

Mr. Walker: The Leader of the Opposition time after time makes these snide remarks, but let me say that the reason I have not replied to him on other occasions is, first, that I have respect for him as a person; and second, I do not want in any way to dim the lustre which he may hold as leader, because I feel confident that as long as he is leader of the Liberal party we will form the government of Canada.

Some hon. Members: Oh, oh.

Mr. Pearson: You are not doing very well now.

Mr. Walker: My next point is this. Is this not an act which can be repealed? This is the point: Every act of the house can be repealed by the house and every constitutional amendment to the British North America Act affecting the rights of the Canadian parliament can only be repealed on a joint address of the Senate and House of Commons. But once this bill of rights is passed, is anybody going to suggest that there is any chance of it being repealed? Because it would take a deliberate act of parliament, and would give rise without doubt to a high degree of debate and would gain much publicity. There is not a snowball's chance of the bill of rights being repealed once it is enacted.

Furthermore, the history of parliament indicates beyond peradventure that where the freedom of man has been incorporated into a statute, no parliament would lightly interfere with that particular statute. One of the purposes of this bill has been to ensure that fundamental freedoms and human rights cannot be secretly or clandestinely done away with. It does not make any difference what stupid government might in another 20 years follow this government. No matter what it does there will always be the bill of rights to ensure that even though an act may have been passed clandestinely or surreptitiously, or people may have missed the meaning of it, there is nevertheless superimposed upon that particular piece of legislation the protective terms of the bill of rights.

The next question my hon. friend will ask is this. Why does not this bill apply to the provinces? The Leader of the Opposition suggested that it should. The hon. member for Outremont-St. Jean, for whom I have a high regard and who does not speak too often in this house, rose in great indignation and said that such a bill of rights would infringe the provisions of the civil code of the province of Quebec.

Mr. Speaker, take your pick; they are a dime a dozen. The Leader of the Opposition would have a bill of rights affecting not only the dominion parliament but all the provincial legislatures. On the other hand the hon. member—

Mr. Pearson: Mr. Speaker, I rise on a point of order.

Mr. Walker: There is no point of order; I am interpreting what you said.

Mr. Pearson: You are not.

Mr. Speaker: Is the Leader of the Opposition rising on a point of order?

Mr. Pearson: Yes, Mr. Speaker, in spite of the minister's assertion that there is no point of order, he having not heard it. My point of order is that I made no such statement in my speech, that this particular bill should be applicable to the provinces, and the minister of course knows it.

Mr. Walker: The Leader of the Opposition suggested that any bill of rights passed by this parliament should be made applicable to all ten provinces.

Mr. Pearson: On a point of order, I made no such suggestion and the minister knows it. I did suggest that we should get in touch with the provinces to see if they would agree to the extension of these principles to cover both the provinces and the federal government, which is a very different thing.

Mr. Walker: I am delighted to hear that the Leader of the Opposition is still making that suggestion. Perhaps he was a member of the government which in 1950 convened the federal-provincial constitutional conference here in Ottawa. It was convened by the then prime minister, Mr. St. Laurent, in January, 1950—and I have here the proceedings, which no one has mentioned so far—in an attempt to arrive at a satisfactory formula to overcome the necessity of going to the United Kingdom for amendments. That constitutional conference met first at Ottawa, and in a hopeless mess and muddle finally, to save face, adjourned and moved on to Quebec many months later, in September of 1950.

Mr. Speaker, I ask hon. members to read the proceedings of that conference and see the attempt which was made to reach common ground with the provinces. There was much said about the tower of Babel about which the Leader of the Opposition seems to know so much. It was really present at that constitutional conference. This conference called by the Liberal government of the day finally broke up in confusion because there was no possibility of reaching any agreement.

Is my hon. friend the Leader of the Opposition now talking with his tongue in his cheek when he suggests that the complete imbroglio of that conference would not be repeated at another conference? Under the circumstances we are doing all we can to pass the best bill we can which will be applicable to the government of Canada and to the laws of the Dominion of Canada. When we have done that we will have gone a long way in bringing about this much sought after bill of rights. We can go on from here; but this is some accomplishment and perhaps some day, if my hon. friend will tell us how we can solve the monstrous difficulties met by this constitutional conference, we may have a bill which will be applicable to all the provinces as well as the Dominion of Canada.

In the meantime we are pointing the way. As some of my hon. friends have said, there is a bill of rights in Saskatchewan, there is a bill of rights in Alberta, and the premier of Ontario has mentioned the possibility of a bill of rights in that province. The new premier of the province of Quebec has suggested that Quebec may have a bill of rights. But to suggest that this ideal which has hung suspended for so long, and that the Prime Minister's pilgrimage, begun back in 1942, should now be dealt with along the lines of the foolish suggestion by the Leader of the Opposition, would only confuse the issue and further delay what we know, at least, we are able to do today.

There have been suggestions that the bill might blot out freedoms and rights which it does not specifically mention. The hon. member for Assiniboia made that point. It was also asked why the economic rights which we now enjoy should not be incorporated in this bill.

Mr. Martin (Essex East): Hear, hear.

Mr. Walker: The hon. member for Essex East says "hear, hear". He is too good a lawyer to say "hear, hear"; he knows better than that. He knows that all you can do in any bill of rights is to incorporate the fundamental freedoms and human rights. To try

to amplify that, to detail it, would only put the Supreme Court of Canada into a straitjacket. In the course of my practice I have appeared before the Supreme Court of Canada many times over the past 30 years. What they want above all other things is simplicity of language, and here you have it; simple, plain language that cannot be misunderstood by layman, lawyer or judge. I submit that if the question of economic rights was laid before the supreme court it would consider the interpretive rule as laid down in clause 3 and say, "Have these economic rights been infringed?" Then it would say, "Let us apply the four fundamental freedoms and other clauses set out in the bill to determine whether that is so". The Leader of the Opposition smiles, but after all the Leader of the Opposition has never been in a court and he does not know what it is all about, and is not expected to.

Mr. Chevrier: I hope you do not carry on in this way in court.

Mr. Walker: As a matter of fact, if the hon. member for Laurier ever got out of the police court it is something I never heard of.

Mr. Chevrier: You are the best expert in police court tactics that I know.

Mr. Walker: In an experience in the supreme court extending over 30 years I never heard of the hon. member for Laurier ever having been in that court, and I think it is fair to say he has never been there.

Mr. Chevrier: When I was there I never used those tactics.

Mr. Martin (Essex East): On a point of order, I believe that what the hon. member has just said—in the heat of debate, I am sure—he will regret having said. He will want to withdraw those remarks; because the hon. member for Laurier was and is a very successful and eminent member of the bar. I am sure the Minister of Public Works will want to correct the implication he has made and withdraw the name-calling, which is not appropriate or suitable to the occasion.

Mr. Walker: The hon. member for Essex East is quite right; as a fellow barrister I withdraw any aspersions on the reputation of the hon. member for Laurier as a member of the bar. At the same time there will not be any aspersions if the hon. gentleman will let me continue my speech without derogatory references to my reputation; if he is unfamilar with my work at the bar, he can look through the law reports of the past 30 years and acquaint himself with it.

Another question raised is whether there are sufficient precedents to establish that the parliament of Canada may pass a bill of rights binding on the legislatures of the provinces. We have only three authoritative cases in the Supreme Court of Canada that deal with this question, and there is complete confusion in the result. I will outline the three cases very briefly. There was the Social Credit legislation of 1938, a record of which is to be found in the Supreme Court Reports at page 100. Then there was Saumur *v.* City of Quebec in 1953, 2 S.C.R. 299, otherwise the Jehovah's Witnesses' case; and then there was the padlock case, Switzman *v.* Elbling, 1957, S.C.R. 285. None of these cases establishes that the dominion parliament alone has jurisdiction to legislate for the protection of fundamental freedoms, nor do these cases lay down any particular proposition in relation to fundamental freedoms that would be binding upon the Supreme Court of Canada or any other court.

So much for a question which has been asked in the course of this debate. If I had time I would like to go into each of those three cases in detail to show that there is no clear-cut and well-defined principle which we could follow.

The Leader of the Opposition also suggested that the matter should be referred to the Supreme Court of Canada.

Mr. Pearson: That was the Prime Minister's suggestion.

Mr. Walker: The Prime Minister did suggest that many years ago in his speeches; and that question, I can assure the Leader of the Opposition, has been canvassed with great thoroughness by the Department of Justice. We suggest that it is important to frame any questions in a manner which would enable us to get a clear answer, but no one has suggested even in a vague form what questions could or should be asked of the supreme court, questions upon which any court could express an opinion that would assist in determining the lines of a bill of rights to be enacted by the Canadian parliament. Also, we do not know what clear-cut answer could be given, in view of the conflict even in the Supreme Court of Canada on this very important piece of legislation.

May I call it one o'clock?

At one o'clock the house took recess.

AFTER RECESS

The house resumed at 2 p.m.

Mr. Walker: Mr. Speaker, at the time of the luncheon adjournment I was attempting to explain why it is preferable not to attempt to include in this or in any other bill of

rights all the different rights and freedoms to which the citizens of Canada are entitled. It would be particularly difficult to set out in legislation the economic rights of Canadians. This would cause confusion because these rights, whatever they might be, are preserved under clause 5 of the bill, which makes quite certain that no existing human right or fundamental freedom is abrogated or abridged. The Canadian public should understand that it was not the intention to enumerate in this bill all the rights and freedoms. It should be clear that it was not intended to undertake to define them in detail, whatever they might be. Clause 5 reads:

> Nothing in part I shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this act.

As I understood the Leader of the Opposition, his chief criticism of the Prime Minister's bill of rights was that there should be greater strictures on use of the War Measures Act. We are not introducing the War Measures Act today nor seeking to have it amended. The Liberal government lived under the act for years and did not choose to amend it. If the Leader of the Opposition feels that this act should be amended, there is a time and place to do so; but it has no connection with the bill of rights. The reason the bill of rights refers to the War Measures Act in clause 6 is so that in the event of war, parliament will first have the opportunity of discussing that proclamation declaring war. That is as far as it goes. If my hon. friend the Leader of the Opposition is as confined in his strictures, as he seemed to have been, to criticizing the War Measures Act and the various clauses in connection with it, I think it is a compliment to the author of the bill of rights that the hon. gentleman had to go so far afield in an effort to find something to criticize.

The bill to amend the Defence Production Act was fought vehemently in the parliament of 1955 and finally passed on the insistance of Mr. Howe, the then minister of defence production. Sections 23 and 24 of that act in particular are for the house an example of the arbitrary measures which will be found to be ultra vires once this bill of rights is passed. The Defence Production Act was amended in 1955, just two years before the previous arbitrary government was thrust from office. The two sections to which I made reference were not renewed. Section 23 made it possible for the minister of defence production to require a person to participate in a defence contract whether or not he wished to do so. Under section 24, where it was deemed necessary for the purposes of the act, the minister by notice in writing could take possession of or requisition any supplies whether or not the owner of those supplies wished to surrender them. I respectfully suggest that due to the present government such arbitrary measures are no longer the law. This is an instance where the bill of rights when enacted will automatically take hold and become effective.

At this time I should give proper recognition to the C.C.F. group. They have always been in favour of a bill of rights. It is not very often that I have the opportunity or the desire, to compliment them. Although the manner in which they would envisage enactment of a bill of rights is impossible of fulfillment, nevertheless their general ambition and desire in this connection is proper and commendable.

What are the effects of the bill as summarized? In the first place, it focuses the attention of the public on civil liberties. In this rapidly changing era, when mobs of students have taken over what appeared to be sound and stable governments in the past few months, it is about time we had some idea in the mind of the public concerning what are our civil liberties. We should know, too, what rights the bill seeks to define. The educational effect of this bill on the public will be tremendous. Where in Canada can there be found in an act a list of the fundamental human rights and freedoms accessible to the ordinary layman? Where else can he look to examine these things and say "These are my rights"?

The fundamental freedoms and human rights cannot be changed either secretly or inadvertently as a result of this bill. In my earlier remarks I discussed in detail the reasons for this. This act when in force will superimpose on every act, past, present and future, and on all regulations under every act passed by the dominion parliament all four freedoms and all human rights. This bill of rights acts as an interpretative rule for the courts in Canada to follow in dominion legislation. I discussed that in detail in my earlier remarks.

Finally, this bill enshrines in a statute for the first time in the history of Canada the rights of the individual. July 1, 1960 was really a momentous day of perhaps greater importance to Canada than we can appreciate at this time. Once passed, every Canadian can pick up the bill of rights and say, "Here are my rights and here are my freedoms." When was there ever before an opportunity for Canadian citizens to do that? What a tremendous thing it is for the youth of our country, for the new Canadians who

did not know what fundamental freedoms meant in the countries from which they came?

Mr. Winch: May I ask the minister a question?

Mr. Walker: Certainly.

Mr. Winch: Do I understand from what the minister has been saying in the past few minutes that with the passage of this bill of rights, any federal legislation which contradicts it will then be declared ultra vires? Do I understand also from what he has said that any federal legislation which may be inconsistent with this bill—

Mr. Walker: Just a minute; will my hon. friend make his speech after I am finished? I will not be long. I shall be glad to answer his questions when I am finished. I am just summing up at the moment. At the conclusion of my remarks I shall be happy to answer that long question or series of questions.

As far as I am concerned, I am going to frame a copy of the bill of rights for every school in my riding, and I am going to distribute 40,000 copies to my constituents. It is about time that Canadians knew what are their rights. I envisage the time when we shall have a Canadian bill of rights approved by and applying to all the provinces. But in view of the imbroglios into which the dominion and the provinces get whenever they start to straighten out such matters as the superimposing of rights, one unto the other, I suggested that until that day is past—and it may still be a long way off—we should pass this bill. We will have pointed the way. We will have a dominion bill of rights. Two of the provinces have already passed bills of rights; others may do so in the future, and the not too distant future.

It is our own earnest hope that as time unfolds, with an appreciation of what a bill of rights can mean when it is fully understood by all the people of Canada, we shall have something which covers not only the dominion but all the provinces. In the meantime, I respectfully submit that this is as far as we can go at the moment, and it is a very long way to go in the circumstances. It has taken 18 years to bring this bill to fruition. In this connection we have one person and one person alone to thank for educating the Canadian public so that they demanded it, and for educating the Liberal party so that they, too, are in favour of it. I refer to none other than the right hon. Prime Minister of Canada.

Mr. Winch: I understood the minister to ask me to wait until he sat down before asking my question. In view of what he said, is it his interpretation that with the passage of this bill of rights, any federal legislation which contravenes the principles of this legislation is automatically ultra vires? I followed the minister very closely. Did he also mean that when we have a statute which imposes or authorizes the imposition of torture, the bill of rights will no longer permit it? Does this mean that I no longer have to introduce my bill for the abolition of corporal punishment?

Mr. Walker: I do not know whether that question of the hon. member is a witty one or whether it is supposed to contribute to the seriousness of this debate.

Mr. Winch: It is a very serious question.

Mr. Walker: The answer to the first part of the question is that the bill of rights does superimpose itself on all dominion legislation. It is so clear in its language and understanding that, superimposed on any act, it will be a very simple thing for the courts to determine whether or not any other act infringes on the superclauses of the bill of rights.

Mr. Habel: Super-duper.

Mr. Walker: The superimposed clauses of the bill of rights.

Mr. Martin (Essex East): In view of what the minister has said about superimposition of this bill on the existing law when it becomes law, and also because of what the minister said when he commented on clause 2 (b), which provides for the avoidance of discrimination, will the minister say whether in his judgment once this bill becomes law it will no longer be possible for the situation to be repeated which occurred in the case of a Negro citizen in Windsor, when that deserving citizen was denied, as the minister knows, the right to a loan under the Central Mortgage and Housing Act? There is a practical case.

Mr. Walker: Yes. My hon. friend is referring to something with which Central Mortgage and Housing Corporation had no concern; it had nothing whatever to do with it. It was a loan made by an approved lender. Therefore let us get that straight in the first place.

Mr. Martin (Essex East): But we guarantee those loans.

Mr. Walker: Quite so; we guarantee them. In connection with clause 2(b), in answer to my hon. friend, this particular clause will be of tremendous help to us in drafting a section to be included in our mortgages. We shall now have extra support for what I

know the hon. member for Essex East is anxious that we should do, namely to include a clause in our mortgages to prevent the discrimination which is referred to here. As a matter of fact, once this bill is passed—my hon. friend now knows it in advance—I intend to announce in the house that from now on we are including such a clause in our mortgages to prevent the discrimination referred to in clause 2(b).

Mr. Winch: Why didn't you do it before?

Mr. Martin (Essex East): The Minister of Justice said you could not do it.

Mr. Erhart Regier (Burnaby-Coquitlam): Mr. Speaker, I rise to support the amendment moved by my colleague the hon. member for Vancouver East (Mr. Winch). May I read the amendment into the record once again:

> That this bill be not now read a second time, but be it resolved that this house is of the opinion that the provinces should be consulted in order to ascertain whether agreement can be reached on the terms of a constitutional amendment to guarantee human rights and fundamental freedoms.

I have listened with a great deal of interest to the contributions made on July 1, yesterday and this morning to this debate. In my opinion the issue now before us is over and above partisanship, and I regret that the Minister of Public Works was the first speaker in the debate to introduce partisanship. Before the lunch hour I heard nothing but a bunch of rubbish, utter unadulterated nonsense and political partisanship in its lowest degree.

Mr. Ricard: Are you describing your speech?

Mr. Regier: Referring and pointing to the bill, the Minister of Public Works intimated—and these were his words—"There is our guarantee". Yesterday, the hon. member for Brome-Missisquoi said, when referring to the bill, "It is enforceable". I have great reservations on whether there is actually any guarantee in the bill before us, or whether it is enforceable at all. The Minister of Public Works also said about the bill, "Here are my rights; here are my freedoms". I doubt the claim of the minister in this respect, and I also doubt his statement that we have one person alone to thank for the bill. I doubt that the Prime Minister is so vain that he would claim that he alone is the only one we should thank for the emergence in parliament at long last of a bill of rights. I believe he will admit that many other Canadians are equally responsible for the debate that is now taking place, even though he was instrumental in introducing the bill at this time.

I believe that much of the optimism expressed yesterday, this morning and on July 1 may be based on rather weak grounds. In looking over the bill I am disappointed in a number of respects, and I believe my disappointment is shared by a good number of the Canadian people. Before dealing with these disappointments I should like to pay a tribute to the men and the few women who have been responsible for adjudicating upon Canadian law over the years. I believe that our courts have gone a long way and have done much to enhance the liberties of each and every one of us. I should like to pay a compliment to these people, because in the precedents established in Canada and in the United Kingdom over the course of the centuries I believe many more rights are embodied than will ever be conferred upon individuals by this legislation.

I know there is always a dividing line between what constitutes freedom and what constitutes licence, and that it is very hard to determine. I do not think any member of the house would say that we should endorse licence. However, I believe we are all sincere in our desire to enhance the cause of individual liberties and freedoms.

The bill now before us has been delayed for a number of years. It is an important bill, and I do not regret for one moment the delay that has ensued. Rather than introducing a bill of this kind and of this significance in the dying weeks of the session, I believe it might have been advisable to delay it a little longer. I believe that the bill should go before a committee, and I welcome that course of action. However, I express regret that, simply because of the pressure of time, the committee is going to be limited in hearing adequate representations from Canadian organizations and individuals who are interested and would like to make a contribution to the deliberations of the committee.

I express disappointment in the bill of rights now before us because I feel that the mountain has laboured and has produced a mouse. I believe that the bill is uninspiring, and I heartily endorse the views expressed by the Leader of the Opposition yesterday in this regard. If the bill is meant to express our ideals, I believe it fails utterly in that respect. If it is to be taken as an expression of our ideals with regard to individual freedom, then all I can say is that I believe we can do much better. I believe there are thousands of Canadians with the ability to express our ideals more adequately than they are expressed in the wording of the bill. If the bill is to be a law, it is inadequate in that regard. It is neither an expression of an ideal nor will it be an adequate act or law of the House of Commons. It falls far short.

It seems to me a placenta, an afterbirth; and, as I said before, the mountain has laboured and at long last has produced a mouse.

It is my contention that Bill No. C-79, an act for the recognition and protection of human rights and fundamental freedoms, is unworthy of the vision that the Canadian people had of the member for Prince Albert in 1957 or 1958. I submit that the bill is unworthy of our heritage. I submit that it is unworthy of the significance of our Dominion day, July 1.

This bill is supposed to protect the fundamental rights of the individual, but I notice that in clause 2 it says that—

> —there have always existed and shall continue to exist the following human rights and fundamental freedoms, namely,
>
> (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law.

I should like to emphasize the words "except by due process of law". These words make a mockery of any pretence that the individual is now being protected against actions on the part of governments. Anything that is done by a government ought to be by due process of law; and while the bill may protect my rights from invasion by another individual, it does nothing to protect my rights from invasion by government because the government always has at its disposal the due process of law. In my opinion the whole reason for the origin of the bill falls down right here in this clause, which contains the words "except by due process of law". I am being allowed to enjoy my fundamental rights with this exception, "except by due process of law". I have those rights only as long as the government of the day deems it advisable that I have them. I feel that the whole intent of the bill is defeated by that little inclusion "except by due process of law".

We have in this bill no protection whatsoever against the law. The law can violate individual human rights at any time a parliament or a government deems it advisable to do so. In the whole bill—and this is repeated and underlined time after time in the bill—the prerogative of the government and of parliament to violate individual human rights is maintained. Any argument that this bill is going to protect individuals from arrogance or from arbitrary decisions on the part of government falls apart like a house of cards.

Mr. Macdonnell: I find it hard to follow the hon. member. Will he permit a question?

Mr. Regier: Yes.

Mr. Macdonnell: Does he not think that, every day we live, we live by due process of law; that every action we take is by due process of law; and that we are protected and governed by laws which are made not by government but by parliament? I find it hard to follow the hon. member.

Mr. Regier: I agree with the hon. member. However, the claim that was made on behalf of this bill was that the bill was going to protect the rights of individuals from arbitrary action at the hands of government or parliament.

Mr. Macdonnell: That is not due process of law. The hon. member is now talking about arbitrary action.

Mr. Regier: Yet the bill retains for parliament and for government the opportunity to violate the right of individuals at any time it deems it advisable to do so.

Mr. Macdonnell: How so?

Mr. Regier: Because, as I indicated previously, the rights are guaranteed "except by due process of law". In other words, the right to own property, the right of life itself, the right of liberty or the right of security of the person can be nullified by due process of law. I do not think that basic contention can be denied.

However, I was going to advance beyond that point. We are even limited in the protection of our rights in so far as individuals can continue to deny us these rights without hindrance. The most I can say is that if my rights are being threatened by another individual, I can appeal to the courts and I may be able to get an injunction or a restraining order. I will say that much on behalf of the bill. However, beyond that I cannot go. Individuals may violate this bill and there is no penalty attached to the violation. They may be found guilty of violating the bill. However, next week they may repeat their offence and they may repeat it the week thereafter. There is no enforcement. There is no recourse except the possibility of withholding an intended action by appealing to the courts and asking for an injunction. The only teeth in the bill, as I see it, are the possibilities of appealing to the courts when one anticipates that the bill may be violated. There is nothing else in it that will enforce the bill.

I therefore find it extremely hard to understand what the Minister of Public Works means when he says that this is our guarantee, and what the hon. member for Brome-Missisquoi means when he says that it is enforceable. I do not realize how it is enforceable when individuals can continue to violate the act ad nauseam, and when the government can use the due process of law in order to

deny to individuals the fundamental rights that are established in the bill.

I especially support the amendment because of the reply of the Prime Minister on July 1 to the question asked by the hon. member for Assiniboia. In reply to the hon. member for Assiniboia the Prime Minister made it abundantly clear that the provinces had not been consulted. I feel that this answer indicates that the bill now before us is less than the best that we might offer to the Canadian electorate at the present time. Apparently no effort was made to obtain the agreement of the provincial governments. Not only do I believe that an effort should have been made in this direction, but I also believe that a bill of rights, in order to be really effective, should be submitted by way of a referendum to the Canadian people at the next general election, especially if there might be hesitancy on the part of one or more of the provinces in reaching agreement on what constitutes or should constitute a bill of rights for the Canadian people as Canadian citizens.

I do not place too much reliance on provincial bills of rights. I do not believe that a Canadian living in one area of Canada ought to have rights that he is not able to enjoy in all other areas of our nation. It is obvious that the government did not even bother to consult with the provinces. They were so intent on making this a bill of their own that they have produced a bill that I consider to be partly a proclamation or a declaration. If it is meant to be that, any master of the English language would say it is a horrible failure in that it does not express our ideals. If it is meant as a law, it is unenforceable and is extremely weak indeed.

The bill in effect does not affect existing legislation. I realize that there is a direction to the courts. However, I believe that any member of the Supreme Court of Canada would say that the direction contained in section 3 of part I of the bill is as wide open as a barn door. There is really no specific order to anyone connected with our judiciary to be found in section 3. It does not affect existing legislation effectively. There is no direction to a court. It does not affect future legislation because under clause 4, as has already been ably pointed out, the minister "shall examine". It does not order the minister to do anything; he shall merely examine, which means nothing. There is no directive there except that he shall examine. It does not say that he shall declare something ultra vires; he shall do nothing except examine. There is not even the order that he shall report to this House of Commons, but merely the order that he shall examine. He can examine until he is blue in the face; if the government has made up its mind it wants to do something it may listen to his advice or it may not, depending on its whim at any particular time.

At this time I would like to ask our Prime Minister where is the committee that he spoke of on January 27 last? At that time our Prime Minister said, as reported on page 390 of *Hansard*:

> I felt and I still feel that one matter that might well be brought before the house would be the setting up of a committee similar to that in the British House of Commons known as the scrutiny committee. It would examine legislation being passed by parliament and already on the statute books, and would examine orders in council, which are not passed by parliament directly, to the end that anything in the nature of a contravention of fundamental freedoms would be brought to the attention of the house as a whole.

At this time, almost six months later, we have heard nothing more of this committee which was supposed to be established. Where is this committee? I asked a little later, on February 4, whether this proposed committee would also examine or be responsible for examining the regulations of the department of immigration. As recorded on page 715 of *Hansard* I said:

> Is the Prime Minister in a position to inform us when we may expect the establishment of a scrutiny committee, such as he announced on January 27; and will this committee be permitted to investigate alleged discrimination because of colour in Canadian immigration regulations?

The answer I received at that time is as follows:

> Mr. Speaker, the first question is the only one I can answer at this time.

Actually the Prime Minister answered both questions.

> When we arrive at that point in the proceedings and I am able to bring about agreement with the members of the opposition as to the establishment of this committee, then, if it is agreeable to the house, the committee will be set up.

I would like to interject here a question to the Prime Minister. Has he consulted with the opposition, or how many more months must the opposition wait for him to consult with them as to the establishment of this committee he offered to set up? The Prime Minister continued:

> As to what it will look into and its powers, I think what the hon. gentleman has in mind has not been the usual practice followed by the United Kingdom scrutiny committee.

In other words, as I read that it is obvious that the regulations of the Department of Citizenship and Immigration are to remain exempt not only from the provisions of the bill of rights which is now before us but also from the eyes of the proposed scrutiny committee about which the Prime Minister waxed so enthusiastic only six months ago.

As I see the bill before us, if it is really going to have some teeth it will mean that Canadians of East Indian origin are going to have the same rights as all other Canadians in the matter of bringing in their relatives. Canadians of Chinese or Japanese origin are going to have the same rights as, say, Canadians of Norwegian or Dutch origin when it comes to bringing in their relatives. If the bill has any teeth at all it will mean a radical and automatic revision of existing immigration regulations.

I believe it will also affect our efforts in regard to world refugee year. I am dismayed and angered every time I watch the television appeal on behalf of world refugee year when refugees in the Middle East are shown on the screen in pictures depicting their deplorable state, and similar pictures are shown of the likewise deplorable state of refugees in Hong Kong. While the dollars are lured out of our good-hearted Canadian taxpayers on behalf of world refugee year, the money is devoted exclusively to the admission into Canada of white refugees living in western Europe.

If the bill of rights means anything at all it ought not only to put an end to this misuse of advertising and the wringing of the hearts of Canadians on behalf of Middle East and Hong Kong refugees, but proper use should be made of the money obtained instead of using it only on behalf of the white people of the world. This government stands guilty of utter discrimination in this regard, and the Canadian Broadcasting Corporation stands guilty of utter misrepresentation of the whole cause of world refugee year and its appeal for funds.

Much has been said on behalf of Canadian citizens of Japanese origin. I would like to say this, and I do not think it has ever been said before since this government has been in office. You cannot grant equal rights to Canadians of Japanese origin until you right a wrong that has never been righted yet. I refer to the confiscation and looting of the assets of Japanese Canadians. I know very well that under the Liberal government an inquiry was held into this matter and many of these wrongs were righted. However, when the offending party could not be located there was no equity restored to the Canadian citizens of Japanese origin who had suffered an undue wrong.

I refer now to the looting of the warehouses in the custody of Her Majesty in Vancouver, when pianos and living room sets were simply stolen; when forest rights were sold for a song to avaricious Canadians; when farms worth tens of thousands of dollars were sold for mere hundreds of dollars, and equity has not yet been restored. Canadians of Japanese origin will never feel that they have been given a square deal until the day, and I hope I live to see it, when the conscience of the Canadian people will move the government of the day to restore to our fellow Canadians that which was so wrongly taken away from them.

I would like to see in a bill of rights a certain measure of protection to the Canadian people from brainwashing. At the present time, because of wealthy advertising interests and monopoly in the field of communication, the Canadian people are being brainwashed indeed. I believe that in a bill of rights there ought to be a decree which would protect our young from being brainwashed. I know people do these things in all innocence, but high school teachers will hand out propaganda to their pupils, and even Sunday school organizations accept the film put out by the B.C. Electric Company in British Columbia, though interwoven throughout the film are the glories of this so-called wonderful organization. Canadians today, especially the younger Canadians, are helpless in the face of the brainwashing that is taking place.

I see no reason why a bill of rights should not also contain economic rights as suggested by other speakers, including the hon. member for Assiniboia and the hon. member for Essex East. I believe there should also be a guarantee in the bill of rights to every Canadian who is willing to work and to every Canadian who, though willing to work, is unable to work through no fault of his own, providing for a basic minimum standard of living; and that should include income, pension, education and health insurance.

It was many years ago that the leaders of the western world in the now famous Atlantic charter announced that one of the ideals of the democratic world was the establishment of freedom from want. I see no reference in this bill of rights to that announcement which was made in time of war. Many years have now gone by, and I contend that what was expressed as an ideal in wartime ought also to remain an ideal in time of peace. Our people must be free in order to progress.

I should like to close by submitting that all progress throughout the ages has always originated with a minority. It has never been in the interests of those in authority to advance mankind; it has never suited the vested interests to do so. It has always been the aim of vested interests to obtain for themselves control of government in order to block progress and maintain the status quo. Above all, it has never been in their interest to remove ignorance and fear.

I feel that the bill now before us is a move in the right direction. I feel, too, that

the amendment is well worth support. However, I regret that after all this effort something more worthy of the expectations of the Canadian people has not been presented at this time.

(Translation):

Hon. Pierre Sevigny (Associate Minister of National Defence): Mr. Speaker, I take great pleasure in rising in this house to express a few personal views on the bill of rights now being discussed.

I believe it is quite desirable to deal with this matter and to reaffirm our faith in the principles which are at the basis of our very life.

I also believe that it is essential for us, the representatives of the people, whatever our political allegiance, to come here and reaffirm loudly in this national parliament what we repeated and even promised many times to those who wanted to listen—to come here, in this house, and state in a loud voice that we are here to serve the most significant rights of the citizen, to serve freedom and to serve democracy.

A very great American, Thomas Jefferson, once said that a bill of rights such as the one we are now discussing is not necessarily effective in all circumstances but that it would always be useful, and almost always effective.

I, for one, think it is necessary for all of us to unite and to reassert in this house our determination to serve the best interests of democracy and freedom.

It is often said, Mr. Speaker, that a great many crimes have been committed in the name of freedom, and unfortunately, one has to admit it, that struggle for freedom and that fight for human rights have caused many crimes.

But this is due to the fact that this freedom, so dear to all of us, and for which we must fight, is worthy of the greatest efforts, the mightiest struggles and the hardest fights. It is our duty to protect it at all times. The safeguard of that freedom, this is our life's ideal, our prime purpose.

Let us remember those far-away days of 1918 when, after four years of bloodshed, the war that was supposed to end all wars was coming to a close.

Then, the victors and vanquished alike declared that, after so many efforts, sacrifices and bloodshed, the free world should realize that human rights and freedom were finally being protected; and with an utter unconcern, countries plunged into a frenzy of pleasures and enjoyment, without giving a second thought to the impending disaster.

Barely 21 years later, the civilized world again found itself in the midst of a war that is considered today as the greatest conflict of all times.

Again in 1945, after all those sacrifices, we all thought: now it is all over, at last human rights are protected. There is no further need to talk about them. War is a thing of the past; there will never be another.

Yet what do we see today, Mr. Speaker? Again we see the known world hovering on the very brink of a conflict which, if it happens, may well involve the destruction of all mankind as we know it. In view of that very grave danger still hanging above our heads, I feel there is a need to reaffirm our faith in the life principles in which we believe. I feel there is a need to proclaim out loud to the face of the whole world that we, here in Canada, believe in freedom and justice.

We are often inclined to say that all the wrongs are on the enemy's side. And it is a fact that, behind the iron curtain, millions of men are living in latent slavery; that millions of men dream only of the day when perhaps a ray of light will brighten their lives and bring them those spiritual freedoms which they know we enjoy. It must be recognized, however, that our side does not hold a monopoly on virtue. All too often we see cases of monstrous intolerance which could quite easily lead so-called democratic countries, which we regard as brothers, into the abyss of communism. Therefore it is to avoid what is happening in those friendly and allied countries that we, in Canada, must affirm and reaffirm our belief in those principles which are the very basis of justice and peace.

(Text):

Mr. Speaker, there is no doubt in my mind that the standard of living of the communist countries has been considerably improved during latter years. It is quite possible that some day the eastern nations will know a standard of material comfort almost comparable to what we are accustomed to, and which unfortunately we accept with such insouciance and carelessness. It is obvious that the leaders of communist Russia and China are striving and working to acquire material wealth for the citizens of their country.

That is why it frequently happens that so many economists and so many people who, heaven knows, should know better, seem to find some good in the doctrines under which these countries live. Sometimes we see some industrialists, professional men or others who

come forth and declare that the system under which these countries live is perhaps not so bad, and they suggest that maybe we should study it more closely. There are those among us who at times may be influenced by this propaganda, and there are some who dream of the day when this system of life will predominate in the world.

There is no doubt that the arguments of these propagandists may have a certain influence on the minds of our population. Today, I do not hesitate to say that what is too often forgotten is that this race toward material wealth and comfort is never accompanied by a similar race toward the attainment of spiritual values. It should be realized that the enslavement of the minds of men and the complete restriction of their right to think, to speak and to pray God as they wish to pray God have always been the aim of the way of life of the communist countries, and these things are in direct opposition to what we believe. If our population could only appreciate the extraordinary value of these rights which we enjoy, and which we too often accept without giving them a second thought, I am sure the communist ideals would never prevail in our land. I am equally sure that these people would realize that the bringing into effect of a bill such as the one before us is an absolute necessity.

In former years I travelled twice behind the iron curtain. Although I admit that during my travels I was received with the greatest courtesy, I nevertheless realized how strained the atmosphere can be in these totalitarian lands. I saw with my own two eyes what fear means. I never saw two people express controversial views in front of each other. Never did anyone confide anything to me unless he was alone, and unless he made sure that no one was within earshot. I know what it means to be scared when you touch a telephone. I know what it means to look for microphones in hotel rooms. I know what it means to be suspicious of the man next to you in the restaurant. I know, because on the few occasions when I could actually speak to someone alone they told me that every move of their every day life must be careful. They must watch themselves because they never know whether a brother or friend is actually an enemy.

At the slightest suspicion the state police grab these people, shut them up with no further explanation and release them if and when they feel that this can be done. I repeat that although I was treated with courtesy, I saw what fear was. I saw fear in the eyes of men, fear in the hearts of women, fear and jealousy of what we have in our land, in this land blessed by God that is Canada and which, unfortunately, we do not always sufficiently appreciate.

(Translation):

Mr. Speaker, it may be that, some day, that iron curtain frontier will disappear. We must hope, as said recently, by one of the greatest men of modern times, general de Gaulle, president of fair France, that soon the imaginary and yet very real iron curtain will disappear.

Let us hope that soon leaders of communist countries, as those of western countries, will realize that the salvation of mankind really lies in lasting peace. It may be that the leaders of great nations, realizing that a third world war would bring about an unprecedented cataclysm and, let us admit it, the end of the world, will find some way of working hand in hand to put a stop to that constant and futile provocation.

Mr. Speaker, when that blessed day arrives, do you not think that our having here a bill of rights, one which very clearly defines the freedoms which are at the basis of our life will allow us to tell all those nations which for nearly two generations, have been in a state of total slavery: these are the life principles in which we believe; these are the life principles we invite you to make your own. Then, together, let us join hands, form a unit, and together, let us work for the greater progress of humanity.

Mr. Speaker—

(Text):

Mr. Winch: Mr. Speaker, would the minister permit a question?

Mr. Sevigny: Would the hon. member mind deferring his question until I have completed my remarks?

(Translation):

Mr. Speaker, I consider it of capital importance at this time that this bill of rights be adopted and that people in the underdeveloped countries be told: "That generosity which has been shown to you—be it under the Colombo plan, or the UNICEF, or any other similar organization—implies no restriction whatsoever." We should tell those nations: "We are offering you this aid merely because we consider that you are our equals, our brothers, and that you are as entitled as we are to benefit from the fruits of this earth." Let us tell them too: "We believe in an ideal of justice and charity, and that is why we come to help you. Personally, I am convinced that, if we spoke to them in

this way, we would make many friends and draw nearer to those people who, if we are unable to help them, are bound to be attracted by the bait held out to them by communist nations.

Moreover, Mr. Speaker, I support this bill of rights for still another reason, one of no lesser importance. Indeed, I personally believe that every truth deserves to be told, retold, reiterated and repeated. To my mind, even on this American continent, it is necessary to state and repeat frequently that we believe in equal opportunity for all and in an ideal of freedom and justice.

Oh yes, Mr. Speaker, many hold the view that the things that happened in the old countries in Europe cannot happen here in Canada. It is stated by many that the developments taking place in other commonwealth countries are restricted to countries abroad and that we cannot possibly fall victim to similar situations.

Yet, Mr. Speaker, nothing is further from the truth. Nothing is further from the truth because we in Canada, as well as people in the United States or elsewhere in the western world, are faced today with the same danger that threatens those other countries. The first of those dangers is intolerance, racial intolerance, intolerance that prompts some people, for reasons of colour, religion, or origin, to mistreat other human beings who, being born in the same country, are entitled to share equally in the privileges existing in those countries.

Does a week ever go by, Mr. Speaker, without our reading in daily newspapers reports of intolerance either in the United States or Canada? Can we say that our entire population is free from those feelings that lead citizens in various sections of our nation to regrettable excesses.

Mr. Speaker, we in the commonwealth regard ourselves as civilized nations; yet just recently, because of racial intolerance, bloody riots have taken place in another commonwealth country caused by the fact that leaders in that country displayed intolerance towards a majority of the people. We now suspect that if this intolerance should continue, a whole continent might very soon be put to fire and sword.

Mr. Speaker, is it not true that hardly 15 years have elapsed since the end of the greatest conflict in history? Is it not true that, at the end of that conflict, we heard of unbelievable acts of savagery committed by a supposedly civilized nation? I am not going to blame the German people for the things that happened in their country from 1939 to 1945; I will not blame them because it might have happened elsewhere. I simply want to say this: if we often restate to our people the principles of life that are the basis of our existence, if we say to our children: you are as free as your neighbour, you have no more rights than he has, but you have as many privileges; if we ward off the menace of hunger and of fear; if we advocate and reassert the advantages of living in an atmosphere of freedom of speech and of thought, I venture to think, Mr. Speaker, that we shall exert a good influence and that we shall prevent some ruler, sooner or later, from taking over the government of our country, from encroaching upon our rights and submitting our democracy to a dictatorship such as those we have witnessed and suffered from.

Germany was one of the most civilized countries of Europe. I must say again that I do not blame the German people for the excesses committed from the time Adolf Hitler came to power until his downfall in 1945. But I submit that once a country disregards the value of the principles of life that must guide it in the choice of its rulers, that country runs the danger of falling under the rule of tyrants and dictators who might easily commit the same crimes of which the nazis were unfortunately guilty.

A very short time ago, in the light of the Eichmann incident, we have had to live over again the atrocious history of concentration camps. Nowadays, as in 1945, it seems frightful that such things could have taken place, but it must be admitted, for it is grim reality. And this happened barely 15 years ago, in a civilized country which unfortunately, by a conjunction of circumstances, fell under the rule of a ruthless dictator.

What occurred elsewhere 15 years ago, is happening today in a commonwealth country. The incidents we read about every day in the papers can easily happen here. It is therefore essential that we have a bill of rights as a solid basis for the principles of justice, freedom and equality in which we believe.

There are some people in this house, Mr. Speaker, and also elsewhere, who say that this bill is unnecessary, that it only duplicates the Bill of Rights of 1689, that it is a copy of the Magna Carta, of the American Declaration of Independence and a mere repetition of old rigmaroles and old stories of which we are surfeited. However, Mr. Chairman, nothing could be further from the truth, because I think if something is really true, it deserves to be told and retold.

Yes, Mr. Speaker, if mankind had more often remembered the great principles that were taught 2,000 years ago from a small mountain in Judaea, perhaps we might have avoided those mass slaughters, those wars to which we unfortunately were eyewitnesses and in which we even fought.

Mr. Speaker, you know as I do that 2,000 years ago, the greatest of all men preached from that mountain the simplest yet most beautiful of truths which, through millions of repetitions, have retained all of their original truth, beauty and purity.

Every day, those simple truths proclaimed by Jesus are repeated, such simple truths as "Love one another", "peace on earth to men of good will", "do not do unto others what you would not have them do unto you". In all their simplicity and beauty, those truths have retained their freshness, and for that reason they deserve to be repeated, just as we should repeat our faith in our way of life, in our freedom, in our right to worship God in our own way, to speak the language we learned at our mother's knee. We should repeat them and repeat them often; otherwise, we will unavoidably be drawn into chaos, disorder and neglect as were those nations who forgot those great truths.

It is often said that such truths are not so very important, not so very serious. Why waste time in platitudes and high-sounding speeches when everyone knows perfectly what it is all about. May I, before closing my remarks, give you an example of the power of words and the power of determination not to surrender to any threat however powerful and tyrannical. We remember, Mr. Speaker, that in 1940, one man, alone, perhaps the greatest of the twentieth century, Sir Winston Churchill, rose, uttered simple but powerful words, and repeated to the flagging forces of democracy: "We shall not flag nor fail, we shall fight on the beaches, we shall fight in the streets, we shall fight everywhere the enemy may be. We shall fight on. We shall never surrender, and victory will be ours because the forces of good are with us." Is it not true that those magic words of Sir Winston Churchill succeeded in electrifying a whole world which then set to work; and is it not true that this marked the turning point of a battle which could otherwise have been an absolute defeat?

Mr. Speaker, let us remember that, in 1942, the victory of the enemy seemed assured and imminent. German forces were closing in on Stalingrad; Rommel's forces in Africa were thrusting back British troops as far as the ports of the Mediterranean; the British were holding on in spite of successive and violent bombings; enemy submarines were sinking ships, and our losses were considerable. Once again, Sir Winston Churchill, as well as the president of the United States, Mr. Franklin Delano Roosevelt, got together and drafted that magnificent document, the Atlantic charter which so aptly defines the purposes for which allied soldiers were fighting, the protection of freedom of speech, freedom of thought, freedom of the press, and freedom from fear.

Mr. Speaker, I do not hesitate to say emphatically that this bill of rights must be supported by each and every one in this house, that this bill is a necessary repetition of the principles in which we believe, a necessary repetition of our creed, of our beliefs and of our aspirations.

In closing, may I say this:

(Text):

During two great world wars the leaders of the times called upon the youth of this country to join the services and go wherever duty called in order to fight so that democracy would live and freedom would prevail, and during two world wars hundreds of thousands of young Canadians joined the ranks and throughout fought with valour and courage so that those ideals which are contained in this bill of rights could prevail and live forever. They fought for those ideals; they died for those ideals.

(Translation):

I think that by enacting this bill of rights, we are paying homage to those great soldiers; we are saying to them that their sacrifices were not in vain, that they died for a good cause, that they had to die for the things in which they believed, but that we, the living, place great value on their sacrifice and do not hesitate to say in the face of Canada and the world that we are ready to fight again as they did because freedom, great and holy freedom, is the most beautiful thing in the world.

(Text):

Mr. Winch: Will the minister permit a question?

Mr. Sevigny: With pleasure.

Mr. Winch: In view of the emotional and I trust sincere statement—

Some hon. Members: Oh, oh.

Mr. Winch: —the minister has made about freedom for Canadians—will the minister state what position he took as a member of the cabinet of Canada in forestalling the denial of free association to trade unionists in Newfoundland when the cabinet had the power to do so? Will he also state, in view of his interpretation of the bill as enunciated by him, whether there is a guarantee that under this bill when passed never again will workers anywhere in Canada be denied the right of free trade union association?

Mr. Sevigny: Mr. Speaker, I believe that those who know me know that when it came time to defend our freedoms and our liberties I was not the last in line.

Mr. Winch: You were a cabinet minister before time ran out.

Mr. Sevigny: Second, may I tell him that I cannot reply to his question concerning trade unions because I was not associated with this matter when it actually presented itself. Third, I can tell him that we in the Conservative party are just as anxious to serve the Canadian people as are members of the C.C.F.; and instead of obstructing progressive measures, as we see continually happening in this chamber, we try to work for the better interests of the people to whom we are dedicated and whom we promised to serve.

Mr. Winch: Mr. Speaker, I rise on a question of privilege. I understood the minister to say in answering my question that he was not a member of the cabinet when time ran out with regard to the matter in Newfoundland. If he said that, it is not so.

Mr. Deputy Speaker: Order. The hon. member for Cartier.

Mr. Winch: He was a cabinet member and he had the power.

An hon. Member: He did not say he was not.

Mr. L. D. Crestohl (Cartier): Mr. Speaker, on the last occasion when a similar bill was before the house, as well as on this occasion we have heard, and no doubt will hear, very eloquent and forceful addresses on this most basic subject. I had the privilege on the last occasion of making some observations on that bill, and I should now like to supplement what I said then. While the addresses that we hear are most eloquent and, as I said, forceful and laudatory, it strikes me as if some of our colleagues seem to think there is a contest as to whether or not the bill deserves support. I should like to submit that there is no contest here as to whether a measure of this kind is a desirable one. I do not think there is anyone in the house who will contradict that statement. However, I am afraid that we have taken our eye off the target.

It is my respectful submission that what we should be concerned with is an examination of this legislation in order to see whether it contains those ingredients or those clauses which a bill of this kind should contain. I should like to suggest that we should address ourselves principally to the question of whether the measure is in the form in which it can attain all of the objectives sought by every member in this house. Of course the bill repeats all the platitudinous hopes, dreams and aspirations since Magna Carta in the year 1215; later the English bill of rights in the year 1689, the French declaration of the rights of man proclaimed in the year 1789; even more recently the preamble to the United States constitution and to some extent the Gettysburg address; and similar pronouncements by nearly all countries in the world.

There is but one basic difference, Mr. Speaker, namely that the others were all unanimously accepted and approved by all the people and all the sections of the countries in which they were proclaimed and became the particular constitutional bases of those countries. The present bill lacks exactly that unanimity and constitutional strength which the others have had, and that is the matter which concerns us. It may be a pretty and pious hope to present a piece of legislation of this kind. However, let us see whether it is effective or whether it can be effective.

I would point out that only the unanimity which accompanied the other legislation in the other countries can give this measure any meaning and effectiveness. Otherwise it is just a repetition, as I said, of pious hopes which have been stated and repeated in this house many times. The bill itself is not fundamental. It is not a part of our constitution, nor is it even suggested that it can become a part of our constitution. To me the measure itself lacks permanence. It can be repealed at any time. It is only an act of parliament. It is quite obvious that it does not retain that permanence that a constitution has.

Moreover, to me the measure also has another shortcoming. As has been said in so many different ways, it lacks soul and it lacks heart. To mean anything it must be a piece of legislation that will be ingrained into the very fabric of Canadian conviction. It should

be taught in all schools and should be almost religiously accepted by all Canadians. I do not think it can achieve this permanence by this rather prosaic, unrealistic, unimaginative and unappealing language.

It must be accepted by the parliament of every province without a single exception. Otherwise how can we protect people against invasion of civil liberties by provincial legislatures which enact laws in connection with matters over which they have constitutional jurisdiction such as property and civil rights. In this chamber this very morning we heard of a very poignant and classic example of how it is possible to have a conflict between federal legislation and provincial legislation which basically defeats a bill on human rights. We heard today that three people, with skin of a different colour from ours, were denied admission into a hotel in Canada. The Prime Minister (Mr. Diefenbaker) eloquently and justly took the position that a thing like that should not be permitted in this country. When my leader asked him whether this is in conflict with his bill of rights the Prime Minister did not answer whether there was or was not any conflict with his bill of rights. All he said was that it was a matter that falls under the jurisdiction of the provincial legislatures.

You have here a classic example indicating that the bill now before the house would not and cannot remedy the situation about which we heard this morning, quite coincidentally. If the federal parliament had the authority to enact legislation which could remedy a situation of that kind I am sure the Prime Minister would have had such a provision in his bill. He did not say so in so many words, but I noted that he was visibly disturbed by the incident. It was an unusual incident to happen in a country that is presenting a bill on human rights and fundamental freedoms. Surely the Prime Minister was disturbed by it. Yet he tells us almost, in language out of his own mouth, that this bill of his that he is presenting to the house cannot remedy such an injustice as this which we should not have in Canada.

As I said, we support the measure in its theory and its principles but we say that, unfortunately, it does not remedy those faults which exist in Canada and which the bill should remedy. It may be able to go that far; it may be able to reach into those avenues in which these unfortunate incidents happen if it were studied and presented in a form which will make it constitutional so that it will become a basic part of our constitution.

It has been suggested by a number of hon. members who have spoken that this might be done, either by a conference with the provinces or by other means. I would point out that there are many examples of such conflicts. It should be the duty of this house —and we are all concerned—to find a correct constitutional measure and we should give study to the matter.

In addition to the other suggestions that have been made as to how it could become constitutional, I would not hesitate to suggest that the government should appoint a royal commission on which would be represented provincial legislatures and constitutional law authorities, and that they should sit together, consult with each other in order to work out a proposal for a bill of human rights and fundamental freedoms. When it is approved by this royal commission, let each one of the members go back to their own legislatures and present that bill which has been unanimously accepted and found to be constitutional. If each legislature without any exception will approve that measure, then we have unanimity in the country or a form of unanimity which can then make it constitutional. Then we have it incorporated into our constitution and there we have something of permanence. What we all seek is a constitutional and political guarantee for a complete and comprehensive bill of rights and not a political, personal or academic exercise in political science.

The measure should supersede narrow and parochial legislation or regulations on immigration, refugees, stateless persons and the like. Legal scholars and constitutional lawyers and recognized authorities have given their carefully studied opinions that the present bill falls far short of being constitutional or one that can be effective in any way.

That is a serious thing for members of the house to consider. I do not think it is a waste of time in going through this exercise. I think there have been some splendid speeches and the more we talk of these things the healthier it is for the country, but let us not close our eyes and say that just because this has been presented it is the best thing. It is not the best thing. Constitutional lawyers have pointed out that legally it will not stand up.

I should like to address myself for a few moments to the point that the bill falls far short of being completely comprehensive. May I point out a typical illustration of what I have in mind. I am not going into the clauses in detail but I will have to refer to them to illustrate. In clause 2 we find this language:

> It is hereby recognized and declared that in Canada there have always existed and shall continue to exist the following human rights—

I draw the attention of the house to those words. They are there as if to say that no other rights than those listed in this clause have ever existed in Canada before, that these are the only rights which have existed in Canada. I do not admit that. We do not know what the rights are in precise language. If, for example, instead of saying "the following human rights" you said—

Mr. Browne (St. John's West): Could I draw the hon. member's attention to clause 5 of part II?

Mr. Crestohl: I will come to clause 5 of part II, but this is the language we are dealing with. If this clause had read that there has always existed and shall continue to exist in Canada all the known human rights, including the following, that language would be all inclusive. We would have been sure that that would cover every conceivable human right, whether listed in clause 2 or not. The Prime Minister, being an able lawyer, will readily see that there is a difference. He is stating to the world that these rights which are mentioned in clause 2 have existed in Canada only up to the present time.

Mr. Chambers: Read clause 5.

Mr. Crestohl: I have read clause 5 and I will come to it, if the hon. member will be patient for a few moments. I cannot ignore clause 2.

Then a little further down in clause 2 we find:

(b) the right of the individual to protection of the law without discrimination by reason of race,—

Et cetera. To me that is faulty because it appears as if the individual has the right to the protection of the law against discrimination by reason of race, colour, and so on. I submit respectfully that the bill of rights should clearly declare that the individual has the right to be free from discrimination by reason of race, national origin, colour, religion or sex. He should have the right to be free from all these things and to the protection of the law when his rights are invaded. But to say that he has the right to the protection of the law could imply many things which are not intended. If you were to say that the individual shall be free from discrimination by reason of race, colour or creed and that he shall also have the right to the protection of the law when these rights are invaded, that to me would be a very complete statement.

Then lower down we find:

(c) freedom of religion;

That is all it says. I would prefer to see the words "freedom of religion to profess and practise it according to one's own belief and conviction". A man may have the right to freedom of religion but may be prevented from professing it or practising it, and I think that is another fault. I suggest that when we limit our rights we have to examine them minutely and carefully to make sure nothing is overlooked.

Then we have in (d) freedom of speech. I would prefer to see the words "freedom of speech, but not to incite treason or hatred amongst men". We have heard it said that people who make violent attacks in speeches against others have freedom of speech, a right to their own opinion. But we have no reason to incite hatred amongst men and we can say so by reducing that to writing and putting it in a bill of rights.

Then we have in (e) freedom of assembly and association, and I say that that is faulty also. It would have been complete if it had read "freedom of peaceable assembly and association". I think that would make it constitutional and much more acceptable.

Then we have (f), freedom of the press. Again I would include here "but not to incite or unlawfully malign". Under the heading of freedom of the press many scurrilous pamphlets and magazine articles are written and circulated in Canada. I am sure that every time members of the house see them on their desks they must be stirred and wonder why it is that such horrible literature is permitted to go through our mails. Attempts have been made to stop the circulation of these pamphlets. Literature is a very good thing but the moment it starts to incite race hatred and hatred amongst men, when we circumscribe these rights into a bill of rights the people who are guilty of those activities should be clearly told "You have the freedom of the press but you have not got freedom to malign people, to circulate scandalous and scurrilous literature to preach hate amongst people and between one Canadian and another." That is not freedom of the press. I am the last in this country who would in any way obstruct freedom of the press or freedom of speech, but when these things are reduced to the point where they are taken advantage of and do more harm than good, then while writing a bill of rights we should write it with all the clarity and security we possibly can.

I also say that I believe there have been many freedoms which have been omitted from the bill. There have been some observations made by some hon. members, but not one of them have included the phrase "freedom of work" and "freedom of trade union association". That is sometimes questioned. Either a man is free to do that or he is not. If he is not, let us not be afraid to say so. We should say that an individual should have freedom of work or freedom not to work,

because if I have not freedom not to work and I am forced to work, that is slavery. Surely that is not intended. Therefore this measure should contain the provision that there shall be freedom to work or not to work.

Next, I would suggest the addition of a further provision to this clause entitling students to seek enlightenment at institutions of learning regardless of race, colour or creed. That should be clearly stated in the bill. There was an instance, which has already been mentioned in this chamber, where a man of oriental origin applied to three universities, which he named, for permission to study medicine, but he was refused admission to each of them. If a man wishes to study he should have the right to study and should not be refused admission to places of learning because of his race or colour. I do not think we want ever to reach a stage where there will be segregation in any of our educational institutions, and that should be clearly stated in our bill of rights—that there should never be segregation of students in our schools.

There are a number of other matters that need careful attention, although this may not be the time at which to carry out such a process. There are so many flaws which are apparent in this measure that some mention must be made of them and a really dangerous situation arises when a list of specific rights is drawn up and put down in such a measure as this, in which it is said: these are your rights in addition to any others which have existed. I refer hon. members to clause 3, subclause (e) where a person may not be deprived:

> —of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations.

A fair hearing by whom? The wording should continue "by an impartial tribunal, and/or a court of law". If that is what is wanted, then spell it out.

Mr. Speaker: With deference to the hon. member, his line of argument now would seem to be more appropriate for the committee stage. He is dealing with the verbal content of the clause.

Mr. Crestohl: I was a little apprehensive that I might be encroaching on that rule of our chamber. But we have had some latitude extended because this is a matter of proposing amendments, and while I am speaking on the measure I throw these thoughts out and they can be considered. I feel that my argument is a little thin—

Some hon. Members: Hear, hear.

Mr. Crestohl: Yes, and take note that I am the one who knows it. I wish a few more hon. members would know when their arguments are just useless and impotent. With them it is always "my prime minister, right or wrong".

An hon. Member: Correct.

Mr. Crestohl: I have not taken that position. One more point in connection with this clause, and I promise you, Mr. Speaker, I will not belabour it. In the very next paragraph there is a contradiction, because it says that no person shall be deprived of the right:

> —to a fair and public hearing by an independent and impartial tribunal for the determination of any criminal charge.

The previous paragraph makes reference only to a fair hearing. Why should the provision not be the same in each case? If in principle a person is entitled to a fair and public hearing, why should that not be the procedure in both these paragraphs? Why should the hearing be fair in one case, and fair and public in the other?

The last objection I wish to raise is in connection with clause 4 outlining the duties of the minister of justice. According to this clause, the minister of justice has the duty of examining all regulations that are submitted to the clerk of the privy council in order to determine whether or not they are consistent with the provisions and principles of the present bill. I say that is giving the minister the right of veto, and that is a right which no minister should possess. Supposing, for example, that a backbencher wanted to introduce a bill either to amend existing legislation or to introduce new legislation. The minister of justice would have the right to say: no, we will not admit your bill because it is inconsistent with these provisions. I think that is not conferring a right but removing a right which members of parliament already have, and such a power should not be left to a single minister of the crown.

Mr. Fulton: Would the hon. member not admit that in respect to this question the bill now before the house is far less objectionable than the bill as introduced in 1958, in that it does not now give the minister the arbitrary power to which he has referred.

Mr. Crestohl: I do not think the powers granted then were acceptable. I do not think that all that authority should be vested in one minister.

Mr. Fulton: Would the hon. member point out to me where any absolute power to forbid the introduction of legislation is given to the minister of justice in the bill now before the house?

Mr. Crestohl: In that case, perhaps the minister would interpret for us the purpose of

the clause. One hon. member who spoke a short while ago did say that it was meaningless. Suppose the minister does find that a regulation is inconsistent with the principles of this act. Would that be just an academic exercise or would he do something about it?

Mr. Fulton: I shall be glad to explain that when we come to the committee stage. It was not intended to give the minister of justice dictatorial power, but merely to ensure by an expression of parliament that the minister of justice, whoever he might be, does carry out his duty with regard to the review of legislation and regulations.

Mr. Crestohl: I do not think anyone has ever questioned whether or not the minister is performing his duty in examining the legislation that comes before the house. Here it states clearly that:

> The Minister of Justice shall, in accordance with such regulations as may be prescribed by the governor in council, examine every proposed regulation submitted in draft form to the clerk of the privy council pursuant to the Regulations Act and every bill introduced in the House of Commons, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this part.

My question is this: supposing the minister comes to the conclusion that a regulation or a bill is inconsistent with those provisions—what will the minister do? Or suppose the minister comes to the conclusion that it is not inconsistent, what will the minister do? This clause is really meaningless. I can believe that the minister would examine it and give it a fine, academic, legal examination. To make the provision meaningful it should provide that after examination by the minister, if he concludes it is inconsistent he should say so and make a report and reject it. I see no purpose for this clause being included.

There should exist in Canada a parliamentary committee like the one that exists in other countries. I was discussing this matter today with a member of one of the Australian legislatures who said that they have a committee which supervises and investigates possible abuses of purely administrative powers and the regulations which are established by order in council. We have no such committee in this parliament.

An act of parliament gives a minister the right to set up regulations for the administration of his department or for the discharge of that particular measure. The regulations are set up, passed by order in council and move into the law of the land without being scrutinized or discussed by parliament. It is these regulations that should be examined by a committee of this house. It would be helpful if we had a committee like those which exist in Denmark, Australia and in the mother of parliaments to examine and scrutinize the regulations which become part of the law by order in council whether we like it or not. I do not know whether the regulations should be examined before being submitted to the governor in council for approval or after they have been passed but they should be scrutinized at some stage. It is necessary to assess them because some of them may be abusive. I could cite instances of regulations which almost have the effect of nullifying existing legislation or rights.

Perhaps I should give one illustration. I refer to the law adopted last year concerning humane slaughter. I shall only repeat what I said then. I am speaking just as an individual. I have freedom of religion and the bill before us will affirm this; yet, through the regulations of a department there might occur an invasion of my right to enjoy freedom of religion. That is the kind of regulation that should be examined by a committee of this house composed of members of all parties. The committee could reach a conclusion as to whether or not, whether intentionally or inadvertently, there might come into being an abuse of a human right or an interference with a fundamental freedom which it is intended that Canadians have.

One hon. member who participated in the debate said that the present bill is without any sanctions. This bill when passed will be a law. It does not represent a preamble to the constitution. It is not even a constitutional provision. This is a bill of parliament which it is intended that people should obey. With respect to other bills passed by this parliament there are sanctions if people break the law. What are the sanctions in this measure? Again it is reduced to a pious hope.

I do not object to the bill. I should like to see it enacted as I am sure all hon. members would. However, I do feel that it should be more enforceable, that it should have more teeth in it. It would win my more hearty approval if we could, so to speak, really spread the gospel by making it a bill that all Canadians could fully understand.

One hon. gentleman said that this may be an important beginning. Certainly the Magna Carta and other measures of that nature were the beginning of an important trend and have achieved great significance over the years. I think the Prime Minister would do the country a great service and would make a significant contribution to humanity for all time to come if the hon. gentleman would accept my suggestion of establishing either a royal commission or a

special commission composed of the finest brains on the subject we have available in the country as well as representatives of all the provinces to see if they could hammer out a bill of rights and fundamental human freedoms that would be acceptable to all. As long as a measure of this nature is not acceptable to someone it is not a true bill of rights.

Mr. R. J. McCleave (Halifax): Mr. Speaker, it is perhaps fitting that I should participate in this debate because in the last few months I have had a special preoccupation, not with the theory of human rights and fundamental freedoms but with the actuality and practice of them. In that time I have seen a woman driven to insanity. I have seen babies born illegitimately. I have had a person come before me and cry her heart out for two hours because she could not resume her proper name and thus secure a passport to go behind the iron curtain to her homeland. These things I have seen and these things were affected by fundamental freedoms and human rights.

If I could have had in that harrowing time the privilege of coming here to the House of Commons and knowing that I was among friends and that everybody shared the zeal that I do that people's rights should properly be protected, then I would have been happy and proud to have been a member of the House of Commons. Instead, those things have been denied me, not by the theoretical words of anybody but by the practices they have carried out. I intend to say more about that later as I discuss the Canadian bill of rights which is before us for consideration this afternoon.

First may I turn to the criticisms made of this bill by the Leader of the Opposition (Mr. Pearson). I will quote his criticisms and then, if I may, reply to them. The hon. gentleman is reported at page 5651 of *Hansard* of Friday, July 1, 1960, as saying:

> Historically, Mr. Speaker, I think there is a good deal to say for Professor Lower's contention that there has never been any serious abridgement or any attempt to abridge what are generally understood to be human rights and fundamental freedoms by the parliament of Canada in time of peace or non-emergency.

Perhaps that is quite correct but the Leader of the Opposition on that occasion spoke immediately following the Prime Minister (Mr. Diefenbaker) who in his remarks set forth nine examples where human rights had been abridged by the actions of the government in recent times. If you say they were not abridged by parliament that is probably so because parliament in those days did not stand up and censure the government when it derogated from human rights; but if you say that all those occurred in wartime, as the Leader of the Opposition would suggest, then that is wrong because six of the nine examples cited by the Prime Minister occurred in the years immediately following world war II. A wartime spirit of autocracy may have been there to promote these things but those were days of peace when those derogations occurred.

Another member of the opposition, the hon. member for Essex East (Mr. Martin) spoke this morning about economic freedoms, the right of employers, as I gathered his words, to hire as they saw fit on conditions they saw fit and to pay wages they saw fit. If this is an economic right, it is just a reflection of the laissez-faire Liberal doctrine of the nineteenth century which has long ago been rejected in our society when we ensure that the working man does have rights against too powerful employers.

Then, the final Liberal speaker who just preceded me, the hon. member for Cartier (Mr. Crestohl), spoke about the language in the bill of rights. Later on I will say more about the language in the bill of rights and about some of the suggestions made to cure it. He suggested that it should be in more lively language, something that would capture the imagination. He then proceeded to read into the record a series of suggested changes that he himself had thought of which would make this bill of rights, if those changes were adopted, hobble like a centipede with 99 peg legs.

Now, to the C.C.F. The other day the hon. member for Kootenay West (Mr. Herridge), described himself, I gathered, as Snow White, in his desire to have things done properly, and the seven dwarfs around him nodded their agreement: Gabby, Doc, Doleful, Sneezy, Grumpy, Dopey and Slaphappy all agreed with him, and I take it they all agree with the remarks that have been made by the C.C.F. speakers in the debate so far. Freedom, rights, liberties; do not let them get away with what they are doing to the natives in South Africa; the rights of people in Hong Kong. These sonorous words flowed from their lips, Mr. Speaker, from the lips of a group which cannot manage the affairs that are right in the hands of this parliament.

Let me turn now to the language of the bill of rights and to the critics who suggest that more memorable words can be captured somewhere else. Let me read you this Mr. Speaker, for simple, short expressiveness:

> Every person and every class of persons shall enjoy the right to acquire by purchase, to own in fee simple or otherwise, to lease, rent and to occupy any lands, messuages, tenements or hereditaments, corporeal or incorporeal, of every nature

and description, and every estate or interest therein, whether legal or equitable, without discrimination because of the race, creed, religion, colour or ethnic or national origin of such person or class of persons.

I believe that the only standard words they left out of this are easements and water courses. Where did this come from? That stirring call to set men's hearts alight? It came from chapter 345 of the revised statutes of Saskatchewan, 1953, and section 10 thereof.

Mr. Fulton: Is that the Saskatchewan bill of rights?

Mr. McCleave: It is the Saskatchewan bill of rights, as the Minister of Justice asks. I presume they would present this phraseology to us as the answer to the language that should be employed in this bill of rights.

The hon. member for Essex East suggests that perhaps we could spruce up this document with some preamble from the Magna Carta. I actually believe what he had in mind was the preamble to the charter itself. If so, I shall read it into the record and we shall see if the language will be of any assistance:

John, by the Grace of God, King of England, Lord of Ireland, Duke of Normandy and Acquitaine, and Earl of Anjou, to his Archbishops, Bishops, Abbots, Earls, Barons, Justiciaries, Foresters, Sheriffs, Governors, Officers, and to all Bailiffs, and his faithful subjects,—Greeting. Know ye, that We, in the presence of God, and for the salvation of our own soul, and of the souls of all our ancestors, and of our heirs, to the honour of God, and the exaltation of the Holy Church and amendment of our Kingdom, by the counsel of our venerable fathers, Stephen, Archbishop of Canterbury, Primate of all England, and Cardinal of the Holy Roman Church, Henry, Archbishop of Dublin, William of London, Peter of Winchester, Joceline of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, and Benedict of Rochester, Bishops; Master Pandulph, our Lord the Pope's Subdeacon and familiar, Brother Almeric, Master of the Knights-Templars in England, and of these noble persons, William Mareschal Earl of Pembroke, William Earl of Salisbury, William Earl of Warren, William Earl of Arundel, Alan de Galloway Constable of Scotland, Warin Fitz-Gerald, Hubert de Burgh Seneschal of Poictou, Peter Fitz-Herbert, Hugh de Nevil, Matthew Fitz-Herbert, Thomas Basset, Alan Basset, Philip de Albiniac, Robert de Roppel, John Mareschall, John Fitz-Hugh, and others our liegemen; have in the first place granted to God, and by this our present Charter, have confirmed, for us and our heirs forever;—

This is the preamble which perhaps the hon. member for Essex East would like to smuggle into the bill of rights. If not, and he wants language from elsewhere, perhaps this from the great charter, section 55, would do the trick nicely:

All fines have been made by us unjustly, or contrary to the laws of the land, and all amerciaments that have been imposed unjustly, or contrary to the laws of the land, shall be wholly remitted, or ordered by the verdict of the 25 Barons, of whom mention is made below, for the security of the peace, or by the verdict of the greater part of them, together with the aforesaid Stephen, Archbishop of Canterbury, if he can be present, and others whom he may think fit to bring with him; and if he cannot be present, the business shall proceed, notwithstanding, without him; but so that if any one or more of the aforesaid twenty five Barons have a similar plea, let them be removed from that particular trial, and others elected and sworn by the residue of the same twenty five, be substituted in their room, only for that trial.

That might be the replacement that everybody is after for the Income Tax Act. Even this greatest section, section 12, suffers again the defect of language:

No scutage nor aid shall be imposed in our kingdom, unless by the common council of our kingdom; excepting to redeem our person, to make our eldest son a knight, and once to marry our eldest daughter, and not for these, unless a reasonable aid shall be demanded.

And finally, for his edification, so that he can use some of these phrases when he presents amendments to the Canadian bill of rights, I give to the hon. member for Essex East No. 39 of the great charter:

No free man shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land.

The latter part of this section is now known as due process of law.

This time I turn to the Thinkers' Library for inspiration and I recommend this to my hon. friends of the Liberal and C.C.F. parties, the Thinkers' Library, that is. There were suggestions that we follow some of the language of John Stuart Mill. I have his book "On Liberty". There are words in here that are applicable to the present debate but I do not suggest that the language could carry out the purposes of the hon. member for Essex East. For example, I turn to page 16 of this very fine essay and I throw it out not only for the thought it contains, which is ample, but also to ask the house whether it could usefully contain any phraseology for our bill. Mr. Mill puts it this way:

Apart from the peculiar tenets of individual thinkers, there is also in the world at large an increasing inclination to stretch unduly the powers of society over the individual, both by the force of opinion and even by that of legislation; and as the tendency of all the changes taking place in the world is to strengthen society and diminish the power of the individual, this encroachment is not one of the evils which tend spontaneously to disappear, but, on the contrary, to grow more and more formidable.

Obviously within that sentence, and it is a complete sentence, there exists in Mr. Mill's language the problem we are trying to solve, thanks to the Prime Minister's bill of rights. I also suggest to the house that nowhere in that language is there a ready, quick phrase that could usefully be incorporated in the legislation we are considering today.

For those detractors of the Prime Minister and the draftsmanship that has gone into this particular bill of rights, may I also read from another noble work in the English language on liberty, and this concerns liberty of the press. I suggest that the remarks of Mr. John Milton in Areopagitica have particular application to the critics of the Prime Minister. From the Pitt press series, page 34, I am again going to read one sentence which will take about three minutes to read but which contains very powerful language indeed. These are the words:

> When a man writes to the world, he summons up all his reason and deliberation to assist him; he searches, meditates, is industrious, and likely consults and confers with his judicious friends; after all which done, he takes himself to be informed in what he writes, as well as any that wrote before him; if in this, the most consummate act of his fidelity and ripeness, no years, no industry, no former proof of his abilities, can bring him to that state of maturity, as not to be still mistrusted and suspected, unless he carry all his considerate diligence, all his midnight watchings, and expense of Palladian oil, to the hasty view of an unleisured licenser, perhaps much his younger, perhaps far his inferior in judgment—

I think these words about unleisured licensers certainly apply to the unleisured critics we have had here.

> —perhaps one who never knew the labour of bookwriting; and if he be not repulsed or slighted, must appear in print like a punie with his guardian, and his censor's hand on the back of his title to be his bail and surety, that he is no idiot or seducer, it cannot be but a dishonour and derogation to the author, to the book, to the privilege and dignity of learning.

Mr. Milton's noble words have embraced in one vast sentence a great number of ideas, but again not containing the type of language which people could readily read or understand to be their particular rights.

I come now to one of the problems that I wish the bill of rights could handle and I hope that some time it can be made to deal with this problem. There are areas of responsibility which are given unto men but those areas of responsibility can be carried out properly or can be carried out badly indeed depending on whether men use their frailties or use their strengths to carry them out. Any due process of law should be a dignified process and it should ensure justice. It should be done for the suppliants before it and not for the glorification of those who are charged with the task of performing that judicial function. Theirs not to collect press clippings; theirs to do their duty. A sham judicial process is one where the spirit of the judge is mercurial and wilful and causes or determines not by rules of law but by the toss of a coin or a feeling of prejudice or a feeling of whimsicality, a feeling of caprice.

I have mentioned some of the social mischiefs that derogate from human rights and fundamental freedoms. I hope that by the time 5.30 comes around I will be able to walk out of this chamber, hold my head high again and say that all within this room are fair and just and honourable, not in a platitudinous way but in respect of the practical things that count in Canada.

Mr. G. H. Aiken (Parry Sound-Muskoka): Mr. Speaker, in rising to say a few words in relation to the bill of rights now before the house I find myself in the rather unusual position of following an hon. member who has taken a line somewhat similar to mine. Fortunately I have some other examples of draftsmanship which will reveal as unnecessary the additions which the hon. member for Essex East (Mr. Martin) would have us make to the bill.

The hon. member for Essex East has said that the courts have formally enshrined in our Canadian law certain freedoms without the aid of parliament and in so stating he quoted among others the Jehovah's Witness cases. I should like to point out to the hon. member that in the two cases involving Jehovah's Witnesses which came before the Supreme Court of Canada there was a split decision. In each case the judges divided five for the decision and four against, which leaves us wondering how clearly the laws, practices and customs of our fundamental rights are enshrined in human knowledge and in our precedents in Canada. I wonder what might happen in the future if the court is differently composed and if other individuals sitting on the bench have to deal not with exactly the same problem but a similar one. I think the examples which the hon. member for Essex East quoted were of no assistance to his case but merely pointed to the fact that it is necessary to have stated in clear words what the intention of parliament is as to fundamental rights and freedoms.

Another example which the hon. member for Essex East used concerned criminal charges as they are dealt with in the bill, by clause 3, subclause (f), relating to the determination of a criminal charge against an individual. The hon. member asked what would happen in the case of a charge against a juvenile under the Juvenile Delinquents Act. I would point out to him that the Juvenile Delinquents Act is very clear on this matter. The act says that a juvenile delinquent is not a criminal and has not committed a crime. Section 3, subsection 2, of the act reads as follows:

> Where a child is adjudged to have committed a delinquency he shall be dealt with, not as an

offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision.

Therefore I suggest that any thought that a juvenile charged under the Juvenile Delinquents Act would come under this section as a criminal is very far afield.

A third objection was raised by the hon. member for Essex East and by several other members in the opposition. The hon. member for Halifax (Mr. McCleave) in reply quoted certain matters he wanted to bring to the attention of the house. The main complaint is that the language is too simple and too concise, and that it should be enlarged and made more specific in certain aspects.

Just in order to find out what people in the past have thought about the question of drafting legislation, I turned up one of the most valuable books on legislation, namely "Practical Legislation" by Lord Thring, written many years ago. In his introduction he points out that simplicity and clearness of language is the most important point in drafting legislation. At page 2—and this refers to the Magna Carta—he states the following:

> The prince of all draftsmen, Stephen Langton, the Papal Legate, expressed Magna Charta in short and precise language; for example, no one can complain of ambiguity or verbosity in the most famous of all written enactments which declares, when translated, "To no man will we sell, to no man will we deny or delay, right or justice."

A little further on Lord Thring points to some examples of enactments in which too much verbosity is included and where things go wrong. At page 3 he quotes an amendment proposed in 1865 which reads as follows:

> "Every dog found trespassing on inclosed land unaccompanied by the registered owner of such dog or other person who shall on being asked give his true name and address, may be then and there destroyed by such occupier or by his orders."

Further on in his introduction Lord Thring makes this statement:

> The bill should be clear and should state at the very commencement the important principle of the measure and the greatest pains should be taken to separate the material from the comparatively immaterial provisions.

He concludes this page of notes with a warning to all those would-be draftsmen, and I think it is pertinent to the particular case in point:

> It may be well to warn the draftsman that in his case virtue will, for the most part, be its own reward, and that after all the pains that have been bestowed on the preparation of a bill, every Lycurgus and Solon sitting on the back benches will denounce it as a crude and undigested measure, a monument of ignorance and stupidity. Moreover, when the bill has become law, it will have to run the gauntlet of the judicial bench, whose ermined dignitaries delight in pointing out the shortcomings of the legislature in approving such an imperfect performance.

I think it might be well to add that Lord Thring seemed to feel that such objections to simple language would come from the back benches. However, today we have had them from the front benches as well.

In connection with the amendment which is before the house, it has been suggested that the consent of the provinces ought to be secured before proceeding with this legislation. The hon. member for Timmins (Mr. Martin), in making this suggestion, compared the present piece of legislation with the amendment to the British North America Act with reference to the retirement ages of judges. He said that if it were possible for the Minister of Justice (Mr. Fulton) to secure consent of all the provinces to that amendment, it should be just as simple a matter to secure consent to the present bill of rights.

I submit that there is no comparison whatever. There are two main differences. The Judges Act amendment is a simple alteration in the constitution on which a decision yes or no can be made by the provinces. The bill of rights, on the other hand, has a number of extremely important principles involved, each one of which must be considered by the provinces and answered yes or no. There is also a more fundamental difference, of course, namely that the amendment to the Judges Act is not what one would call a fundamental matter but an individual instance where consent could be obtained. The bill of rights is basic and as such a basic matter it includes many provisions, any one of which could provide an effective snag to negotiation.

I do not want to repeat what was said by the Minister of Public Works (Mr. Walker) in connection with previous meetings that had been held in an effort to get the provinces together with the federal government on such basic amendments as the present one. However, I feel—and many other members have expressed this opinion here yesterday and today—that we must have a start on the bill of rights. We must entrench it in our legislation and we must make clear what we intend; then we must hope and expect that in due course the provinces will come along and follow it up.

There is one final approach to this problem that I should like to make and I believe it has not been considered previously. I think we must go on the assumption that this bill is going to pass. I seem to feel that everyone here is in agreement with the basic principles of the bill. Various matters have been raised in connection with minor amendments or changes of wording. Perhaps some of these suggestions have merit. A committee

could consider them, whether it be the committee of the whole house or any other committee. However, those are minor matters. We are now considering the general principle of the bill, and I feel that the bill is bound to pass.

Protestations have been made by the opposition but I feel that no real matters of substance have been raised. It has been said that we should try for a constitutional amendment, that the wording of the bill does not go far enough, that the bill goes too far, that the language is too broad and that it is not sufficiently clear. However, in spite of all these objections, I feel that the bill will pass.

I think we must consider what results will flow from the passage of this bill. I think the results that will flow from this bill are much greater in magnitude than has been indicated by any hon. member of the house in discussing the bill other than the Prime Minister who introduced it. I think it may be many years before the effect of the bill gradually catches up with the legislation which is now on the books and the legislation which may come in the future. I think we must ask ourselves into what valleys and hidden corners of 93 years of Canadian legislation this bill may extend.

Passing reference has been made to sections of the Immigration Act and the regulations. Certain hon. members made reference to other acts which may be affected. I believe there may be many more which have been passed, and forgotten—and are at present unused but which may from time to time in the future make themselves noticed and be tested on this bill of rights in the courts. I wonder what present or past acts of parliament, or future acts, may be washed aside under the influence of the bill of rights.

Those who say that the bill does not go far enough may be surprised to find that it goes very far and that its effect may be reaching forward for a good many years. I feel the bill sets a level of morality in legislation in this country, a level which has not been previously set down in words. We have had from time to time expressions in the courts as to what is right and just and what are our basic human rights. These depend in large measure upon what judges can find in past cases and what they personally feel about these measures, but there has been no guide on which they may found their decisions. I see this bill as giving them that guide and that level of morality in considering whether an act does contravene basic human rights.

Mr. Speaker, if the house will forgive me for being poetic. I see the bill of rights as a river flowing into a large valley, filling in many nooks and crannies which have been previously unnoticed, washing away many of the legislative bills which have been based on very sandy and shaky foundations in the past. I feel it may be many years before the full extent of this flowing in of the bill of rights into our legislative procedure will be fully determined and understood. Many years will pass, I believe, before this process is complete; but in the end, we will look back on this bill, as we now look back on the other great landmarks of declaratory legislation, as one of those great additions to the earlier declarations of human rights which have always been ours.

Mr. Egan Chambers (Parliamentary Secretary to the Minister of National Defence): Mr. Speaker, it is with some hesitation that I rise to follow so many learned members of the legal profession who have spoken on this bill. On the other hand it is not too often that we have an opportunity in the House of Commons to talk about and vote upon matters as fundamental as is this bill of rights. Many of the matters which come before us call for a judgment, a comparison. We have, for instance, the estimates of a department which come before us and we must try to judge or decide whether the amounts of money required are appropriate. We must judge whether the business could be done with a little less money or whether it would be better done with a little more.

But today we are dealing with something that is not in the realm of judgment but in the realm of basic belief. We have before us a measure that enunciates principles, the principles upon which our society is, or certainly should be, founded. The bill before us sets out in black and white the things that Canadians believe. It sets out those things upon which we have built this country and it will be the guide post as we continue to build in the future.

There have been some criticisms of the language. To me, the language, and particularly the language in part I, is admirable in its economy. It is clear, concise, and beyond misunderstanding.

The world today is divided between those who believe that the only things of importance to mankind are the material things and those who believe that the spirit of man and his dignity as an individual are of first importance. It is time that the people of this country through their parliament should declare before the world to which of these camps they belong. Here we set down in the clearest of terms a statement of Canadian principles for all to see.

One of the other criticisms which has been made is that this bill may be repealed or that future legislation need not necessarily conform to it. But I ask you, Mr. Speaker, which member of this house today should he become a minister would rise in his place and introduce a bill to repeal this bill of rights? Which member of this house on occupying a seat on the treasury benches would rise and introduce a bill containing the clause "Notwithstanding the provisions of the bill of rights"? I suggest to you, Mr. Speaker, it will be a long, long time before any Canadian minister will rise with any such suggestion, and that if any minister did so the ensuing debate would indeed be a fundamental one.

We have also heard some niggling criticisms to the effect that such a bill is not required. The legalistic mind insists that these rights are already embodied in British common law which we inherit, that we are safe in the hands of our courts and our tradition of freedom.

Mr. Speaker, how can I tell my sons what it means to be a Canadian in terms of court decisions? How can I explain to men of other countries Canada's position on these matters in terms of the supreme court's decision in the Alberta press act? The objections to this bill come from the same source that objections to progressive steps have ever come. They come from the comfortable, from those who have in their own resources the ability to defend their rights. In their own position in life, economic and otherwise, they are unafraid.

This bill is not for the comfortable, except incidentally. This bill is for the protection of those who need protection. It guarantees to the weak and to the poor their freedoms. With part I of this bill I can explain to my sons what it is to be a Canadian; I can explain to men of other lands why I am proud to be a Canadian because, as I said before, in the simplest and most direct language it is set out in a few brief lines that:

> It is hereby recognized and declared that in Canada there have always existed and shall continue to exist the following human rights and fundamental freedoms, namely, the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law; the right of the individual to protection of the law without discrimination by reason of race, national origin, colour, religion or sex; freedom of religion; freedom of speech; freedom of assembly and association; and freedom of the press.

Mr. Speaker, no one in this house has suggested that our rights and liberties stop there, but it is true to say that on these foundations all our rights and liberties are built. I will vote for the bill, not because in its terminology it is better than some other bill, not because through a process of logic I find it acceptable; I will vote for this bill and its principles because I believe in it.

Mr. E. W. Brunsden (Medicine Hat): The very interesting discussion which took place this morning produced an exchange between the Minister of Public Works (Mr. Walker) and the hon. member for Essex East (Mr. Martin) concerning the debating practices of 35 years ago and this brought to my mind a debate held about that time ago between a team from Oxford and Cambridge and a team from the University of Alberta. The resolution debated on that occasion was:

> That in the opinion of this house there is a growing tendency on the part of government to invade the rights of individuals.

This growing tendency perhaps has been established in years gone by. This legislation seeks in my opinion to arrest that tendency. It cannot be denied that there is in this country a marked lack of knowledge as to the rights of individuals. I listened yesterday with a great deal of interest to the contribution made by the hon. member for Humboldt-Melfort (Mr. Rapp). He spoke of new Canadians. He told us he was a new Canadian, and he asked us, in effect, to establish for him a statement of his rights and that this bill seeks to do.

May I say that I am a new Canadian. I was not born in this country. My father brought me to this country when I was a very small boy. From my recollections of his struggles, and from my observations over the years, I have come to the conclusion that there was discrimination in the early days of Canada against individuals. In my own part of the country we have a large number of farm operatives, labourers, and workers in various trades, who have come to Canada in recent years, and in the minds of many of these people there is a fear of the law, a fear of the police and, to a degree, a fear of the banks of this country.

Some of us can remember, when the war loans were being raised in the second world war, calling on farmer after farmer, trying to interest them in the purchase of war bonds. I had the experience of being successful in my endeavour to sell some of these bonds, and I recall that when I began to write out a cheque for the value of the bonds someone would say to me: No, I will not pay by cheque. Then he would disappear for a few moments, perhaps carrying a lantern with him, and return later with a tin full of bills, and he would pay for those bonds in cash. That was fear. It does seem to me, as one interested in persons of this type and as one who perhaps has the trust of some persons of this type, that it will be a lot easier for me

on my return home to be able to say to them: I can now explain to you very simply and very quickly what are your rights in Canada.

This in my opinion is a magnificent piece of proposed legislation. It clarifies a great number of questionings. It gives us something concise, something easy to explain to those who perhaps have not enjoyed the education which some of the rest of us have enjoyed, and the Prime Minister is to be heartily commended for his contribution.

Mr. W. F. Matthews (Nanaimo): It gives me a great deal of pleasure to take part in this debate. I will just take a few minutes. The Prime Minister (Mr. Diefenbaker) expressed the hope that all members would have time to enter into this debate and I think the subject has been covered very nicely by a number of members who have spoken already. I have enjoyed it very much.

This bill has been well talked over, but there are one or two points I should like to make starting with a statement introduced by the Prime Minister about changing the nation to what it ought to be. That is just what the Prime Minister is attempting to do. Other words we have heard have been from the official opposition complaining about the wording and the preamble of this bill. The flowery words that are wanted by the members of the opposition are hardly in keeping with some of the things they have said during the times they have been on their feet. The leader of the official opposition, in what I understand was one of his first speeches, moved a very flowery amendment which is recorded in *Hansard* of 1957-58 at page 3520. I am not going to read it all, because it is very flowery, along the lines of what he thought at that time might go over well in the minds of the people of Canada. I will go down to the bottom of this, and read:

> And in view of the desirability at this time of having a government pledged to implement Liberal policies;
>
> His Excellency's advisers should, in the opinion of this house, submit their resignation forthwith.

After all, the Conservative government had been in office for seven months. They had been elected by the people of Canada and right away, after those seven short months, the Leader of the Opposition (Mr. Pearson) was of the opinion that they should step back and allow him to form a government. In other words, he put all the voters of Canada on the stand. He was criticizing the judgment they had made at that time. He could not sit still long enough to let them enjoy themselves.

Mr. Speaker: Order.

Mr. Matthews: I know this is out of order, Mr. Speaker, so I will stop on that right now.

Mr. Speaker: I am not interrupting the hon. member on that ground, but it is five o'clock and it is my duty to leave the chair so that the house may proceed with the consideration of private and public bills, the former having precedence, in accordance with the provisions of section 3 of standing order No. 15.

Mr. McCleave: Before the house goes into committee to consider the bills which are down for consideration, I wonder whether hon. members would agree to refer all the others—there are 50 in my hand, and there are nine volumes to accompany this—and it may be more practical to have them all considered at the same time—

Mr. Speaker: I am not sure I understand the hon. member's proposal.

Mr. McCleave: I was going to suggest that the other bills be also referred to the committee at the same time so that they can all be considered together.

Mr. Speaker: To the committee of the whole in one motion?

Mr. McCleave: Yes, Mr. Speaker.

Mr. Howard: Does this apply to those bills set down for resumed consideration in committee?

Mr. McCleave: No, just those not yet referred to the committee, Mr. Speaker.

Mr. Speaker: There would be some convenience in preparing orders of the day if one order covered all of the bills already referred or to be referred which would be all of the divorce bills except those standing for resumed second reading or second reading. If the house would agree to substitute an order for all bills now before the committee or to be referred to the committee to be taken under one order it would simplify the orders of the day. It would be unnecessary to number the bills and one order would cover the bills before the committee.

Mr. Peters: I presume that each second reading would be referred to the committee and not those bills already on the order paper?

Mr. Speaker: The proposal is to consolidate in one order for reference to the committee of the whole house those bills which are already before the committee and those which stand for reference to the committee. That would include all the items down to order No. 375 to be consolidated in one motion, with the exception of order No. 366 which is not a divorce bill. Is that agreed?

Some hon. Members: Agreed.

Mr. Speaker: It is so ordered then. All the divorce bills before the committee will stand referred in one motion.

PRIVATE BILLS

The Deputy Chairman: Shall these be taken as one item?

Mr. Peters: No.

The Deputy Chairman: The committee will then consider Bill No. SD-55.

MARIE ROSE NICOLA LAPENNA MCLAUGHLIN

The house in committee on Bill No. SD-55, for the relief of Marie Rose Nicola Lapenna McLaughlin—Mr. McCleave—Mr. Rea in the chair.

Mr. Peters: Mr. Chairman, considerable interest has been expressed in the procedure with respect to this matter and it was referred to earlier by the—

The Deputy Chairman: Order. Perhaps I am anticipating what the hon. member is going to say. I will have to ask the hon. gentleman to come back to Bill No. SD-55.

Mr. Peters: Mr. Chairman, this marriage took place between two young people in the province of Quebec in 1954. At the time of marriage the petitioner was 16 years of age and the respondent 19 and the marriage lasted only between 5 and 6 months. In interrogating the petitioner about the reason why the marriage lasted for so short a time the following question was asked by Mr. Cohen, counsel for the petitioner, and the following reply was given by the petitioner:

Q. Will you tell the committee something about your married life, why you couldn't get along together?

A. After I got married I was very young and foolish, and I realized that I couldn't live that way. It was just a big mistake.

I do not understand what is meant by that answer. Also, I question that the committee of the other place should allow that type of answer. Since the committee of this house and the committee of the other place are replacing the function of the family court they should direct their attention to asking if a reconciliation can be achieved.

The Deputy Chairman: Order. I do not like to interrupt the hon. member again but we are not concerned with the procedure of the committee of the other place. We are concerned only with the procedure of this committee. I think the hon. member's remarks are not relevant to Bill No. SD-55.

Mr. Peters: Normally these questions are asked in a stereotyped way. They take into consideration the problems to which I was relating this evidence. We have an obligation even if only an implied one to determine whether or not the petition should be granted not only on the grounds asked for but in the interests of the country and the people concerned. It is not necessary to grant a petition if it is not in the interests of the parties concerned. Despite the brief marriage there was a child. The questioning on this point was as follows:

Q. Who is she living with?

A. She is living with myself and I am living with my parents.

Q. You are working?

A. Yes.

Q. Did you ever discuss divorce with your husband?

A. No.

Q. Since the date of the alleged adultery on the 22nd of May, 1959 have you ever had sexual relations with your husband?

A. No.

Q. Could you tell us something about the 22nd day of May, 1959 at 647 Woodland, apartment 3?

A. I went there and George and Rita were living as man and wife.

Q. You went to Woodland Avenue for what purpose?

A. I wanted support for my daughter.

Q. Had your husband been contributing towards your daughter?

A. No.

Q. And you went down to speak to him personally?

A. Yes.

Q. Who did you find when you arrived there?

A. He was there with this girl by the name of Rita, and they were dressed in pyjamas and nightgown.

Q. What time of day was this?

A. About 9 p.m.

Q. Did you speak to your husband about support for the child?

A. I did.

Q. Did you ask him if he was living there?

A. Yes, and he said he was living with this woman.

Q. Since the 22nd of May, 1959 have you ever lived as man and wife with Mr. McLaughlin?

A. No.

Q. Is there any hope of reconciliation in this marriage?

A. No.

Q. How about it in the future?

A. No.

Q. Did you place Rita Lauzon in front of your husband? Did you introduce her?

A. I never saw her before.

By the Chairman (Senator Croll):

Q. You had never seen her until that night?

A. I never seen her before that night.

Q. Did you forgive this situation after you had seen it?

A. No.

By Senator Gershaw:

Q. Did you encourage your husband to go with this other woman?

A. No.

Q. Tell me a little more about what you actually saw when you went into that house.

A. They were both there—they were lying down.

Q. What kind of house was it?

A. A little apartment.

Q. How many rooms?

A. It had about three rooms I guess.

Q. You went in there at nine o'clock and what did you see?

A. I saw that this woman and George were sitting down on the bed with pyjamas and nightgown on.

Q. They were sitting on the bed.

A. When I walked in they had been in bed—the bed was messed.

I would suggest, Mr. Chairman, that she is not nearly as good or precise a witness as most of the detectives because she stated several things here which do not correspond with the questions asked by the senator. The answers are not the same as those in reply to the questions by Mr. Cohen. Mr. Cohen is the legal counsel in this case. I have not found anything wrong with his interrogation so far but I would point out I understand it is being said in Montreal that Mr. Cohen is the only lawyer who can get a divorce through this house. I should like to point out that this must be only because he files his divorces early in the session. It has nothing to do with any action in this house. Mr. Cohen is in no privileged position. In my opinion his questioning in a number of cases has not been such as to warrant him being accepted as the only legal counsel. The questioning was continued by Senator Kinley as follows:

Q. When you went to this apartment, who let you in?
A. My husband came and opened the door.
Q. What do you work at?
A. I work at the Bank of Montreal.
Q. You don't have to be away at nights for your work?
A. No.

By the Chairman (Senator Croll):

Q. Why did you go to that house on Woodland avenue on the day in question?
A. I wanted support for my daughter.
Q. But how did you know that he was living there?
A. I did not know. I phoned up where he worked at the railway and they told me that is his home address. So I went there.
Q. Is that the first time you knew where he was living?
A. Yes.
Q. From the time you separated had you seen your husband?
A. No.
Q. From the time you separated you had not seen him until that night?
A. I don't know; I don't think I had.
Q. Had you spoken to him?
A. No.
Q. Had he been supporting the daughter at all?
A. No, never did.
Q. Why didn't you ask him sooner for support?
A. Because I thought I could manage, and it just came the time I couldn't any more. I thought I could get more help this way and it would be easier.
Q. Did he agree to help you?
A. Not particularly.
Q. What does that mean?
A. He just said no, I guess.
Q. The best test is, did he send you any money for your daughter?
A. No, he did not.

Mr. Cohen: Mr. Chairman, I note an amendment is required to paragraph 8 under the rules. May I read paragraph 8 into the record:

"That there has been no separation agreement for any financial agreement in existence between the petitioner and the respondent, George Alfred McLaughlin."

I would suggest that this particular paragraph having been inserted in the record here would indicate to me that Mr. Cohen is not doing right by some of his clients, particularly when he has brought a number of cases before this house, by finding it necessary to insert this type of clause rather than make the arrangements that are made by some of the other counsel in cases that we have handled. The questioning continued by Mr. Cohen:

Q. Have you ever taken any action in the superior court in Montreal?
A. No.
Q. Has there been—

Mr. McCleave: Will the hon. member permit a question. Instead of making remarks such as he has just made, has he not noticed that the petition is dated long before the new Senate rules came into effect? I do not think he is justified in making those unjustified slurs.

Mr. Peters: I am not making any unjustified slurs. I am aware of the fact that the Senate has decided that these questions will be asked and these decisions will be made, and that has come about because of action taken by this house in many cases. What I am saying in plain English is that there were no financial arrangements made in the courts of Quebec where they deal with these problems. Because of this action it is very unlikely that action will be taken by the same courts. I do not think this has any relationship to what the Senate does in these particular cases. I continue with the questioning:

Q. Has there been any financial arrangement on behalf of your husband for the support of your child?
A. No.

The Deputy Chairman: Order. The financial arrangements are no concern of this committee. I am sure the hon. member knows that.

Mr. Peters: I continue:

By Senator Gershaw:

Q. Mrs. McLaughlin, are you going to be able to look after this child and see that she is—

I will abide by your ruling, Mr. Chairman. This matter of assistance is kind of confused and intermingled with many of the other remarks in this particular case. No doubt it is the result of questioning by a number of people on the same subject. I continue:

Q. You are living with your parents?
A. Yes, my mother and father.
Q. You were working previous to your marriage?
A. Yes.
Q. And you continued to work after your marriage?
A. Yes.

Q. Even after your child was born?
A. Yes.
Q. How did you arrange about looking after the home?
A. My mother.
Q. You have always lived with your mother?
A. Yes.

By the Chairman (Senator Croll):

Q. You were married in January, 1954, and the marriage appears to have broken up in April, 1954. You were 16 when you were married, and if I remember correctly, you told us you left?
A. Yes.
Q. Was I wrong on that?
A. That is right.
Q. Just tell us what happened?
A. I just couldn't go on—everything was so silly. We didn't get along. I didn't realize what I had got into. Then I stopped and realized it, and I thought I had better grow up and go home to my mother. We fought all the time.
Q. How long had you known him before you were married?
A. Not quite a year.

This, of course, could lead to generalizing in another field, but I think it would be of some advantage to these people if they had gone to the right welfare agency or family court. It is unfortunate that some of these lawyers like Mr. Cohen, who has had great experience, have not seen fit to send these people to these agencies rather than accept a case at so much a month. I will respect your ruling, Mr. Chairman, and not discuss the little girl.

George Alfred McLaughlin the respondent, appeared as a witness on behalf of the petitioner, and, having been duly sworn, testified as follows:

By the Clerk of the Committee:

Q. What is your full name?
A. George Alfred McLaughlin.
Q. What is your age?
A. 23.
Q. Where do you live?
A. 647 Woodland, apartment 3, Montreal.
Q. What is your occupation?
A. Electrician.

By the Chairman (Senator Croll):

Q. Mr. McLaughlin, listen to me carefully. Before you proceed, it is my duty to inform you that you are not liable to be asked or bound to answer any question tending to show that you are guilty of adultery, unless you have already given evidence in this proceeding in disproof of your alleged adultery. While you are not liable to be asked or bound to answer any question tending to the proof of your own adultery, you have the right to do so if you see fit—that is your right and privilege—in which event everything you say will be told voluntarily and not under any compulsion. Do you understand your position in this regard?
A. Yes, sir.

How much better is the reading of this warning than the system that appears to be in effect in Ontario where it is the practice to take pictures of corespondents without the use—

The Deputy Chairman: Order.

[Mr. Peters.]

Mr. McCleave: I submit that the hon. member is clearly out of order. He has referred to Ontario and that may be out of order too.

Mr. Peters: One out of order may cancel the other out of order. I continue:

Q. Mr. McLaughlin, are you living and having sexual relations with one Rita Lauzon?
A. Yes, sir.
Q. And in particular on the 22nd day of May, 1959, at 647 Woodland, apartment 3, in the province of Quebec, were you living as man and wife with one Rita Lauzon?
A. Have been for the past year.
Q. Were you married to the petitioner, Rose Nicola Lapenna, and on what date were you married?
A. January 2, 1954.
Q. Are you supporting the child of that union in any way?
A. No.

By the Chairman (Senator Croll):

Q. Mr. McLaughlin, you lived together with your wife for six months?
A. Yes.
Q. Why did the marriage break up at that time?
A. Well, why make my life miserable and my wife's life miserable when we can't get along? The woman I am living with now I love and I would like to marry her.
Q. You did not love your wife?
A. No. Let us say it was a marriage of convenience.
Q. What do you mean by that?
A. We had to have a name for the baby.

Then Rita Mary Lauzon appeared as a witness on behalf of the petitioner and was duly sworn. She gave this testimony:

By the Clerk of the Committee:

Q. What is your name?
A. Rita Mary Lauzon.
Q. What is your age?
A. 35.
Q. Where do you live?
A. 647 Woodland avenue, apartment 3.
Q. In what city?
A. Verdun, Quebec.
Q. What is your occupation?
A. Switchboard operator.

By the Chairman (Senator Croll):

Q. Miss Lauzon, will you listen to what I have to say. Before you proceed it is my duty to inform you that you are not liable to be asked or bound to answer any questions tending to show that you are guilty of adultery—

Then he goes on to give the warning which in my opinion is an indication that some of the rights of these people are being protected. They do not have to give evidence that will tend to incriminate them. In other words, they are given the same right as under the United States fifth amendment and under the Canada Evidence Act.

Mr. McCleave: Will the hon. member permit a question? Will he not agree that these rights go back a long way in history and are not a development of recent times?

Mr. Peters: Certainly. Having listened to the history of these rights, I am quite happy

to agree that they go back much farther. I think the Senate very likely used as a precedent the warning of the Canada Evidence Act which has been adapted to these circumstances but I am quite sure the history of the matter goes back a long time. I do not say that this is a bad thing. I agree that this warning is fair and just because these people are testifying to an act which can be interpreted to be contrary to canon law and in some cases is against civil and criminal law also. Mr. Cohen asked these questions:

Q. Miss Lauzon, are you committing adultery, and more particularly on the 26th day of May, 1959, at 647 Woodland avenue, apartment 3, with George Alfred McLaughlin?
A. That is right.

By the chairman (Senator Croll):

Q. How long have you been living with him as man and wife?
A. Since the end of March, 1959.
Q. Is that when you first knew him?
A. No.
Q. How long did you know him before that?
A. In January.
Q. You have been living with him since the end of March. Do you recall the occasion when Mrs. McLaughlin was at your apartment?
A. Around the 22nd of May.

Then the transcript is certified to be a correct transcript of the shorthand notes of the evidence in this case as taken by the reporter.

This is a very interesting case and one to which some consideration should be given. In my memory I believe that this is one of the first cases where both the respondent and the corespondent have testified to the fact that they committed adultery. I think this raises a point in that the inference could be drawn, although the hon. member for Halifax may object, that the divorce was wanted more by the respondent and the co-respondent than by the petitioner.

It has been generally conceded in law that a confession voluntarily given will carry considerable weight except in those cases where the confession would tend to create a situation that the parties themselves wish created. In other words, this confession will give to the man what he says he wants and in that regard I would quote again the following question and answer:

Q. Why did the marriage break up at that time?
A. Well, why make my life miserable and my wife's life miserable when we can't get along? The woman I am living with now I love and I would like to marry her.

In this case we have him stating a motive that may have influenced his confession at this time. I suggest that we should give serious consideration to this type of confession because as a result the respondent is granted the relief that he has said he wishes. We can see how it would be quite easy to accomplish this result by making arrangements to pay for the divorce if there was violent exception by the plaintiff that the divorce should be given to her and the expenses paid and she would act as the injured party in this case. I am not saying that is the situation because I do not know but it has been generally conceded that confessions that have a stated motive should be looked at with some care because of the fact that they tend not to be in the public interest in that they may cause people to perjure themselves in order to get relief that they could not otherwise get.

I am not saying that this is the case in this instance. I think this young man has indicated that he has some responsibility with respect to his relationship to his wife. It was a shotgun marriage, a marriage by arrangement. He married the young girl only to give the child a name. He accomplished that and I presume there may have been some discussion at that time that if he carried his responsibility that far there would be no further problem. Probably the arrangement was carried out equally well by both parties until the young lady reached the time when she again wanted to try her hand in the matrimonial realm, distasteful as it may have been to her in the first place. It is not usual for both the corespondent and respondent to come forward and, taking advantage of the full protection of the law, make such an admission involving testimony that they have committed adultery. If this happens in too many cases I think we will be warranted in taking a very close look at the situation because it could be an indication that divorces were being sought by arrangement and as a result we should not necessarily give too much weight to the evidence of the witnesses and the confession they voluntarily make.

I notice the hon. member for Edmonton West is questioning this statement. His legal mind may not recognize the fact that people would do this. I am quite sure that voluntary confessions are acceptable. In reading some of the studies on divorce laws I note that there is a warning that this type of voluntary confession should be given close scrutiny in order to know that other particulars would tend to establish that this situation of adultery was existing separately from the confessions themselves. I would point out—

Mr. Lambert: I wonder whether the hon. gentleman is aware of the fact that many courts trying divorce cases in this country insist on the two parties coming in and that they do not take the confession of one person. That is precisely the point about which the hon. gentleman is talking.

The Deputy Chairman: Order. The committee cannot allow discussion of procedure in other places.

Mr. Peters: I was pleased to have that answer because my hon. friend is a learned counsel and I am not. The education we get is valuable. We shall try to remember it.

Mr. Lambert: I hope you will profit by it.

Mr. Peters: In the argument we were making I should like to point out that in this particular case the young lady in question did go to the apartment, she did find them living there, she did establish through the hearing an arrangement as to—

The Deputy Chairman: Order. I must advise the hon. member that his time has expired.

Mr. McCleave: Mr. Chairman, a certain remark was made by the hon. member for Timiskaming and it is my duty to answer inquiries such as that. The remark or suggestion was that one Montreal lawyer was able to get his divorce cases through parliament. This is a most unjust inference against parliament and against the lawyer himself. The fact is that since the start of this session we have followed religiously the numbers from one to the present point of 55. Perhaps I am a little bit out of order but I would raise this point on a question of privilege. The situation has become so bad, because of the lobby created by this filibuster, that I will not under any circumstances—

The Deputy Chairman: Order.

Mr. McCleave: I will raise the matter as a question of privilege.

The Deputy Chairman: I cannot allow those remarks. They are not relevant to Bill No. SD-55. Shall clause 1 carry?

Mr. Howard: Inasmuch as a question of privilege was raised and, in my opinion, it is an extremely important one, I think perhaps a little bit of laxity in the enforcement of the rules at this stage might be extremely advantageous to all concerned.

The Deputy Chairman: Order. The Chair has made its ruling. Shall clause 1 carry?

Mr. Howard: No, Mr. Chairman. There are one or two points I should like to make here. I should have liked to make a comment or two at this stage or at some other stage about the individual in this case who is the lawyer and some of the statements that he has been making or is reputed to have been making in Montreal. If they are true, this is most unfair procedure on the part of the gentleman himself. If he is making these statements I think he should be severely reprimanded for them inasmuch as he is implying that there is some improper arrangement between himself and members of this house. If these rumours are incorrect and the gentleman in question, namely Mr. Cohen, has not been making these statements, then at once I say that whatever reflections I may have cast upon him by even making slight reference to the matter are immediately withdrawn. But, as I say, if he is making these statements he should be called to task for doing so inasmuch as he is suggesting that there are improprieties in his relationships with members of this house; and those improprieties are not confined to any one member alone but take into account every person here. If, as is the case, these particular cases which have been passed and endorsed have been ones in which the particular gentleman, Mr. Cohen, was the lawyer, it is only because they came up in that particular order.

With respect to this individual case, Mr. Chairman, I should like to make one or two comments in order to point out what I think are some conflicts which may or may not be serious. Nevertheless they are conflicts in the evidence given and they should be looked at. Where there is a conflict in the evidence that is given, while that conflict in itself may be on a relatively minor thing nevertheless it puts one in the position of wondering whether other points in the evidence are absolutely correct. In this regard I must make reference to the petition itself which is dated at Montreal, the 28th day of May, 1959. This petition shows as follows, and I am reading now from paragraph No. 1:

1. That on the 2nd day of January, 1954, your petitioner was lawfully married to the said—

And it gives here the name of the husband.

—at St. Monicas parish church, in the city of Montreal, district of Montreal, in the province of Quebec.

In the petition itself there are additional references to which I should like to make reference later. But this particular one has some interest here. It is as to when the marriage took place and the ages of the individuals at the time of the marriage. The petitioner, as was indicated or as is shown in the evidence at page 9, appeared as a witness, was sworn and gave certain testimony as to her age. I think I must make specific reference here to the question asked by the clerk of the committee. He asks:

Q. What is your age?
A. 23.

Then they go on to her occupation, where she lives where she was married and to whom and she indicates in the affirmative in those cases and identifies the marriage certificate. She is asked some questions by Mr. Cohen with respect to this particular

point with which I want to deal. Toward the bottom of page 9 Mr. Cohen asks her the following questions:

Q. I note that you were married in January, 1954, and you separated five or six months later?
A. Yes.
Q. How old were you when you were married?
A. 16.
Q. And your husband?
A. 19.

At the time of the marriage in 1954, some six years ago, the petitioner was 16 and the respondent in this case was 19. There was in fact three years difference in their ages. On January 28, 1960 her age is given as 23; but of course this is seven years later rather than six. This difference is easily understood. However, the respondent appears as a witness. He is sworn. As reported at page 12 he gives this evidence:

Q. What is your full name?

And he gives his name. Then he is asked this question:

Q. What is your age?
A. 23.

This is the conflict I say exists between these references as to how old these individuals were. The young lady, the petitioner, was 16 when she was married. She is now 23. Her husband was 19—that is three years older than she was—at the time of marriage and he is only 23 now. I submit that he should be, in evidence, either 25 or 26—one year does not make much difference—depending on when his birthday is. He should be either 25 or 26 now or he should have been 16 or 17 at the time he was married. But this is not the case. He said that he is 23 now.

It is true that he may not have told his wife at the time of their marriage just exactly what his correct age was at that time. He may have indicated to her that he was older than he actually was. This is something we do not know. I think it is one aspect of the conflict which should have been pursued by those who took this particular testimony and asked the questions, because while it may not be relevant specifically to the point, nevertheless where there is a conflict of evidence steps should be taken to clear it up in order that no impression will be left that there are other points in the evidence that are not absolutely correct.

The respondent in this case is obviously not getting younger as the years go by and perhaps he did not tell his wife his true age when they were married in 1954, because it was her evidence that indicated he was 19 at that time, but that conflict should have been cleared up before the matter was proceeded with.

Now I refer to a matter which concerns the inconsistencies of approach of the gentleman asking the questions, in this instance Mr. Cohen. Mr. Chairman, you remember we had some discussion about this point the other day and I make reference to it now only because it is germane to the question of adultery. It concerns the permissibility of counsel asking questions about a specific instance of adultery. I understand it is not permissible for counsel to do that, yet it is done in some cases and not in others. I would have thought that Mr. Cohen, who has spent some time in dealing with these matters and is well versed in questions of law and matters he might encounter before the committee of the other place, would certainly have been consistent in his questioning.

On page 12 of the report the respondent is advised by the chairman, Senator Croll, that he is not liable to be asked nor bound to answer any questions tending to incriminate himself as far as adultery is concerned. After the witness says he understands that Mr. Cohen asks, "Are you living and having sexual relations with"—giving the name of the corespondent and the witness answers "Yes, sir". That is a direct question which I think, so far as tending to prove or not to prove adultery is concerned, perhaps should be asked in all instances where there is an arrangement, a so-called common law arrangement where a couple are living together as man and wife. This question specifies particularly what he is getting at if they are going to continue to base the granting of divorces on the question of whether or not adultery has been committed.

Then he asks a question which is specifying it to a degree, namely to the particular day indicated in the petition as being the day upon which adultery took place. Here I refer to paragraph No. 7 on page 5 of the petition, which says:

On or about the 22nd day of May, 1959—

At a particular address.

—the said—

Giving the name of the respondent.

—committed adultery with—

Giving the name of the corespondent and the same address for each. Mr. Cohen makes a reference to the day and asks the question:

And in particular, on the 22nd day of May, 1959 at—

Giving the same address as that shown in the petition.

—in the province of Quebec, were you living as man and wife with one—

Giving the name of the corespondent.

A. Have been for the past year.

Then he asks whether he was married to the petitioner, and so on.

So that while Mr. Cohen starts off on the question of adultery or sexual relations, which is pinpointing what he is getting at, he does not follow it through and attempt to specify the particular date, at least not in his questioning of the respondent. I think perhaps Mr. Cohen felt it was in order and desirable to prove a particular point and ask whether or not they were having sexual relations with one another, but he should follow it through and ask the self-same question about sexual relations on that particular day. There is an inconsistency there in Mr. Cohen's approach.

However, he does a little better when the corespondent appears. The corespondent appeared as a witness, and she was sworn and gave certain information about her age, name, occupation, and so on. She is also advised by Senator Croll that she need not be asked any questions nor need she answer them as far as committing adultery is concerned. In any event, she indicates she understands the position in that regard and desires to proceed and answer the questions. Then Mr. Cohen asks her directly whether she is committing adultery, "and more particularly on the 26th day of May, 1959", and she answers "That is right".

I do not know, why Mr. Cohen in one instance makes reference in a general question to having sexual relations, mentioning those words specifically, but when he comes to particularize on the day when the sexual relations were supposed to have been committed he backs away from it and makes reference only to people living together as man and wife. That is what happens as far as the respondent is concerned. But when he questions the corespondent he now particularizes and says, "Are you committing adultery, and more particularly on the 26th day of May, 1959", and the corespondent indicates that that is right, that she is committing adultery, and particularly on the 26th day of May, 1959.

I do not know what the 26th day of May has to do with it because that is not the day on which it is alleged adultery took place, at least not according to the evidence which was given. The petition indicates that adultery took place four days before that, notably on the 22nd day of May, 1959. Yet when Mr. Cohen asks a specific question about it he says "Did you commit adultery on the 26th day of May?", which is four days later. I presume that Mr. Cohen thinks that that falls within the expression "On or about the 22nd of May", but I submit he could have chosen the 22nd, the 20th, the 21st, the 23rd, the 24th or the 25th. As I say, I fail to see a consistency of approach. I do not see why he did not deal with the words "sexual relations" when he asked about that particular day, May 22. I do not see why he did not use that same phrase "sexual relations", because he started to deal with that when he asked the corespondent this particular question; but when he particularizes he talks about another day entirely, which was four days after it was alleged that this particular event took place. The petitioner herself, when she appears as a witness, is asked, as appears on page 10:

> Can you tell us something about May 22, 1959?

Then an address is mentioned, and the answer is given:

> I went there. George and Rita were living there as man and wife.

The names given are the christian names of the respondent and the corespondent. Then the witness says they were in pyjamas and indicates that certain circumstances existed. It was on May 22 that she saw these activities, yet Mr. Cohen saw fit to talk about May 26, some four days after these events were supposed to have occurred. Apart from that, we were advised about a week ago, I think, that it is most improper for counsel, at least in a court of law, to ask specific questions of that nature as to whether or not people commit adultery on a particular date. Yet Mr. Cohen disregarded that rule of the court and asked those specific questions in this instance. He fumbles them, anyway, and gets the dates wrong and backs away from the question of sexual relations and refers to these people living as man and wife on a particular day.

I submit that it should be quite acceptable, at least in this area where we are not a court of law, to admit general evidence of this kind, but if we are going to continue this practice of granting divorces through parliament, as we shall at least for a day or two—though next session, if this is not dealt with, and no one has the courage to make an announcement—

The Deputy Chairman: Order.

Mr. Howard: If we should continue this practice, I think that in cases where there is this so-called common law man and wife relationship we should insist in every instance that specific questions are asked by counsel or by members of the other place with regard to sexual relationship on a specific day. If we do not do that we are making a mockery of the word adultery and of just what it means in fact. We would be holding on to the word adultery because of some nebulous thoughts that we have about not wanting to

offend some sections of society. If we are going to deal with adultery, we should deal with adultery, period, and deal with the question of sexual relations as Mr. Cohen started off to do. It is not a question of whether a person is dressed in pyjamas or a housecoat, or circumstances of that nature; another kind of evidence must be given if we are going to hang on to this nebulous ground of adultery as a ground for divorce. We should not delude ourselves. Certainly we are not deluding the general public who know very well that adultery means absolutely nothing—it only means being caught in certain circumstances.

Mr. McCleave: Clearly out of order. The case is a specific one.

Mr. Howard: We are dealing with this specific case, Mr. Chairman.

I should like to deal with another inconsistency if I may, and this has relation to pages 10 and 11. This is concerned with the reasons why the petitioner went to this particular place on this particular day and discovered, as she said in her evidence, circumstances which might lead one to believe that a sexual relationship had been engaged in. On page 10 the following questions are asked by Mr. Cohen and answered by the witness:

Q. Can you tell us something about the 22nd day of May 1959 at—
A. I went there and George and Rita were living there as man and wife.
Q. You went to—for what purpose?
A. I wanted support for my daughter.
Q. Had your husband been contributing towards your daughter?
A. No.
Q. And you went down to speak to him personally?
A. Yes.
Q. Who did you find when you arrived there?
A. He was there with this girl by the name of Rita, and they were dressed in pyjamas and a nightgown.
Q. What time of day was this?
A. About 9 p.m.

Perhaps they believed in the saying "Early to bed, and early to rise". In any event, the examination continues:

Q. Did you speak to your husband about support for the child?
A. Yes, I did.
Q. Did you ask him if he was living there?
A. Yes, and he said he was living with this woman.

Then they go on to speak about reconciliation and so on. The point I wish to make is that she indicated she went there in connection with support for her daughter. She is asked questions later on about this by Senator Farquhar—

The Deputy Chairman: Order. It being six o'clock shall I rise and report progress?

Progress reported.

Human Rights

HUMAN RIGHTS

MEASURE PROVIDING FOR RECOGNITION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The house resumed consideration of the motion of Mr. Diefenbaker for second reading of Bill No. C-79, to provide for the recognition and protection of human rights and fundamental freedoms, and the amendment thereto of Mr. Winch.

Mr. Speaker: It being six o'clock I do now leave the chair.

At six o'clock the house took recess.

AFTER RECESS

The house resumed at 8 p.m.

Mr. Matthews: Mr. Speaker, this afternoon at five o'clock I started in confusion and astonishment. I was under the impression that the C.C.F. group had given permission to have private bills put aside so we could proceed with this debate. You can imagine my confusion. I rose in haste and began to speak. I then noticed that Your Honour grew a little uneasy and rose in your chair. I had begun talking about what the Leader of the Opposition (Mr. Pearson) had said in 1958 so I began to suspect that I was out of order in speaking on that subject. That concluded my first attempt at speaking on this bill. I am now prepared to start over again and see what happens.

When I was interrupted I was saying that the Leader of the Opposition probably did not oppose this bill and that he like all the others would vote for it. I referred hon. members to page 3520 of *Hansard* of January 20, 1958. On that occasion the Leader of the Opposition moved an amendment suggesting that the Conservative party stand down and let the famous Liberals come back into office.

Mr. Martin (Essex East): That is what should be done now.

Mr. Matthews: That was a dressed-up speech. The hon. member for Essex East (Mr. Martin) claims that this bill of rights is not sufficiently dressed up. The simplicity of the language of this bill offends the hon. gentleman and he would like to see it dressed up in fancy language. I imagine that he could do it very nicely, too, because the hon. gentleman is very clever at that sort of thing. I am sure that if he were to draft a bill of rights it would be extremely flowery. However, that is beside the point.

The Liberal party has been quite flowery all along the line. Following the splendid

budget address made by the Minister of Finance (Mr. Fleming) in 1958 the hon. member for Kenora-Rainy River (Mr. Benidickson) rose in his place and became very flowery. He observed that the Minister of Finance was dressed in a nice blue suit with an attractive blue flower in his lapel. This apparently confused the hon. member for Kenora-Rainy River somewhat so he immediately called it a blue budget. In other words, the hon. gentleman wanted to doll up the budget in the proper way with what he considered to be appropriate words.

In the budget debate in 1960 the hon. member for Kenora-Rainy River made a similar attempt. There was no blue suit on that occasion to inspire him and I imagine he felt rather badly about it. I suppose he thought back to the cold porridge of his childhood so he characterized the budget with those words. That is what hon. gentlemen opposite do. They always want to doll these things up.

There is one notable exception to this rule. I refer to the hon. member for Trinity (Mr. Hellyer). That hon. gentleman was talking about the cancellation of aircraft. He did not start out by being flowery at all. He could have discussed some technical shortcoming in the aircraft and said the fuselage was no good, that the proper cord was not on the upper wing or that the tail gate was not just right. Instead of that, however, the hon. gentleman said it was no ruddy good. That is the type of flowery language in which that hon. gentleman indulges.

I have very little to say about this bill. I am keenly interested in it and am proud of the fact that it was introduced by the Prime Minister on July 1. We on this side enjoy that fact very much and I know that hon. members in the opposition parties enjoy it as well. We went out on the front lawn of the parliament buildings and watched the trooping of the colour. In the evening we witnessed a parade of sea cadets. These things brought home to us the fact that these men are engaged in the defence of our nation, just as many hon. members of this house served this country well in various wars in defence of our freedom. This bill goes to the very root of our freedom.

This bill contains no small print. It is written in language everyone will be able to understand. We do not want the flowery approach at all. This bill of rights needs no special cover, no special container to sell it to thinking Canadians. It is not a piece of merchandise such as a box of candy or a bottle of scotch that needs a label trimmed with gold or a bright red ribbon around it to promote its sale. The special ingredient of value to the people of Canada is laid out very clearly in the wording of the bill itself. Consider these words in Bill No. C-79:

> An act for the recognition and protection of human rights and fundamental freedoms.

That is plain enough for anyone to understand. I continue:

> 1. This part may be cited as the Canadian bill of rights.
>
> 2. It is hereby recognized and declared that in Canada there have always existed and shall continue to exist the following human rights and fundamental freedoms, namely,
>
> (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
>
> (b) the right of the individual to protection of the law without discrimination by reason of race, national origin, colour, religion or sex;
>
> (c) freedom of religion;
>
> (d) freedom of speech;
>
> (e) freedom of assembly and association; and
>
> (f) freedom of the press.

Those freedoms mean a great deal to us. I was quite interested in an article in the Ottawa *Journal* of June 14, 1960 entitled "Refugees Pay Big Price for Freedom". The article goes on to speak about the thousands of people that escape from communist countries whenever they can taking nothing with them. All they look for is freedom. This brings home to us the very important fact that Canada is and has been for many years a land of freedom. Some interesting and important statements have been made about freedoms. Thomas Jefferson said of the three freedoms:

> Freedom of religion, freedom of the press and freedom of person under the protection of the habeas corpus, these are principles that have guided our steps through an age of revolution and reformation.

Franklin D. Roosevelt said of the freedom of religion:

> Where freedom of religion has been attacked, the attack has come from sources opposed to democracy. Where democracy has been overthrown, the spirit of free worship has disappeared. And where religion and democracy have vanished, good faith and reason in international affairs have given way to strident ambition and brute force.

I will not read out the words of this bill because all hon. members know them but I will tell hon. members of the opposition that the bill needs no flowery words and no fancy package to sell it to the people of Canada because it is not for sale. It is free to all the people of Canada.

Mr. Paul Tardif (Russell): Mr. Speaker, the previous speaker said that at five o'clock he began his speech in confusion. I am not a bit surprised at that. After listening to the remarks made by the Minister of Public Works (Mr. Walker) the hon. gentleman should have been confused because the minister made a speech that was extremely confusing.

Actually I know that the hon. member for Nanaimo (Mr. Matthews) will be readily forgiven by this house because other hon. members listened to the speech made by the Minister of Public Works and I can assure hon. gentlemen that if I were one to be easily confused I, like the hon. member for Nanaimo, would have been confused as well.

The Minister of Public Works this afternoon referring to the Gettysburg address by Lincoln said it was couched in a language of great simplicity, of great purity and not in the bombastic, arrogant and pompous language which the hon. members of the opposition would suggest. I have listened to most of the speeches delivered in this house today on this bill and I know that if any speech has been made to which those adjectives could be applied it was the speech made by the Minister of Public Works.

It is not the intention of the opposition to have a bill of rights written in a bombastic, arrogant or pompous manner. I would suggest that it would be more in order if the Minister of Public Works had stated that the opposition would like to see a bill of rights written in ordinary prose that could be understood and appreciated by all the citizens of Canada and of which all the citizens could be proud. As an example, it might have gone something like this:

> Her Majesty, with the Senate and House of Commons of Canada, reaffirms the fundamental rights which the dignity of man requires for every individual, not the least of which is the right to life, liberty, security of the person and the enjoyment of property.
>
> To secure these and our other rights, governments are instituted among men, deriving their powers from the consent of the governed and their authority from the crown. It pleases Her Majesty, with her parliament in Canada, to rededicate the principle that no government ought to prejudice these rights by jeopardizing freedom of religion, freedom of speech, freedom of peaceable assembly and association, or freedom of the press.

Actually the Minister of Public Works stated this afternoon, and I quote:

> But no one has suggested even in a vague form what questions could or should be asked of the supreme court—questions upon which any court could express an opinion that would assist in determining the lines of a bill of rights to be enacted by the Canadian parliament.

I think the Minister of Public Works is suffering from a short memory because Professor Bora Laskin, who is recognized as a constitutional authority, made an offer and said that he was willing to draft a question that could be submitted to the Supreme Court of Canada, and did so publicly at a meeting at which the Minister of Public Works was in attendance.

The Minister of Public Works also stated this afternoon that at the provincial-federal conference in 1950 an attempt had been made to arrive at a satisfactory amending formula to overcome the necessity of going to the United Kingdom for amendments. Actually the 1950 conference was looking for a formula to eliminate the necessity of going to the United Kingdom for all amendments, not necessarily to eliminate the necessity of going to the United Kingdom to get one amendment to the British North America Act. The question submitted to the conference at that time was considerably more complicated than asking for the power to make an amendment in order to introduce a bill of rights.

I was also impressed by the Prime Minister when he introduced this bill. He said with great emphasis that he was a Canadian. It is not difficult, Mr. Speaker, to assure the house that there are 17 million people in Canada who feel exactly the same way as does the Prime Minister. I am just as proud of being a Canadian as is the Prime Minister, and I am just as anxious to have my rights respected as is the Prime Minister to have legislation so that they will be respected.

An hon. Member: Who wrote that for you?

Mr. Tardif: I did myself, and if you can do as well as I am doing I shall tear up my notes and start all over again. I do not know who made the remark, Mr. Speaker, but I would appreciate it if a note were taken of it so that I can remember it in the future.

Mr. Brunsden: On a point of order, Mr. Speaker, the hon. gentleman admits he is reading his speech.

Mr. Tardif: I am reading quotations and I am doing exactly the same thing as the hon. member did, with the exception that I am reading only the quotations.

Reading Bill No. C-79, with my lack of legal knowledge, it appears that this legislation is going to be a real joy to the legal profession. It is a recognized fact—and I am not reading this—that lawyers are only 50 per cent correct. I can say this without fear of contradiction for several reasons. In the first place, there are very few lawyers in my constituency. In the second place, it is a recognized fact because it is so easy for anybody to find a lawyer who will be willing to assure his client that as the plaintiff he is right and it is so easy to find another lawyer who will assure the defendant that he is right. Lawyers are only 50 per cent right all the time. You can imagine, Mr. Speaker, because of your legal experience, what a field day lawyers will have with Bill No. C-79, which is difficult for men trained in the legal profession to understand.

Mr. Martin (Essex East): Order.

Mr. Tardif: Mr. Speaker, I think the point of order is well taken. I am speaking of all lawyers with the exception of those in the Liberal party.

Mr. Speaker: Order. I notice there are a great many lawyers here who are willing to help the hon. member to a better understanding of their profession but I hope they will maintain silence while he has the floor.

Mr. Tardif: Thank you, Mr. Speaker.

Actually, this is not the first time that a bill of rights has been introduced in this house. On January 6, 1958 one was proposed by the opposition party and at that time the then parliamentary assistant to the Minister of Justice, the man who is now the Minister of Public Works (Mr. Walker), gave a great number of reasons why a bill of rights could not be introduced at that time. If I have the permission of the house I shall read part of the speech made by the Minister of Public Works who, as I said before, is suffering from a short memory, because he has entirely changed his views on a bill of rights from those which he had on January 6, 1958. Incidentally, I am about to quote from page 2892 of *Hansard* of January 6, 1958, in case anybody is interested:

> First, should a bill be submitted to the Supreme Court of Canada and, if so, how?

In the speech that the Minister of Public Works made this afternoon he was not too concerned about this. I continue:

> Should it be a draft bill, with the question asked as to whether it is within the jurisdiction of the federal parliament, keeping in mind, Mr. Speaker, that in constitutional law Canada is woefully lacking, as the hon. member I am sure will agree, in decisions on questions of this kind? In other words, where do the rights of the dominion cease under section 91 of the British North America Act and where do the rights of the provinces under section 92 begin, particularly when one discusses such abstract but very real values as freedom? Second, should we submit a series of questions to the supreme court? As my hon. friend no doubt is fully aware, to do so is very difficult because we must frame questions of law as distinct from questions of policy which latter, of course, the supreme court will not deal with.

Actually, since that time the Minister of Public Works stated it was impossible, or nobody could frame a question that could be submitted to the Supreme Court of Canada and I tell you that that is not so. I continue:

> Third, should we have a parliamentary committee to explore and agree on a draft that will be suitable to parliament when it finally reaches parliament? Fourth, would it be premature to submit a draft to the supreme court and then, having their approval, come back to the house to find that it is not acceptable to hon. members, or should the government bypass the courts and reach rapport with the provinces by calling them into session, having a dominion-provincial conference on the question of a bill of rights in which the property and civil rights of the provinces would be properly protected? Fifth, should the government itself draft a bill for the approval of and amendment by the provinces, send it to them and have them deal with it? Sixth, should we draft a strictly federal bill? Is this possible under the circumstances, in view of the property and civil rights of the provinces?

Actually this government has been in power more than three years, and during that time not a single letter went to a single province asking whether they would agree to a change or accept a formal bill of rights. The review made by the Prime Minister (Mr. Diefenbaker) when he presented the bill to the house was a great lesson in American history. A bill to assure civil liberties should have been based more on the experience of the commonwealth, using as its base the effectiveness of the protection of human rights in Great Britain, in Australia, in New Zealand and even in India which has had an independent government only since 1947.

In clause 2 of the bill there is mention of the right to the enjoyment of one's property. I am wondering whether that covers a person's property when it is a case of government expropriation as is now taking place in the green belt.

Subclause (d) of clause 2 refers to freedom of speech. Will that give the right to anyone to make a speech any place, any time and on any subject? Subclause (e) of clause 2 deals with freedom of assembly and association. Does this mean that public assemblies will be permitted for any purpose, at any time and in any place?

It is obviously indispensable that to protect people's rights and freedoms more than words are necessary. To this end, there should be a committee to scrutinize every order in council and regulation, as was advocated by the Prime Minister himself on November 23, 1945, and on September 22, 1949, and as quoted at some length by the hon. member for Fort William (Mr. Badanai).

If the Prime Minister would study the vast experience of the commonwealth parliaments previously mentioned I know he would agree that it would be adequate, practical and desirable for every subordinate law designed to have general effect to stand referred to a scrutiny committee to be reviewed in the following respects: Whether questions of principles and policy are involved; where human rights and fundamental freedoms are affected; will it be in the power of the courts to review the validity of the subordinate laws. In this regard the scrutiny committee should have the power to report whether the order in council or regulation has any retroactive effect. The committee should report any lack of clarity. The committee should

check that all subordinate laws have been published and laid before parliament according to the Regulations Act of 1950. Finally, the committee should check whether or not regulations or orders impose a cost on public revenue or commit parliament to expenditures of any sort.

This committee should have the power to sit and to call for papers and witnesses. When I refer to witnesses I do not mean ministers because I think the place for them to give their opinions and views is in the house. The committee should have the power to report at any time. This committee should have as its adviser a highly competent parliamentary official such as the Clerk or one of his assistants or the parliamentary counsel. This type of assistance is necessary if the committee is to be effective in supervising the law-making activities of the expert and competent civil servants. We need more than words, Mr. Speaker, we need effective machinery to protect the rights of men.

(Translation):

Mr. L. J. Pigeon (Joliette-L'Assomption-Montcalm): Mr. Speaker, I want to take the opportunity of this bill being introduced to say a few words.

Man can be man only so long as he is free.

This philosophical postulate could not be quoted more aptly than in the context of this discussion. Human rights are inherent to human nature. For instance the right to live and to think.

Even behind the iron curtain, the human brain cannot be prevented from thinking. In the darkest cell, the prisoner undeniably keeps his freedom of thought.

Unfortunately, in some countries, a man may not think aloud. Because he reasoned in a totalitarian state, that is in Russia, Dr. Zhivago led his author into bondage.

There is much suffering in being forgotten, but what satisfaction there is in finding the courage to express the truth after having thought and recognized it.

Mr. Speaker, thought is a divine spark. Because, if the soul is created directly by God, human intelligence is the most obvious proof that God made man in his own image. God wanted man to be free. Thus, the privileges of freedom and the rights he enjoys derive from God.

This theory having been set forth, let us put it in practice.

Canada is a country which believes in God. Its two great races have been cast in this crucible. Vast and beautiful country that it is, it has been given an appropriate motto *A mari usque ad mare.*

It is true that our country extends from the Atlantic to the Pacific; it is true that its citizens are rightly proud to belong to a young nation with a promising future.

An even greater truth is that it was the bible that inspired that motto, so inseparable are the human and supernatural aspirations of Canadians.

Various colours of the skin, different languages, various religions; those are but accidents. These are varieties in art.

While visiting our parliament, last week, General Bethouart closed his speech by saying something like this: "Let NATO follow the lead of Canada, which is so respectful of its freedoms and those of others, and success will be assured."

That was the statement of a great friend, taking the pulse of allied nations. He stops off here, and pays us that tribute.

Two days later, the right hon. Prime Minister took the floor and, in an historic speech, introduced his bill of rights. That was a noble way of celebrating Dominion day.

In Washington, tourists visiting the library of congress may stop a moment in front of a marble pedestal and read there, with respect, the American constitution.

Shortly, no doubt, visitors flocking to the Canadian parliament will stop to meditate on the declaration of rights, a bill bearing the mark of a great Canadian.

Totalitarian peoples believe in the state alone. The human person is but an individual.

Canada is a democratic country and owed it to itself to set down in this document its ideal of life, one for which men will willingly fight and lay down their lives: their freedom. In a word, I gladly support this bill.

(Text):

Mr. E. Nasserden (Rosthern): Mr. Speaker, in the memory of every hon. member there are memorable events that have left an indelible mark on our lives. The present debate is one of those occasions that all of us will treasure. It will be something worth while and inspiring to hand down to the generations that follow. I suppose there are many definitions of freedom. Every individual in every separate circumstance knows, appreciates and believes in some measure of freedom. There is given to some, however, a measure of experience that lends depth, colour and substance to their appreciation of freedom.

I believe that the Prime Minister holds a unique position in that regard in this House of Commons. During the course of this debate I have been thinking back to my

boyhood, which was not too much different from that of a great number of Canadians who first had a taste of what freedom involved, through the expression of those things which, coming from others, told that there was a need for the recognition and protection of human rights and fundamental freedoms.

The Canadian people have not yet taken on the full stature of nationhood. Ninety-three years have not constituted sufficient time in which to fulfill the promise that was declared and held within the articles of confederation. Those who advocate a constitutional amendment would find more sympathy for their stand were it not for the fact that there is every indication that this course will remain with the Canadian people for a long period of years as an objective which nevertheless could not serve to achieve the true interests of unity and nationhood at this particular time.

Those who have ventured to criticize the language of the bill would do well to remember that it is not a constitutional amendment but rather a setting of markers within which Canadians can chart their way closer to the constitutional unity that will mark the achievement of mature nationhood. Judging by the speeches of some members of the opposition, that achievement will require a further undetermined period of time. Indeed, in listening to the hon. member for Hull (Mr. Caron), one could almost visualize that measure of immaturity, provincial outlook and ignorance in which for many years the leaders of his party were able to shelve and delay the development and achievement of those spiritual and intellectual objectives by means of which people achieve true nationhood.

On this occasion you might ask: What is freedom? My answer might be that it is the development of a personality born to fulfil the ideal of light and reason that shone in the eyes of parents who knew that the realization and fulfilment of the ideals which were the objects of their search could not be found within the land from which they came; a personality that grew with the growth of a people; a personality that grasped their problems; a personality that shared their anxieties.

July 1, 1960 will mark a triumph shared by many Canadians, with the Prime Minister of Canada. The people of Canada know, as does everyone on the government benches, who championed the supremacy of parliament. Those who sit in the opposition today also know who nurtured that right when they were the invincible majority running roughshod and arrogant, mutilating justice and freedom here in Canada. Everyone knows how that personality persevered and almost single-handed licked that proud majority. It is one of the epics of Canadian history and it will not be forgotten by the generations to come. When the history of this parliament is written and when all other measures considered are relegated to their respective pigeonholes, this Bill No. C-79 will, in its simple forthright language, light a torch of liberty and freedom that Canadians will hold close to their bosoms whenever stress and strain test the integrity of our citizenship or the fibre of our nationhood.

In repeating the Prime Minister's closing words "I am a Canadian", the hon. member for Humboldt-Melfort (Mr. Rapp) spoke as would countless Canadians were they here tonight to do so. Last night and again this morning the hon. member for Inverness-Richmond (Mr. MacLellan) measured our need for an assertion of recognition and protection of human rights and fundamental freedoms. His words echo the thoughts of countless Canadians today.

On this occasion when we are discussing freedom and what it means to us I wish to direct a few words to you, sir, as Speaker of this assembly. I think it fair to say that I have had occasion to look to you, Mr. Speaker, and to the chair in which you sit, with more than ordinary search and question. I should like you to know that it has been a comfort to observe how well you perform your duties. During this session I have come to have a growing reverence for the freedom that is symbolized by your position in our democracy.

On this occasion I should like to congratulate the Prime Minister first for his perseverance which kept the subject matter of this bill before the people of Canada throughout the years; second, for his eloquence and devotion which won the admiration and confidence of the Canadian people and brought them together so that this day was possible; third, because of his dedication to the cause of freedom which in Canada will ever bear the imprint of his encouragement and stature; and, finally, because he has been successful in returning to this historic party which commands the loyalty of the government benches the lighted torch that was kindled 93 years ago when the articles of confederation were in the making.

Mr. J. F. Browne (Vancouver-Kingsway): Mr. Speaker, I consider it a great honour and privilege to be in the House of Commons and to be able to take part in this debate which has produced some of the finest speeches I have heard since I have been here. It is indeed only fitting that a matter as important as is the one we are discussing this evening should produce speeches of that kind.

I may say that the course of this debate has been somewhat disappointing to me because when the Prime Minister (Mr. Diefenbaker) made known his intention to introduce this bill I felt it presented a rich opportunity for this parliament to make this declaration of our fundamental freedoms and human rights. Because Canada holds a special position in the world today amongst the middle nations and the emerging new nations I think that spontaneous and unanimous approval of this declaration of human rights would have had a great effect on those nations of the world today.

Almost everyone who has taken part in the debate has indicated that he feels he would like to see all the provinces participate in this bill and that it would be more valuable if this result could be brought about by a constitutional amendment which would make it enforceable in all the provinces. But that is not possible at the present time. I feel that the opposition, knowing that this is not possible at the present time, have been wrong in trying to detract from this bill.

The great value of a bill of this nature is that provision is made to protect the rights which are declared to be ours. It is important that it should have been put out with unanimous approval and brought to the attention of the public in a very forceful way to encourage all the people of this country to join in and rejoice at the passing of this bill and to encourage the provincial governments to join with us and to enact the same sort of bill in their respective legislatures.

Mr. Speaker, I feel that the opposition are trying to detract in every way they can from this measure simply by delaying the possibility of accomplishing the end we want to accomplish. I find it particularly disturbing that they should do this, because the Leader of the Opposition (Mr. Pearson), who was a member of the government which was previously in office, knows very well that some of the things he asked for cannot possibly be accomplished. Therefore he could not have had any reason to suggest them other than to try and detract from the credit which is rightfully due to the Prime Minister for introducing this bill.

I do not know what kind of consideration he wanted to be given to the bill, but in his contribution to this debate he said, as reported on page 5650 of *Hansard* for July 1:

> This is a bill which should be submitted to a committee where witnesses could be called and where the bill could be given the same kind of consideration which this subject was given in the past when committees were set up, one of which met on 20 occasions.

I do not know whether he wants it to be given the consideration it has been given in the past inasmuch as it would go off to some committee somewhere and never come back again. Perhaps that is his hope, I do not know, but it seems to me to be the kind of consideration that he would like to give it. Again I say that he could only have one reason for wanting any such consideration as that, because he would like to detract from the credit which is so rightfully due the Prime Minister for introducing this bill.

There was a rather interesting editorial in the Ottawa *Journal* of Monday, July 4, not referring to this debate but stating in their opinion what parliament should do with this bill. It is quite a short article and I think it is of such importance that I should take this opportunity to bring it to the attenion of the house. It is entitled "That bill of rights" and it commences:

> Little in life causes more trouble than a murderous tenacity for the unattainable perfect impeding the attainable good.

That would be one of the steps which the opposition seem to suggest we should be taking, that because we cannot have everything everybody wants at one time, we should do nothing. Of course, one can appreciate that philosophy when one realizes that the Liberal government was in office for 22 years and did nothing; presumably they were operating on that philosophy throughout their tenure of office. The editorial continues:

> Consider what seems to be happening in the case of Mr. Diefenbaker's bill of rights.
>
> No one can hold sensibly that it is a bad thing for the parliament of Canada to declare at this time in favour of human rights. But simply because our political structure in Canada makes it impossible at present to make that declaration a part of Canada's constitution, some people are saying that the declaration is worthless, that it shouldn't be made at all.
>
> Why shouldn't it be made? Surely at this time, when freedom in so many areas is under siege, it is not a bad thing for the parliament of Canada to shout its faith in freedom.
>
> It is true that this declaration, this writ, so to speak, will not run in the provinces. But if it is ever to be made a writ that will run in our provinces, become a part of the constitution that will be enforceable, what better way of making a start towards that end than to have parliament give the lead Mr. Diefenbaker wants it to give?
>
> This declaration of human rights should be made —be made unanimously and resoundingly.

That bears out what I have already stated to the house, because I believe that had it been given that sort of support it would have had a great deal more effect in this country and I believe every member of the house knows it would have had that effect had it received that kind of support. It would have helped Canada's position in world affairs as well as helped bring about the very ends which the opposition say they would like to bring about.

If there were violent differences of opinion here with matters of principle involved which the opposition could not agree to then of course one would not expect them to give that kind of support. But that is not the case with this bill of rights. I do not think that anyone in this house has indicated in any way that he is opposed to this important bill. It is the age old argument of the opposition, of course, that when the government brings in a good bill they do not dare oppose it so the only thing they can do is to try to detract from it and to say that it does not go far enough or that it should go further, and about every kind of obstacle in its way to detract from it. I suggest that is what has been done in this particular debate.

One of the main objections has been that a constitutional amendment is required. The people of Canada sent us here to legislate. They did not send us down here to re-divide the powers as between the federal and provincial governments. They sent us down here to legislate in a field open to us, namely to legislate within the power of the federal government.

I would remind the house that those same electors who sent us here are also responsible for electing the members of provincial legislatures, and if they want provincial legislatures to enact a bill of rights it will be up to these same people to instruct them to do that. That is exactly the constitutional position in the country. That is what we are sent here for and that is what we are doing at the present time.

The Prime Minister has brought this to the attention of the country many times. Throughout his parliamentary career he has fought for a bill of rights and during the election campaign the people of Canada endorsed his proposal to introduce a bill of rights. Certainly I have had many letters on this subject since I have been a member supporting the Prime Minister's proposal to bring in this bill.

I want to say I am very proud to support a bill which is brought forward in the kind of language which we have in the present bill. We have had discourses on this from very learned counsel, but I am pleased to see that it is in such language that I as a layman and every other person in Canada simply by reading this bill can see clearly set out those rights which are ours. Those rights are set out in unequivocal terms and the bill makes provision for the court to protect those rights. It states quite clearly that parliament shall not be able to infringe upon those rights without repealing the act or stating expressly that it will abridge the freedoms contained in it.

[Mr. Browne (Vancouver-Kingsway).]

The Leader of the Opposition made one or two other observations in connection with this matter and at one point asked, "Why should people pay more attention to this bill than to previous bills?" As reported on page 5663 of *Hansard* for July 4 he said:

> Why should a future parliament be more impressed by and respectful of this bill than it would be of historic charters of our liberties such as the Magna Carta, the petition of right of 1627, the habeas corpus act of 1640 and the bill of rights of 1689—

I suggest there is no more reason why they should be any more bound by them, but I can only say that if they pay as much attention to this bill as they paid to those, then those of us in this house at the present time who have supported this bill will certainly have every reason to be proud of ourselves for having taken part in this historic occasion. At the same time, when the course of history runs along through the coming years we will see this document taking its place in Canadian history, as have so many of these other important declarations played their part in the history of other countries. When that time comes I say that those who have opposed this bill will certainly have no right to be proud of themselves.

Therefore it gives me the greatest pleasure to be able to support the Prime Minister and the government in bringing forward this very valuable document, one which I know in the years I have been a member of parliament I will always consider to be a great privilege to have supported.

(Translation):

Mr. Noel Dorion (Bellechasse): Mr. Speaker, the bill placed before us today on the initiative of the right hon. Prime Minister (Mr. Diefenbaker) has so far inspired a high calibre debate, in the course of which we have heard a number of interesting suggestions.

While I would not be so presumptuous as to believe that my personal intervention can be of any great help, I should like to leave with the house the results of my modest observations.

The history of civilization shows that for a long time, the pursuit and definition of human rights were mainly matters for philosophical debate and moral dissertation. Leading thinkers did perceive however—generally in a confused way—that while man, due to his nature, had to serve society, it did not follow that he should be subordinated to society in all respects, nor that society should not serve man. Christ was really the first

to bring us the first charter of human freedoms, summarizing in these lapidary words which after two thousand years are still amazingly timely:

Render unto Caesar the things that are Caesar's, and unto God the things that are God's.

Throughout the centuries, many battles have been waged over this principle of life. Man has never ceased to pursue the freedoms that enable him to express himself, and it may be said that for two centuries the search for and the defining of human rights have become one of the main concerns now of nations and of governments, and of both at the same time.

We learn from history that it is especially after uprisings, revolutions or social upheavals that attempts were made to define those rights in writings that were always proclaimed inalienable and permanent. Successive constitutions, in France, since 1789, have sprung from the rising of the people against the intolerance and abuse which it felt or thought it had suffered at the hands of the state authorities, or its rulers.

The first establishments which were to form New England and hold such a large place in the history of the English colonies in America, were the result of a similar feeling. For did they not originate in the landing at Plymouth Rock, on December 21, 1620? A historian eloquently remarked, and I quote:

The pilgrims who came to the New World seeking the right to pray according to their faith, brought with them neither warrant nor charter. But before they disembarked from the *Mayflower*, they signed the famous "pact" which contained the principles that were to rule life in their community.

Even today, Mr. Speaker, we cannot face without emotion the memory which is kept alive on the Reformation wall, in Geneva. We see, in that picture those God-fearing pilgrims, kneeling on the deck of their ship as they neared what was to be their land of freedom. Then, before separating, they sign the Mayflower pact which was to be the basis for the various subsequent establishments, that were, in a way, a prelude to the constitution of the great American democracy.

Canada, on its part, also enjoys a great heritage in this respect. Immediately after the defeat of 1760, the vanquished leaders of French Canada tried to regain its basic freedoms. The Ramezays and the De Vaudreuils took great care, at the time of surrender, to demand as a vital need religious freedom and maintenance of our civil laws.

Article 4 of the Treaty of Paris, in 1763, was to be the first answer of the conqueror, and I quote:

(Text):

His Britannick Majesty consents to grant to the inhabitants of Canada the freedom of the Catholic religion. Consequently, His Majesty will give the most effectual and precise orders so that his Roman Catholic subjects may solemnize their religion according to the rites of the Roman church in so far as the laws of Britain will allow.

(Translation):

That was an important amendment to British public law as it then existed, and I might recall incidentally, Mr. Speaker, that Canada was the chosen land where religious freedom was first recognized, even before it was recognized by the mother country for its own people.

Indeed, in 1763, as a result of the test act of 1673, no Catholic of the empire had a right to hold public office without renouncing the fundamental dogmas of his faith. The Canadian people were the first to be relieved by the act of Quebec of 1774.

Moreover, Mr. Speaker, when we look at that part of our history, we can say that Canada was the first country where for the first time since Henry VIII recognition was given to the rights and freedoms belonging not only to Catholics but to all religious denominations. Thus, this act of Quebec was followed in England by the Roman Catholic relief act of 1829, following the fights waged by O'Connell. This act of Quebec came some fifty years before the conquest of religious freedom in the United Kingdom. In Canada, this conquest went on when the Jews, then living in England in semi-freedom, were granted here, as early as 1832, a status recognizing their religious freedom. It was the same for Protestants and dissenters, until 1852 when during the period of union act, the first act was passed definitely and absolutely acknowledging freedom for all sects and religions then known in Canada.

That is the heritage we are still enjoying today, a rich and valuable heritage which enables us more than any other nation perhaps to rank among the first countries seeking to have recognized in specific, precise and definite terms, the fundamental freedoms that all men hope for and which allow fulfilment of their personality.

Canada could not show unconcern about this heritage when on December 10, 1948, after three years of discussions, of debates and planning, the general assembly of the United Nations passed a measure of 30 items covering a number of human rights of various nature, the recognition of which, in the opinion of the assembly itself, was the basis of world freedom, justice and peace.

That universal statement on human rights was soon to operate. Thus, all the texts of constitutions set up since, all basic legislation and laws of newly formed states, or of countries rising from their ruins, as well as the various agencies of the United Nations, international treaties and agreements, the judgments and views of international courts of justice and even of some national courts have been impregnated by that statement and are a proof of its deep influence on world opinion today.

Having signed that document, Canada could hardly ignore the moral obligation thus assumed. Therefore, the present Prime Minister submitted that serious issue to the House of Commons as early as in 1948.

During the 1950 session, the Senate set up a committee which was to investigate the facts and submit its conclusions. That report, which was published on June 27 of that year, recommended that human rights—

based on equality before the law and public order—

—be confirmed by a solemn statement.

Many times since the problem has been the subject matter of eloquent debate until the 1958 session, when the Prime Minister of Canada took the leadership in this field and gave it the form of a bill, which was then deliberately shelved to give Canadians time to consider it and to express their views. That bill is today before us.

And what, essentially, does it consist of?

In his treaty on constitutional law and political institutions the prominent columnist of *Le Monde,* Mr. Maurice Duverger, stated that:

The limitation of government action through the recognition of a citizen's political freedoms works on two levels.

On the one hand, freedoms serve to define an area that is closed to government activity, an area for private action, reserved to the individual; on the other hand, within the very area that is open to government activity, freedoms provide means of opposing the government, means of preventing the government from wielding too much power.

The text before us, largely based on the universal declaration of human rights, is clearly directed to this double purpose. Thus, after recalling man's right to life, liberty, security and the enjoyment of property, without discrimination as to race, national origin, colour, religion or sex, it expressly proclaims freedom of religion, freedom of speech, freedom of the press, freedom of assembly and association. Then there are protective provisions against arbitrary detention or imprisonment, something which recalls and reemphasizes the great British legal institutions which, since the conquest, have become an integral part of our common heritage.

Since its publication this bill has been taken apart and commented upon by many politicians, lawyers and sociologists. Some have regretted its formal inadequacy and the lack of any criminal penalties; others—and I think that is the purpose of the amendment now before us—feel that, instead of passing a mere federal law, we should proceed to amend the constitution so that each and every province would be subject to its provisions.

Any legislation, however important, must strictly take into account the structure of the legislating government. Canada is a federation. Our constitution provides for a distribution of powers and responsibilities as between the federal government and the provincial governments, both of which are sovereign in their particular field.

The result is that some sections of the declaration drafted by the United Nations cannot be incorporated into a federal legislation without constituting an infringement upon the legislative autonomy of the provinces. I think that, during the debate at United Nations, it was the Leader of the Opposition (Mr. Pearson) himself who pointed out that danger.

A bill of rights that would begin by violating the constitution which Canadians have accepted, and which ensures the fulfillment of their personality, would appear as a bold stroke of striking inconsistency.

Would it be better to amend the constitution? Perhaps, but then the amending procedure would have to be provided by the constitution itself, or else accepted by all provinces. Now, no such procedure has been provided in the act of 1867, and most amendments to the act since were introduced exclusively by the federal government, without the active support of the provinces, even if, at times, there was prior consultation. In such a delicate matter, the amending procedure would barely disguise the abuse of power of which, in fact, the federal government would become guilty. What respect could we have for a text drafted, if not in formal illegality, at least in illegitimacy?

Others find the Prime Minister's project inadequate and, in some respects, laconic. Of course, clearly discernible is the desire not to impinge upon powers beyond the jurisdiction of the federal state. That, in my opinion, does not in the least detract from

its value; on the contrary, it is all to the credit of the Prime Minister, and he deserves our congratulations for it. The draft is couched in simple terms, that everybody can understand, and it avoids anything that could give rise to violent controversy.

As General Lafayette said in the French constituent assembly, the character of such a declaration consists in truth and precision: it must recite what everyone knows, what everyone wants. It must state only indisputable principles, only morally and legally indefeasible rights inherent to all systems, since the rights it purports to proclaim are natural rights that are vital to man and his development at all times and in all countries.

But what about the lack of penal sanction? Much could be said on that score, but my time is running out. Let me point out that this objection does not take into account the nature and true purpose of the document. In his Christmas message of 1940, His Holiness Pope Pius XII precisely urged nations to proclaim a universal declaration of rights and to transpose it into their own legislation; he defined the character of such a declaration and pointed out its ultimate purpose in those terms:

> To calm the agitation and bitterness of all those who feel threatened or injured in their existence or deprived of the free exercise of their activity.

Published not just by philosophers or moralists, but by legislators and public administrators, such statements become in the hands of men, and by the sole power of their verity, instruments of protection and defence before the courts and public opinion. They help fight injustice and arbitrary decisions. Moreover, at the same time, they teach man the moral obligations that also involve the respect of another man's property. In a country such as this, where two races with different origins, cultures and beliefs live side by side, a bill of rights will help bring those races closer together, help shape public opinion, cause the great law of Christian charity to become deeply rooted in the soul of everyone and finally provide for French speaking Canadians and English speaking Canadians equal rights and freedoms in all and every part of our wide and beautiful country.

(Text):

Mr. Arnold Peters (Timiskaming): Mr. Speaker, we have all listened to the debates with a great deal of interest and I believe we have all learned something from what has been said. It would appear that a bill of rights means many things to many people, and not the same thing to each individual. It seems to me that we are putting a great deal of faith in a bill that is as simply written and as fundamental as this bill of rights appears to be. It will be true, as the hon. member for Russell (Mr. Tardif) said a few moments ago, that the lawyers will interpret it as they see fit, and many applications will come from a very humble beginning.

For many years the Canadian people have been told that they need a bill of rights and that a bill of rights is a good thing. I wonder how much we really needed a written bill of rights? I wonder whether this bill of rights which outlines certain liberties of the Canadian people will actually limit them by enumerating them? Will it not to some extent limit federal jurisdiction, and particularly the jurisdiction of the courts which have served well the English people, Canadians and others who have taken their cases before them, and finally in many instances to the highest courts of the land?

I keep thinking that the Roncarelli case was a very good example. While we may argue that it cost a lot of money to carry it through the courts—it took seven years—I think it is generally agreed that the Canadian people achieved from the courts in the end a sense of fair play and an indication of what justice was.

I am inclined to believe that quite often when we pass a statute, when we introduce a bill that limits by its scope many things by enumerating exactly what it will protect, we put ourselves in this position. Many of the things that are not mentioned, many of the things that are not considered to be rights today will be debated and will become court cases in the future because provincial governments may well decide that they are within their jurisdiction because those matters which come within the jurisdiction of the federal government are enumerated in this legislation.

I listened very carefully to the arguments put forward on behalf of a bill of rights that would be suitable to teach to the growing generation and would give them probably as great a sense of nationalism as does the constitution of the United States, the story of George Washington and the cherry tree and so forth. I believe there is some merit in this suggestion. I would think the Prime Minister (Mr. Diefenbaker) should give consideration to including a preamble that could be brought to the attention of our children, something which would give them a sense of Canadianism and of ownership of those rights that we are now enumerating. I am sure that

many of our children if they were given the bill of rights we have before us would find very little in it that is not in other legal documents.

The constitutional aspects of whether we should have a bill of rights in our constitution or whether it should be an act of parliament which could be changed by subsequent governments is worthy of a great deal of consideration. We should feel in Canada that no matter what province one comes from he has equal rights with the people in other provinces. Obviously this can only be accomplished by putting it in a constitution which cannot be changed at the whim of either a federal government or any particular provincial government. I do not think we need to enumerate the cases that in recent years have shown the need for those rights to be granted in provincial fields. I refer to the right of assembly which is given to the unions, which can be taken away in certain provinces and yet is generally accepted and is on the statute books of the federal government. This right is given to all citizens under federal jurisdiction. In this field we have rights and liberties of the Canadian people that we have come to accept. Therefore, I think there is something to be said for putting this into stronger form than a simple act of the House of Commons.

On the other hand, Mr. Speaker, there is something to be said for having a bill in this form. It would appear to me that the bill of rights that the Canadian people will get will depend entirely on the attitude of the people themselves and their interpretation of it. I would suggest that as we grow up in this country and throughout the world and as we enlarge our concept of what liberty is we shall before too long want to write into a bill of rights the right of freedom from want. We shall be interested in adding economic implications to it so that no people in this country will be in want of food and the basic necessities of life.

It will not be too long before we shall want to put in a bill of rights certain rights with regard to our health structure so that Canadians at all times any place in Canada will be entitled to reasonable and extensive care as they may need it.

If the bill of rights is in such a form that it can be maintained by subsequent governments we shall be surprised in 25 or 50 years at just how many things the Canadian people have assumed for themselves as fundamental rights, and they will not be as basic as the rights outlined in this particular bill. In my opinion this means that the bill of rights will mean only what the government of the day wants it to mean. If we have governments such as we have had in various provinces of Canada which do not believe in freedom of the press, then there will be no freedom of the press. If we have governments which do not believe in the right of assembly, then there will be no right of assembly, and we have seen this happen in some of the provinces. If we believe in freedom of religion, then we will have freedom of religion with this bill or with the interpretation that we get from our courts. We have seen in provinces where they do not believe in freedom of religion that we did not have that right and this bill of rights will not make any difference to them.

We are going to have a federal-provincial conference on July 25. I would suggest that the Prime Minister hold off his bill of rights until that time and then present it to the premiers of the provinces. I would be surprised if there are not a number of the provinces which, without any preliminary work being done, without any discussions, will agree to accept this bill of rights and recommend that it be strengthened and that other liberties be put into it at the same time. I am also quite sure there are a number of provinces in this country which will not agree to accept the bill of rights and make it a constitutional amendment. We have an obligation to those who will not accept a bill of rights at this time to continually keep bringing this matter to the premiers of those provinces and to the people of those provinces until we have educated them at least into accepting what I would consider to be a very basic set of principles.

I believe that a bill of rights will be only as good as the government that is administering it. I have no doubts about this government and certainly about the Prime Minister of this country administering a bill of rights so that it will mean anything to a great number of people. If a bill of rights is going to mean anything it is going to have to take into consideration two parties. It is going to have to mean something to the individual and it is going to have to mean something to the crown at least. Those two parties are going to be involved every time the question of the bill of rights comes before the people.

The individual is going to be concerned and the crown must be concerned. Yet in this bill we do not have a very simple clause saying that the crown will be bound by this legislation as well as the individual. We do not have such a clause in this bill although it is found in most of our acts. It is a clause that is necessary at all times in order to bind the crown. It is to be found in the Interpretation Act. Such a clause could easily have been added at the end of this bill in order to make the crown also a responsible

party with respect to any action taking place under the bill of rights. The bill provides freedom for the individual but does not place any restraint on the other party, the crown. I suggest that at least with respect to federal matters the crown must be a party to the bill.

I rose on a point of order the other day, Mr. Speaker, and tried to indicate that already at this session we have passed at least one bill containing clauses which eliminate the benefits to be gained from the bill of rights. The Feeds Act is very simple legislation, but in 11 instances in that act we have eliminated rights that the Canadian people have come to assume are theirs. We have eliminated security of property through the right to search without a warrant. We have eliminated protection against self-incrimination. We have removed the protection against forced confessions. Excessive fines are provided which involve cruel and inhuman punishment. We have provided in this bill for arbitrary detention affecting the liberty of the person. We have eliminated the right to interference by counsel. We have eliminated the right not to be deprived of the enjoyment of property without due process of law. The right to a fair hearing has been abrogated. The right of the accused to confront crown witnesses and cross-examine has been eliminated. The right of the accused to stand trial where the offence occurs has been eliminated.

This was all done in one simple bill we passed this year. I make no apology for not having risen and saying something about the matter at that time. Frankly I did not know anything about it. This is an argument that can only be developed by lawyers, and as it was pointed out to me I am quite happy to point out the effect of that legislation. I have read the arguments and have studied the bill and out of the eleven instances that legal counsel have put forward I can find seven or eight myself and I am only a common, ordinary person.

Nobody questions the legal ability of the Prime Minister. He controls the government. We do not have control by a 25-man cabinet but rather government by an individual. It is his government and it will rise and fall with him. In my opinion he has the capabilities necessary to decide these matters. I will feel quite secure about his bill of rights and will be happy to say I have been wrong if I find that in the next week or two he withdraws the Feeds Act or eliminates those provisions of that act to which I have referred.

I have used the Feeds Act as an example not because it is the worst one but because it was passed at this session and therefore fits my argument. There are other acts of the same kind. Take, for example, the Fisheries Act. Under that act an inspector can be a political appointee. As a political appointee he can seize a boat because he has reason to believe that something is not cricket with respect to the operation of the boat. He can hold the boat and then turn it back to the fisherman and say, "Thank you, I did not have any grounds; there is your boat and you can do what you like with it." The fisherman has no redress. The inspectors are protected under the act. All I suggest is that if the bill of rights means as much as some of the backbenchers seem to think it means then I am sure the government will immediately withdraw all legislation containing arbitrary powers eliminating the right to counsel and the right to protection against having to make confessions that may incriminate.

When these powers are eliminated I will believe that the Prime Minister is sincere in bringing forward a bill of rights, a bill that does not affect all the Canadian people but only those who are affected by acts passed under the jurisdiction of the federal parliament. In my opinion this measure will in no way interfere with the rights of the provincial governments.

I could go on and mention some of the things that I do not like that are happening in the immigration department, the fact that the mounted police have made raids in the middle of the night and assaulted men and women and this on the Indians that we keep on reservations we have set apart for them. I could point out these things but I do not think it would do any good because they are things that have happened in the past and we do not want to say anything about them. But I would suggest that if the members of the government are sincere in their belief, and I think they are, they have an obligation to start immediately to check all legislation we have passed in the last three or four years at least and to see that our legislation will give the people the rights we want them to have and are promising them in the bill of rights.

When that is done then in my opinion we in Canada will be able to write for ourselves a preamble to the bill of rights in concise and flowery language, even as flowery as the hon. member for Essex East (Mr. Martin) would like it to be, which will mean something to our school children. We can dress up the bill of rights so that every school child can learn about these rights and will feel proud of being a Canadian. They will know they have those rights we now have

through British law. As it is now, when we go to court one lawyer will get up and say that we have these rights and another lawyer will get up and say we have not. Then you look in your pocket and if you have enough money you hire the best lawyer. He says you have them and you win the case and you get off.

I am told that the Roncarelli case was before the courts for seven years and in many instances the justice handed out in that case was a disgrace to the Canadian people. We all agree that a fair and just decision was rendered when the case finally went to the Supreme Court of Canada. But such a result can only be achieved by the rich and will not accrue to the poor. The things that were spoken about this afternoon in such a flowery way were not given to the rich in England or the United States. They were given in the main to the poor people, to the people who could not afford to fight for themselves. Most of those rights were granted not after a revolution or an upset in the country but because of decisions by people like our supreme court judges who sat back in their little ivory towers and decided that this was right and that it should be given to the people.

We want to have a bill of rights in Canada. I have wanted a bill of rights for a long time. I agree with those who have said that they want the bill of rights to be simple so that Canadians can understand it. This bill of rights is simple and it can be a good bill of rights. It can be as good a bill of rights as the government that is going to administer it wishes to make it but if the government will not take action to eliminate those things that are provided to the contrary by other legislation of the federal government then I do not think the bill of rights will be worth the paper it is written on.

I think that in the next few months the Canadian people are going to be watching to see what happens with respect to the legislation with which they come in contact. The little fisherman who has some gear in a boat is going to be interested if his boat is seized by an inspector and no charge is laid and there is no right to prosecute the inspector. The feed mill owner will be interested when he calls in his lawyer and finds that the lawyer not only cannot have a privileged communication with his client but becomes a second party who can be questioned and has to give evidence under penalty of a fine himself.

If the little people across the country who are affected by the acts of the federal government find that these acts have been liberalized and find that what the Prime Minister said about the bill of rights was not idle talk but was talk that was going to apply to them, then they will remember John Diefenbaker and his bill of rights for a long time. But if they continually find that those acts are abused and that the bill of rights is being invoked against other federal acts, they are going to question whether he was honest in his interpretation of applying this to all the Canadian people.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, before the vote on the amendment is taken I think it is desirable that I should explain the position we will take with regard to it. The amendment reads as follows:

> That this bill be not now read a second time, but be it resolved that this house is of the opinion that the provinces should be consulted in order to ascertain whether agreement can be reached on the terms of a constitutional amendment to guarantee human rights and fundamental freedoms.

So far as the amendment deals with the desirability of consultation with the provinces, we on this side of the house have advocated that consultation during this debate and indeed on various occasions when we were dealing with this subject. We therefore naturally support the idea of consultation with the provinces so that out of that consultation there may develop in one form or another, with provincial agreement—because that is the only way in which it can be done—a bill of rights which will cover all Canadians and all subjects whether they are under provincial jurisdiction and federal jurisdiction.

This afternoon the Minister of Public Works (Mr. Walker) in his intervention in this debate stated that the previous government during its years of office had done nothing to promote consultation with the provinces in these matters. I would remind him that he himself mentioned the constitutional conference of 1950 which was at least an effort to bring about agreement with the provinces so that when action had to be taken in matters of this kind, which required a constitutional amendment before that action could cover the whole of the country, arrangements could be made for that to be done by some amending procedure in our own country.

The minister talked about the abortive nature of that conference. May I say this, Mr. Speaker. That conference represented at least an effort to make progress in this direction. While it did not accomplish everything the government of that day had in mind, that conference accomplished this result. It made possible the amendment of the Canadian constitution by Canadian action, without reference to any other outside jurisdiction, in respect of all those matters under federal jurisdiction. That achievement represented progress. Because of the action taken at that

time in 1950 this government today, if it had so desired, could have introduced this bill in the form of a constitutional amendment. As has been pointed out by the Prime Minister and others, this bill deals only with matters under the jurisdiction of the federal parliament. Hence because of the action which was taken in 1950 the government could have made this bill, as far as its contents are concerned, a matter for constitutional amendment by action of this parliament and not action of any other parliament at any time.

The Prime Minister has said that was not done because it was not really important to have it done in that way because a constitutional amendment of that kind can be altered in the same way in which it can be made, namely by action of this parliament. But as I pointed out on Monday, that surely is a strange argument and one which depreciates the importance of having something in our constitution. If the principle of this bill is so important as it has been stated to be by so many hon. members on the other side who have spoken; if it is indeed a landmark in our history; if it is indeed a Canadian Magna Carta, might it not have been wise to have brought this matter before this house in the form of a constitutional amendment covering federal matters alone so that it at least would have the sanctity of enshrinement in our constitution? That was not done but it could have been done because of the action taken in 1950.

This amendment goes beyond that point. This amendment deals with consultation in order to ascertain whether we can have the kind of bill of rights or bills of rights, if we need more than one, which would cover all subjects under all the jurisdictions and therefore cover all Canadians. As I have said, we of course support this idea of consultation. But what has the present government—which will be faced with this amendment as we are faced with it—done with regard to bringing about this kind of consultation?

The Prime Minister and others have pointed out that it is idle to talk about consultation with a view to bringing about a wider bill of rights because it is obvious that such consultation will lead to nothing but delay. Our quarrel with the government on this matter is that no effort of any kind has been made in nearly three years by the government to find out whether this pessimistic prediction is in fact the case. It is quite true that if in the future as little effort is made to bring about this kind of consultation with the provinces as has been made in the last two and a half years this amendment would indeed result in indefinite delay for any bill of rights of any kind. The record of the past shows that we are not likely to have, unless that record is changed, the kind of consultation which is needed and which might, despite the pessimistic predictions made, result in agreement.

It has been pointed out by more than one speaker on this side of the house that there are already two provincial bills of rights. The new premier of the province of Quebec who has just been installed in office has already declared that he is in favour of a provincial bill of rights. Has any province come out against the idea of a bill of rights or a declaration of rights or a federal bill of rights, with the same kind of bill introduced in the provinces? Has any province come out against that in principle in the last two and a half years? Has any province discouraged initiative by the federal government which might have brought that about by now? Not to my knowledge, Mr. Speaker. Nevertheless the government has done nothing about it at all except to say that consultation is idle and delaying, that nothing can be expected from it and therefore they will bring this bill of rights forward as an ordinary bill of rights, not even as a constitutional measure covering federal matters alone. Hence that part of the amendment dealing with the consultation side of the question does not present the opposition with any difficulty.

But, Mr. Speaker, the real significance of this amendment, of course, lies in the first line:

> That this bill be not now read a second time,—

That phraseology, makes the amendment a purely negative one. Not only is it negative in that sense technically but it rejects the principle embodied in this bill. The expression "that this bill be not now read the second time" would be killing the bill on second reading when we are dealing with the principle of the bill.

Mr. Speaker, we on this side have already said we would support the principle of this bill, but we wish that principle to be implemented more effectively. Having taken that position, how could we then vote for an amendment the effect of which is to kill the bill and negative the principle of the bill? What we want to see done, now that this bill has been introduced, even in the form in which it has been introduced, inadequate though it may be for the purposes we all hope to achieve, is to see the bill passed in second reading and sent to a committee.

We would have liked to have seen the promise made by the Prime Minister (Mr.

Diefenbaker) of this country to the bar association at its annual convention in Vancouver last September carried out, the promise by which a bill of rights "in the early days of next session", that is, the present session, would have been sent to a joint committee of the House of Commons and the Senate at which evidence could have been heard from those interested in giving such evidence, including the bar association itself.

As I pointed out the other day, that specific commitment given with definite assurance by the Prime Minister resulted in the bar association passing in one of its committees a resolution which said that it would be possible to discuss this matter in this joint parliamentary committee and therefore they would reserve their opinion until they had the chance to appear before it. That cannot be done as proposed. Perhaps we are not yet at the end of the session but we are certainly not in the early days of it. All we can do now is to get this bill as soon as we can to a committee, perhaps even at this stage—I do not know what the intentions of the government are—to a joint committee. But at least we can get a committee set up and can summon to the committee witnesses, organizations, individuals and experts. Some of the witnesses and some of the organizations have been waiting for two years to appear before such a committee.

If because this is the middle of July it is not going to be possible to get all the witnesses before the committee demanded by the seriousness of the subject, that will not be our responsibility. But we will do our best to make this committee work. We will do our best to help secure witnesses before this committee. We have already suggested in this debate certain concrete changes which can be made, we think with advantage, to this bill. We will have an opportunity, I hope, to bring these changes to the attention of the committee.

Incidentally in the course of this discussion some very thoughtful speeches have been made on all sides of the house, but we have not heard very much from the government side about the proposals we on this side have made in the hope that they would improve the bill and make it a better bill when it comes out of committee, back to this house during this session later in the summer; and when the house in committee of the whole will have a chance to go over the work of the committee, examine the changes which have been made, and perhaps pass a bill before the session is over which will really implement in an effective and impressive way the purposes which we all have in mind when we discuss human rights and fundamental freedoms.

We cannot do any of that if this amendment carries, because if it carries it kills the bill. That is the purpose of the amendment.

Mr. Winch: Not at all.

Mr. Pearson: Surely there is no doubt about that, because this is an amendment designed to negative this bill. It says in terms "that this bill be not now read the second time". There can be nothing clearer than that.

For that reason, Mr. Speaker, we regret that we will not be able to support the amendment.

Mr. Hazen Argue (Assiniboia): Mr. Speaker, it was not my intention to speak this evening but in light of the interpretation which has been placed on our amendment by the Leader of the Opposition (Mr. Pearson) I am impelled to speak.

The Leader of the Opposition began by making a great point, with which I agree, that there should have been consultation with the provinces. And he was very correct when he said that in the last two and a half years no province has gone on record as opposing a federal bill of rights or refusing to consult with the federal government on this question.

I think the Prime Minister (Mr. Diefenbaker) has made a great mistake in not canvassing the possibility of agreement with the provinces to place in the Canadian constitution a bill of rights. But I hoped, Mr. Speaker, with this clear amendment before the house tonight that we would have the unanimous and enthusiastic support of the official opposition. The official opposition have said: "We like the amendment; we like the ideas in the amendment; we think the government should be doing what the amendment calls on the government to do, but we will not vote for the amendment."

Mr. Speaker, that is reminiscent of attitudes of the official opposition on other occasions. They say they want to do a certain thing, but when an opportunity is given to them to stand up and be counted in this house they shy away from it. How can they expect to gain the confidence of the Canadian public—

Mr. Martin (Essex East): We are gaining it.

Mr. Argue: We know there is something of a tradition in this country that many people vote one way in a provincial election and very often vote another way in a federal election. Apparently the hon. member for Essex East (Mr. Martin) is attempting to claim that the Liberal party is such a monolithic party that what happens in a given province is bound to happen in the federal field.

Mr. Martin (Essex East): Look at the Gallup poll.

Mr. Argue: "Look at the Gallup poll" says the hon. member.

Mr. Speaker: Order: The right to vote is not one of the fundamental freedoms involved here.

Mr. Argue: Mr. Speaker, the attitude of the official opposition with regard to the amendment of the C.C.F. is exactly the same with regard to the Gallup poll. When it is in favour of the government they say it does not mean a thing, that it is cooked, that you cannot depend on it. They say "Look what happened in the United States". When it is on their side they say "Well, look at the Gallup poll".

The Leader of the Opposition complained that this bill should have been brought in at an early date and that it should have had thorough consideration throughout the length of this session. Now he says that it should be rushed off to the committee. If the passage of this amendment meant that the discussion of this bill was ending for this session, and if the passage of this amendment meant that the government would carry out the expressed wishes of parliament as contained in this motion and would bring in a bill of rights after having consulted the provinces, then I hope it passes this house, because I feel that consultation with the provinces and any possibility of getting an amendment into the constitution is superior to this type of bill.

In that I have the full support of the Liberal party. One would expect that they would welcome this amendment and that they would be supporting the leadership which our party has given to the opposition at this time. The Leader of the Opposition says that if it is passed the amendment will kill the bill. I take issue with him on that score. The amendment does not say anything of the kind. It says that the bill be not now read a second time, and I emphasize the word "now". If the house is prepared to adopt the motion as amended when I sit down around ten o'clock tonight—

An hon. Member: Make it soon.

Mr. Argue: You see that is the democratic attitude of the members opposite. Ten Tory speakers in a row, and they say that is democracy in action. To an opposition speaker, make it short, they say. Let us have the vote quickly. However, if the vote should come soon, and if by some weird fluke this amendment is passed; if the government's majority collapses, and if the whips are hauled off, as I would like them to be, and if we have a free vote, it would merely mean that the house had said that this bill should not now be read a second time. Then we would pass on to the next order of business—

An hon. Member: What is that?

Mr. Argue: —and the second reading of the bill could be moved later tonight, if that were desired, or else the bill could be moved tomorrow on second reading, and we could continue where we left off.

Mr. Pearson: Oh.

Mr. Argue: The Leader of the Opposition can say "Oh", but I still contend that this amendment does not kill the bill. Its passage does not remove the bill from the order paper. It is merely an abstract expression of the views of this house. Perhaps the Liberal party is afraid that the motion as amended might pass. I wonder if that is really a logical assumption to make? According to the latest tally I have, there are 206 supporters of the government in this house, 48 supporters of the Leader of the Opposition and eight members of the C.C.F. group. Does the Leader of the Opposition really think that the government in opposing this amendment, as it has indicated it intends to do, is likely to allow it to pass? Of course they will not allow it to pass. So I think that on any grounds the arguments of the Leader of the Opposition are very much in error. However, if this amendment should pass, and the government were then to consider it as a want of confidence motion and head to the electorate, would the Leader of the Opposition consider that a calamity?

Mr. Pearson: No.

Mr. Argue: We have put forward this amendment in the hope it will receive support and in the hope it will pass and because we feel that parliament should lend its support to the proposition that the provinces should be consulted. I feel it is the duty of members in the opposition parties to put their views forward strongly, and to put their views forward by way of motions or by way of amendments, and then speak and vote in favour of those amendments. In my opinion every single vote cast in favour of this proposition is a vote in favour of a stronger bill of rights and is not, as the Leader of the Opposition has stated it to be, a vote which is negative to the proposition that there should be a bill of rights.

I can only say we are disappointed that we are not receiving the support of the Liberal opposition. We think that all the arguments which have been put forward by the Liberal party point to one conclusion. Those of us who speak from this group would be very greatly strengthened by a consistent approach by the Liberal party, by their voting in the house the way they have been speaking for the last three days.

Human Rights

Right Hon. J. G. Diefenbaker (Prime Minister): I do not want to spoil this beautiful relationship which has developed between the two opposition parties. On the one hand, the members of the C.C.F. claim that they want a bill of rights and on the other hand by the amendment in question which they have moved they are adopting a means of assuring that there will not be a bill of rights.

Every authority contained in Beauchesne indicates that the manner in which to defeat any resolution or motion is to move, in the words of this particular amendment, that this bill be not now read a second time, with some alternative offered. The interesting situation in which the hon. member for Assiniboia (Mr. Argue) finds himself has been revealed in his own transparent words. He says: We have moved this amendment; we realize it will not be carried, and therefore we can take the stand of opposing the motion for a bill of rights at this time. These are his words.

Mr. Argue: I rise on a question of privilege.

Mr. Diefenbaker: These are his words.

Mr. Speaker: What is the question of privilege?

Mr. Argue: The Prime Minister has said we have moved this amendment so that we can vote against the motion for a bill of rights. I never made any such statement, and I think time will show the way in which the C.C.F. will vote on this matter.

Mr. Speaker: The hon. member is not raising a question of privilege. It is a matter of argument.

Mr. Diefenbaker: I have simply placed a proper interpretation on the action taken by the C.C.F. party in this regard.

Mr. Argue: Do not misquote me.

Mr. Diefenbaker: They know the rules of parliament; they know that this type of amendment is designed to defeat the motion which is before the house.

Mr. Argue: That is not true.

Mr. Diefenbaker: Those are the rules. The hon. gentleman is invariably quoting the rules, and every suggestion of an amendment as a means of defeating a motion provides that the bill be not now read a second time but that some other course be followed. This is the transparent tactic which is being used in this case by the hon. gentleman and those associated with him. He has pointed out that with 206 members supporting the government there is, after all, no danger of this amendment passing, indicating exactly what I mentioned a few moments ago, that this is a transparent tactic designed to afford an opportunity to divide the house while at the same time continuing the pretence that the party in question supports a bill of rights.

[Mr. Argue.]

Mr. Argue: Nonsense.

Mr. Diefenbaker: I do not want to discourage this beautiful relationship between the members of the opposition. The Liberal party has throughout the years indicated, by its refusal to act on any suggestion that there should be a bill of rights, that it did not want a bill of rights. Indeed I can give the house quotations in support of that contention, and I intend to do so when I come to close the debate. The attitude shown a moment ago by the Leader of the Opposition (Mr. Pearson) is certainly worthy of commendation on our part, since it indicates that the educative process that we carried out during the years while endeavouring to obtain a bill of rights has now enabled us to command the support of the right hon. gentleman and his followers.

Mr. Speaker, this is a day I have looked forward to. I am glad if we are going to receive the support of the official opposition on the bill of rights which through the years I have advocated and others have advocated and I am sorry that the C.C.F. is going to place itself in the position of endeavouring to defeat something to which they have through the years, through their various leaders, given support.

Mr. Martin (Essex East): Mr. Speaker, so that the matter may be clear, may I ask the Prime Minister if there is any doubt that he will propose after second reading that this bill be sent to a committee for thorough study?

Mr. Diefenbaker: Mr. Speaker, I intended to deal with that generally when I concluded the debate. I undertook that the matter would be sent to a committee. If the house agrees it will be sent to a committee as was always the intention and has been made clear over and over again.

Mr. Pearson: Early in the session?

The house divided on the amendment (Mr. Winch) which was negatived on the following division:

YEAS

Messrs:

Argue	Peters
Fisher	Regier
Herridge	Winch—7.
Martin (Timmins)	

Division

NAYS

Messrs:

Aiken
Aitken, Miss
Allard
Allmark
Anderson
Badanai
Balcer
Barrington
Baskin
Batten
Beech
Bell (Carleton)
Bell (Saint John-Albert)
Belzile
Boivin
Boulanger
Bourbonnais
Bourdages
Bourget
Bourque
Brassard (Chicoutimi)
Brooks
Broome
Browne (St. John's West)
Browne (Vancouver-Kingsway)
Bruchesi
Brunsden
Campbell (Lambton-Kent)
Campbell (Stormont)
Cardin
Caron
Carter
Casselman, Mrs.
Cathers
Chambers
Charlton
Chevrier
Chown
Churchill
Clancy
Comtois
Cooper
Crestohl
Danforth
Deschatelets
Diefenbaker
Dinsdale
Dorion
Doucett
Drysdale
Dubois
Dumas
English
Eudes
Fairclough, Mrs.
Fane
Fleming (Eglinton)
Fleming (Okanagan-Revelstoke)
Forbes
Forgie
Fortin
Frechette
Fulton
Garland
Godin
Green
Grills
Gundlock
Habel
Halpenny
Hamilton (Notre Dame de Grace)
Hamilton (Qu'Appelle)
Hamilton (York West)
Hanbidge
Hardie
Hees
Hellyer
Henderson
Hicks
Hodgson
Horner (The Battlefords)
Howe
Jones
Jung
Keays
Knowles
Korchinski
Lafreniere
Lahaye
Lambert
Latour
Leduc
Lennard
Lessard
Letourneau
Loiselle
Macdonald (Kings)
Macdonnell
MacInnis
MacLean (Queens)
MacLean (Winnipeg North Centre)
MacLellan
Macnaughton
MacRae
McBain
McCleave
McFarlane
McGregor
McIlraith
McIntosh
McLennan
McMillan
McPhillips
McQuillan
McWilliam
Maloney
Martel
Martin (Essex East)
Martineau
Martini
Matthews
Meunier
Michaud
Milligan
Mitchell
Monteith (Perth)
Monteith (Verdun)
Montgomery
More
Morris
Morton
Muir (Cape Breton North and Victoria)
Nasserden
Nesbitt
Noble
Nowlan
O'Hurley
O'Leary
Ormiston
Pallett
Parizeau
Pascoe
Paul
Pearkes
Pearson
Phillips
Pigeon
Pratt
Pugh
Rapp
Regnier
Ricard
Richard (Kamouraska)
Richard (Ottawa East)
Richard (St. Maurice-Lafleche)
Roberge
Robichaud
Rogers
Rompre
Rouleau
Rynard
Sevigny
Small
Smallwood
Smith (Calgary South)
Smith (Simcoe North)
Smith (Winnipeg North)
Southam
Speakman
Spencer
Stanton
Starr
Stearns
Stefanson
Stewart
Stinson
Tassé
Taylor
Thomas
Thompson
Thrasher
Tucker
Villeneuve
Vivian
Walker
Webb
Webster
Weichel
White
Winkler
Wratten—191.

Mr. Grant Campbell (Stormont): Mr. Speaker, when this matter came up last year I had the pleasure of attending a lecture delivered by Professor A. M. Lower at the University of Ottawa. As everyone knows, Professor Lower is the very distinguished author of a history text book which is standard in most universities entitled, "Colony to Nation", and as most people know he is no great or abiding friend of the government or of the party to which I belong. His book "Colony to Nation" is written in a very racy and ingratiating style. However, one should not take it too seriously because it presents the Liberal or authorized version of Canadian history. I think it is very fortunate that we have people like Professor Creighton who can set the record straight. However, I must admit that Mr. Lower could not restrain a sneaking respect for the founder of the Conservative party and original prime minister of Canada, the late Sir John A. Macdonald.

But I was very gratified and pleased at the support that Mr. Lower gave for a bill of rights. I was fortunate enough to have the pleasure of meeting him afterwards and he was kind enough to give me the verbatim notes of his speech. There are several passages I should like to quote directly from his speech because I think they are extremely material to the discussion tonight. I quote from Professor Lower's remarks:

> I agree wholeheartedly that the present administration is sincerely anxious to increase the guarantees of Canadian freedom. The problem is too big to be allowed to become merely a matter of ordinary party bickering. Those who try to make it merely a party matter will do their country no service.

He went on to say:

> I recognize the weaknesses of a simple statute instead of a constitutional amendment, but I recognize the impossibility of getting this latter at the present time. A half loaf is better than no bread. If I were an M.P., I would call for drastic

revision and strengthening of that part of the bill dealing with the War Measures Act, and would cheerfully vote for the rest of it.

Professor Lower stated that if he were a member of parliament he would call for a strengthening of the war measures provisions and would cheerfully vote for the rest of the bill. He stated further:

I hope all Canadians will have gumption enough to see in the gesture of the present government concern for their liberties.

He stated something else that is very material and which I should like to put on the record because he expresses it in a most succinct and intelligent manner. He said:

Our bill of rights will touch on the subject of civil liberties, not on civil rights at all, and, as such, I suspect it will affect the whole country. It will be a great statement of principle. It will be comparable to the American declaration of independence.

I quote further:

If you want another parallel for the statement of principles, I can think of a very pertinent one which nobody here will repudiate, that is to say, the innumerable statements of principles which we find stated in the holy writ. I suppose there are very few people who have not consciously or unconsciously, at some time or other, violated the precepts that are laid down for us in the scriptures but somehow, these precepts have a way of bringing us back to them. We take the simple case of the ten commandments. One of them states: "Thou shalt not steal", yet there is a great deal of theft in the world. Nevertheless, we come back to the principle and it has been so strong and so powerful a principle that it is upheld by the secular law of the land. My point is that, if you enunciate a great principle, which is intrinsically sound, sooner or later, your law will be shaped accordingly; and sooner or later he will begin to think accordingly too.

I could not agree more with this direct verbatim quotation from Professor Lower. I am glad to say that there is one instance in which I can thoroughly agree with him.

For many years prior to the last two great wars many people had the idea of the inevitable march of freedom. It used to be taken for granted or it was assumed that by some natural law one nation after another would introduce some form of representative government modelled on the mother of parliaments and that in due course freedom would become universal. To me this is just another of those liberal illusions—that is liberal with a small "l"—that was initiated by the French revolution. It is in the same category as is this faith in the inevitable progress and the ultimate perfectability of man. These two illusions are one thing that Liberals, communists, socialists and so on have in common, namely this naive faith which is founded on a misconception of human nature.

Conservatives, basing their feeling on an older and more orthodox Christian tradition, realize that human egotism must be restrained by good laws and that human altruism will always be bolstered by sound institutions. They also realize that there is no guarantee of any inevitable progress. In human history we go forward and we go backward. There is always in human history the possibility of human creativity and destructivity.

Unfortunately, as I have stated, this optimism that freedom was inevitable has not been justified by events. Our democratic form of government has gone entirely out of fashion and has been replaced in many countries by the rule of a dictator or a tyrannical clique. Even in Canada our rulers seem to have been attracted by the illusion of the efficiency of government wartime controls and to have become impatient with the relatively slower and more pedestrian processes of democracy. It has been the evidence of this which has led thinking men to advocate clear-cut legislation to guarantee personal liberty in place of our vague traditions.

It is evident that this bill should have been introduced by the Prime Minister (Mr. Diefenbaker) because his efforts to secure such legislation go back for a long time. He raised the matter in 1942. In 1947 he made a speech in parliament which aroused great interest in the subject of a bill of rights not only in Canada but in the United Nations. On many occasions between 1947 and the defeat of the previous government the Prime Minister raised his voice to urge on an unsympathetic house the passing of just such a bill as that which is before us. As Prime Minister he has drafted the bill of rights; and in order that it should receive the fullest consideration and study he introduced the bill and had it given first reading last September and then let it stand over until this present session.

In 1945, when the charter of the United Nations was drawn up in San Francisco, proposals were already being made that an international bill of human rights should be drafted. This first international declaration of human rights was adopted without a single dissenting vote. It consisted of 26 articles and covered a very wide range of personal, civic, political, economic and other types of rights.

Those 26 articles did not have the force of binding rules of law either in international relations or in the domestic law of any of the states which approved them but they represent the aspirations of the common men and women of this age. They are a statement of what ought to be. They represent a challenge and a goal, and in most parts of the world that goal is tragically far removed from actual conditions. It is the old story of

the tragic disparity between our aims and our achievements. However, the United Nations declaration of human rights is an inspiration to us as well as to others and it forms the background to the fight which the Prime Minister has been waging for a bill of rights in Canada.

Since no one in Canada would ever admit that he was opposed to freedom, it seems surprising that opposition members, or some of them, would have in the past rejected the Prime Minister's arguments. However, a bill of rights meant a curb to the power of the previous government which, incidentally, it was by no means ready to accept. Among the members who opposed this suggestion of a bill of rights on numerous occasions was the late Mr. Garson, the former minister of justice. I quote from his speech in the House of Commons where on one occasion he stated as follows:

> The introduction of this deceptively simple but rather emotional issue into such a complex field creates a problem which is an extremely difficult one. It is the problem of superimposing a bill of rights, after the United States fashion, upon the federal constitution of Canada, whose main feature, inherited from the constitution of Great Britain, is the sovereignty of its legislative bodies... It is this British principle which the hon. member for Prince Albert proposes to abridge by attaching constitutional limitations to it in the manner of the bill of rights in the United States constitution.

Mr. Garson, of course, was obviously referring to the fact that the parliament of Britain is completely unfettered. It has the power to confiscate your home, to imprison you or to do anything. In fact, it is a cliché in law circles that the only thing the British parliament cannot do is to change a man into a woman. In contrast, under the United States system of government we know that the first ten sections of the United States constitution provide a bill of rights to which all legislation must be subject.

It should be remembered, of course, that this absolute and unfettered power possessed by the British parliament is not due to any deliberate planning but is due to the fact that parliament has gradually acquired the power originally possessed by despotic kings who knew no bounds to their power save the limits placed on tyranny by the threat of rebellion. This accident of history has left the British parliament with a constitution resting on usage which knows no restraint on its legislative power. Because the tyrannical government of Charles I and James II provoked rebellions which led to the termination of their kingly jobs and in one instance the termination of life we are prone to think of government tyranny as related only to monarchy. I am sure that those who have the responsibility of directing affairs at Westminster do not make that mistake. They know that stubborn Englishmen who have grown up with traditions of liberty and independence can be pushed only so far and that they will accept despotic regimentation no more readily from some bureaucrat than they will from a monarch and they have learned not to risk such an explosion.

But our population is like that of the United States. It is composed of many elements. Our history in some respects is similar to that of the United States. We have this tradition of violence. We are not a homogeneous people who have lived in isolation for a thousand years so that we should develop our own way of life and our own traditions.

Many people in both the United States and Canada came from countries where the common man was not encouraged to talk back to officials and where there was no traditional liberty. Even those of Anglo-Saxon origin have lost that stubborn, rebellious spirit. Let me say to the English "Be not proud". Let them know that this Magna Carta they boast of was actually promises extracted by French knights and French barons from a French king. Let them realize also that the language of the English courts for 300 years after Magna Carta was the language of France. Let them also realize before they become too proud that the greatest judge who ever adorned the English bench was not an Englishman but a Scotsman, Lord Mansfield.

As for the previous government which was in office, men like Mr. Howe and Mr. Garson, who shared with other members of the cabinet the odium of stifling the discussion of the pipe line contract, also appeared eager to abuse their great powers. Mr. Howe, Mr. Garson and the rest have had their day and will never play the tyrant again. But there are those in power who suffer from illusions of grandeur and there are many who think that some legal restraints should be applied to keep anybody who in future endeavours to emulate them within bounds.

Many well-intentioned people who support the concept of a bill of rights are of the opinion that there should be a constitutional amendment. I am not too sure—and I throw this out because I certainly make no pretensions to being a constitutional lawyer—that this bill of rights as it stands would not apply directly to the provinces. The property and civil rights reserved under section 92 of the British North America Act to the provinces refer to quite a different thing. That is property and civil rights. It is a translation from an old French legal term, "proprietes et droits civils". That was a well known phrase long before the English conquest. It

was put in that section by Sir George Etienne Cartier, and of course was designed to safeguard the customary laws of the province of Quebec; for example, the family law, the rights to inheritance and that sort of thing. It had nothing whatever to do with civil liberties, which is a different matter and which could more correctly be called public laws.

The Prime Minister (Mr. Diefenbaker) has decided not to seek such an amendment because of the question of delay. He obviously arrived at the same conclusion as Professor Lower. That half a loaf of bread is better than none. He stated on one occasion:

> In so far as constitutional amendment would be concerned, the experience of 80 years indicates very clearly that the provinces, jealous of their jurisdiction, would not support a constitutional amendment applicable to themselves.

Mr. Speaker: Order. I wonder if the hon. member would agree with me that the vote which has been taken has pretty well disposed of the question of a constitutional amendment and that we might confine ourselves now to the bill before the house.

Mr. Campbell (Stormont): Yes, Mr. Speaker.

In closing, there are others who might say that this is just a simple statute. If it can be passed by a government it can be repealed by a government. This is literally true, but can you imagine the outcry which would be created if any government presumed to do such a thing? What government would dare repeal a statute which guaranteed our civil liberties? Anyone who considers the matter will acknowledge that the Prime Minister is right in saying that if this bill is passed no government will ever dare repeal it.

Finally, nothing would be more appropriate than to refer again to the initiator of the bill and to one of his statements or promises. The Prime Minister said:

> Henceforth, except within the limitations that security demands, Canadians will know that their rights are not to be loosely disregarded, and parliament will have before it at all times the warning which is emphasized in this bill of rights, namely that fundamental rights and freedoms within the federal jurisdiction shall not be made light of by this or future parliaments.

I would extend that also to the provinces, either legally or by precept, that within the federal jurisdiction fundamental rights and freedoms shall not be made light of by this or future parliaments.

Mr. B. C. Thompson (Northumberland): Mr. Speaker, I feel that history is being made here in this debate on the bill of rights and it is a great privilege to have an opportunity of having a seat in this house on this historic occasion.

[Mr. Campbell (Stormont).]

During the debate many views have been expressed by various members. I think all the views have been expressed which could possibly be expressed and all the avenues of approach have been explored. Therefore I do not intend to speak at any length at all. I merely want to congratulate the Prime Minister (Mr. Diefenbaker) on having realized the dream of many years when he introduced this bill. I want to congratulate him on the language of the bill, which I consider is very clear and very plain and simple, and thus very eloquent. It is language which can be readily understood by the layman as well as by the professional man.

When one aspires to be the Prime Minister of Canada I believe he must have in mind greater aims and objectives than just the mere holding of the office of Prime Minister. I think our present Prime Minister is justified in holding the great office of Prime Minister because of this one aim alone, although he has many aims and objectives.

This bill has been exposed to much criticism and also approval both inside and outside the house. It is quite obvious it is impossible to please everyone. It is impossible to draw up a bill in a form which will express everybody's ideas as to how a bill should be prepared. The main thing is that we need a bill of rights in Canada and we need one now.

Mr. Speaker, like Her Majesty's loyal opposition I am going to support this bill, but unlike them I am going to be consistent and speak in favour of it too. From the remarks I have heard them make this evening and during this debate I can only infer that they are just trying to justify their own inaction in regard to a bill of rights when they had the opportunity to bring one in while they were in office.

I believe it is very important that we should watch very carefully, especially in these days when government is being asked more and more to intervene in the life of the private individual, the relationship between the state and the individual. We should guard very carefully against arbitrary measures and encroachments on our human rights and fundamental freedom. In that respect, I think it is very desirable that we should reduce these rights and freedoms to writing so that we may have continually before us our objectives in that regard. It gives me a great deal of pleasure to be able to be here and support this measure for a Canadian bill of rights.

Hon. E. D. Fulton (Minister of Justice): A very great deal has been said today in the course of this debate and also on Monday with regard to the bill of rights now before

the house, and it is obvious that between now and eleven o'clock I am not going to have sufficient time to make a complete review of what has been said.

I should like to start by attempting to outline for the house and particularly for the members of the opposition what they have obviously completely misconstrued and misinterpreted—the effect and extent of this bill and the concept that the government had in mind by way of a legislative enactment when it introduced this bill of rights. Our intention is to introduce a statute which will define the rights of all Canadians in clear and understandable language, a statute which will clearly authorize and assist the courts to interpret and protect those rights and which will, in addition, set a limit to executive and, in so far as it is possible or desirable, parliamentary authority to interfere with or abridge those rights. This, I submit, we have done. Ours is a draft bill of rights that he who runs may read.

I may have something to say later about this question of the language in which a bill of rights should be drafted, concerning which we heard so much from members of the opposition today and on Monday. At the present time I think it would suffice to say that had we used language as suggested, in particular by the hon. member for Essex East (Mr. Martin), then certainly no one could understand it, let alone be inspired by the bill of rights which would have resulted.

What we wanted to do, and what I submit we have done, is draft a declaration of the rights applicable to all Canadians which will serve as indication to Canadians whether natural born or naturalized, of whatever origin, of whatever creed or whatever colour, that these rights are theirs by inheritance as Canadians. It has certainly been our intention to produce a bill in a compass which would enable it to be framed, if you will, and hung on the walls of our schools or churches or institutions of every sort so that a person might stand before it and read it and say: this is my inheritance as a Canadian.

Therefore we have, of course, been concerned not to be too long and verbose or too circumspect. We have been concerned to try to produce a declaration of what those rights are, couched in the simplest, the most effective terms, and we have been concerned to try to produce in addition an enforcement section, a section which makes it clear that those rights will be protected by the courts. This, again, is framed in language sufficiently clear that a person concerned about his rights will know what he is entitled to and how he will be able to go about asserting and protecting his rights.

There is at this stage just one point I want to make, and that is with reference to the suggestion by the Leader of the Opposition that perhaps the War Measures Act should be amended so as to make it clear that the governor in council would not have the right to deprive Canadian citizens of their citizenship by order in council even in wartime. It is obvious that this bill of rights and the debate in connection therewith will be of interest to Canadians of all sorts, including those who are naturalized Canadians as well as those who were born in this country, and therefore I think it is probably to be expected that the Leader of the Opposition (Mr. Pearson) will make what appeal he can to the ethnic groups in Canada by making the sort of remark he made.

But I point out that the remarks he made had nothing to do with the bill of rights. He was talking about amendments to the War Measures Act. Why he should drag that in was perfectly obvious, but I will go no further than I have gone because one must not, of course, impute motives. However, I do want to emphasize that the Leader of the Opposition dragged in a reference to an amendment to the War Measures Act that has nothing to do with the bill of rights at all.

I want to point out, too, that he continually overlooked the fact that it was his government, when it introduced the citizenship act, that provided not one way but six ways by which Canadians could be deprived of their citizenship by order in council. The Leader of the Opposition omitted to mention that this government rectified this situation in 1958 by amending the citizenship act so that naturalized Canadians could not lose their citizenship by action of the governor in council except in two circumstances instead of six.

Perhaps I should outline the ways in which the previous act had taken power by order in council to deprive naturalized Canadians of their citizenship. Prior to September 6, 1958, when we amended the act, the citizenship act contained in subsection 1 of section 19 six broad causes which provided for the revocation of Canadian citizenship of persons other than natural-born Canadian citizens. There is no time for me to deal with them in detail tonight, but anyone who wishes may read them, and I have provided the reference. Because it was felt that these provisions discriminated unfairly against persons naturalized in Canada, we introduced a bill to amend the citizenship act providing that five of these six provisions be deleted. Of the original six, our bill retained only that one which provided for the revocation of Canadian citizenship in the case of persons who have obtained certificates of naturalization or citizenship by

false representation or fraud or by the concealment of material circumstances.

In this way, discriminations against naturalized Canadian citizens introduced by the former Liberal government were removed from the citizenship act. After deleting five of the six previous provisions, the bill included one new cause for revocation, and one only. This provides specifically—

Mr. Speaker: Perhaps the minister would find this a convenient place at which to call it eleven o'clock.

Mr. Fulton: Then may I call it eleven o'clock, and move the adjournment of the debate?

BUSINESS OF THE HOUSE

Mr. Chevrier: May I ask the leader of the house what is to be the business for tomorrow?

Mr. Churchill: Tomorrow we will go on with the estimates as outlined on Monday night, beginning with the Department of Justice. There are only one or two items remaining there. Following that we will take the estimates of the R.C.M.P., then those of the Department of National Revenue, and then the completion of the estimates of the Department of Transport. If all these should be finished there are the other departments we have listed—external affairs, northern affairs, labour and so on.

Mr. Chevrier: May I ask when this bill will be debated again?

Mr. Churchill: I think we might resume debate on this bill on Thursday and perhaps complete the debate that day, then carry on with the estimates.

Mr. Chevrier: Thursday of this week?

Mr. Churchill: Thursday of this week.

Mr. Chevrier: Does that mean Thursday of this week?

Mr. Churchill: Thursday of this week.

Mr. Pearson: Mr. Speaker, does the minister not realize that twice now in the last few nights he has said that Wednesday, Thursday and Friday of this week are to be devoted to estimates?

Mr. Churchill: Oh, yes, but I have always suggested when outlining the program for the week that it is a tentative program. We have made changes each week, many of them being made at the suggestion of hon. members on the other side of the house.

It being two minutes after eleven o'clock the house adjourned, without question put, pursuant to special order.

ANSWERS TO QUESTIONS

The following answer, deposited with the Clerk of the house, is printed in the official report of debates pursuant to standing order 39:

EXPLORATORY PERMITS, ARCTIC ISLANDS

Question No. 425—**Mr. Hardie:**

1. What companies and individuals held priority rights on exploratory permits in the Arctic islands prior to June 1, 1960, and what acreage was held by each?

2. What companies and individuals were issued exploratory permits on or before the deadline of June 24, and what was the acreage given under permit to each?

3. What has the government received by way of revenue from the sale of exploratory permits in the Arctic islands?

Answer by: **Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources):**

1. Priority applications as at June 1, 1960:

Dominion Explorers Ltd.	4,066,030	acres
Round Valley Oil Co. Ltd.	2,882,154	"
W. R. Newman	12,228,219	"
Talent Oil & Gas Ltd.	3,021,590	"
Dome Petroleum Ltd.	1,593,359	"
C. M. McAvoy	2,846,417	"
G. Radisics	1,436,233	"
Charter Oil Co. Ltd.	1,308,454	"
Cree Oil of Canada Ltd.	7,388,129	"
Trans Western Oil Ltd.	13,296,062	"
M. C. McLeod & Co. Ltd.	1,729,324	"
P. C. Nedham	1,047,220	"
G. A. Clarke	1,418,961	"
J. W. Powelson	892,672	"
Terratest Co. Ltd.	1,377,648	"
Chican Petroleum Ltd.	437,202	"
James Ross	812,611	"
M. J. Haley	3,404,810	"
W. Phipps	67,512	"
F. W. Chubb	4,550,689	"
A. G. Ghent	82,988	"
K. G. Ellard	4,962,955	"
Canadian Homestead Oils Ltd.	2,521,167	"
Siebens Leaseholds Ltd.	6,859,015	"
David Rosen	42,416,549	"
Texaco Exploration Co.	2,992,374	"
The California Standard Co.	8,573,582	"
Dr. Florian Yandel Jr.	1,487,747	"
Pampas Petroleum Corp.	838,594	"
T. J. Rubeo	3,418,898	"
R. C. Cowell	579,320	"
M. T. Koven	1,880,996	"
W. Sheeky	673,233	"
C. E. Ridley	3,773,658	"
	146,866,282	acres

2. List of permittees in Arctic islands:

William R. Sheeky	237,593	acres
Round Valley Oil Co. Ltd.	2,746,836	"
Round Valley Oil Co. Ltd. and Talent Oil & Gas Ltd.	126,564	"
George H. Radisics	737,286	"
Trans Western Oils Ltd.	3,106,117	"
Charter Oil Co. Ltd.	525,467	"
Cree Oil of Canada (1958) Ltd.	4,450,022	"
Canadian Homestead Oils Ltd.	134,304	"
P. C. Nedham	1,016,469	"
Pampas Petroleum Company	606,949	"
W. W. Phipps	67,516	"
M. T. Koven	219,741	"
R. C. Cowell	579,371	"
T. J. Rubeo	1,547,548	"
Trans Western Oils Ltd.	2,448,806.5	"
Dominion Explorers Ltd.	4,066,212.5	"
M. C. McLeod and Co. Ltd.	1,164,199.5	"
W. R. Newman	3,441,215	"
M. J. Haley	97,203	"
Talent Oil & Gas Ltd.	2,889,202	"
Texaco Exploration Co. Ltd.	3,152,319.5	"
James Ross	798,638	"
W. R. Newman	1,083,930	"
Dome Exploration Ltd.	1,471,029	"
The California Standard Company	2,297,427	"
Round Valley Oil Co. Ltd.	34,116	"
Total	39,046,081	acres

3. The government received $191,500 from the sale of exploratory permits in the Arctic islands.

HOUSE OF COMMONS

Wednesday, July 6, 1960

The house met at 11 a.m.

INDIAN AFFAIRS

Mr. Noel Dorion (Bellechasse): Mr. Speaker, I have the honour to present the second report of the joint committee of the Senate and the House of Commons on Indian affairs in English and in French.

STARRED QUESTIONS

UNEMPLOYMENT INSURANCE FUND—INVESTMENT PORTFOLIO CHANGES

Question No. 190—**Mr. Martin (Essex East):**

1. What changes were made in the investment portfolio of the unemployment insurance fund for the period from June 1, 1959 to March 31, 1960?
2. What were the amounts involved in the buying and selling of bonds and other securities?
3. On the individual transactions, what were the amounts of profits realized or losses sustained?

Hon. Donald M. Fleming (Minister of Finance): As the answer to these three questions contains many figures, I suggest, Mr. Speaker, that with the approval of the house it be printed in *Hansard* without being read.

Mr. Speaker: Does the house agree to the suggestion of the hon. minister?

Some hon. Members: Agreed.

[*Editor's note: The answer referred to is as follows:*]

1. From June 1, 1959 to March 31, 1960 there were net purchases of treasury bills of $6,025,000 (par value) and net sales of bonds of $139,653,000 (par value).

2. Gross purchase of treasury bills amounted to $102,515,000 and gross sales of treasury bills amounted to $96,490,000. Gross sales of bonds amounted to $139,653,000. All these figures are in par values. There were no purchases of bonds.

3. It is not in the public interest to disclose the details of individual transactions. The following table shows the gross purchases and gross sales (par values) of treasury bills and bonds, and the profits or losses realized on these transactions, for each month from November 1959 to March 1960. There were no purchases or sales of either bills or bonds between June 1 and October 31, 1959.

Treasury bills

		Purchase	Sales	Profit
1959	November	nil	nil	nil
	December	$ 24,750,000	$ 2,000,000	$ 2,419
1960	January	nil	22,750,000	79,916
	February	47,960,000	28,465,000	24,042
	March	29,805,000	43,275,000	84,038
	Total	$102,515,000	$ 96,490,000	$ 190,415

Bonds

		Purchases	Sales	Loss
1959	November	nil	$ 15,000,000	$ 687,250
	December	nil	30,150,000	1,465,587
1960	January	nil	2,275,000	227,500
	February	nil	53,725,000	3,209,437
	March	nil	38,503,000	2,825,672
	Total		$139,653,000	$8,415,446

Starred Questions

HALIFAX NAVAL PERSONNEL AT SEA

Question No. 192—**Mr. Hellyer:**

1. How many navy personnel stationed at Halifax were at sea during June 3, June 4, and June 7, last?
2. On what ships and what number of personnel on each?

Hon. Pierre Sevigny (Associate Minister of National Defence): The answer to the first part of the question is as follows: June 3, 4109; June 4, 4596; June 7, 4605.

The answer to the second part of the question includes the names of 24 ships and their complements, and I would ask that this information be printed at this place in *Hansard*.

[*Editor's Note: The information referred to is as follows.*]

	3 June	4 June	7 June
Bonaventure	1176	1176	1176
Nootka	238	238	238
Huron	85	85	85
Iroquois	232	232	232
Sioux	219	219	—
Athabaskan	216	216	216
Micmac	231	231	231
Cayuga	—	—	228
Chaudiere	246	246	246
Columbia	254	254	254
Kootenay	—	251	251
Lanark	139	139	139
St. Croix	—	236	236
Buckingham	143	143	143
Cap de la Madeleine	156	156	156
Inch Arran	146	146	146
La Hulloise	146	146	146
Lauzon	139	139	139
Swansea	143	143	143
Porte St. Jean	33	33	33
Quinte	42	42	42
Thunder	42	42	42
Chaleur	41	41	41
Fundy	42	42	42
	—	—	—
	4109	4596	4605

INDIAN AGENCIES (SERVED THROUGH NORTH BAY)

Question No. 193—**Mr. Benidickson:**

1. Which Indian agencies in the constituencies of Kenora-Rainy River, Port Arthur or Fort William under present administrative arrangements are required to process their needs through an Indian affairs branch set-up in North Bay?
2. How far in miles is each of the above mentioned agencies from (a) North Bay; (b) Ottawa headquarters?

Hon. Ellen L. Fairclough (Minister of Citizenship and Immigration): The answer to part 1 of the question is as follows: the Indian agencies at Sioux Lookout, Kenora, Fort Frances, Port Arthur and Nakina come under the jurisdiction of the regional office located in North Bay, Ontario.

[Mr. Speaker.]

In answer to the second part of the question, the distance in miles from these agencies to North Bay and Ottawa is as follows:

Agency	(a) North Bay	(b) Ottawa
Sioux Lookout (C.N.R.)	762	988
Kenora (C.P.R.)	923.9	1171
Fort Frances (C.P.R. and C.N.R.)	856.4	1103.5
Port Arthur (C.P.R.)	626.1	873.2
Nakina (C.N.R.)	511	737

MOTION FOR PAPERS

SUPERVISOR OF PROOFS, NAVAL ORDNANCE BRANCH, BEDFORD, N.S.

Motion No. 120—**Mr. Chevrier (for Mr. Benidickson):**

For a copy of all correspondence between January 1, 1960, and June 1, 1960, relating to the vacancy and competition No. 60-H-562 for the position of supervisor of proofs, technician grade I, inspector naval ordnance branch at Bedford naval magazine, Nova Scotia.

Hon. Pierre Sevigny (Associate Minister of National Defence): Mr. Speaker, apart from the routine forms related to a competition of this kind there is no correspondence in connection with this motion. Application forms submitted in competitions under the provisions of the civil service commission have always been considered to be of a confidential nature and thus fall within the definition of privileged documents.

In view of these circumstances may I ask the hon. member whether he would agree to have this motion dropped from the order paper?

Mr. Chevrier: Mr. Speaker, in view of the absence of the hon. member for Kenora-Rainy River (Mr. Benidickson), could the matter stand?

Mr. Speaker: In the absence of the mover of this motion I suggest that it stand.

Mr. Sevigny: That would be all right, Mr. Speaker, but may I mention to the house the fact that I gave the fullest explanation of this item, which has been on the order paper for some time, to the hon. member for Kenora-Rainy River, and he sent me a note stating that upon the answer I have just given he would be willing to drop this matter from the order paper.

Mr. Chevrier: Under those circumstances, Mr. Speaker, I would withdraw my request.

Mr. Speaker: The hon. member for Laurier for the hon. member for Kenora-Rainy River, and with his consent, agrees to the withdrawal of this motion.

Order discharged and motion withdrawn.

NATIONAL DEFENCE

NATO—CONTROL OF NUCLEAR WARHEADS PROVIDED TO CANADIAN FORCES

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, may I ask the Prime Minister whether any nuclear warheads which might be provided for Canadian forces under NATO in Europe are to be under sole Canadian control, in the same way that the Prime Minister indicated they would be if they were used for continental defence?

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, that question is, of course, an improper one. At no time did I say "sole control." I said joint control of Canada as to use, and also as to everything connected therewith. That statement still stands.

Mr. Hellyer: The right hon. gentleman said Canadian control.

[*Later:*]

Mr. Pearson: Mr. Speaker, in view of the fact that the Prime Minister doubted that my question to him was quite proper, in that he stated I had misquoted him, may I rephrase it. Does the Prime Minister's statement on page 5654 of *Hansard* "that if and when the Canadian government should decide to equip its forces with nuclear weapons those weapons would be under Canadian control" apply also to Canadian forces in Europe under NATO?

Mr. Diefenbaker: Mr. Speaker, this is an indication of the kind of questions that the hon. gentleman asks. Let me point out this fact, that he either deliberately or intentionally in his question used the words "sole control", and suggested that I had said "sole control". I answered that by saying that at no time had I said "sole control". I would suggest to him that when he asks questions on a matter as important to Canada and Canada's future—

Some hon. Members: Oh, oh.

Mr. Diefenbaker: —and having regard to his responsibility—

Mr. McIlraith: Answer the question.

Mr. Diefenbaker: —that he not quote or pretend to quote in his question something that he knows is not correct.

Some hon. Members: Hear, hear.

Mr. Speaker: I know that the Prime Minister has great regard for our practices, and I am sure he would like to reconsider the last phrase he used; because in it he has implied that a member of the house would make a statement which he knew was not correct.

Mr. Pearson: Mr. Speaker, on a question of privilege, the Prime Minister should, of course, withdraw what he said.

Mr. Diefenbaker: No, he should not.

Mr. Pearson: The Prime Minister now says he should not. I ask him to withdraw what he said. The Prime Minister, of course, as you pointed out, sir, was not in order when he made that statement. After he has withdrawn that statement perhaps the Prime Minister will then answer the question.

Mr. Diefenbaker: Mr. Speaker, the question asked of me suggested that I had said that nuclear weapons would be under sole Canadian control. This question on the part of the hon. gentleman was not correct. In wording his question in that way he was not reading from the statement I made, but if it was not done with knowledge or intention, simply the fact is that he did not read the answer I gave.

Mr. Pearson: Perhaps the Prime Minister might be asked to withdraw the statement he made previously and which you, sir, indicated he should withdraw. When I asked him the original question I did use the words "sole control". The Prime Minister took exception to that so I read what he said from *Hansard*. There was no reference then to joint control but to Canadian control. Once again I ask you to ask the Prime Minister to withdraw the statement which he made, and which was out of order; and perhaps even now, if he can calm down a little bit, he will answer the question.

Mr. Speaker: My intervention was not concerned with the preliminaries but only with the final phrase the Prime Minister used. I feel sure he will review that and, on reflection, will see that there was a direct statement that another hon. member stated what he knew was not true. I hope, in view of the fact that the hon. member concerned has not been satisfied, the Prime Minister will reconsider that final phrase in his statement which, as I recall it, was that the hon. member stated something which he knew was not true.

Mr. Diefenbaker: I have already stated it simply indicated that he had not read the statement I had made, but by the question endeavoured to leave an impression which was not in accordance with the answer given by me the other day. That is a very clear and definite modifying as you suggested.

Hon. Lionel Chevrier (Laurier): The words used in connection with the statement made by the Prime Minister were "deliberately and intentionally". I am sure that—

Some hon. Members: Oh, oh.

Mr. Chevrier: I am on a point of privilege, sir.

Mr. Ricard: He is telling the Chair, now.

Mr. Chevrier: I am sure Your Honour will not ask me to read the rule, which is well known in the house—

An hon. Member: Sit down.

Mr. Chevrier: No, I do not intend to sit down until after I have completed my point.

Mr. Diefenbaker: May I interrupt the hon. gentleman. If I said "deliberately and intentionally", naturally, in view of the statement made by the hon. gentleman, I will certainly not convey that idea. I have already made clear that it must have been unintentional, that he could not have read the actual answer.

[*Later:*]

Mr. Pearson: Mr. Speaker, in the excitement of a few moments ago the Prime Minister forgot to answer my question, so perhaps I could repeat it. My question was did the words of the Prime Minister, as reported on page 5654 of *Hansard,* namely "that if and when the Canadian government should decide to equip its forces with nuclear weapons, those weapons would be under Canadian control" apply to Canadian forces in Europe under NATO?

Mr. Diefenbaker: If the hon. gentleman would read the rest of my statement he would see that it states, "those weapons will be under Canadian control and would be used in Canada only as the result of a decision by the Canadian government". In so far as NATO forces are concerned, the hon. gentleman knows that the responsibilities of NATO carry with them the implementation of NATO policy.

ROYAL CANADIAN AIR FORCE

INQUIRY AS TO DEATH OF AIR VICE MARSHAL HODSON

On the orders of the day:

Hon. Paul Hellyer (Trinity): I should like to direct a question to the Minister of National Defence. I wonder whether the minister could give the house any additional information with respect to the tragic accident which resulted in the death of Air Vice Marshal Keith Hodson.

Hon. G. R. Pearkes (Minister of National Defence): Air Vice Marshal Hodson was deputy chief of staff for operations at NORAD headquarters. Part of his duties required him to be cognizant of the problems connected with flying jet interceptors in squadrons under the operational control of NORAD. At the time of the accident he was undertaking a proficiency rating in a T-33 jet trainer, and due to a flame-out of the jet engine both he and the other pilot, a U.S.A.F. colonel, parachuted from the aircraft. Air Vice Marshal Hodson's parachute opened successfully, but for causes which are still unknown he suffered fatal injuries. An investigation is now under way in an effort to establish the cause of his death.

Air Vice Marshal Hodson was a distinguished officer in the R.C.A.F. I would like to express to his family and his fellow officers in the R.C.A.F. my sincere sympathy on the occasion of his death in the line of duty.

Mr. Hellyer: I should like to join with the minister in paying tribute to the air vice marshal, who in my opinion was one of the outstanding officers in the R.C.A.F. I know that all hon. members would wish to join in the expression of sympathy with the family.

In view of the series of accidents which has involved senior officers of the R.C.A.F., will the minister consider the possibility of measures which might reduce the likelihood of further accidents of this kind? I think there are some measures which are worthy of consideration.

Mr. Pearkes: I should be very pleased to do that.

LABOUR CONDITIONS

ELLIOT LAKE—REPORTED SHORTAGE OF MINERS

On the orders of the day:

Mr. M. W. Martin (Timmins): Mr. Speaker, I wish to direct a question to the Minister of Labour. In view of the fact that well in excess of 2,000 miners have been laid off in the Elliot Lake area, including 450 at the Pronto mines, 650 at Canmet and 800 at Laknor, all of which closed down this year, can the minister explain to the house reports of senior officials of his department to the effect that there has been a consistent shortage of miners in the Elliot Lake area?

Hon. Michael Starr (Minister of Labour): Mr. Speaker, the hon. member sent me notice of his intention to ask this question only a few moments ago. I have not had an opportunity to check the hon. member's allegations concerning reports which he said emanated from the senior officials of my department. I should like to advise him, however, that I am informed by officials of the Denison mines that a severe shortage of labour exists at the present moment at Elliot Lake. My officials in the national employment service are now

trying to fill an order for 50 miners who will be employed for a period of two or three years in the mines there, and I am also informed that another 50 will be required almost immediately. The type of personnel required is in the skilled rock breaker category. The existing shortage has cut capacity in the mine by 20 per cent.

Miners presently in the Elliot Lake area are being referred to these jobs, and every effort will be made to fill the present requirements.

Mr. Martin (Timmins): A supplementary question, Mr. Speaker. Is the minister aware that miners at Elliot Lake have accepted jobs in other areas at half the pay that is being paid in the Elliot Lake area?

Mr. Starr: Mr. Speaker, I know that some miners insist on moving into other areas and some are being paid by the government for their removal to these areas, even though there is an opportunity of procuring work in the Elliot Lake area.

ELLIOT LAKE—INQUIRY AS TO FEDERAL ASSISTANCE PROGRAM

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): I should like to submit a question to the Minister of Trade and Commerce. Now that the provincial government of Ontario has made known its plans for assistance to Elliot Lake, may I ask when the federal plans in that regard will be made known?

Hon. Gordon Churchill (Minister of Trade and Commerce): A somewhat similar question was asked by the hon. gentleman the other day, and I gave an appropriate answer in the circumstances.

HOUSE OF COMMONS

GIFT OF STRAWBERRIES FROM FRASER VALLEY GROWERS

On the orders of the day:

Mr. Harold Hicks (Fraser Valley): Mr. Speaker, I have a question for the Minister of Agriculture, but in view of the fact that he is not present maybe I had better ask it of every hon. member in the house.

Mr. Speaker: Order. That would be a dangerous precedent, even though it involves good strawberries. Perhaps the hon. member could select a parliamentary secretary.

Mr. Hicks: I notice that he is absent also.

Mr. Churchill: I will accept the question as notice.

Mr. Hicks: I could ask it of the Acting Minister of Agriculture.

Mr. Speaker: The house leader will take the question as notice.

Mr. Hicks: Is the minister aware that through the generosity of the growers of the Fraser Valley, British Columbia, a shipment of Canada's finest strawberries has arrived in the capital today by air, and that these strawberries will be served as a gift to those who dine in the parliamentary restaurant at noon today, also I believe to those dining in room 16?

I believe, Mr. Speaker, it is time that some members took their wives out to lunch. I would particularly like the agricultural critics in the opposition to sample the berries and report to me their opinion as to flavour, colour, shipping quality, and so forth.

TELEVISION

INQUIRY AS TO IDENTITY OF E. L. BUSHNELL

On the orders of the day:

Hon. Lionel Chevrier (Laurier): Mr. Speaker—

Mr. Chambers: A supplementary question?

Mr. Chevrier: No, not after that. Mr. Speaker, may I direct a question to the Minister of Transport or to the Minister of National Revenue, though I think it should be to the Minister of Transport. It is this. Is Mr. E. L. Bushnell, who is to be director of a company headed by Mr. Gordon Archibald which has been recommended by the board of broadcast governors to operate a television station in Pembroke, the same person as Mr. Ernest Leslie Bushnell, the former general manager of the C.B.C. and the president of the company which has been recommended by the same board to operate a private television station in Ottawa?

Hon. George H. Hees (Minister of Transport): I really do not know, Mr. Speaker.

Mr. Chevrier: I am somewhat surprised, Mr. Speaker, at the lack of knowledge of the minister, who generally has the answers to these questions. Will the minister inquire and tell the house whether he is one and the same person?

Mr. Hees: I will be very glad to, Mr. Speaker, but I am absolutely positive that the hon. member knows the answer to the question.

Mr. Chevrier: Mr. Speaker—

Mr. Hees: I will be very glad to do that, Mr. Speaker.

Mr. Chevrier: I have a supplementary question for the minister. Will he also inquire, if he does not know at the moment, whether

among the five applicants for a private television station in Ottawa Mr. Bushnell's company was the only one to be financially backed by foreign capital?

Mr. Hees: Yes, Mr. Speaker, I will be glad to.

TRANSPORT

NEWFOUNDLAND—INQUIRY AS TO PROTESTS RESPECTING REMOVAL OF SPUR LINE

On the orders of the day:

Mr. J. R. Tucker (Trinity-Conception): I, too, should like to direct a question to the Minister of Transport. Will the minister please advise the house whether he has received representations from the residents of the Jerseyside, Freshwater and Placentia area of Newfoundland regarding the removal of the spur line from Placentia and the moving of the railroad station?

Hon. George H. Hees (Minister of Transport): It has not come to my attention so far, Mr. Speaker.

Mr. Tucker: A supplementary question. Will the minister give favourable consideration to the views and wishes of the people in that area?

Mr. Hees: Mr. Speaker, I always give careful consideration to the views of any people who are Canadians who bring their problems to my attention.

GREAT SLAVE LAKE—IMPLEMENTATION OF COMMISSION REPORT ON PROPOSED RAILWAY

On the orders of the day:

Mr. M. A. Hardie (Mackenzie River): I should like to direct a question to the Prime Minister. Now that the Prime Minister has received the report of the commission studying the railway route to Great Slave lake, will he inform the house whether he intends to introduce the bill which he withdrew two years ago, which would provide for the construction of the railway?

Right Hon. J. G. Diefenbaker (Prime Minister): The other day I was asked a question with regard to this report, and I am now in a position to table the report, although only in English. If the opposition is prepared to accept the tabling of the report in English only, as it was prepared, I shall have it tabled immediately so that there may be before the end of the session whatever discussion is considered necessary. On the other hand, if a French translation is required then it will take some time before that is ready.

Mr. Speaker: Does any hon. member of the house take exception to the tabling of the report at this time?

[Mr. Chevrier.]

Mr. Hardie: Mr. Speaker, that is not an answer to my original question. I asked the Prime Minister whether, in view of the fact that he has this report, whether it is tabled or not, he would reintroduce into this house before the end of this session the bill he promised in the speech from the throne in 1958, thus bringing about the building of the railway to Great Slave lake.

Mr. Diefenbaker: Mr. Speaker, after the report has been read and the various opinions have been considered, a determination will then be made. That is the reason I suggested that if there was no objection to it the report could be tabled in English. Then having read the report and the several opinions of the three commissioners, a decision could be reached.

POST OFFICE DEPARTMENT

REQUEST FOR USE OF LETTER MARKED "PERSONAL AND CONFIDENTIAL"

On the orders of the day:

Mr. Frank Howard (Skeena): I should like to direct a question to the Postmaster General; I regret not having had the opportunity to give notice. The question is based on a letter dated June 29 from the minister to myself and relates to certain postal facilities in a community called Kitwanga. I should like to ask the minister whether I can disregard the words "personal and confidential" on the letter, because the subject matter is well known in the community of Kitwanga.

Mr. Speaker: I suggest that the hon. member might communicate questions of that kind privately. After all, it is not public business.

AIRPORTS

VANCOUVER—INQUIRY AS TO NEGOTIATIONS RESPECTING FEDERAL OPERATION

On the orders of the day:

Mr. E. J. Broome (Vancouver South): Mr. Speaker, I have a question for the Minister of Transport, of which I have given him notice. Has the minister received formal notification of a recent decision of Vancouver city council to open negotiations with his department to determine on what terms the federal government will take over the operation of Vancouver municipal airport? Will the minister give his assurance that the compensation to be offered the city will be based on a proper appraisal of city-owned lands and buildings at today's values? Finally, with regard to plans now being prepared for the city for proposed new terminal facilities, will the minister say what action may be proposed by his department?

Hon. George H. Hees (Minister of Transport): Mr. Speaker, I wish to thank the hon. member for giving me notice of his intention to ask this question. I have not yet received any formal word from the city council, but would certainly give prompt consideration to any request relating to the federal take-over of the Vancouver airport. Any government decision to make an offer to purchase the city's interest in the airport would have to be preceded by a full appraisal by the federal representatives, of all items concerned, and any decision on the nature of new terminal facilities would also be a matter for detailed technical and economic studies by federal representatives, which would include a review of any preliminary studies made by the city.

WATER RESOURCES

BOW LAKE, ONT.—REPORTED POLLUTION BY RADIOACTIVE WASTE

On the orders of the day:

Mr. Hazen Argue (Assiniboia): Mr. Speaker, I should like to direct a question to the Minister of National Health and Welfare arising out of a Toronto *Star* news report of June 29, indicating serious contamination of Bow lake by radioactive waste deposited in the lake by Faraday Uranium Mines, and a resultant loss in value to tourist and other properties in the area. Would the minister indicate whether his department has made any tests of the lake water for radioactivity, and whether his department has made any representations to the company regarding the disposal of its wastes which resort owners and conservation officials state are causing pollution?

Hon. J. W. Monteith (Minister of National Health and Welfare): I received notice of the hon. member's intention to ask this question shortly before the house opened. I have not seen the press report, but I will have the matter looked into and will be glad to reply to the question later.

EXTERNAL AFFAIRS

DISAPPEARANCE OF U.S. PLANE—PASSAGE OVER CANADIAN TERRITORY

On the orders of the day:

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, on Monday last the hon. member for Kootenay West asked whether the lost United States plane reported as having disappeared near the northern coast of the U.S.S.R. had taken off from an airport in Canada or passed over Canadian territory at any point in its mission, and if the answer was in the affirmative, why?

Inquiries of the Ministry

I am informed that this aircraft neither took off from an airfield in Canada nor passed over Canadian territory on its mission.

ATOMIC ENERGY

STATEMENT ON PROGRESS TOWARD INTERNATIONAL CONTROL FOR PEACEFUL USE

On the orders of the day:

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, I also have a reply to a question asked by the hon. member for Assiniboia on the same day. His question concerned the present status of the international discussions directed to the establishment of international safeguards on the peaceful uses of atomic energy.

The discussions referred to have been carried on in the board of governors of the international atomic energy agency, which is an international body operating under the auspices of the United Nations.

At the board of governors' meetings held last March and April a document was provisionally approved by a large majority of the 23 members which embodied proposals for a system of safeguards against the diversion to military use of nuclear materials supplied for peaceful purposes. It will be discussed this coming September by the general conference of the agency in which the entire membership of over 70 nations is represented. The force and effectiveness of any multilateral system of safeguards and the extent to which it can replace the bilateral controls now maintained by Canada and the other major suppliers will, of course, depend upon the general acceptance accorded to the proposal.

Up to the present time some members of the agency, and in particular the Soviet union, have not given the proposed system their full support. It is therefore of the greatest importance that the forthcoming debate at the conference of the 70 nations should result in a general and favourable endorsement of the proposals leading to their unanimous acceptance and early implementation by the board of governors.

Canada is a member of the board of governors and has strongly supported its efforts to develop a generally acceptable system of safeguards. In common with their other supporters, who include the world's major suppliers of nuclear materials, we believe that effective international safeguards, if they can be developed, will make an essential contribution toward the controlled disarmament which continues to be our objective.

Inquiries of the Ministry

BUSINESS OF THE HOUSE

DIVORCE BILLS—REPORTED STATEMENT BY HON. MEMBER FOR HALIFAX

On the orders of the day:

Mr. Frank Howard (Skeena): Mr. Speaker, may I direct a question to the Prime Minister; I regret not having sent him notice of it. My question is based on an article which appears on page 5 of today's *Globe and Mail* which, among other things, contains some scurrilous remarks by the hon. member for Halifax. But in any event it mentions that the hon. member for Halifax has indicated that the house will sit past the normal time—

Some hon. Members: Question.

Mr. Howard: —when the business of this house is disposed of in order to deal specifically with private bills relating to divorce. I wonder whether this statement by the hon. member for Halifax reflects the view of the government on this matter.

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I have not seen the alleged statement. I can simply say that the house will determine what course it will take, because we intend to complete whatever is before the house legislatively before this house concludes this session.

Mr. Howard: May I ask a supplementary question. I wonder whether the remarks of the Prime Minister in reply to my question relate also to those items appearing under "Public bills and orders" on the order paper.

NATIONAL PARKS

BRITISH COLUMBIA—REPORTED OFFER OF GARIBALDI PARK FOR OLYMPIC GAMES

On the orders of the day:

Mr. J. R. Taylor (Vancouver-Burrard): Mr. Speaker, I would like to ask the minister of northern affairs whether he has yet received any written offer from the premier of British Columbia respecting Garibaldi park?

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): No, Mr. Speaker, I have received no communication from the premier of British Columbia concerning Garibaldi park. I have read the press announcement by the premier, however, and I assume that if he is serious in that opinion he will be writing to me.

MINES AND TECHNICAL SURVEYS

SUGGESTED CHANGE IN ONTARIO-QUEBEC BOUNDARY

On the orders of the day:

Mr. Grant Campbell (Stormont): Mr. Speaker, I would like to direct a question to the minister of mines. Has the minister received any communications from the Cornwall board of trade protesting the recommendation of the hon. member for Laurier that the mid line of the St. Lawrence river be adopted as the Ontario-Quebec boundary, which would give Cameron, Chestnut and other Ontario islands to Quebec as the Cornwall canal was given to the United States?

Hon. Paul Comtois (Minister of Mines and Technical Surveys): I have not received any communication of that kind as yet, Mr. Speaker.

Mr. Campbell (Stormont): A supplementary question.

Hon. Lionel Chevrier (Laurier): Mr. Speaker, before the supplementary question is put I wish to raise a question of privilege. My question of privilege is this, that no suggestion such as that attributed to me by the hon. member for Stormont was ever made. A question was put to the minister of mines who replied to it, and the reply is on *Hansard*. But no statement as that suggested by the hon. member for Stormont was ever made by me.

Mr. Campbell (Stormont): A supplementary question. No doubt the hon. minister would be prepared to hear representations from the interested parties in the city of Cornwall before a decision is made in this matter?

Mr. Comtois: Yes, Mr. Speaker.

TRADE

AUTOMOBILE PARTS—REPORTED U.S. REQUEST FOR TARIFF CONCESSIONS

On the orders of the day:

Mr. Romuald Bourque (Outremont-St. Jean): Mr. Speaker, I would like to direct a question to the Minister of Trade and Commerce; I apologize for not having sent him notice. He recently received a brief from the Canadian auto parts industry association expressing alarm at the expressed intention of the United States government to ask for additional tariff concessions from Canada and asking him to stand firm against any such request. My question is, has he taken any action on this request?

Hon. Gordon Churchill (Minister of Trade and Commerce): Mr. Speaker, I have not had an opportunity to take any action, but the matter will be considered very carefully.

GRAIN

WHEAT BOARD REGULATIONS RESPECTING DELIVERIES TO FEED MILLS

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I should like to direct a question to the Minister of Trade and Commerce arising out of the desirability

of enforcing delivery quotas, and the suggestion that the wheat board's enforcement rules may be suspended as a result of the evidence given to the agriculture committee. Can the minister assure the house that regulations of the Canadian wheat board as set forth before the agriculture committee on February 25 are still being applied today and are being enforced in relation to feed mills in this country?

Hon. Gordon Churchill (Minister of Trade and Commerce): I did not receive notice of this question. I will have to look into this subject and see what the situation is. My understanding is that there has been no change in the regulations of the wheat board at the moment, and the agriculture committee has not yet submitted its report to the house.

SUPPLY

The house in committee of supply, Mr. Flynn in the chair.

DEPARTMENT OF JUSTICE

Penitentiaries—

161. Administration of the office of the commissioner of penitentiaries including $90,000 for grants to recognized prisoners' aid societies as may be approved by the treasury board, $641,516.

Mr. Fulton: Just before the end of the discussion on another item, item 151, last Thursday I was asked by the hon. member for Megantic a question about the number of inmates or prisoners who had been freed under the royal prerogative, and I undertook to obtain the information. However, at the close of the exchange I said:

> I take it the hon. member wishes to know how many pardons, conditional or absolute, were granted in the last fiscal year. I will get that figure and supply it.

On rereading the question asked by the hon. member I have concluded that what he was really concerned about was not the granting of pardons but the number of unconditional releases of inmates from prison under the royal prerogative of mercy as opposed to releases on parole.

During 1959 there were 175 inmates serving sentences under the criminal law of Canada who were released, prior to expiration of sentence, by the Governor General under the royal prerogative of mercy on the recommendation of the Solicitor General.

Mr. Howard: On the item before us, Mr. Chairman, may I say that I do not think even the building of new prisons will in itself accomplish very much in the field of rehabilitation or reform. Even when these new institutions at Valleyfield, Springhill and other places are opened and in full operation there will still be a decidedly large number of inmates in Canadian prisons and we will still be faced with the problem of overcrowding unless this expansion of prison facilities, especially in the medium and minimum security field, is still further extended.

I believe we might consider this subject in the light of the remarks made by the minister and the thoughts he has—perhaps I could even say the hopes he has—in so far as the treatment of narcotic addicts is concerned. I do not differentiate between those who have been confined under the provisions of the narcotic act and those who have not, because efforts must still be made to treat them.

The minister referred to institutional treatment which would be provided, and I assume he had in mind treatment of a psychiatric type rather than physiological treatment, because apparently the major problem in connection with addiction is psychological. I think we shall need to rely on doctors experienced in the psychiatric or psychological field to do the major amount of work in this regard. The mere provision of medium and minimum security prisons in this country will not by itself effect the rehabilitation of this type of prisoner unless it is accompanied by an adequate program of treatment, and at the moment we are faced with a shortage of workers in the important field I have mentioned.

I made some inquiries of the minister in this regard, and the answer I received is printed in *Hansard* of February 23. I have the original typewritten copy of the reply dated February 23. In any event, I inquired of the minister how many psychologists and psychiatrists are employed on a full-time basis at each of the penal institutions under federal jurisdiction. In reply the minister gave information to the effect that there are a total of 11 psychologists stationed at institutions across the country at Dorchester, St. Vincent de Paul, Kingston, Manitoba, Saskatchewan and British Columbia, and that there are no full-time psychiatrists but that these services are provided on a part time basis at all institutions. In addition there are staff members who are classification officers with some training in psychology and social work who contribute something in this field in conjunction with the professional psychologists.

Unless parliament is prepared to spend more money on the employment of full-time psychologists and psychiatrists there will be little decrease in recidivism, and little improvement in rehabilitation. That is not an original thought but one often expressed by penologists.

Under the present system a person convicted in Ottawa would automatically go to the penitentiary at Kingston, and one convicted in British Columbia would be sent to New Westminster. There is an arrangement for the transfer of prisoners from one penitentiary to another, from maximum security prisons to training schools like that at Collin's Bay.

I suggest that when a person is convicted he be confined during a period in which he would be interviewed by a board consisting of penologists, psychiatrists or psychologists, who would decide to which institution the prisoner should be sent to achieve the maximum degree of rehabilitation and corrective training. Prisoner A, perhaps a first offender, might be sent to a training institution where he could learn a trade that would be valuable to him upon his release. Prisoner B, if not susceptible to learning, could be directed to some other institution where another type of training was available. A deeply disturbed person could be sent to an institution where he would receive the maximum amount of intensive psychiatric assistance.

It was the practice in the past to send prisoners to maximum security prisons with little attempt being made to segregate first offenders from recidivists, from the deeply disturbed or from those convicted of offences involving sexual deviation or perversion. This condition has been aggravated by overcrowding and the lack of full time psychiatric treatment. Some strides have been made in improving the situation, but a great deal more has to be done in this area.

I know the minister and his officials appreciate that it is not enough simply to provide more prisons if there is not an intensive expansion of psychiatric treatment and an enlightened approach. We must convince society to adopt a new approach to the problem. Prisons can no longer be viewed merely as places of isolation and punishment. Without a greater emphasis on rehabilitation and psychiatric assistance it will be another 50 years or more before we make any real progress in this important endeavour.

Mr. Deschatelets: Mr. Chairman, I note that item No. 161 provides for grants to recognized prisoners' aid societies, and that this year the estimate shows an increase from $75,000 to $90,000. Would the minister be kind enough to tell us how we have arrived at this increase of $15,000 for this year? I would also like to know whether these societies submit a budget of their needs. If so, what was the amount they suggested for this year, and was any cut made in their request?

[Mr. Howard.]

Mr. Fulton: The agencies do submit financial statements to us, and they also submit reports on the amount of work they have done for us in the year just concluded. It is on the basis of the work they do, the number of cases they handle, that the division of the total amount authorized is made among the agencies.

With respect to the amount of the increase, I would not suggest that it is proportionate to any amount of work. We recognize the importance of the work done by these agencies for the prisoners and for the correctional system generally, and we are auxious to help them to the greatest extent possible. We have made an increase in each of the last three years. In 1955-56 the amount provided was $40,000; in 1956-57 it was $50,000; in 1957-58 and in 1958-59 it was $60,000. For this year we have increased it to $75,000.

As I say, we are anxious to give as much financial help as we can on the basis of the work done, but the limits of the amounts we can give are set by treasury board. I suppose the answer as to why we arrived at the increase of $15,000 might be said to be that this was all that treasury board would authorize.

Mr. Fisher: Mr. Chairman, I should like to raise two small matters. One relates to something about which I wrote the minister, namely criticism of the annual report in connection with penitentiaries. I received an answer to the effect that the information carried in those reports was in a sense of a traditional character, and useful. I will not push the criticism again, but I should like to say that this is one of the ugliest and worst edited reports that I have encountered in the government service. I think it is loaded with information that does not need annual reiteration.

In his reply to me the minister indicated that there was information in the report which was very valuable. I quite agree. For example, I would not like to see any of the statistical tables dropped; but I suggest to the minister that the annual reiteration about a cook moving or of some change in the kitchen is not necessary. If this kind of petty administration detail was dropped, or if there was a general synopsis instead of this reiteration in each particular area of the country, we might expect a much better presentation of the statistics.

One of the tables that interests me is that indicating the ethnic background of prisoners. Why could we not have in the reports occasionally a recapitulation of this information back over a number of years? I am

shocked when I look at the annual report to see the very direct relationship between educational attainment and incarceration in penitentiaries. On occasion I should like to see in this report historical consideration of this relationship in statistical form, with some kind of analysis. Instead, we get in this report year after year, a repetition of what I consider to be supernumerary details.

I suggest to the minister that he look at some of the other departments of government which have smartened up the editorial work on their annual reports in recent years. If he looks at the annual reports in some kind of perspective and checks them back for four or five years, I do not see how he can be pleased with the ones put out. I see that these reports cost $7,000 last year, and it is estimated that they are going to cost $7,300 this year. It is not much money, but I think we could expect better editorial work for our money than we are getting.

I notice that the provision for the publication of reports of the Department of Justice for the coming year has dropped from $22,000 to approximately $2,500. I cannot very well retrace my steps, but I was quite interested in this and wondered whether it indicated that in the central administration of the department there was a complete revision of this attitude toward publications.

The second point I wanted to touch on related to something brought up recently by the hon. member for Laurier, namely the question of the prison farm being so close to or involved with the metropolitan area of Montreal. In one of our parliamentary committees we had a witness who has had a great deal of experience as a policeman with criminal elements across the country. In offering us some opinions as to the relative criminal milieu at Toronto, Montreal and other places, he made the point that he is always surprised that Montreal is not worse than it is because of this very large prison population feeding into and out of the city and in a sense being part of the climate of the city and the city a part of the climate of the prison. I would certainly gather from his judgment, and the hon. member for Laurier tended to argue the same way, that one of the best steps that could be taken with regard to the Montreal situation in terms of, let us say, criminal health, would be to remove the prison farm or the penitentiary farm from this city and put it in some kind of rural section. I do not know what would be involved in this in terms of expense, but certainly it was brought very close to all of us in that committee who heard this evidence of the close tie and relationship between the penitentiary and the city, and it certainly brought to the mind of those of us from Ontario how fortunate Toronto and Hamilton have been in having Kingston penitentiary or Portsmouth in that section of Ontario.

Mr. Fulton: I appreciate what has been said by the hon. member and also by the hon. member for Skeena. Perhaps the remarks of the hon. member for Skeena do not call for a detailed reply at this time. They will be kept in mind as we make our attempts to improve the penitentiary program generally. I can assure the committee that we realize that the best facilities are of no use unless we have trained personnel to manage them and to operate the program. We do have a problem in securing the personnel. I think that is all I should say on that point.

With regard to the annual report, I accept the criticism of the hon. member as something which will require investigation and study to see whether we can improve the report from the point of view of the knowledge it imparts and the convenience of the readers in acquiring that knowledge. However, I would point out to the hon. member something which he has perhaps overlooked. At the present time the Penitentiary Act itself requires that the reports from each institution be included in the annual report of the commissioner of penitentiaries. Maybe this is something we should look at when we revise the Penitentiary Act, but it imposes on us the obligation to include a lot of the detail which my hon. friend claims to be superfluous.

Mr. Howard: May I pose a question or two to the minister based on a matter which is in the detailed section of the estimates. I rather think that some of this information might more properly be referred to under item 162 or item 163, but I wonder whether we might not have a general understanding that we would deal with it all under one item.

We appear to be more concerned with the salvation of the souls of inmates than we are with their rehabilitation and the contribution we can make toward getting them to be better citizens once they are released. I notice on page 230 that eight part time psychiatrists are listed as compared with six last year but there are 17 full time chaplains plus two part time chaplains. I think some of the money provided for chaplains might be directed toward obtaining more psychiatrists and psychologists. In any event, I should like the minister to indicate two things to me if he can. With what regularity or upon what basis do psychiatrists visit prisons? Does this vary from one prison to the other? Do they only

attend when asked? Second, will the minister indicate where I can find the reference to psychologists under this vote or under some other vote, as the case may be? How are they classified? Are they called something else?

Mr. Fulton: To deal with the points in the order in which they were raised, may I say I do not want to get into a controversy with the hon. member as to the importance of the chaplain service to the penitentiaries, but I certainly would not accept any suggestion that the chaplain service is not an essential part of the organization and one that is essential to the welfare of the inmates. It may be that the hon. member was being a bit humorous. With regard to the comparison of numbers, I will confine myself to saying that there are chaplains available and frequently we find it difficult to obtain the services of psychiatrists.

The organization of the psychiatric service is on the basis of five half days per week. The psychiatrist attends regularly every morning or every afternoon Monday through Friday. A psychiatrist is also available at any time, of course, for consultation or referral should a special need arise. Psychologists are categorized as rehabilitation officers 7.

Mr. Howard: Are there other rehabilitation officers 7 who are not psychologists? I think there must be.

Mr. Fulton: Yes, there are. The number of psychologists is contained in the answer I gave the hon. member earlier in the session, to which he referred this morning.

Mr. Howard: May I suggest that in the future it would be helpful if the number of psychologists could be indicated in brackets.

Mr. Fulton: We will be glad to consider that.

Mr. Howard: I have one other question relating to page 232 and the further details for construction, improvements and equipment. This matter may also be dealt with in the supplementary estimates, but I should like to ask a question with respect to St. Vincent de Paul. One of the series of questions I asked had to do with the number of cells in penitentiaries which did not contain toilet or wash basin facilities. The answer was that there are 107 in Dorchester penitentiary and 420 in St. Vincent de Paul. In other words, these cells are simply cement encased bare rooms with no toilet facilities whatever; yet inmates have to spend a considerable number of hours in such cells.

I imagine that the present toilet facilities perhaps consist of a bucket. That is what I have been told. Unfortunately I have not had a chance to visit St. Vincent de Paul yet, but I hope to do so. I understand that early in the morning there is a bucket parade for the inmates of these 420 cells without toilet or wash basin facilities, and that the buckets are emptied in some central spot during the morning. What steps are being taken to eliminate cells without toilet or wash basin facilities at St. Vincent de Paul and Dorchester penitentiaries? There are a large number at St. Vincent de Paul and a relatively large number in comparison to the inmate population at Dorchester. There are also a few at Kingston, although the number there is relatively small.

Mr. Fulton: With regard to cells without toilet or wash basin facilities, I am glad to say that the 107 at Dorchester are not now occupied. There has been some slight reduction in the population there so that we do not have to use these cells now. When the move to Springhill is made, which should permanently reduce the population at Dorchester and give us some leeway to carry out works and measures of this kind, it is the intention to strip these cells and use the area for recreation and similar purposes.

With regard to St. Vincent de Paul, I regret that the situation there is not so fortunate. I have to report that the majority, if not all, of these cells are occupied. Because of the physical nature of the building, St. Vincent de Paul represents our worst overcrowding problem at the present time. However, as soon as l'Institut Leclerc is available for occupancy, which will be this fall, we will be able to move men over there and clear out this area. It is the intention to remodel that portion of the building then and use the space as a dormitory. Therefore by the end of this year or by next year, or as soon as it can be physically done, I hope we will not have in either of these institutions cells without toilet facilities; and if we have them I certainly hope it will not be necessary to use them.

Mr. Howard: I have one other thought I should like to express with reference to chaplains. It was not my intention to say they had no place in these institutions. However, I think it will be found that the church attendance of the inmate population is in a much higher ratio compared to total inmate population than is the case with any other group in society outside the penitentiaries. I think many prisoners look upon attendance at church service as a form of recreation, in that they can be free from the restrictions of their cells and chat with their friends and so on. To that extent church service is looked upon as more or less a form of recreation, yet we hope that by association they will also get some spiritual guidance.

Mr. Roberge: Can the minister make a progress report as to the discussions held with the provinces on the matter of taking into the penitentiaries all persons sentenced to serve a year or more?

Mr. Fulton: I am very sorry, but I did not get the full question the hon. member asked.

Mr. Roberge: Last year there was a meeting of the Minister of Justice and the attorneys general of the provinces with a view to changing the law so that all prisoners sentenced to over one year would serve their sentences in a penitentiary instead of a county jail.

Mr. Fulton: That is correct; that conference was in the fall of 1958, and there was agreement on that principle. I have reported before on it. It is a part of the over-all correctional reform program on which the correctional planning committee has been working. The committee presented its report, which is before cabinet for approval in detail at the present time.

The intention is that in the future the whole program, both of physical construction, and of training and rehabilitation, will be based on the federal authority assuming responsibility for all prisoners sentenced to a term of more than one year. However, we have to solve our own overcrowding problem and get our own present responsibilities in satisfactory shape. We will not yet be able to undertake the expanded responsibility this would represent, and the attorneys general have been advised that it will be three or four years before we expect to be in a position to assume this responsibility, but our planning is based on that feature.

Mr. McMillan: Is there an effort made to have all inmates seen by a psychiatrist reasonably soon after their admission, or are they examined only after they have become mentally disturbed and are referred by a medical officer?

Mr. Fulton: No, Mr. Chairman, the initial interview is carried out by the classification staff with a psychologist. If there is an indication that the inmate needs psychiatric help, then he is referred to a psychiatrist.

Item agreed to.

162. Operation and maintenance of penitentiaries including compensation to discharged inmates permanently disabled while in penitentiaries, $14,878,797.

Mr. McMillan: There is a reference here to compensation to discharged inmates permanently disabled while in penitentiaries. Does this refer to inmates who have become permanently disabled as the result of sickness? What is the amount of the payment under this item?

Mr. Fulton: It would not cover the case of an inmate disabled through sickness. I am informed that it covers the occasional industrial accident or event of that nature.

Item agreed to.

163. Construction, improvements and equipment, $2,353,840.

Mr. Roberge: In the details for this item there is reference to $1,097,400 for a new institution in Quebec. Is this the Valleyfield institution?

Mr. Fulton: That is l'Institut Leclerc which we expect to have completed this year.

Mr. Roberge: I understand Valleyfield has been completed?

Mr. Fulton: Yes. Valleyfield was a military camp to which we had to make modifications, and that was completed last year.

Mr. Coates: I wonder if the minister could give a report on the situation at the present time at Springhill?

Mr. Fulton: The situation is that construction is nearing completion. All the necessary equipment is on order and some of it has been delivered, while the rest of it is in the process of being delivered. Staff training is nearing completion and we expect, if things go according to plan, to be able to have it ready for occupancy and start transfers within the next two months.

Mr. Coates: How many prisoners is it expected there will be?

Mr. Fulton: Approximately 100.

Mr. Coates: What would be the number of employees during that period?

Mr. Fulton: In the neighbourhood of 35. The actual number will depend on the nature of the program, whether it becomes an industrial training type of program or a farm operation type of program or a combination of both. I cannot give an exact figure for the staff until we determine the type of program that will be carried out.

Mr. McFarlane: Ever since being elected to this house in March, 1958 I have been quite interested in the construction of penitentiaries in western Canada. We have placed our views before the department with regard to the need for penitentaries in British Columbia. We have requested also that serious consideration be given to locating a penitentiary in the city of Fernie. I realize that the length of time taken in reaching a decision is excusable because of the investigation being

conducted into our whole penal system. The report of the investigating committee was turned over to the department in January of this year, but we are still waiting for some action by the department. In the meantime the community is endeavouring to carry on, hoping for an affirmative decision to build the penitentiary in Fernie.

In August, 1958, as recorded on page 3201 of *Hansard,* I brought to the attention of the department the tendency to centralize penitentiaries in the province. Hon. members agree that many of the larger industrial concerns in Canada have found that it does not pay to centralize too many departments in a small area, and I suggested that consideration should be given to spreading the penitentiaries around the province of British Columbia. At that time the need for something to stabilize the economy in Fernie was quite urgent. I mentioned that the mines had closed down almost overnight. In several other instances communities have been advised that the mines will close within two or three years, but in the case of Fernie the mines closed down overnight and the employees were advised there was no more work.

I was advised that a three-man committee would investigate various sites across Canada. I was very disturbed to learn that only one man went to the city of Fernie, and it appeared to me this was just a token effort to show that there was a certain amount of interest in Fernie. In 1959 I also brought this matter to the attention of the department, and at that time the need of the city of Fernie was greater than in 1958. I received the following reply from the minister as recorded in *Hansard* of June 24, 1959 at page 5100:

> When we get the committee's report we shall be able to come to some final conclusion. As I have assured my hon. friend and others who have written me on behalf of Fernie on previous occasions, the suitability of that location will be most carefully investigated.

That I certainly appreciate, but it is over two years now since I first brought this matter to the attention of the department, and it is six months since the report was filed. I feel it is now time that a decision should be made. We have been depending in this area on certain assurances that we were to be given consideration, but I do not think we should go on forever with such assurances. The case of Springhill was much the same, although my sympathies are with all mining areas, but it was not very long before a decision was reached to build a penitentiary there.

The department has been written to giving further considerations for a correctional institution in the Fernie district, and according to a press report I have here we are still given the chance of having a prison built there. It says that a letter from the Minister of Justice to the Fernie chamber of commerce outlined preliminary plans for correctional institutions in British Columbia and said that he would be giving his personal attention to the question of Fernie being a possible site for further development. I also noticed a press report from Elliot Lake greeting the announcement that a $2 million reform institution was going to be established there. All we are asking is that we be given the same consideration as other distressed areas where mines have closed down.

Mr. Herridge: Before the minister replies I want to congratulate the hon. member for Kootenay East for fighting for his constituents in this respect, and I know he has raised the matter on two previous sessions.

I am interested in this matter because it appears to be government policy to consider areas suffering from depressed economic conditions when they have to consider building new penitentiaries. As the hon. member mentioned, one has been built at Springhill and according to the press one is to be built at Elliot Lake. I think he has made out a good case for one in British Columbia in the Fernie area. I know the circumstances he has related, and I rise to give my wholehearted support as a colleague in another portion of the Kootenays.

Mr. Fulton: Mr. Chairman, I appreciate the feeling of the hon. member for Kootenay East, and I wish I could give him the assurance he wants and for which he has worked so hard. But I would remind the committee that we are designing a national system of correctional institutions. The program we are developing will be nation wide and the new institutions, wherever and whenever built, have to fit in with the national plan. It has been made clear to all communities which have pressed for the construction of new institutions in their localities that we are not prepared to make a decision as to where a new institution forming part of this pattern should be located until we have the pattern itself developed and approved; because to make such a decision in advance of the establishment of the basis of the whole program might well distort the program.

It is true that the report has been in my hands since January, but in a program of this magnitude neither my department nor the minister is free just to approve this and say "Go ahead". It has to have cabinet approval, and it is a very bulky, far-reaching and important document. When I say bulky it is in two large volumes. I press my colleagues as much as I can, but you cannot just

drop everything else and deal with the correctional planning report. I expect that it will be dealt with as early and as expeditiously as possible, and then we will be able to make detailed decisions based on the recommendations of the committee.

I know the situation in Fernie and there are at least a dozen, if not more, similar communities in British Columbia all of whom have been pressing me for a penitentiary to be located in their community. I have not yet been able to satisfy any of them, and I know I am in the position that when a decision is finally made I will have one friend and probably upwards of 99 disappointed enemies. But that will be my responsibility ultimately, and I will have to make the decision.

May I mention one impression which might be created by the hon. member's remarks if I left it uncorrected. It is not our policy to establish reform institutions in depressed areas. Where a decision can be made to establish a new institution or to extend an existing one by the establishment of a satellite, and where the proper factors to be taken into account do make it possible to locate in a depressed locality, then we locate there. But we are planning for the future. Penitentiaries and correctional institutions are long term, almost permanent institutions, and I think it would be very unsound to take as the guiding factor the principle that they should be located in a depressed area, which we certainly hope will only be a temporary problem. We would not have a scientifically worked out program if that was the sole basis for it.

It is true that a new institution has been established at Springhill, where it coincided with an area which had first a disaster and then became a depressed area as the result of the closing down of the mines. But this is not a completely new institution such as the one in western Canada will be. This is a satellite to Dorchester, which was established in accordance with that part of the program which establishes minimum security institutions as satellites to existing institutions and as projects which will relieve overcrowding in existing institutions. It is not the sort of new type of institution which will be built in accordance with the total program when that program is developed.

In British Columbia we have established a satellite to the British Columbia penitentiary, just as we have at Springhill a satellite. The needs were assessed and the areas available were assessed, and the decision was made to establish that one at William Head on Vancouver island, in part because the buildings were available exactly of the type we wanted, and in part because, being a satellite of the present institution, we wanted it to be reasonably close for administrative purposes.

Mr. Speakman: Before the item carries, I was pleased to hear the minister say that this program for building additional correctional institutions is being carried out on a long range basis. However, I would remind the committee that every province in Canada has a penitentiary with the exception of Alberta. While I am not making the claim that we have more people requiring correction in the province of Alberta, I think in the interests of economy the location of this proposed new institution should be considered in the central part of Alberta. It would save the government a considerable amount in travelling, because we have people in Alberta who are sent to penitentiaries in Prince Rupert, or to Vancouver, or even as far as Kingston, which all involves considerable expense to the crown.

I make a plea, of course, on behalf of the area in which I am interested. I sympathize entirely with the hon. member for Kootenay East, but I would remind him that trade conditions with Japan have somewhat improved conditions in his area and therefore some of the urgency of his plea has been lost. I did make representations to the minister, and I frankly admit it, on behalf of central Alberta because of its facilities for an institution, its excellent transportation services and the fact that the province of Alberta does not at this time have a correctional institution.

Mr. Howard: I have two or three other thoughts to mention. I know there are some members of the house who have undertaken on their own to visit some of the prisons, although the number of members who have done so is small. Bearing in mind the saying that one look is worth a thousand reports, in order that members may get a better understanding of the function and operation of the penitentiaries, perhaps on lines similar to those developed by the Department of National Defence, I suggest that something might be done to arrange for small groups of members to visit some of our penitentiaries and prisons under the auspices of the department in order that they may get first hand knowledge and a better understanding of the facilities which exist, including some of the facilities which would be better removed from our prisons such as solitary confinement cells, the crosses and arrangements for lashes and other things of that nature. It would also afford an opportunity of understanding the attitude of the prisoners themselves. I commend this suggestion for study by the minister and his department.

As I have said, I do not think the groups should be too large—perhaps they should not consist of more than four or five members—in order that the visitors might have a better understanding of these things. It might be a couple of years before a large body of members of parliament would visit these institutions, but when they had done so they would be in a better position when the estimates were being considered to determine whether or not a correct approach was being made.

Another thought I have is in the form of a question. I believe that last year an officer or guard at Kingston was arrested for possession of narcotics. Presumably it was felt that he was not using those narcotics himself but was smuggling them into the prison. I wonder whether the minister could indicate what experience his officials have had in so far as attempts to smuggle narcotics into federal institutions are concerned, and perhaps we could be told the experience with regard to alcohol and other things of that nature. Is this practice prevalent or not?

Mr. Fulton: The suggestion made by the hon. member for Skeena with regard to visits by members of parliament is one that should perhaps be studied. The question involved is, of course, whether the government should undertake responsibility for making buses available and paying transportation costs in connection with such visits. That is one of the things that will have to be considered. Also, since in many cases the institutions are close to Ottawa, particularly those at Kingston and Montreal, it is not really a great undertaking for members themselves who are interested, as I know the hon. member is, to visit these prisons on their own initiative, as I know the hon. member has done. However, we could give consideration to the question of visits by organized groups of members. We have no buses in the department, but perhaps the Department of National Defence would make its buses available to us. That is something we shall be glad to consider.

With regard to smuggling narcotics or other articles into prisons, this is something against which we have to be on guard at all times. However, our experience is that safeguards can be made effective and that our measures can be reasonably successful. I do not claim for a moment that narcotics or alcohol are never smuggled into prison, but the exceptions are, I think, rare enough that they do not warrant any cause for concern that our precautionary measures are not proving successful.

There was an incident in British Columbia recently where an ex-inmate had attempted to conceal narcotics. He was apprehended, the cache was discovered, and there is a prosecution now under way. We had another case at Kingston where a guard was involved. Suspicion was aroused, an investigation was made, and as a result the guard has been dismissed from service.

I do not say those are the only incidents which have taken place recently, but when the British Columbia incident took place I did become concerned and asked that both the penitentiaries branch and the R.C.M.P. should let me have a report as to whether there was an increase in the incidence of smuggling of narcotics into penitentiaries. After examining their files and records and making an on the spot check, both organizations informed me that the situation in this regard was normal and that there was no indication either that our methods were unsuccessful or that there was any carelessness on the part of the staff of the institutions.

Mr. Howard: I understood the minister to say with respect to the guard at Kingston that he was dismissed.

Mr. Fulton: Yes.

Mr. Howard: Does the minister know whether any charges were laid with respect to the possession of narcotics?

Mr. Fulton: My recollection is that he was charged but acquitted for insufficiency of evidence or some such reason. I can send the hon. member the information as to the reason, but we would have to look it up in the files.

Mr. Howard: It just seems odd that a person should be dismissed because he was in possession of narcotics, presumably on fairly definite proof that this was the case, and then that the charge against him should be dismissed because of insufficient evidence. It seems to me there is a conflict between these two circumstances, and perhaps the guard would have the right to reinstatement if it was not proved that he was in possession of narcotics.

Mr. Fulton: I can assure the hon. member that such was not the case at all. I said the charge failed for lack of evidence or some technicality. I am not sure what the technicality was. It was certainly not proven that the guard was not in possession of narcotics. The criminal charge did not succeed on some ground, some technical objection which was raised, as I recall it, by the defence. I will obtain information about the precise reason why the charge was dismissed and send the hon. member the details so he may be satisfied that we do not go about unjustly dismissing our guards.

Mr. Brunsden: Mr. Chairman, my only reason for rising is that when my constituents read today's *Hansard* and find that my colleague, the hon. member for Wetaskiwin, is the only Alberta voice that has spoken out in the house with respect to the proposed new penitentiary—my constituents are highly intelligent; they read *Hansard*—they may feel we are not fulfilling our duty if we do not participate. I think the minister knows that with respect to the proposed penitentiary in the west, as applied to Alberta, there is only one place for it and that is in southern Alberta.

My colleague from Wetaskiwin talks about travel. What that has to do with the inmates of a penitentiary I do not know. We in the south have railways, we have an excellent climate, we have occupations. We have all the conditions necessary for a splendid site for a penitentiary. I am sincerely persuaded that when the new penitentiary site is selected it will be somewhere in the southern part of Alberta.

Mr. Smallwood: Mr. Chairman, I am sorry I did not get the floor before the hon. member for Medicine Hat. Medicine Hat has nothing to offer compared with what I am going to propose in a few moments. I am speaking here on behalf of the town of Wainwright. I wish to draw to the attention of the committee and the minister the fact that this town is on the main line of the C.N.R., a terminal point where the continental train stops twice daily. Furthermore, the dominion government at present owns a large tract of land around Wainwright. It is used for military purposes part of the year, but we could use this land as a site on which to build the penitentiary. We have an abundant supply of water from the river, natural gas and all the prerequisites for a site for a penitentiary. I am sure the minister and his officials will give Wainwright every consideration when they are selecting the site for this penitentiary in Alberta.

Mr. Nugent: Mr. Chairman, after listening to the remarks of my colleagues I can see that every hon. member wants this penitentiary to be located in his constituency. I merely want it to be located in Alberta. I know that in addition to these few spokesmen from whom we have heard today the minister has been badgered by the hon. member for Jasper-Edson and the hon. member for Acadia. When the minister has that fearsome combination of the Horner brothers confronting him I know he will have a difficult task. Therefore I feel I should simply say that I will forgive him and understand if he therefore does not put the penitentiary in my constituency.

Mr. Pearson: Mr. Chairman, may I ask the minister whether there is any danger on his part of being unable to choose between these idyllic communities in Alberta and having to move right out of the province?

Mr. Fulton: The choice is going to be a difficult one, Mr. Chairman.

Item agreed to.

Penitentiaries—

525. Construction, improvements and equipment—further amount required, $632,250.

Mr. Howard: Would the minister explain the change in this item?

Mr. Fulton: Mr. Chairman, it relates to a new building for women at Kingston to accommodate 50 inmates, with facilities for school room and recreation.

Mr. Howard: Did the minister say school room or pool room?

Mr. Fulton: School room. It is for women.

Item agreed to.

Royal Canadian Mounted Police—

Headquarters administration and national police services—

372. Operation and maintenance, $6,753,539.

Mr. Winch: Mr. Chairman, would the minister give us information about the work undertaken by the R.C.M.P. laboratories at Regina, which I believe do all research and analysis work for the force in western Canada? I am informed by officers there that large sums of money are spent in travelling expenses by individuals at Regina because of the necessity of their giving evidence in court. I am also told the time has long since passed when a laboratory should be established in the vicinity of Vancouver. At present the work from British Columbia must be sent to Regina, entailing some loss of time. An even greater loss of time is involved in members of the Regina staff travelling to British Columbia to testify in court. I am told that one or two of them spend more time travelling by plane to courts in British Columbia than they spend in the laboratory at Regina. Would the minister tell us what study has been made of the situation, and whether any thought has been given to the establishment of a laboratory in British Columbia?

Mr. Fulton: Mr. Chairman, the matter of a further laboratory for western Canada is now under consideration. There have been

correspondence and discussions with the attorney general and his department in British Columbia with respect to the matter of the establishment of a laboratory, probably in Vancouver. That question is under study.

The hon. member is quite right when he refers to the problem created by the necessity of members of the staff flying from and to Regina to give evidence with respect to the exhibits analysed in our laboratory. As against that, the problem that has to be considered is the considerable expense of starting another laboratory because of the expensive equipment it requires. At the moment I can only say that the matter is under study, and it is under study on the basis that we recognize that there are compelling reasons arguing for the establishment of a further laboratory.

Mr. Howard: My remarks will be more restrained than last year because the situation then obtaining in Newfoundland has changed. I should like to make some comments about the activities of the R.C.M. Police in investigating allegations that a number of Chinese people have come to Canada illegally in the past few years, and the manner in which the investigation was conducted. I am given to understand that in the city of Vancouver, somewhere around the end of May, the R.C.M. Police executed 15 search warrants. Whether those search warrants applied to individuals or establishments I do not know. In any event, the homes and business establishments of the individuals concerned were in effect raided on the grounds that a conspiracy existed to bring Chinese to Canada illegally. I am given to understand that the R.C.M. Police seized documents which obviously had nothing whatsoever to do with any such alleged conspiracy, real or imagined.

Commissioner Harvison is supposed to have made reference to 11,000 Chinese coming to Canada illegally. This statement cast doubt upon the legal position of all members of the Chinese communities in Canada, because reference was made to no specific locality. I do not know what the situation is today, but weeks after the raids were carried out by the R.C.M. Police no indication has been given as to whether any charges would be laid or whether any of the documents seized would be returned. There has been refusal on the part of the R.C.M. Police to say what has happened with respect to the documents seized, and a cloud of suspicion has been cast upon the people involved in the search warrants.

I think some fundamental freedoms of the individual are involved here. The R.C.M. Police should have been more judicious in their activities in this field. They should not have been so flamboyant in their attitude toward the public as to what they were doing. This has cast a cloud over the entire Chinese community in Canada. At the end of the raid no indication was given that any charge would be laid.

Furthermore, I am given to understand that some indication has been given—and this is reported to have come from the commissioner's office, though it may have come from the members of the R.C.M. Police—that the police do not intend to charge all the Chinese who have allegedly entered Canada illegally. If they do not intend to charge all, then this smacks of some sort of discrimination, the picking and choosing of people, if there are any who have come here illegally.

Then there is reference—and this I submit is the sort of red herring that is dragged in occasionally to cloud the issue—in the Vancouver *Sun* of January 8 to the fact that the R.C.M. Police had reported that red agents or communist agents—the story said "red"—have been brought into the country from China as part of the conspiracy. It seems that the R.C.M. Police are prejudiced toward looking for communists operating in Canada.

Another part of this unfortunate situation is the injudicious use of the R.C.M. Police in these raids and the manner in which the raids were conducted. These raids were widely publicized, and they cast doubt and suspicion upon each and every individual of Chinese origin who has come to Canada in recent years. These things should be cleared up immediately. If there are charges to be laid, lay them as quickly as possible and clear the air of the doubt and suspicion that rest in the minds of those people.

This situation was further aggravated in the city of Prince Rupert. I received a telegram from Mr. Bruce Brown, a lawyer in that city, inquiring what right the R.C.M. Police had to question citizens of Chinese origin about this matter. I checked and discovered that they had no right whatsoever, other than the normal right of a policeman to ask questions which individuals are not obliged to answer. I understand the people were advised accordingly and that they refused to answer the questions. It was not a matter of the R.C.M. Police constables or officers conducting the inquiry in Prince Rupert going to an individual Chinese in his home and telling him privately that he would like to ask a number of questions; it was a matter of asking the members of the Chinese community to report to the police station in the city hall to answer a number of questions.

I have a copy of the questionnaire provided for that purpose. I understand this questionnaire was developed somewhere in the regional offices, and its purpose was to ensure that the well-trained police constables did not miss anything in their interrogation. The information they required, without giving any indication what it was for, was the name and other names, addresses, business address, date and place of birth, occupation, distinguishing marks, tattoo, and so forth. There is reference to whether the person speaks English well or poorly, place and date of entry into Canada, name used at that time. He is asked whether he is a Canadian citizen, the number of the certificate when issued, issued in the name of; name of the sponsor and relationship, his address; whether the individual has a passport; what is the number of the passport; details about wife or wives or husband; about names; place and date of birth; number of children; place of birth of parents, brothers and sisters; production of all documents showing number of names, and so forth; previous address in Canada. If this sort of thing does not smack of the same sort of inquisitorial approach connected with the other raid which was conducted previously, I do not know what it is.

Second, I understand that a visa fraud section has been set up by the R.C.M. Police for which this sort of information is required in a sort of general way, indicating that everybody must answer the questions. This immigration visa fraud section has an unlisted telephone number; at least when you telephone them you find that it is not an R.C.M. Police number, it is another number. They do not answer by saying "R.C.M. Police"; they answer by saying "Hello" or something of that nature. If this is some sort of a secret organization that has been established in this regard I think the Chinese people should insist on their rights and refuse to answer any such questions, especially when they are asked to come down to the police station, as they were in the city of Prince Rupert, in order to be asked for information of this nature, namely whether a person has a passport; what other names he has; what information he has about brothers, sisters, parents, children, wives and husbands and all the other relatives that an individual may have. I think this is another of the erroneous steps the R.C.M.P. have taken in dealing with this question.

Mr. Pearson: Mr. Chairman, I should like to say a few words on this item, which concerns the Royal Canadian Mounted Police. Along with every other Canadian I am proud of the record of the force; not only their record on the television screen, though I have no particular complaint to make about that, but their record in history and the contribution the force has made to the growth, development and security of our country. The police, as is the case with every other police force, often have unpleasant duties to perform. No doubt our R.C.M.P. have their share of these. They also have the responsibility under the government for certain security duties which are not likely to make them very popular, but as far as my own experience goes I cannot imagine security police, doing the kind of things that have to be done and conducting these operations more fairly and discreetly and with a greater regard for the rights and liberties of the subject than our own security officers of the R.C.M.P.

Therefore, feeling as I do, and I think most Canadians feel the same way, we must all be very sensitive to any kind of unfavourable publicity that may attach to the force. There was unfavourable publicity a year or so ago. I am not going into that now because I think I would be out of order in any event, but it resulted as we know, in the resignation of the commissioner under circumstances which I think were regretted by everybody. This perhaps gives me the opportunity to pay my respects to the new commissioner, who I know will be a worthy successor to a long line of distinguished Canadians who have held that post.

The hon. member who preceded me referred to the unfavourable publicity which the R.C.M.P. has been getting in connection with one matter, that of Chinese immigration. There is no doubt that when announcements are made on a matter like this by the R.C.M.P. or by somebody speaking for the R.C.M.P. there will not only be publicity, but in a situation such as this there will be controversial publicity. I think that is unfortunate and regrettable. In my view the original announcement by the R.C.M.P., as reported by the Canadian Press on May 24, was regrettable in that such an important statement, which was bound to have repercussions and create controversy, should have come from someone authorized to speak for the government. The matter could then have been discussed on the floor of the house, because parliament was sitting. But when the commissioner makes an announcement in terms which suggested that 11,000 Chinese entered Canada illegally during the last ten years, that is bound to lead to misunderstanding and controversy, especially as in this case there has been no subsequent information that I have been able to secure from any governmental source which would confirm that that figure was any more than an estimate.

The announcement also included other things which were bound to create uneasiness in a segment of our population which, by an announcement of this kind, would feel itself to have been put under suspicion. There was another story in the Ottawa *Citizen* a few days later attributed to the commissioner of the police which dealt with the same matter; in fact it almost seems like the same story. These announcements have created a situation where the police have been brought into public controversy, and that is something which I think is regrettable.

The reaction and feeling in a certain section of our population—I am referring primarily to the Chinese section of our Canadian population—have been increased by statements made by a representative of the police on television. These statements may be perfectly accurate; I am in no position to judge, but having seen one program I feel that it was not the kind of program to keep the R.C.M.P. out of controversy.

The result of all this has been what one could have expected. Chinese Canadians have understandably felt resentful that some of the implications of these statements as having conveyed a reflection on the Chinese community as a whole, although I am sure not by design on anybody's part. As the minister knows, there have been complaints and representations by citizens of the Chinese race in Canada as a result of the statements made and their implications, and the R.C.M.P. have been brought into controversy. I am not going into the details of these submissions, but they have been made to the government. The minister has replied to some of the statements made, denying them, but the statements are on the record and they do include what I think are unfortunate references to the R.C.M.P., references of a kind that underline my own view, which I am sure is shared by others, that the police should be very careful not to become involved in the kind of situation which may result in that type of submission.

One statement I have here is found in the Toronto *Globe and Mail* of June 4. In it the Chinese community centre association say they resent strongly the widespread raids by the R.C.M.P. into their houses and places of business and so on. These have been denied by spokesmen on behalf of the government, but it seems to me that if the R.C.M.P. had refrained from making the original statement about 11,000 illegal entries they might have been in a stronger position in respect of subsequent statements and submissions that were made which reflect on the conduct of the police.

I should like to ask the minister, as I think the hon. member who preceded me also did, to give the committee some information regarding the activities of the R.C.M.P. in checking into illegal entries from Hong Kong. In answer to questions in the house the minister has already dealt with some aspects of this matter. In one of his statements he said that they, meaning the government, were making use of the service of some members of the Hong Kong police force who have been sworn in as special members of the Royal Canadian Mounted Police. He went on to say that they had been very carefully instructed in Canadian police methods and in the law regarding the carrying out of investigations and the questioning of individuals.

Now, all that is quite true, but the actions of the police in this connection, assisted by police officers from Hong Kong, however carefully instructed, are bound to create and have created in some quarters a feeling of resentment and anxiety. Perhaps the minister could take advantage of this opportunity to enlarge upon statements he has already made. This may serve, I would hope, to remove some of this anxiety and also to remove any reflections which may have been cast on a large body of Canadians. He might also deal with the question of the desirability of any representative of the Royal Canadian Mounted Police making a statement of the kind made, no doubt, in good faith and with good intentions, but which in connection with a matter of this importance and of such a controversial nature should come from a spokesman of the government itself.

Mr. Fulton: I am glad to deal with this matter and give to the committee information in addition to that which has been given from time to time both by my colleague the Minister of Citizenship and Immigration and myself in the house.

I should like to clear up one matter at the outset. I can only assume it was inadvertent on the part of the Leader of the Opposition, but I think it was an unfortunate and regrettable inadvertence, when he kept using the word "announcement", implying that the commissioner of the Royal Canadian Mounted Police and other police officers had made announcements, as it were, of their own volition concerning what had taken place. It has been pointed out before that this is not correct. I think it is most regrettable that the Leader of the Opposition insisted on talking about the police making announcements.

What happened was that the moment the search warrants were executed across Canada, this matter was known to the press. Such a large scale operation could not be kept

secret. The intention to carry out this investigation had been announced in this house in the proper manner by the Minister of Citizenship and Immigration as long ago as January of this year. There is no question but that the announcement came from the quarter from which it should properly come, the minister responsible, whose department made the request for the investigation of this situation.

As I say, the search warrants were executed and the Minister of Citizenship and Immigration informed the house on May 24, 1960, at page 4176 of *Hansard*, that the operation being carried out was a natural outcome of the investigation which she announced in the house on January 14. The investigation was announced, therefore, by the minister on January 14, and on May 24 the minister advised the house that the search warrants were being executed in connection with that investigation. There is no question about where the announcement came from; it came from the proper place, from the minister responsible for initiating the inquiry.

Of course, Mr. Chairman, the press are interested in an operation of this magnitude, and the press immediately communicated with the commissioner and with the commanding officers at the various centres in which the search warrants had been executed. Here is where a somewhat difficult situation arises, it is true. If the police refuse to answer any questions from the press, radio or television commentators, then of course they are accused of carrying on a secret police type of operation, and the government is accused also of attempting to hide the facts concerning what the police are doing. Instructions have been given, not only by this government but I know by my predecessors, that the police are not to take the attitude that they cannot talk with newspapermen and television men. They have to exercise their discretion as to what they may say. If, of course, they refuse to talk they are accused of carrying on a secret police operation, and when they do talk then they are accused of making announcements.

I say again it is most unfortunate that the Leader of the Opposition used the word "announcement" and persisted in using it, in the light of the explanation I have given in this house, when the Leader of the Opposition was here, that the commissioner of the Royal Canadian Mounted Police did not make an announcement that there were 11,000 Chinese suspected of having entered Canada illegally. I explained, when the Leader of the Opposition was here, that the commissioner was interviewed by the press and asked whether or not the figure of 11,000 was correct. He said, "It is not my figure, but I would not quarrel with it". I think those are the words or very close to the words used. I have told the Leader of the Opposition in this house previously that the commissioner did not announce that there were 11,000 illegal entrants. The commissioner was asked a question when this figure was used, and he said it was not his figure but he would not quarrel with it. At no time have the commissioner or other officers of the police made announcements about this matter. I do hope that the Leader of the Opposition, when he refers to this matter in the future, will be accurate; because it is an unfair accusation to make against the police that their responsible officers make announcements that should come from the government. This has not been the case, and I trust will not be the case.

Now, with regard to this whole operation, Mr. Chairman, it must be borne in mind that we are investigating a racket. As a result of the execution of the search warrants we have evidence that confirms what was a firmly held suspicion, namely that there was an extensive racket in the illegal entry of Chinese into Canada, and that it was an organized racket. Charges most certainly will be laid just as soon as that can be done. But it must be borne in mind that there was a vast quantity of documents seized. The great majority of these documents are in Chinese and require translation. Then they require assessment and analysis and cross-checking to ascertain exactly the extent and ramifications of the racket and the organization.

This is a tremendous job and will take a great deal of time. I am not, therefore, in a position to state categorically how long it will be before charges are laid. But I state now that there is no doubt charges will be laid and that the evidence, in our view, substantiates completely the statement that there was an extensive, organized racket in Chinese immigration.

When you are dealing with this type of investigation and people of this type, it is only to be expected that every means will be used by those who have been operating an illegal racket to prejudice the investigation and to prejudice, in the eyes of the public, the people carrying out the investigation. In saying this I am not asking for any unusual or special sympathy for the police. The police are realists. They know this is one of the features of their work that they do run into from time to time when they are involved in an operation of this kind. They are exposed to criticism, and much of that criticism will not be accurate but will be designed to prejudice the police in the eyes of the public.

I do ask members, therefore, to bear in mind the fact that some of the things that are said are said obviously for this purpose. I do not mean they are said by members here, but some of the things that have been said outside have been said because nothing would better serve the interests of the racketeers than to have the Hong Kong police withdrawn. In order that this might be done we are told the Hong Kong police are brutal; that they have been carrying out their investigations and questioning in an entirely improper manner. We have investigated all allegations and have found them to be completely unfounded.

Therefore it is obvious that the allegations have at least one motive; that is, to try and force us, by creating prejudice against the use of the Hong Kong police, to discontinue their services. We have no intention of discontinuing their services, because their services are essential and are proving extremely valuable in assisting to uncover this racket.

The same thing is true with respect to the charges which have been made against the R.C.M. Police themselves in the course of carrying out these investigations. If the police could be prejudiced in the minds of the public, then the government presumably would tell them to take the pressure off, to ease up on the investigations and let the whole thing die. We have investigated every charge made against the R.C.M. Police and have found there is no allegation which need be taken seriously, except one relating to the use of the questionnaire, and I will deal with that separately. But as to the conduct of the investigations, the allegations that people have been haled out of their beds and homes in the small hours of the morning and practically dragged down to headquarters for questioning are entirely unfounded, and I say that on the basis of the most careful check on the circumstance about which the allegation was made. I am referring to a case in Montreal.

With respect to Prince Rupert and the use of the questionnaires, it is true the questionnaires were prepared, and they were prepared for the guidance primarily of the R.C.M. Police themselves. I am sure the hon. member for Skeena, who raised the matter, will appreciate that where you are dealing with a nation-wide investigation into the operations of an organized racket which itself is nation-wide, then it is essential that all information should be collated. In order to make certain that the operation is successfully and expeditiously carried out it is essential that the same particulars be received in each case, that the same questions be asked of each person being questioned. It was for this purpose that a form of questionnaire was prepared for the use of the police officers in conducting their interviews.

In Prince Rupert, as in other cities, the R.C.M. Police are carrying out investigations concerning this matter, and they have been provided with the form. The form was designed at headquarters as a guide for the use of members of the force during the questioning of persons who are voluntarily prepared to give a statement as to their status in Canada, and in carrying this out obviously some uniformity is a necessity. That is the purpose of the form.

As far as Prince Rupert is concerned, my information is that 11 members of the Chinese community were interviewed. Some of these were merely asked for advice as to the best approach to make to the local Chinese. Of the 11, only six were interrogated and only one supplied the answers and signed the form. The form was also shown by members of the force to the legal adviser of the local Chinese community. It is not a secret document with which they were suddenly confronted and asked to sign. Only one signed it, and only six were interrogated on the basis of the questionnaire.

I have made it clear, in case there was any lack of clarity, that the questionnaire is not to be used for the purpose of getting the Chinese to sign but only as a guide to interrogators in asking their questions.

Some objection seems to be taken to the fact that we are interviewing Chinese at all. As I say, we ask them if they are prepared to give information voluntarily; if they are not, then that is the end of the matter. But how could we conduct an investigation if we did not interrogate people and ask them for information? Of course we have to interrogate them, and interrogate them all across Canada, in some cases on the basis of information arising out of the documents seized and in other cases in the hope that we will get information from them which will enable us further to identify and establish and prove, and bring home the proof, that individuals are involved in this illegal racket. The interrogations must continue, but I again assert that every case of complaint which has been made has been investigated and will continue to be investigated.

I do not take the position that a mistake can never be made, and I am prepared to investigate every complaint that we receive. If there should be improper conduct we will deal with it; but these complaints so far made against the R.C.M. Police and the Hong Kong police, with the exception of the one incident

regarding the use of the questionnaire where a Chinese was actually asked to sign it—and that was not the intention for which it was designed—have proved to be completely unfounded.

The suggestion was made that there is concern and doubt in the minds of the Chinese community. I regret profoundly, in the same way as has been expressed by my colleague the Minister of Citizenship and Immigration, that this investigation should have proven necessary. I regret profoundly that a substantial number of Chinese Canadians are involved in one way or another, and I can quite understand the reason for their general concern.

But on one point there should be no doubt, and I have done what I can to remove the doubt from the minds of those with whom I have discussed it by way of interview, delegation or in statements I have made in the house, and that is that there will be prosecutions. This racket does exist; we have evidence that it exists, and we have evidence on the basis of which I am assured with confidence that charges can and will be laid. So there should be no doubt in the minds of the community on that point; guilty persons will be charged and prosecuted.

I refer now to persons who are guilty of operating an illegal racket. I am satisfied that when that is established and the Chinese community know that so far as we can we will get these racketeers off their backs, then the feeling of the Chinese community will be one of relief and satisfaction.

In this connection I want to read an extract from a paper entitled "Our Sunday visitor", the issue of June 19, under the heading "Chinese suffer 70 year old tragedy". There appear these two opening paragraphs:

> When mounted police recently began raids on Chinese homes and offices across Canada, it was the latest act in a tragedy that began more than 70 years ago. The police were looking for evidence to convict blackmailers who have played monstrously on the urge of the Chinese to come to an empty land across the Pacific and the recoil of the whites who got here first.
>
> The crime committed was not merely one of illegal entry—that is little more than a technical fault. The real evil has been the ruthless exploitation of Chinese dreams. The blackmailers have been cruel and greedy and have grown rich over the years.

Our investigations to date establish that point. We have, as I said, gathered a substantial amount of evidence to date as a result of the documents we have seized. We are also receiving confessions from Chinese. We are now receiving the co-operation of the Chinese community in this investigation, and it is our hope that co-operation will be even more forthcoming. It is also my belief that it will be, when charges are laid and when it becomes evident in the clearest manner possible that our intention is to convict racketeers and not to prosecute or harass people who have, in many cases, committed no more than a technical offence many years ago. That has already been made clear by the Minister of Citizenship and Immigration in her statement, and I think it will become more abundantly clear when the prosecutions commence. Then I believe we shall receive increasingly the co-operation of the best elements of the Chinese community so we can clear up this racket and dispose of it once and for all.

The hon. member for Skeena referred in addition to a couple of other matters. He said it had been reported in the Vancouver *Sun* that the R.C.M.P. had said that red agents had come into this country under cover of this illegal immigration. I am advised that this is not correct. The R.C.M.P. made no such statement, because they have no information of that nature. I am sorry the story was not picked up and contradicted immediately it appeared in the paper. I am informed also that the police never said they were concerned about red agents coming in during the course of this illegal racket.

The hon. member also expressed concern arising from a statement which he said the R.C.M.P. had made that some people would be prosecuted while others would not. He said this indicated to him that there might be discrimination. May I point out that the decision as to prosecution is not one for the R.C.M.P. to make. There are two things involved here. First there is the operation of an illegal racket. There is no question but that everyone concerned and exposed there will be prosecuted. The other matter is the situation of those who came into this country under false identities. The decision whether to prosecute in these particular cases is not one for the R.C.M.P. It is one for the Minister of Citizenship and Immigration, and the minister has made her stand clear as far as the Chinese are concerned who were what I might call innocent passengers in this vehicle. We are after those who operated the vehicle itself. The decision as to prosecution in individual cases will be made by that department.

I think that covers most of the points raised. While I very definitely want to leave in the mind of the committee no possibility of misunderstanding as to our intention to continue this investigation and press it to the limit of every resource at our disposal, and to prosecute those who are thus exposed—I want to make that very clear so the racketeers will not be able to tell the innocent Chinese, "You

had better keep quiet, because nothing is going to come of this"—I want also to assure the Chinese community that something is going to come of this, because to the best of our ability we want to get these racketeers off their backs. I want to assure the Chinese community of our deep sympathy that they should be involved in this situation, and of our desire to clear it up so they can go about their lives without fear or worry.

Mr. Pearson: The minister has taken exception to my using the word "announcement". I used that word not in any sense to mean a formal, voluntary statement by the R.C.M.P. If that is the meaning the minister has given to it, I can understand his feeling and I am very glad to withdraw the word "announcement". But the press is not as skilled in semantics as the minister is, because whatever may have been the circumstances surrounding the statements made by the R.C.M.P. in connection with the matter, they have been referred to in the press as statements; statements at a press conference, if you like, but nevertheless statements from the R.C.M.P., as the first statements which were made following the announcement last January, they led to the kind of publicity which caused so much trouble. This was due mainly to the use of the figure 11,000.

Let me justify what I have just said when I spoke about statements. The Canadian Press story, which is the one that circulates from coast to coast, under a dateline of May 24, reads:

> R.C.M.P. Commissioner C. W. Harvison estimated that the ring made it possible for about 11,000 Chinese to enter Canada illegally during the last 10 years. This figure represents more than half the 21,000 Chinese admitted in that period.

That was the original story. That was the first time numbers were used, as far as I know. If you like, that is not an announcement, but it is a statement made by the commissioner in reply to a question and confirming that 11,000 Chinese had entered Canada illegally.

On June 2 a story appeared in the Ottawa *Citizen* purporting to be an interview with the commissioner of the R.C.M.P. Asked whether he agreed with the estimate that between 50 per cent and 85 per cent of Chinese immigrants had used fraudulent documents, he said—and this is in quotation marks—

> I think that 85 per cent is probably a little high. Our evidence indicates the majority came in that way.

So the information that came from the R.C.M.P. in the form, if you like, of answers to questions was bound to be made public once it confirmed, if it did not volunteer, the information that 11,000 Chinese had entered this country illegally.

I have a great many other clippings on this matter in which occur such phrases as "the commissioner said" or "the commissioner stated". One from the Montreal *Star* of June 22 says "The news from R.C.M.P. headquarters that 11,000 Chinese—" and so on. Therefore I think my point is a valid one. If the R.C.M.P. as a force is to remain aloof, as we think it should do, from a controversy of this kind, then it should not make through its spokesmen statements which are bound to be controversial and, indeed, sensational.

The minister said no statement was made by any representative of the R.C.M.P. with regard to the security aspect of illegal entry. It is just as well that the minister is able to deny that, as I think he has done before, because here again in this story in the Ottawa *Citizen* the commissioner is reported as replying to a question put to him on this subject. This story, dated June 2, contains the following paragraph. The commissioner was asked if it would be fair to assume that any type of security risk could have been included in the illegal flow of immigrants, and his answer is given, in quotation marks, as follows:

> "Yes, because of the high percentage it is obvious any could have been schooled for any design in seeking entry."

The point I am trying to make, and I think it is a valid one, is that if the R.C.M.P. is to be kept out of these controversies, statements of this kind are not the best way to bring about that desirable result. The minister said that the R.C.M.P. as a force has the responsibiilty for deciding whether to give information or not.

Mr. Fulton: Whether to answer questions or not.

Mr. Pearson: As a principle, of course, I do not take exception to that, because there will undoubtedly be times when information should legitimately be given to the press by the R.C.M.P. But this kind of information, which converted what up to that time had been a not very sensational announcement by a representative of the government into something quite sensational because of what amounted to confirmation of the figure given of 11,000 illegal immigrants, is bound to cause controversy. When a statement of that kind is supplemented by television interviews, then it seems to me that the force is being brought unnecessarily into a controversial situation and acquiring a kind of publicity which will not do it any good.

Those of us who are anxious that this should not happen to the R.C.M.P. have, I think a legitimate reason to regret that in this case it did happen. Our quarrel is not with what is being done. The minister has

made a good case for the necessity of taking action of the kind he has indicated. Our quarrel is with the way it was done and with the publicity that was attached to it and which brought into the matter the R.C.M.P. itself.

Mr. Fulton: Mr. Chairman, I think in his closing remarks the Leader of the Opposition has expressed a proper concern for the position of the R.C.M.P. in connection with publicity of this kind. On that issue I am quite prepared to say there is a concern that it is wise and useful to discuss. What I objected to earlier was the form of appearing to suggest that the R.C.M.P. were volunteering statements and making announcements.

There are just one or two further impressions in this regard that it is still necessary to clear up before we deal with the issue itself of whether or not the police should answer questions of the press. The impression has been given—and I think I can readily understand how it might have been received—by the Leader of the Opposition, that the commissioner held a number of press meetings, held a press conference or gave a series of answers to questions by the press over a considerable period. That is not the case. The commissioner did not hold a press conference at all, as a matter of fact. On the very day the search warrants were executed, quite contrary to what the Leader of the Opposition said, it became a sensational story. It became a sensational event with the executing of search warrants all across Canada. The commissioner's office was deluged with phone calls from the press and so were the local divisional offices, I am told.

The press knew about it. They regarded it as sensational, because an operation of this type had never taken place in Canada before. It was not sensational because of what the commissioner said but it was sensational because of what happened. The press knew there was a big story here, and that knowledge could not be kept from them. The commissioner of the police was then faced with this question. Here is a big sensational story; are we going to keep mum about it and not answer questions and therefore leave the whole thing to speculation, or will we answer questions where it is proper for us to do so on the basis of giving factual information?

The decision taken was that the latter course would be followed. I think, on balance, that was a proper decision. From hindsight one might now say it would have been safer to decide not to say anything. If anyone holds that view in this particular case he certainly could make a strong argument that it would have been safer not to say anything, but I think the wise and proper decision at the time was that in view of the widespread interest in the story and the unusual nature of the circumstances the answers that could properly be given should be given.

When you analyse the answers you will find that they were not widespread or sensational in themselves. There were not a repeated number of interviews. The Leader of the Opposition has referred to a large number of articles. The hon. gentleman himself, if he stops to think about it, I believe will realize that this always happens when the Canadian Press gets a story that is of national interest. The story is repeated all across Canada in the first place and it is frequently picked up by other papers and rerun as much as several days later.

Mr. Speakman: And elaborated upon, too.

Mr. Fulton: Yes, and elaborated upon, as the hon. gentleman just said. Therefore the story of one interview with the commissioner creates the impression that a tremendous number of interviews were held on separate occasions, which is not the case at all.

I also want to say that there was only one television interview about which we have information, only one appearance on television by any officer of the R.C.M.P. It is therefore quite incorrect to leave the impression that there were widespread interviews on television and widespread appearances by R.C.M.P. officers.

The one television interview was held in Vancouver. In view of what has been said about it I feel I should put the interview on the record, because the impression has been created that the officer who appeared on that interview made sensational statements, gave answers and facts which were sensational, and in effect divulged information he should not have divulged.

I think when I read the interview with this officer hon. members can judge for themselves that great discretion and judgment were exercised and that he answered no questions that he should not have answered and gave no information that he should not have given. Perhaps I should not give the name of the officer so it will not appear on the record, although if anyone wants to inquire I have no objection to giving it personally. The interview in question and answer form was as follows:

Q. Can you give us some idea of the extent of the raid carried out here in British Columbia?

A. All of the searches we conducted were done in the greater Vancouver area and amounted to approximately fifteen business establishments and homes.

Q. Have any arrests been made?

A. No arrests.

Q. Are any arrests forthcoming?

A. That would depend upon the outcome of our investigations here.

Q. If no arrests were made what was the purpose of these raids?

A. The purpose was to secure documentary information and evidence.

Q. What type of documents would be seized?

A. All what is called, what are called coaching papers, passports, visas.

Q. Is the investigation completed?

A. No I expect this will go on for some considerable time, until we have covered all facets of the investigation.

Q. Then does this mean that we can expect more of these raids to come in the future?

A. That would depend upon the information and the evaluation of information we are obtaining now.

Q. Do you use undercover men in this operation?

A. Not in the true sense of the word undercover. We have the assistance of the Hong Kong police plain clothes members for the purpose of translation and communication with any of the Chinese people, with whom we would deal.

Q. Are they still working in this role?

A. Yes they are.

Q. Can you give us some idea of the size of this investigation?

A. The investigation is practically Canada-wide embracing the cities of Vancouver, Winnipeg, Toronto and Montreal. There have been for example, 20,000 names screened initially and narrowed down to approximately four or five hundred, on which there is intense investigation.

Q. Have you any indication at this time when the entire investigation may be completed?

A. That is hard to say and could depend on the progress and the outcome of the examination of the material obtained through the searches.

Q. Have you found any evidence of slave labour conditions in British Columbia where people have been brought into the country illegally and intimidated to work for substandard wages and in substandard conditions?

A. This again can be more clearly answered when our investigation is complete in so far as it links with British Columbia. It is quite possible that many of these people have been intimidated and have been held under obligation to those who have arranged their entry, their illegal entry in Canada.

Q. Would you say that this is the work of a large syndicate or a large single syndicate? Or is it the work instead of smaller groups working independently?

A. Well, that will be better revealed after the complete investigation but in so far as the present is concerned I would say it is the work of a considerable number of groups some of which may be operating together and others operating on an individual basis.

That was the full extent of the television interview, and that was the only television interview. I think it would be certainly showing a wisdom after the event which is more than normal to say now that it was improper or unwise to have held that interview. If there had been refusal to answer questions speculation would have gone on, and in addition the police would have been in the position of refusing to co-operate and give factual interviews to television correspondents.

[Mr. Fulton.]

Just one other point with which I should like to deal. It is a serious matter and should be dealt with seriously. I refer to the reference to the question of red agents. My statement to the hon. member for Skeena was that I was advised that the police had at no time said, as I understand was reported in the Vancouver *Sun*, that red agents had come in under cover of the illegal entry scheme.

With regard to the question asked of the commissioner and which he answered, he has assured me that his clear recollection is that he was asked whether it was possible that communist agents might have come in in the large number of entries, many of them illegal, and that his answer was that it was possible, yes, but that we had no information that it had actually taken place. That was the extent of his answer. Of course it is possible, with the large number of Chinese who have come in and with the large number of illegal entries, that communist agents may have been among them; but the police have not said it is so and we are not conducting this investigation by attempting to put it on the basis of a red hunt or anything of that sort at all.

Mr. Pearson: May I just deal with two points raised by the minister in a serious way in replying to what I said. In so far as the reason for and the background of the somewhat sensational publicity that this matter has received are concerned, I still think that was due in large part to the statement made in what was called an interview—I do not know whether it was an interview or not—by the commissioner that "our evidence indicates the majority came in that way". He was there referring to the majority of Chinese immigrants in the last 10 years, which would make the figure of 11,000 a reasonable one. Once that figure was given out, how could publicity of this kind be avoided? Surely the minister would agree that it is unfortunate that this publicity should be attached to a statement, even an answer to a press inquiry, made by the commissioner.

I am not criticizing the commissioner. I know what newspapers can do to statements of this kind. I have some headlines for which the commissioner is not responsible; but once you get into this situation you may be asking for exaggeration and trouble. I think we can preserve the R.C.M.P. from that kind of thing. It would perhaps be better for everybody, including the force, that when statements of this kind are made—the press has the right to information—they should be made by representatives of the government and not by the police.

So far as the broadcast is concerned, I do not want to give the impression that there was a lot on television. I saw one broadcast. It was a national program; therefore it went across the country. I do not take issue with what the officer of the R.C.M.P. said on this occasion. But it seems to me that when an investigation of this seriousness is being made, when we are in the middle of that investigation it might have been desirable to keep an R.C.M.P. officer off the screen and from talking about the investigation which was being conducted. However responsibly he may have discussed it right after he finished speaking there was a spokesman for the Chinese community who took issue with the R.C.M.P. in this matter. That, I think, was undesirable in the circumstances. This is the only point I am trying to make, Mr. Chairman; I think it is a valid one.

Mr. Speakman: The Leader of the Opposition is, of course, making a great to-do about implied statements. I think this is shameful when you consider the fact that in Canada we have one of the finest forces of its kind in the world. Every hon. member has a duty to uphold its reputation.

An hon. Member: He said it to protect it.

Mr. Speakman: He continues to imply that that these statements have been made.

Mr. Pearson: Mr. Chairman, on a point of order, I am implying nothing. I have read quotations from newspapers attributed to the police which have not been denied by the minister. Perhaps the hon. member should not be too excited about it.

Mr. Speakman: Of course the Leader of the Opposition believes everything that appears in the press, but he never inquires into the background.

Mr. Howard: I did not want to get involved in this controversy between the hon. member for Wetaskiwin and the Leader of the Opposition, but it does seem that every time the hon. member speaks in this house he starts out by using the word "shameful".

Mr. Speakman: I have had a lot of lessons from you.

Mr. Howard: A few moments ago the minister said that a substantial number of Chinese Canadians are involved in this thing one way or another. Will the minister tell us what he meant by "substantial"?

Mr. Fulton: I think the words speak for themselves. I am not going to give a figure because we have not got all the evidence gathered and analysed yet. For just that reason the commissioner did not give a figure, though he was asked about a figure. Incidentally, my clear recollection and knowledge is that figures of this order were being talked about openly. The press certainly were using this figure of 11,000 in their conversation before the warrants were executed on May 24; indeed ever since the Minister of Citizenship and Immigration made her announcement in January, very substantial figures of this order were being talked about, and it was in that context that one of the press men asked the commissioner, "Is it as high as 11,000?" And he said, "That is not my figure, but I would not quarrel with it". It was a figure commonly being mentioned.

With respect to the actual question asked, as to what I meant when I said "substantial numbers are involved in this in one way or another", I think these words have a perfectly clear meaning and I am not going to give a figure. We cannot give a figure. The Minister of Citizenship and Immigration refused to give a figure. We will not be in a position to give figures until we have all the information before us.

Mr. Howard: I thought what the minister meant by "substantial" was what is meant by the use of the word under the Combines Investigation Act, but that is another matter.

I should like to deal briefly with the questionnaire. My complaint here is not that a questionnaire was necessary as a guide to the R.C.M. Police in eliciting information, so that when they got the information they would use the same questions all across the country and compile the results afterwards and come up with something worth while. I think it is necessary that such a method be used, but the difficulty which resulted in Prince Rupert—and I think the R.C.M. Police prejudiced themselves rather than anybody else prejudicing them—arose from the fact that an individual did in fact sign a piece of paper on which this information was contained.

People of Chinese extraction, especially those who have not been here too long, have certain attitudes. They group themselves together, as other people would do in a strange country, and are reluctant to append their signatures to anything. To their way of thinking a document is an official piece of paper and if they put their name or anybody else's name on it, it means that they are signing something official. In addition, a number of these people were asked to go down to the police station to answer questions. This indicated to them that some kind of full-fledged inquiry was being conducted and that these individual Chinese persons had to give the information requested. They thought they were obliged and forced to answer some of the questions when in fact that was not the case. They are not obliged to answer any

questions whatsoever, although if proceedings were taken under section 11 of the Immigration Act there would be some obligation on the part of the individual to answer those questions. The manner in which the questionnaire was used, the attitude or the approach of the R.C.M. Police, in fact almost forcing people to come down to the police station and requiring one person to sign such a document, prejudiced the R.C.M. Police.

In the back of the minds of the people of Prince Rupert still lurks another matter. Those who recall the attitude of a number of people in Prince Rupert toward the R.C.M. Police will recollect that two or three times over the past few years there have been some difficulties between the police and the people of Prince Rupert. The R.C.M. Police have been involved in skirmishes, antagonisms and things of that nature. Knowledge of this background is still there; it has not been overcome. On top of that undercurrent which still exists in the minds of some people there is the use of this questionnaire and the manner in which it stirred up those antagonisms which would be there naturally anyway. In this instance I think the R.C.M.P. did more damage to themselves in attempting to elicit this information than anybody else could possibly do.

Mr. Fulton: Mr. Chairman, while what the hon. member has said has been expressed calmly I think it could perhaps create misunderstanding and an unfortunate impression if we do not get the matter into perspective again. It is true that there was a misuse of the questionnaire in this one case. That was a mistake. It has been rectified, and it has been made clear that the questionnaire was not for that purpose. That was a mistake which was quite easy to make, but it has been corrected.

With regard to the larger issue of whether the police should invite people to come to headquarters for questioning and interviewing, or whether there is anything here which is in any way suggestive of strong arm tactics, let us just consider the position for a moment. These interviews are necessarily lengthy. All the questions have to be translated through an interpreter and the answers have to be translated and written down. My hon. friend knows the Chinese people and knows that these interviews take a long time.

Are the police to go to a Chinese person and stand in the middle of his restaurant or laundry for two hours interviewing him with an interpreter present? That would be an imposition on the individual concerned. Similarly, should the person concerned have two large police officers in the front room of his home while an interview is conducted? No; the normal, courteous and sensible thing to do is to say, "Will you please come down to headquarters? We would like to interview you and ask you some questions." For this to be represented as something which either strikes fear into the heart of the Chinese or is used to compel him to come to headquarters and thus create a bad impression in connection with the way the police are operating just does not seem to be reasonable when you think of what the alternative would be. The alternative would be for the interview to take place in the man's restaurant or store over a period of two hours with the public hearing all the questions and answers, or else to impose on the man in his home for the same length of time. I am quite sure that when people stop to think about the matter they will see the operation in its proper perspective, and will appreciate that these normal police operations have good reasons behind them and in many cases are based on what is, frankly, consideration for the public when you stop to analyse the matter.

Mr. Bigg: Mr. Chairman—

Mr. Howard: I should like to reply to the minister's comments, and I express my appreciation to the hon. member for allowing me to do so. I do not think the Minister of Justice succeeded in getting the matter into perspective but rather succeeded in distorting it. Here are the circumstances that existed in the Chinese communities. There had been a statement that 11,000 of them had entered the country illegally, and whether or not that was an official announcement does not matter. The Chinese people had that understanding. In addition, search warrants were executed in a number of places across Canada just prior to the time the matter of the questionnaire was involved. Many people in the Chinese communities, in Prince Rupert for example, thought they were directly or indirectly involved. I do not know actually what they were thinking. However, with this background they are asked to go to R.C.M.P. headquarters and answer questions, and one of their number has to sign a document. As a result they immediately become concerned.

I think that puts the matter in its proper perspective. That is the way the Chinese people look at it, and that is why they have rebelled and held meetings to discuss the matter. That is why they went to a lawyer and were advised that they did not have to answer any of these questions. Looking at the matter from the point of view of the people in the Chinese communities, I think this is what their reaction would be and why they would think they were being subjected

to some sort of persecution in being asked to answer questions in the light of the other developments that had taken place just two or three weeks before.

Mr. Bigg: Mr. Chairman, as an ex-member of the mounted police I think I can speak with some authority on one or two of these questions. First of all, the trouble involving the Chinese is a question of public relations, as everybody can readily understand. I think a great deal of to-do is being made about something which is quite simple. The R.C.M.P. are charged with maintaining security in Canada. It is not an easy job but rather one of the most difficult jobs in the world, because on occasion they must interfere or appear to interfere in people's private affairs. I cannot see how any well-adjusted citizens of Canada, whether they have been here all their lives or have only been here for a few days, can object to the honest attempts of the R.C.M.P. to keep our country secure.

I think it is more than wrong to drag in racial prejudices at a time like this. There are a great many Chinese in Canada who are very proud of their Canadian citizenship and are just as anxious as we are that people do not enter Canada from China or anywhere else against the laws of our country. Looking at the matter from the point of view of a Canadian citizen, it would seem that a few groups have chosen to make a great to-do about it, perhaps because they are guilty, perhaps because they have had some hand in the matter, perhaps because they are related to some of the people who are guilty, or perhaps for purely partisan political purposes, and have exaggerated and expanded one or two minor incidents to make them look like national scandals.

The Royal Canadian Mounted Police are the finest police force in the world. They have operated now for a great many years, and I cannot imagine any force which operates with greater impartiality. Again I speak with some authority, because on two occasions I was relieved of my duties in the mounted police as a result of the strict observance of the regulations, once for having married without permission and again for indicating that I took an active interest in public affairs. For this I hold absolutely no rancour. I admire the mounted police for upholding the regulations in my case in the same way as they do with respect to every member of the force.

With respect to the question of public relations I should like to make this plea, and ask that it be given consideration by the commissioner and the department. I suggest that renewed attention should be given to what we used to call the youth and police program. When this program was in operation I think the mounted police made more progress so far as good public relations are concerned, particularly among young people. We were instrumental in instituting safety patrols for school children throughout the length and breadth of this country. Young mounted policemen started baseball, football and swimming activities and judo and boxing classes. Wherever the program was put into effect so-called juvenile delinquency, which is just another way of saying that boys are having a good time, decreased. The boys started to play baseball and get themselves in shape. They began to take an interest in the Boy Scouts and to box, swim, fish, hunt and do all the things a boy would rather do than steal or break windows or get into other trouble.

Wherever you find one of these fine young mounted policemen, a grown up Boy Scout if you like, working among young people you will find that the record speaks for itself. These activities are not confined solely, of course, to the mounted police. Municipal and provincial police forces have also done signal work along the same lines, but the mounties have always taken the lead in these affairs. Again I would plead with the commissioner and the department to provide whatever funds are necessary to make police transport and sports equipment available, and to give full recognition to this work which is often done beyond the call of duty.

Recently the marriage regulations were improved. When I joined the mounted police in 1935 it was necessary for a recruit, no matter what his age, to wait six years before he could marry the girl of his choice. In 1937, without any consultation with those who had signed on the force, this regulation was changed to seven years. Some of us got a little desperate because we thought it might be changed to 12 years, so we went out and got married. At one time I believe half the members of the mounted police force were married without permission, and if it had not been for the war coming along and the fact that I volunteered for the provost corps, I might have got away with it, like many others including officers. However, when it was brought to the attention of my superiors I was treated in the impartial manner in which everybody else was treated, and relieved of my duties. This enabled me to go overseas with the other volunteers with whom I chummed. When I came back to this country I was forgiven and rehired.

I should like to say something about the question of pay. When my father was a mounted policeman he rode across the plains for 50 cents a day. However, at that time

50 cents would almost buy a quart of whisky, so the pay figured that way was not too much out of line with what it has been recently. Today, however, the job of a mounted policeman is very complicated. The standards are just as high, and they were always very high. We demand young men capable of holding down territories which are sometimes as large as some countries in Europe. I have patrolled a territory consisting of 14,000 square miles and supervised six other young men and their many duties. I feel that command pay is out of line these days. When a man has this responsibility I think he should be paid accordingly. I trust that the pay of the Royal Canadian Mounted Police is about to be raised, and I hope substantially.

We have the finest police force in the world. I believe the people of Canada appreciate the service they are getting, and that they intend to pay these men according to the service rendered. It is true that in times past the men have been willing to work for next to nothing, but those days are gone forever. The public servant who is doing a good job today is entitled to a realistic rate of pay.

In so far as training is concerned, I think that would bear some looking into. I am quite in agreement with putting the young man on a horse, introducing him to that noble animal and getting him away from his mother. However, I feel that perhaps better training on a typewriter and in office procedure might be in order. Perhaps most people are not aware of the fact that the average mounted policeman spends as much time pounding a typewriter as he does in the field. We have not yet reached the stage where we believe there should be stenographers in every police detachment, so these young men have to type voluminous reports on every conceivable subject. I feel that more attention to business training would be very helpful in this paper age.

We are short of men in the mounted police today because it is a hard job requiring high standards, and the discipline is strict. I feel that if young men leaving school or university knew what a satisfying career it is, what fine training it is for public service and for public life, they would be glad to serve in the mounted police for 20 or 30 years. They would work with the finest young men in the country, and I think the job is second to none for excitement and for personal satisfaction. If I had to do it all over again I would be very pleased to do so.

[Mr. Bigg.]

All I can say is that I hope the pay will be brought up somewhere near the high standard of service which these young men give to this country.

Mr. Hardie: Mr. Chairman, I shall be brief, but first of all I wish, on behalf of my constituents and many people in northern Canada, to express through the minister to the recently retired commanding officer of "G" division, Superintendent Henry Larsen, our thanks for his years of devotion and his many accomplishments. I need not recite to this committee the many accomplishments of this great man. I am sure that his name is in the hearts and minds of many Canadians, and his accomplishments are known not only in Canada but throughout many parts of the world. The sincerity and interest of Superintendent Larsen, not only in the enforcement of law but in the general welfare and social and economic conditions of the people of the north, are things he passed on to the many men who served under him. We in the north wish him many happy years in retirement.

We were happy also that the Royal Canadian Mounted Police appointed in his place a man with northern experience, Superintendent Fraser. I am sure that during the course of his northern service he has had the general welfare and condition of the people in that part of the country very much in mind. We are sure that in the future he will pass on these fine qualities to the men who succeed him.

This brings me to another point. I am wondering what the policy of the force is with regard to men who come out of the north. The other day, on July 1, I walked out of the house to take a look at the proceedings on the hill. I saw a man who had spent, to my knowledge, nine or ten years in northern Canada. I saw him standing there directing people, telling them where to stand. Is this all the force has for a man who has spent the better years of his life in the north? Is he to be brought here to direct traffic? Surely there must be some other position for a man with northern experience. Surely the force must have young recruits who could stand in front of this building as a decoration for the tourists, or walk around putting parking tickets on cars. I ask through you, Mr. Minister, that the commissioner look into this business of the transfer of personnel who return from northern Canada and who are trying to establish themselves in this so-called civilization we enjoy here.

I would also like to bring up another matter. I have heard rumours over the past year and a half that the R.C.M.P. in northern

Canada are going to be relegated to office boys. The reason I say this is that I understand the Department of Northern Affairs and National Resources are considering putting men into many of the small, isolated communities in the north to take over responsibilities from the R.C.M.P. This all sounds very well, but at the same time in many of these places if the R.C.M.P. did not have to do a dog patrol to visit trappers' cabins or people on the trap lines they would have nothing to do. Their morale, as far as I am concerned, would go down to such an extent that you might as well have them out of the north altogether. Why have men sitting around in these communities doing nothing but pound a typewriter?

I say put the dog patrols back into these isolated places. In many of these isolated communities just the presence of an R.C.M.P. officer provides stability. I can tell you of many cases, in my own riding in particular, where in the past few years I have asked native people and others in these communities, "What do you think of the job which was originally done by the R.C.M.P. in game and forestry matters?" Of course a large part of our country has no forest, but we have forestry men running around the country looking after our forests. However, the inevitable answer I received was that the R.C.M.P. did a better job prior to these encroachments by northern affairs than has ever been done since.

I had occasion last year to ask natives in Fort Good Hope, "Who was the best public servant who ever spent any time in this community? Who did things because of his real interest in the people; interest in your housing and how you made out on the trap lines and your social and economic position?" The answer was a certain R.C.M.P. who had been stationed there some years before; I forget his name now. In any event this was how they felt.

Personally I feel that this co-ordinating committee which deals with northern Canada should be told that we do not need duplication of service in the north. The government should accept that. They are broke now trying to pay for what they have to pay for. Why duplicate the service in places like Fort Good Hope, Snowdrift, Resolution, Fort Providence and all those places? Give the R.C.M.P. man something to do. Give him the responsibility of visiting the trap lines, enforcing the game laws and doing the things he was trained to do.

Any R.C.M. Policeman who comes into that district can go into Fort Smith and, in co-operation with the game and forestry branch of the department of northern affairs, take a course for a week or two and once a year be called back to discuss these matters with the officers of the department. To put a forestry man or a game man into an area where you have someone like the R.C.M.P. to look after that sort of thing costs a great deal of money. There is the salary of the man you send in, and his removal expenses from Ottawa. You have to construct a building for him to live in, which costs at least $25,000 to $30,000. You have to operate this establishment and put fuel oil into the tanks. You have to provide electricity. I say, why do we duplicate effort, particularly in these days when we are not that well off that we can throw money around hiring people to take over duties which would leave others with nothing to do.

I have heard a rumour that this co-ordinating committee is considering suggesting to the R.C.M.P. in my riding that their establishment in Fort Smith be enlarged. They are going to provide Fort Smith with lots of aircraft and take all the R.C.M.P. out of Snowdrift or wherever they are in these isolated communities. Of course the R.C.M.P. will be left at places like Yellowknife and Hay river, where there is a fair population, but the rest will be put into Fort Smith.

Now, let us suppose that someone in Snowdrift shoots somebody else. Someone will say "We will send a wire to Fort Smith for the mounties". Of course weather conditions are never too good, so maybe the mountie will not get there for five days. In the meantime this man, who has probably gone berserk, has shot half the community. This is the way they want to save money; they would put them all into Fort Smith.

I say the only thing to do is to put the R.C.M.P. to work; put them to work which every young man would enjoy, such as following a dog team, visiting the trap lines, taking an interest in the community and in community housing for these native people. Young men who go north heard about those things when they joined the R.C.M.P. Half of them would never join if they thought they would go north to pound a typewriter filling out birth statistics and family allowance forms.

I hope the minister suggests to his colleague the minister of northern affairs that he consider that rather than putting more people into these areas, he put the R.C.M.P. back to work. If there is a case where a community requires an Indian agent or an assistant agent to do something for the natives, for example to fill out statistics and possibly lend a hand in community projects, then that is fine; put in an agent.

It appears that now we want to fill the country with welfare officers. I understand

that the civil service commission cannot hire a welfare officer unless he has a Ph.D. I have never heard of anything like it. The man has never seen an Eskimo, but he has to have a Ph.D. I know mounties and public servants who have been in the north and are still there who possibly had no more than a high school education, but they do have in their hearts a desire to do something for these people.

What happens today when they send in a welfare officer? Does he go to the R.C.M.P. and say, "What did you fellows do in these cases, because I want to try something"? Oh, no; to hell with the R.C.M.P. Does he go to the Hudson's Bay man who has spent 40 years in the north? Hell, no; not the Hudson's Bay man; he is stealing from the natives, piling fur and beaver skins up to the top of the barrel in order to buy a rifle. The days of the Hudson's Bay Company exploiting the Indians has gone, and have been gone for some years, but does he go to these men with experience? Heck, no. Does he go to any one of the missionaries, Anglican or Roman Catholic, and say, "What was your experience?" No. So they go ahead and do the same old thing that the missionaries tried, that the R.C.M.P. may have tried, or that the Hudson's Bay company may have tried, and all failed. But they are going to try it again.

I am tired of this same old rigmarole. I say, let us put the R.C.M.P. back to work. If you want to do something for the man who is slugging behind a dog team in those isolated communities, then do something like the department of northern affairs has done, or is still doing, and pay the teacher an extra $1,000 a year to do work other than he would normally do as a teacher; welfare work. At one time the R.C.M.P. were allowed to have trap lines to help them out, but that was taken away from them. Nowadays no one visits the isolated trappers. I hope the minister will consider these suggestions, and that he will not let this high-level interdepartmental committee force anything down his throat that he does no want to accept.

I say again that I deplore this tendency to take away certain duties from the R.C.M.P. in isolated communities and give them to other people who, it is claimed, are more qualified. This all stems from the starvation of Eskimos at Garry Lake a few years ago. We have read reports about this. Farley Mowat in his writings has blamed the R.C.M.P. for these deaths. This same Farley Mowat was given access to files in the department of northern affairs that I am not able to see, nor is any other member of this house able to see them. But the policy of the department of northern affairs was, if we can't lick them let's join them.

That is a fine attitude. About that time in *Maclean's* magazine—it was January 31 of last year—a short article appeared under a headline "Background": "The Mounties' Rule in the North has been Challenged by the Federal Department of Northern Affairs". Let me say right away that the mounties did not rule in the north, anyhow; the mounties did a job in the north. The article went on to say:

> The main issue: Eskimo policy. The resignation of Doug Wilkinson, best-known white man in the Arctic—

That is a real laugh.

> —he's author of the award-winning "Land of the Long Day"—from northern affairs recently brought the conflict into the open. Wilkinson's gripe: Eskimos in some cases die of starvation.

This refers to Garry Lake, where this northern service officer was stationed as a welfare officer looking after the interests of those Eskimos, or I always thought the duties of a northern service officer were to look after the welfare of the Eskimos. Of course since that time I have not got out of that department an answer that suits me. I do not know what their duties are—

The Deputy Chairman: Order. I think I should remind the hon. gentleman that these are the estimates of the Royal Canadian Mounted Police. I know he is trying to make a point, and I think the Chair has been lenient in allowing him to make his point of comparison, but I do wish he would come back now to the consideration of the R.C.M.P. and not the department of northern affairs.

Mr. Hardie: Thank you. You have suggested, Mr. Chairman, that I have been trying to make a point. I want to impress this upon the commissioner of the R.C.M.P. or on whoever is going to sit on this interdepartmental committee. I am going to be very brief. Up to now, anyway, I have not been able to find out what are the duties of a northern service officer. In recent years many have been elevated to area administrators. People in the north wonder now whose duty it is to look after the welfare of Eskimos.

This article went on to say:

> Northern affairs hasn't enough authority or facilities to help them, and it isn't the mounties' job. Although an officer of the government, Wilkinson had to buy his own plane to visit Eskimo settlements. Meanwhile, to police the north, mounties have every facility, including planes.

Mr. Wilkinson, or whoever wrote this article, does not know anything about what

the R.C.M.P. have done in the north if he thinks that all the R.C.M.P. have to do is police the north.

Mr. Chairman, on your suggestion I am going to end my remarks, but I hope the minister will consider some of the suggestions I have made, particularly as to the duties in the future of R.C.M.P. officers in the north. If there is any prospect of many of their duties being taken away from them, I personally feel that the R.C.M.P. will begin to acquire a very low opinion of the position they hold; because they will be relegated, as I say, to a strictly office type of job. The hon. member for Athabasca wants more typewriters. Well, let us keep the typewriter men down here; we do not want them in the north.

Mr. Fulton: I rise only for one purpose, and that is with regard to the statement made by the hon. member for Mackenzie River that men are brought down from the north and then put on guard duty here on parliament hill with nothing better to do than direct the traffic or be a tourist attraction.

Unfortunately the hon. member did not identify the man he had in mind, as is perhaps right, but in consequence I have not had the opportunity to find out what the circumstances are. Now what will happen is, I suppose, that it will go on record and in the press that this is what the police are doing, but I know it is not what they are doing. Men are not brought down from the north to carry out traffic and guard duty on parliament hill.

July 1 was a special occasion. We have not many reserves, and it might well be that a man who was on some other duty altogether, having come out from the north, was brought up here on July 1 to help with the special problem of controlling the traffic and the crowd on that day; but for the hon. member to suggest that it would be our policy to bring men out of the north after years of service there and put them on parliament hill is absurd, and I am sure he knows it. It may have been done on that special day, but I think it is unfortunate that an impression to the effect that he was posted to parliament hill should be created. I feel bound to point out also that the hon. member could easily have checked on whether there was really cause for complaint before splashing it all over the record here on an inaccurate basis.

I do assure him and the committee that I know the feelings of the men who have served in the north. I went up there myself and spent two weeks in the western half of the Northwest Territories just to get some idea of what goes on. I know that the men up there have a special pride in their status in the force and in their northern service, and many do not want to leave. But of course the opportunities for promotion are limited if they were to stay always in "G" division, which is one of the smaller divisions of the force, so they are posted out again. When they come out they are brought out on promotion and are given a different type of duty to perform so they may become more experienced policemen and have the opportunity of going right up through the force, which they would not have if they stayed in "G" division.

I know there is a problem in this respect. Many men who show great initiative in isolated northern posts are brought down and put perhaps on highway patrol somewhere in what they call the outside. Some people ask why should a man who has shown all this resourcefulness sustain this terrible comedown? Well, the fact is that highway patrol is a large part of a policeman's duty, and a large part of the duty of a police force. If a man is to have an opportunity for promotion he has to have experience in all parts of police work.

I can give the hon. member one example of a constable who came out after two years at Ellesmere island, and who is now in Ottawa. He was brought out for the purpose of being sent to university. Many of these northern men are men of great initiative, and we try to give them opportunities in the postings that are made after they come out from the north. I can assure the committee that no one who comes out from the north is posted to parliament hill.

Mr. Bigg: I should like to clear up a small misapprehension. I certainly did not wish to leave the impression that I think the mounted police should be relegated to a typewriter. What I was pleading for was a little more training on the typewriter. Due to the many technical jobs which a mountie is called upon to perform these days, proficiency on the typewriter is absolutely essential. I did not like the typewriter myself, and I do not think many of our boys do, but I spent many laborious hours searching for the keys with two fingers, and had I learned the touch system I would have been able to provide better reports more rapidly and thus devote more time to the more interesting aspects of police work.

Item agreed to.

375. Construction or acquisition of buildings, works, land and equipment, $3,804,029.

Mr. Godin: Mr. Chairman, some time ago I had occasion to discuss the new police building in the Sudbury area, of which the citizens of Sudbury and I am sure the police

officers as well are proud. There seems to be some difficulty in making arrangements for landscaping the grounds of this building. The choice of the site was proper. The building is located on the outskirts of Sudbury on a large piece of property. The building unfortunately appears rather low, but this is not too serious. However, when you drive past the place you cannot help but think it resembles a hydro substation, a warehouse, a garage for storing telephone trucks or some similar building. There are garage doors facing the street. In the interests of good public relations, and with a view to creating a good impression on those who visit the building, I think some improvement should be made in its appearance.

I am advised that some difficulty has been encountered in attempting to obtain the trees and shrubs required to beautify the building. Perhaps the minister would investigate the situation and assist in bringing about an improvement to this fine building.

Mr. Robichaud: Mr. Chairman, could the minister inform the committee whether the department intends to build adequate quarters for the R.C.M.P. detachment in the town of Shippegan in Gloucester county? This is an important detachment covering a large district, including the islands of Shippegan and Miscou. I believe they deserve better quarters.

Mr. Fulton: I have to advise the hon. member that there is nothing in this year's estimates for Shippegan.

Mr. Robichaud: I urge the minister to have his department take this matter into consideration. I am familiar with the situation there. The accommodation provided is inadequate, and these men deserve better accommodation.

Mr. Fulton: I thank the hon. member for bringing this to our attention. It will be considered. We are faced with a big problem in building quarters. There are many centres where accommodation has been inadequate for some time. We have had to establish a system of priority, but we will have a look at Shippegan.

Item agreed to.

382. To provide, notwithstanding section 45 or other pertinent provisions of the Royal Canadian Mounted Police Act, being chapter 241 revised statutes of Canada, 1952, that L. H. Nicholson, former commissioner of the Royal Canadian Mounted Police, shall be paid, as of the day he ceased to be commissioner, a pension for life of one fiftieth of his pay at the time of his retirement for each completed year of service, $1.

Mr. Roberge: Mr. Chairman, I merely want to say that we on this side of the house are glad the government accepted the suggestion made last year by my colleague the hon. member for Cartier.

Item agreed to.

Mr. Fulton: I thank the committee for its consideration.

DEPARTMENT OF NATIONAL REVENUE

Customs and excise divisions—

253. General administration, $4,807,852.

Mr. Godin: Mr. Chairman, I trust the minister has an opening statement to make. Does he wish to segregate the discussion of the C.B.C. and the Department of National Revenue, or will both be discussable under this first item?

Hon. George C. Nowlan (Minister of National Revenue): Mr. Chairman, the C.B.C. will be entirely separate from the Department of National Revenue. I propose to proceed, subject to the wish of the committee, with the customs and excise divisions, then with the taxation division of the Department of National Revenue, and following that with the C.B.C. and the board of broadcast governors.

I appreciate the fact that there may be some overlapping as between the C.B.C. and the board, and I do not think we should be too strict in attempting to hold the discussion to one element or the other. Of course if specific questions are asked about either the C.B.C. or the board I would ask that they be directed to me when the respective officers are before us.

I do not propose to make a lengthy statement on this question, but with respect to the customs and excise divisions perhaps I should say a word or two, because after all this is one branch of government without which it would be very difficult to carry on the government of Canada. As a matter of courtesy I perhaps should refer to the committee which met last year and interviewed the officers of the Department of National Revenue and particularly of the customs and excise division. They made three recommendations: one dealing with labelling of imported goods; one dealing with the tariff status of engineering drawings; and one dealing with imported articles exempt from sales and excise tax. Without boring or taking up the time of the committee I think I can say in brief that the department has tried to comply, and I believe has complied with the recommendations of the committee in so far as it was possible to do so. If there are any specific questions on that matter I should be glad to deal with them later on when we are dealing with the figures of the department.

I might point out in passing, Mr. Chairman, that the primary function of this division of the department, which is an administrative one, is the collecting of revenue. The total revenue collected by this division in the past fiscal year amounted to $2,152,553,299, which is an increase of 12.4 per cent over the revenue collected in the preceding year.

Our responsibility, of course, also extends to the administration of various acts and the inspection of vehicles coming across the border, and so on. There has been a substantial increase in the business in that direction. Vehicles reporting through customs last year totalled approximately 9 million, which was 190,000 more than the previous year.

This is a matter which I should like to draw to the attention of the committee with humility but also with a little bit of pride, I think. Despite all this increase in activity we have managed to reduce our total estimates by $608,000 as compared with last year. When you consider, that salaries alone amount to over 91 per cent of our total estimates I think you will agree that this is indicative of a very healthy appreciation on the part of the administration of this division of the virtues of efficiency and economy. For this I take no credit to myself at all except for responsibility for the division, but I do want to pay a well-deserved tribute to the officers of the division who have been able to achieve this economy and at the same time do more work than has been done heretofore.

It is within this area of estimated expenditure for salaries that we have been able to make a substantial reduction. We have reduced the number of establishments in the department by 99 and I might say that the dilution has not resulted in people being fired from the department. We have transferred them from one branch to another. It has been accomplished by bringing in more efficient methods, by the introduction to some extent of machines, computing devices and so on. In any event, we have achieved that. When we come to taxation I can point out that the same comparable result has been achieved there, and I think this is the one department of government which two years in succession has reported a decrease in expenditures and an increase in the work load which has been I believe satisfactorily carried out by the department.

Various changes have been made in the administrative branch during the year. I might refer to one or two of them in passing. Beginning with those which we have made to try to make it more convenient for the public as well as for efficiency for ourselves has been the abolition during the year of the customs form E-60, which Canadians, as many of you will recall, had to complete in respect of their motor vehicles when leaving Canada. We have made a change there and, judging from the reaction of the public, this change has been very well received.

Another change of notable effectiveness was the revising of the traveler's vehicle permit which has had the effect of considerably speeding up the clearance through customs of foreign travelers entering our country.

Then there is the new procedure with respect to the reporting of aircraft used for health or pleasure purposes and which are not carrying goods. Under this new system Canadians can proceed directly to a foreign country without first reporting to customs, and on returning to Canada complete at one time the outward and the inward reports.

I could draw the attention of the committee to various matters such as these which the division has brought into effect during the last year and which I think have resulted in not only increased efficiency but also better service in so far as the public is concerned. However, I do not intend to take up the time of the committee in dealing further with these general matters, but I shall be very glad to attempt to answer any specific questions and also reply to any comments which may be made during the course of this discussion.

Mr. Godin: I understand that two separate discussions will take place, one on the Canadian Broadcasting Corporation and the other on the Department of National Revenue?

Mr. Nowlan: That is right.

Mr. Godin: And that the subheadings of the Department of National Revenue will be discussed on item 1. We all appreciate the fact that we are now discussing the department which collects revenue for the government of Canada. On other occasions we have been dealing with departments which spend the money which the Minister of National Revenue collects.

The minister mentioned that there has been a small decrease in the cost of the operations and in the estimates of this department. We have been told that certain devices have been installed in the department and we also realize that possibly some other changes may be made. The minister has indicated to the committee that some changes have been made by shifting operations from one section of the country to another. This shifting of operations may create not necessarily grave embarrassment but certain difficulties. I should like to ask the minister some questions with respect to the northern Ontario office which is located in the new federal building at Sudbury. Apparently in the last year or so directions have gone out that what are known as

short forms for taxation purposes should be sent directly to Ottawa and not go through the Sudbury office as was the custom in years gone by.

Mr. Nowlan: May I interrupt the hon. member. I think he is referring to the income tax office and not the customs office. I would prefer to have that matter raised when we are dealing with taxation.

Mr. Godin: I thought we were dealing with the item.

Mr. Nowlan: We can deal with the item if the hon. member wishes, but as far as answering specific questions is concerned, I would not want to take the responsibility for answering questions with respect to taxation without the taxing officers present.

Mr. Godin: My remarks are of a general nature and have to do with the remarks the minister made. We find that directions have been given to the effect that the short forms should be sent directly to Ottawa. Can the minister tell me whether this means that there will be certain changes made in the Sudbury office and that possibly the work that is now done in that office will be done by people or machinery in the Ottawa office? Will the staff in the Sudbury office, which is the main office for northern Ontario, be reduced? As I understand it, the forms for as far away as Sault Ste. Marie were handled in the Sudbury office. People have been made aware of the fact that a request has been made for the short forms to be sent directly to Ottawa. Does this mean that there will be a curtailment of staff in the Sudbury area and an appreciable increase of staff in the Ottawa office? Were the facilities in Sudbury not capable of taking care of the northern Ontario forms?

Mr. Nowlan: I will deal with that, Mr. Chairman, when we come to item 262.

Mr. McDonald (Hamilton South): At the outset of my remarks I should like to congratulate the Minister of National Revenue on the wonderful job he has done in his department. I remember that when the estimates of his department were before the committee on estimates of the House of Commons we were very impressed with the way in which he ran his department. I should also like to take this opportunity to congratulate the hon. member for Edmonton West on his appointment as parliamentary secretary to the Minister of National Revenue.

I come from a riding which is completely industrial and urban. It is a riding that depends upon imports and exports, on manufacturing and on the protection of manufacturing in this country. I have heard it said from time to time that our opponents on the other side of the house are the great free traders. I found it very interesting to sit in the house and hear the hon. member for Essex East talk about protection for the automotive industry. It did my heart good to find that the great Liberal free traders have finally come to the realization that, with an economy such as we have today, with a country of 17 million people compared with 180 million people in the United States and so many millions in Europe awakening from the second world war, the impact of imported manufactured products is being felt by Canadian manufacturers.

I also realize that the import and export position of the country is not a matter that comes primarily within the jurisdiction of the Minister of National Revenue although I know that in the past several months the mayors and reeves of the country, the labour unions, the automotive industry and the chamber of commerce have been knocking on the door of the genial minister. I might also point out that the problem of imports into our country today is basically caused by exports into our country from the nation to the south of us. We hear a great deal about the low cost labour content areas of the world such as Japan and certain parts of Europe but my prime consideration today is the United States of America. I am not speaking as an anti-American because I have many good friends there. I am talking as a pro-Canadian vitally interested in my community and in looking after the interests of the workers in the riding of Hamilton South.

I should like to talk about the cotton textile industry purely as an example. Some people may say that this is a bad industry to take as an example because of its very desperate position in the country today but from reading the newspapers and the briefs of the mayors and reeves, of the textile industry and of the automotive industry apparently there are many interests that are looking for action on the part of the government to help them in their plight. I know that the industrialists and the labour unions have a very definite responsibility in this connection and I know that they cannot make up their minds what to do. However, purely by way of example, I should like to talk about the cotton industry in Canada today as it is affected by the Customs Tariff.

It is my understanding that before 1953 the cotton industry experienced relatively good times in Canada because it had its own markets and the awakening of Europe had not taken place. The United States were recovering from the effects of the war and were looking after their own domestic market. In

1956, for example, the cotton manufacturing industry in Canada had some 22,500 employees. I note with some distress, and again I am not trying to be political about the matter, that at the end of 1959 there were only 16,000 employees in that industry, a drop of 6,000.

It seems to me that with regard to any problem there must be symptoms of the disease, the disease itself and there must be solutions. I have heard it said by many members as well as some members of the other place that the textile industry did not look after its own interests, that it did not increase production and buy new machinery. This may be all very well but the remarks I intend to make today have to do with a matter under the direct responsibility of the Minister of National Revenue.

I understand that the Minister of Trade and Commerce is concerned with export markets and achieving a good balance of trade but in directing these remarks to the Minister of National Revenue now I have the specific point in mind that governments have a definite responsibility with respect to secondary manufacturing in Canada. I am not one of those who believe in complete government interference because I am a Conservative but I believe that where government interference is needed it should be exerted with all force.

Section 6A of the Customs Tariff was introduced by the former government in 1955 but they did not take any action under it. The section provided that where subsidized goods are imported into Canada directly or indirectly from a foreign country the Minister of National Revenue may take action when Canadian industries are being hurt. Section 6A of the Customs Tariff reads in part as follows:

> 6A. (1) Where in the opinion of the governor in council subsidized goods of a class or kind made or produced in Canada have been or may be directly or indirectly imported into Canada, he may declare such goods to be subject to an additional duty on their importation equal to the amount of the subsidy on those goods as determined by him.

As far as the cotton industry in concerned, in 1956 the United States congress passed an act which provided, with respect to manufactured cotton goods exported from the United States, no matter to which country they went, for the payment of a subsidy on such exports equivalent in some instances to five cents a pound and in some instances as high as 17 cents a pound, representing about seven or eight cents on the dollar. Ironically this legislation came into effect in the spring of 1956 when there were 22,500 people employed in the Canadian cotton industry. In the past the former government used to talk about its vigorous policy with respect to the United States, but I cannot seem to recall Canadian representatives going to the United States at that time and telling these people that they could not do this to Canada, that we on the North American continent are in the same economic climate, that we have the same wage scales and therefore they could not apply a subsidy on exports from their country into Canada because it would hurt the Canadian cotton industry and at the same time other such subsidies would hurt other industries. I do not recall them ever doing this.

The position is that on cotton goods exported from the United States to all countries the United States have paid subsidies amounting to some $54 million since 1956 and on exports to Canada they have paid subsidies amounting to over $13 million. I know the minister may say to me that there must be proof that the United States are violating the section of the Customs Tariff, that they are not playing the game with us, that they are not going along with the general agreement of tariffs and trade under which the countries concerned are supposed to play fair with each other.

Again as a pro-Canadian and not an anti-American I say that businessmen in the cotton textile industries of the United States have used the section in the Customs Tariff to further their own ends with the result that 6,000 people have been put out of work, some 400 to 500 in my own district. I have a letter here written by a United States manufacturer of cotton goods to a Canadian importer in Toronto, Ontario. The letter points out how advantage can be taken of a loophole in section 6A of the Customs Tariff. The first paragraph of the letter indicates the price of the cotton material in question and the second paragraph reads as follows:

> In addition, we will allow, to an associate or affiliate of yours in the United States, a rebate of $.07 per net pound. We will show on the customs invoice that we are allowing such a rebate to the firm you designate—

In the broad sense the Minister of National Revenue has no responsibility to take action by the imposition of a dumping duty because there is no indication on the invoice that this is being done. However, I also understand that investigators from the Department of National Revenue can go to the United States, call upon manufacturers and say that in the interests of good relationships they would like to see how they are running their businesses. This letter states that an amount of seven cents per pound will be paid. A manufacturer in my own riding tried this. He bought so many thousand yards of cotton goods in the United States

and there was deposited in a British bank an amount equal to $2,200, which did not appear on the customs invoice.

The cotton industry is an example of one of these producers who is having a tough enough time competing with the Japanese in the world market without some smart businessmen in the United States taking advantage of the situation. Let us not fool anyone. Imports of United States cotton manufactured goods, with the same labour content as our cotton goods, have come into this country in quite substantial amounts during the last three years. It seems to me that these imports are coming into the country because these people are taking advantage of this United States legislation to hurt Canadian manufacturers. If there were free competition both ways across the border I would be all for letting everyone find his own level. However, when a foreign government enacts legislation subsidizing the exports of a specific industry, the products of which are manufactured in Canada, then I think the Minister of National Revenue and his learned officials should look into all the ramifications of the situation.

I believe if they did that they would draw the conclusion that two things would have to be done. Either the officials of the Department of National Revenue or the Department of Finance would have to go down to the United States and request them to discontinue paying a subsidy on these goods coming into Canada or we must take the bull by the horns and invoke this section 6A of the tariff act by order in council. Then the United States manufacturers who are shipping millions of dollars worth of cotton goods into Canada by depositing moneys outside the country for the benefit of the Canadian importers—not the manufacturers but the fellows sitting along St. Lawrence street in Montreal—would be prevented from doing so. In the last two or three years many people in my riding have been put out of work as a result of this practice. It is the responsibility of this government, therefore, to have a close look at section 6A of the Customs Tariff or alternatively to ask the United States to quit paying the subsidy on goods coming into Canada.

As a result of conversations I have had with people in the United States I do not believe it would be possible for the United States to discontinue paying the subsidy because their legislation says they must pay an export subsidy on cotton goods which go out of the United States. The only alternative this government has then is for the Department of National Revenue to invoke section 6A of the Customs Tariff. This would be of benefit to the Canadian textile manufacturers. I have talked to some 50 or 60 people in the past few months and they are convinced that this would help a great deal.

Before I resume my seat, I should like to state again that I am sure each one of us has problems in our constituency and unless we get up and put them forward the minister will not find out about them. I am sure he is aware of this problem, however. I feel so strongly about it that I thought today I might use part of my time by speaking about this industry. However, this is not the only industry in which we have this situation. There is the woodworking industry and other secondary industries in my riding that are feeling the result of the price squeeze from competition from products from Europe and Japan which have this low labour content. I have been told that within the last few months the Steel Company of Canada has not sold a keg of nails west of Winnipeg. This worries me. I suppose the Minister of National Revenue has enough worries at the present time, but I do ask him to take a look at this special problem to which I have referred. I hope he will take this under advisement and give adequate consideration to it.

(Translation):

Mr. Grafftey: Mr. Chairman, being located along the Canada-United States boundary, the constituency of Brome-Missisquoi has a number of offices coming under the responsibility of the Minister of National Revenue (Mr. Nowlan). I should therefore like to discuss briefly the estimates of his department.

First of all, may I take this opportunity to commend the officials for the way the offices are operated and kept up. The people of Brome-Missisquoi have noted a number of improvements in those offices.

On behalf of the people of the Abercorn district, I wish to thank the minister and the officials of his department for providing that district with a new building, an exceptionally fine structure.

Mr. Chairman, I realize that most public buildings in Phillipsburg, come under the Department of Public Works. However I should like to refer very briefly to the fact that the department is planning to build a new warehouse in Phillipsburg and that, for various reasons unknown to me, there have been delays in the planning stage. I hope the plans will soon be ready, so that construction of this building in Phillipsburg may be completed as soon as possible.

(Text):

I should like to state briefly, Mr. Chairman, that Brome-Missisquoi is situated along the

border of the United States, mostly along the border of Vermont. I have had occasion to visit all the customs and immigration offices in my district over the past year. I should like to mention the fact that the officers at these border points are known to have treated the public, and are still treating the public, in a most courteous manner. I have said this before when these estimates were before the estimates committee, but I should like to repeat it. I feel that the officers of the departments of customs and immigration, perhaps more than any other officers, are the good will ambassadors of the people of Canada. I am very proud of the men who serve the department in my particular district. Every day they are dealing with visitors from the United States. It is very important that this high degree of courtesy exhibited by these officers be underlined. I should like to congratulate the minister for encouraging this situation, and I know it will be emphasized in the future.

In talking with the various officers in my riding whom I visited, the question of pay often came up. I am sure the civil service authorities and the officers in the minister's department will give these demands most serious consideration.

I am going to deal for a moment, very briefly, with a general subject which has been touched upon already by the speaker who preceded me, and that is the question of dumping. I do not want to go into it in detail today, but the hon. member who preceded me said it not only affected the textile industry in his riding but affected many other products. The same is true of my riding, which is an eastern Canadian riding. The textile industry has in the past been seriously affected by dumping. The hon. member for Bonavista-Twillingate teased me in this connection by saying that the question of dumping was a tariff question. Such is not the case. The question of dumping today, and I think this should be underlined and brought to the attention of the public, does not in any way relate to a classical discussion of high or low tariffs. It is an entirely separate question. Those who suggest we should discuss the problem and confuse it with tariff questions are doing a disservice to the country.

The same could be true of a quota system. These questions are perhaps related but they should be discussed separately from the dumping problem per se. I should like to congratulate the minister upon the fact that special officers were appointed and duly trained in the past in order to enforce dumping procedures. I know that the department, certainly at the top echelon, is most seriously aware of the problem of dumping goods produced in the United States on the Canadian market. I should like to feel certain that these procedures are being vigorously and rigorously enforced all down the line.

In a day and age where we must recognize the fact that trade must expand, with the interdependence of nations in an expanding world economy, we must underline the benefits of expanding many aspects of free trade. Yet the dumping question is a serious one. It is brought to my attention almost every week by various people and companies in my constituency. I know the minister has taken vigorous steps in his department to train officers at the local level to enforce our dumping procedures. Like the previous speaker, I would say in my area not only is the textile industry affected but other industries too.

So, in summing up I should like to thank the minister for the great improvements which are being made in my riding in the accommodations sections of buildings. I would also like to congratulate him for the courteous treatment customs officers are affording to the public, be they Canadians or visitors. In any event they are good will ambassadors for our people and for our country. I would also underline the fact that dumping procedures should be rigorously enforced right down the line to the local level and perhaps the minister will report whether an advance is being made in this direction.

Mr. Fisher: There are a couple of minor points I want to ask about and the initial one has to do with the role that his department plays as a sort of censor of obscene literature. The minister will prehaps remember that I was quite frightened and still am by the legislation introduced last year by the Minister of Justice which amended the Criminal Code. As I contended at that time, this legislation put into the hands of magistrates and provincial attorneys general power which would seem to be power to act as censors for the whole country. We have recently had a case where a Montreal judge ruled against the book "Lady Chatterley's Lover" by D. H. Lawrence, and I have not been able to find out whether any instructions have gone forward through the provincial attorney general's office in Quebec across the country as a result of that decision.

I have seen it stated in a number of press reports now that "Lady Chatterley's Lover" has been banned from sale in Canada, and I should like to know whether any instructions have gone forward to the minister's officials to bar the entry of that publication

into Canada. I know that most of the copies available for sale in Canada must have come through the customs office.

I should like to know what effect the new legislation has had upon the approach of the minister's officials in examining literature coming into this country. I should like to know how many books the minister himself in the past year has ruled to be unfit after examination, and whether he is in a position to tell me, perhaps not in the committee but privately as a result of a question placed on the order paper, just what these particular books are.

I should also like a statement from him as to how he is facing up to a problem mentioned before with regard to obscene publications and obscenity in the form of records, tapes and that sort of thing.

I would especially like an assurance from the minister that his officials are being as liberal as he gave us to believe in the past they would be in their interpretations. I know from my own examination of material in New York and Paris, there are certain kinds of literature that we do not need in this country. At the same time one cannot help but be a little frightened by the censors. I am especially frightened by the ruling of the Montreal magistrate, because if we have any Canadian literary men of merit it seems to me that the two representatives who have spoken in favour of this particular book were such. Yet their particular views and advice was ignored by the magistrate, and he said in effect that what they said about it was merely their own opinions. What else do you have in censorship matters but opinions and judgments? Quite frankly I tell the minister that I have a little more faith in some of the customs officials than I have in some of the magistrates in this country.

The other matter is more specific and relates to an answer I got to a question concerning ports and revenue stations which are not on or immediately adjacent to the international boundary or are on the Atlantic or Pacific coasts, and the costs of maintaining these particular ports and their revenues. My question was that I wanted an indication of the ports with revenue of less than $60,000 a year and I have been given a list which gives me 13 of these ports. I have just checked through them and I discover there is one in Southampton, Ontario, for which the total operation costs for 1959 and 1960 are set out, amounting to $4,812. By checking the annual report I see that the year before the total revenue for this particular port was in the neighbourhood of $7,800. I checked Drumheller in Alberta and I found that the expenses are about $4,400 and the total revenue last year was around $8,000. For Southampton, Ontario the expenditures are about $5,000 and the total revenue about $18,000.

I am interested in this because I hear the argument that we have a number of ports and outports which are completely unnecessary in terms of the volume of business they do. This has been triggered by the changing situation which has taken place at the Fort William customs office in the past year or so, to which I made no objection; but it seems to me the minister or his deputy minister might well look at these ports which have such low revenue and this rather constant expense. It certainly seems to me we should have more consolidation in this field.

I admit I cannot carry this argument too far from the statistics that have been filed, but if you have a place which costs $5,000 and produces an income of just over $7,000 a year, then I begin to wonder whether the service could not be transferred to another place.

I would not like to sit down without making reference to the few occasions upon which I have had to deal with the department through the deputy minister. I have heard him referred to as the oldest of the old Ottawa warhorses, and of course in the nicest way possible so far as the use of that term is concerned. I have always found him very pleasant to deal with.

The last question I want to ask the minister again requires detail which he may have. I should like to know how many special cases under section 38 of the Customs Act have been determined in the last year by the minister. I should also like to know the nature of the goods involved and the country of their origin.

I hope to have some more remarks tc make later on when we are dealing with the taxation division and also with regard to the Canadian Broadcasting Corporation.

A number of hon. members mentioned that the customs people at the border points have always been fair, and I should like to say that that has also been my experience.

I should also like to ask the minister for some petty detail. We are trying to have an extension of our ski facilities at the lakehead and we would like an assurance that next winter, when we will have a plane bringing up 3,000 skiers from Minneapolis on the week ends, that the unofficial arrangement which was made last winter as a result of our request will continue and that there will be no worries on that score.

Mr. McMillan: I should like to compliment the minister on what he has described as the economy made in his department. I see that

expenditure is down this year, as it was last year, and I can only hope that this process continues through other departments of government, because if it does the hon. gentleman will have less to collect in his own department.

The minister referred to the movement of traffic across the international boundary, and I can say that at Niagara Falls and Fort Erie, places with which I am familiar, the movement of traffic over those crossings has been facilitated by action taken by the department. I should like to pay tribute to the officers at the bridges, the customs officers as well as those in the Department of Citizenship and Immigration.

I heard three hon. members here talking about dumping. I should like to ask the minister how many cases members of his staff have investigated, how many investigations have been made in the United States and what action has been taken as far as the customs tariff in concerned.

One question that I wish to raise has to do with the Canadian duty-free shops, and I think this matter could be discussed now, inasmuch as these shops, or the goods sold by them would be duty free and free of sales tax. I heard some time ago, and I have seen it in the press on several occasions, that one such shop was to be opened in the neighbourhood of the Canadian end of the Ivy Lea bridge, one or two in British Columbia and, one I think, at Niagara Falls. I do not know whether there are to be any others or not. These duty-free shops will probably sell luxury goods which would be admitted into Canada free of duty, free of Canadian sales tax and free of excise tax. They would include such articles as women's purses, perfumes, handbags and other luxury items. I know that the retail merchants association came here to make representations to the Prime Minister and, I think, to other members of the cabinet against the opening of the shops, and I think that in cases where local stores are selling similar articles the establishment of these shops might well interfere with their sales. I should like to hear from the minister on this point.

I can remember being down south, and about the only thing sold in these stores in Jamaica seemed to be large bottles of Scotch whisky, and rum. However, I think the merchants should be given every consideration, and I know that the merchants in Niagara Falls are greatly concerned over this matter, because citizens of the United States coming into Canada who are outside that country for 48 hours can take back $200 worth of goods with them free of duty. They can do that once a month, and if they buy certain of these luxury articles in duty-free shops that is likely to cut down the purchases they might otherwise make elsewhere in legitimate stores. I should like to hear from the minister on that point.

(Translation):

Mr. Pigeon: Mr. Chairman, while we are on these estimates, may I say a few words on behalf of the cigar tobacco producers in the area of Joliette-L'Assomption-Montcalm, so that the Minister of National Revenue (Mr. Nowlan) and his departmental officials might consider whether customs duties on cigar tobacco leaf might not be raised in this way:

	Present rate	Suggested Rate
Unstemmed	12½ cents	15 cents
Stemmed	15 cents	22½ cents

Mr. Chairman, on June 30, 1956 the government of the day lowered the tariff on unmanufactured cigar tobacco, stemmed and unstemmed, as I just said. I believe the attitude taken in the past has been detrimental to growers of cigar tobacco.

I therefore ask the minister to be so kind as to consider the possibility of an upward adjustment of those tariffs, so that they will not be harmful to cigar tobacco growers in the district of Joliette-L'Assomption-Montcalm.

May I say, incidentally, that in my area almost 1,400 farmers are interested in that crop, which represents about $1¾ million. So I again ask the minister to adjust those tariffs.

May I add that I entirely agree with the hon. member for Brome-Missisquoi (Mr. Grafftey) and with a previous speaker, who suggested that the textile industry, which is of interest to the province of Quebec, to the maritimes and to part of Ontario, be better protected by the elimination of dumping practices if possible.

It has been a pleasure, Mr. Chairman, to draw the minister's attention to those two points.

(Text):

Mr. Godin: Since the minister wishes that we should discuss customs duty provisions at this time I should like to direct his attention to one or two matters and ask questions with regard to them. The first is the port of entry at Sault Ste. Marie, which is the closest available to the area which I represent. For many years it has been a port of entry through which thousands of American tourists enter Canada to the great benefit, especially, of northern Ontario. I have had occasion to arrive at this port on many occasions and I must say it is not exactly one of the best in terms of its construction and the

facilities offered. For instance, there is no provision made for protecting the American travellers when they have to open their luggage, and so on: and when the minister thinks of the rainy weather we have been experiencing he will realize what this lack of facilities means. The fences are rusty and broken to a large extent. I must, however, be honest in admitting that there may be a reason why the port of entry is not in a better condition than it is, namely that a new bridge may soon be constructed in the vicinity. This will bring about increased traffic. I trust that the minister will ensure that the proper customs and excise facilities are available when construction of the bridge is undertaken to avoid inconvenience and delay.

The second matter with which I wish to deal is one touched upon by three hon. members of the government. In 1958 the minister introduced certain amendments to the Customs Act and in his opening statement as reported at page 4468 of *Hansard* of September 2 that year said:

> The present law is adequate to deal with most cases of dumping or distress selling, but does not provide a safeguard against sales at prices below cost-plus.

It was the minister's opinion at that time that the law was adequate to deal with most cases of dumping but he wanted to take care of cost-plus sales. I should like the minister to tell us something about the effect of the amendments on the Canadian manufacturing industry and give us figures relating to imports under the new amendment.

Mr. Broome: Mr. Chairman, I wish to deal with two or three points but before doing so I wish to compliment the minister and the department. This is one of the most efficient and competent departments of government with which I have had the pleasure to deal. It has one of the best deputy ministers who is to be congratulated in another sphere altogether.

Mr. Nowlan: What about the poor minister?

Mr. Broome: All in all there is little one can say in criticism of the department. What I intend to say is not by way of criticism at all. I merely wish to remind the department of a few matters they have under consideration and ask the minister if he would comment.

The first problem I wish to raise is one which I believe was raised in the estimates committee two years ago. It concerns the importation of machinery sold by an importer to a tax exempt user. The specific point I wish to place before the department is this. The original purchaser of machinery for use in logging or a forestry operation, let us say, is able to have his machinery enter the country exempt of tax. After a certain use of the equipment he may sell it to someone in the construction industry for road building purposes and it becomes taxable. The department has always gone back to the original importer of the equipment for the amount of sales tax which is due on the reduced value of the machinery. The original importer has no control whatever over this equipment. I believe a suggestion was made that the actual sales tax exemption certificate should be in the form of a contract between the department and the original purchaser and any succeeding purchaser and the liability for the payment of any sales tax should rest on the purchaser who purchased the machine for use in a taxable industry. It is not fair at all in my opinion that the original importer of this equipment could be liable for actions over which he has no control. I understand that from the administrative point of view it is much easier to handle the problem this way but it is not right and I believe it should be changed.

The second item I wish to raise does not really come within the purview of the department but should come within its sphere. It has to do with the sale of United States war surplus equipment on which an arbitrary excise and customs figure of 16 or 17 per cent has been set to offset the fact that the equipment came into the country duty free when used on a United States base. Any ordinary secondhand machinery coming into the country will be assessed by the department at what they consider to be its proper value. Sales tax, if applicable, and duty will be levied on the assessed value. You may buy a machine in the United States for $500 but if the price of that machine in a similar condition here happens to be about $2,000 you will be taxed accordingly. These war surplus sales are disturbing to the economy. The United States economy is greater than ours and the people of the United States will not allow these machines to re-enter their country. An agreement was made some time ago between the governments of Canada and the United States. This equipment is sold by war assets. You may have the most ridiculous sales figure. The 16 and 17 per cent is paid on the actual sales figure and not on the assessed value as the department might assess it. That agreement should be changed. I would like to see us cut out the dumping of war surplus material but if this is not possible the taxation on such equipment should be on the same basis as on any other equipment sold to users in this country.

The third problem with which I wish to deal relates to the importation by manufacturers in Canada of United States components and the application of sales tax to the finished product either as assembled or made up from Canadian manufactured components or those plus United States components to make up a certain article. The deputy minister will be familiar with one article concerning which I have been in touch with him. The application of the sales tax is on the finished price, the factory cost as far as the Canadian manufacturer is concerned.

The importer importing an identical article completely made up in a foreign country will pay sales tax on the value at the border. He does not pay sales tax on his profit as the Canadian manufacturer has to do. He does not pay sales tax on transportation and other incidental costs incurred by the Canadian manufacturer. The importer does not pay sales tax on those costs but only as at the border point.

In effect the application of sales tax in this instance is less on a fully manufactured imported article than it is on a Canadian manufactured article which comprises imported parts and parts of Canadian manufacture. The Canadian manufacturer, as far as that part of his cost involving taxation is concerned, is at a price disadvantage as compared to a straight importer of a similar article.

They are not major points; they are not going to put anybody out of business but each of the three points I have brought forward, I think, is in its own way relatively important and deserves consideration from the department as to how it may reasonably be able to correct what is not exactly discrimination but different treatment of one person as opposed to another.

Mr. Herridge: I shall be very brief in my remarks on the minister's estimates but I do first of all wish to express my appreciation of the courtesies extended to me by the minister and the promptness with which he and officials have dealt with any—and there have been a few—complaints that I have had to bring to their attention. However, on occasion the minister has been rather snappy on the orders of the day when answering my questions.

I also wish to express the same sentiments with respect to the deputy minister who is the most popular man I have ever known whose chief occupation in life is taking money away from people. At the same time, I wish to extend compliments to the other senior officials.

While I am in this mood I might say that I was talking quite recently to a long term employee of the minister's department connected with customs who retired a few years ago and who wished me to extend his kind regards and best wishes to the senior officials of the department. I refer to Mr. Warren Crowe, who has retired under some of the most happy circumstances that I had ever known. He owns a gold mine and spends part of the year mining gold and the rest of the time hunting and fishing and visiting the pioneers of the district. I think this is a very fine way to spend one's retirement.

So far as the local staffs at Nelway and Waneta and Patterson are concerned, I have not had a single complaint. Everyone in the district speaks of the general satisfaction with the way in which the staff services these various ports. However, I do want to bring to the minister's attention the fact that they work long hours to do that. I have had to tell this story before. I have been asked by people in the district to remind the minister again of the local circumstances. People generally are looking forward to the time when the service will be a 24-hour service. I fully appreciate the fact that there is some difficulty in making arrangements with the opposite numbers on the United States side of the line, but people in our district think 24-hour service is justified in view of the income collected at two of the ports, particularly in relation to the income collected at some other ports which have 24-hour service along the international boundary of British Columbia. I should appreciate the minister's informing the house just what the situation is at this time with respect to the possibilities of getting 24-hour service at Nelway and Patterson in fairness to the public and staff.

The other point I wish to bring to his attention is the question of water traffic on the Columbia which is increasing every year. Some years ago arrangements were made for United States citizens using small craft coming up the Columbia from as far south as Portland and going as far north as Revelstoke to report at Trail. This was a very wise move because the small boats had to take a chance with some very swift water and in one case some whirlpools, and the occupants then travel through the woods for half a mile to try to find the customs office at Waneta. I have talked to a number of people on this question and I suggest that we are getting more and more people and strangers coming in from as far south as Portland. Many of the Spokane and Seattle people know the river quite well, but other people do not. I suggest the department would be

well advised to have a prominent sign erected at the appropriate place near the international boundary, on the side of the river which the craft use in coming up from the United States, pointing out to them that Trail is the port of call and is so many miles from the border. We have had some cases of people not knowing exactly how far they need to go, and thus attempting to land at Waneta.

These are the only two matters I have to bring to the attention of the minister at this time.

Mr. Taylor: Mr. Chairman, I wish to say just a few words about these estimates, the minister and his most co-operative department. Today we were honoured with a few remarks by the minister, remarks which were short but certainly to the point. When one visits his office one is accorded the same type of businesslike treatment which is so much appreciated by hon. members. The minister possesses a great deal of business acumen which is so necessary in operating a huge department such as he must administer, and particularly when he and his officials must work so closely with other business houses throughout the country. He also possesses the great faculty of being able to get things done. One might say he is an expediter and a trouble shooter.

I am sure that this businesslike approach has removed many of the headaches which have plagued and which possibly will continue to plague departments such as his. Administrators such as the minister can bring about great savings to the country.

I always like to hear the minister speak in the house. As he towers above the desk so he must tower over the workload which is daily before his office. I think it can be fairly said that the minister has the ability to bring about team effort in his department. I know it has been a pleasure for me to do constituency work with his deputy minister and with other officials in his department.

May I say in passing in regard to Mr. Sim that he is on the executive of one of the local community clubs, and this in itself is a good thing because not only can he do a good job for the community but he can be a good will ambassador for his department. May I suggest to the minister that wherever possible he should encourage his division heads and others in his department to belong to local community clubs in order the better to get to know the problems of the particular area.

Maybe at this point I could make one constructive suggestion with respect to the customs end of the minister's department. I have been aware for some time of what has been done in the United States immigration and customs service with respect to opening offices in Canada. For example, when one goes from Montreal to New York city one clears customs at the United States customs and immigration office in Montreal so that when one leaves the plane in New York city there is no further formality at that end at all. Therefore travellers are able to avoid a great deal of unnecessary delay at the other end. If that system could be extended to Seattle, for instance, for the benefit of passengers northbound to Canada, passengers could then descend from their planes at Vancouver having already cleared customs and immigration and there would be a great saving in time.

I also wish to compliment the minister upon the efficiency with which the customs officers go about their duties at the various border points across the country. People entering Canada from the United States meet these men first and they can certainly help to create a fair climate and do a great deal in the way of building up good will for Canada. There is no sense in spending a great deal of money in the United States to encourage more tourists to come to Canada if they are met at the border with a wall of indifference. That is not the case at the present time and, in all fairness, has not been for a long time. I wish to compliment the minister and his staff in that regard.

I hope that in due course the minister will be able to make a trip to Vancouver and call at the various border points in the west. We have not had a visit by him for some time but perhaps in due course he will make such a visit in order to see the western border points. As I have to go to a committee, I should like to crave the indulgence of hon. members in order to touch upon the C.B.C. briefly.

The Chairman: I suggest it would be preferable if the hon. member would wait until the item for the C.B.C. is called. I know that many other hon. members would like to discuss the item and I think it would mean a more orderly discussion.

Mr. Taylor: That is quite all right. I will abide by your ruling. Before I resume my seat, may I also say to the minister's parliamentary secretary that we appreciate the co-operative spirit he has shown toward members of the house and that he in turn is a great asset to the minister's department.

Mr. Badanai: Mr. Chairman, I sincerely trust that when next year rolls around and the minister again presides over the piloting of his estimates through the house in his unique and genial manner I will have cause to compliment him and congratulate him on

a job well done if he will see to it that the 7½ per cent tax on automobiles is removed once and for all. When the hon. member for Vancouver South rose to speak I hoped I would have another ally in this cause and that he would also support the removal of this tax. The hon. member, whom I know well, is also acquainted with the automobile business, having had considerable experience with one of the major Canadian manufacturers.

In these days when the Canadian automotive industry is facing serious competition from abroad a look at the excise tax policy of the government with respect to automobiles may well be opportune. I have made references to this question in the past on several occasions, unfortunately without much result. It is generally conceded that this industry is one of the major employers of labour in Canada today. Members of the government, including the present Prime Minister and the Minister of Finance, waxed warm on behalf of the automobile industry when they were in the opposition. They too thought that the excise tax on automobiles should be removed. For the sake of the record I wish to point out that on June 2, 1955 the house was considering amendments to the Excise Tax Act which among other things provided for a reduction of the excise tax on automobiles from 15 per cent to 10 per cent, and at that time the present Minister of Finance was rather critical of the government of the day for not abolishing the 15 per cent tax entirely. On that occasion he said, as found on page 4373 of *Hansard*:

> There are several aspects of the resolution and of the excise and sales taxes broadly that I should like to comment upon briefly this evening. I suppose the leading feature of the proposal now under discussion is the proposed reduction in the excise tax on passenger automobiles from 15 to 10 per cent and the repeal of the excise tax on tires and tubes for automotive vehicles. The reduction in the excise tax on automobiles from 15 to 10 per cent is indeed welcome, but I should like to submit to the minister and to the committee that this tax is still too heavy.
>
> This tax was applied in the first instance and presumably continues today as a luxury tax; it was introduced under that guise. In my submission it can no longer be defended as such.

I say amen to that. I fully agree with the present Minister of Finance in his appraisal of this tax.

Mr. More: On a point of order, Mr. Chairman, I want to be clear in my own mind. We are dealing with the collection agency of the government, not the tax imposing agency, and I think that the hon. member is making a speech in regard to matters with which this department has nothing to do.

Mr. Badanai: On the point of order, Mr. Chairman, may I submit that when I tried to introduce this very subject on a previous occasion the Speaker of the house said there would be other occasions on which to discuss it, and certainly this is the occasion. I continue:

> To a vast majority of the owners in Canada a motor car can no longer be regarded as a luxury, but in the light of modern conditions must be regarded as a necessity. However, our tax legislation takes no account whatever of that fact. The burden which this tax has placed upon the automotive industry in Canada and indeed the acute way in which it has been making itself felt latterly are well known to every hon. member of the house. We have on every hand evidence of the increasing state of disorganization in motor car sales right across Canada.
>
> The automotive industry is a major employer of labour in Canada.

That is what I have repeated over and over again, and the Minister of Finance agrees with me. No one disputes the fact that it is an industry which is essential to the well being and development of our country.

The Chairman: Order. I did not rule on the point of order raised by the hon. member for Regina City. I may say that since the hon. member started his speech I have had some concern about the relevancy of his comments. I know that I allowed the hon. member for Joliette-L'Assomption-Montcalm to speak briefly on the question of customs taxes on tobacco. But I do not think it would be relevant at this point in the discussion of the estimates of the Department of National Revenue to discuss in such detail as the hon. member is attempting the excise tax on automobiles. It seems to me that this is a matter which would have been more properly discussed during the budget debate.

I do not want the hon. member to feel that I am trying to prevent him from continuing his speech. However, I do believe that he should try to be as brief as possible in his discussion of this question, otherwise we will have a repetition of the budget debate. As hon. members realize, the Minister of National Revenue is only charged with the collection of this tax. There is nothing he can do, personally, in connection with the request the hon. member is making. It is a matter either for the government as a whole or for the Minister of Finance. I think, strictly speaking, the hon. member's remarks would be more relevant to the budget debate.

Mr. Caron: May I ask for clarification of this matter? I recall that the hon. member for Hamilton South made a speech about the cotton industry and I was under the impression that when we were discussing the revenues of the country we could discuss all matters pertaining to those revenues. I may be mistaken about that. I recall as well that when the hon. member for Fort William

referred to the matter in the house Mr. Speaker said that there would be other occasions when the matter could be discussed and one of those occasions would be when the estimates of national revenue were being considered. I believe, therefore, that the hon. member should be entitled to go ahead with this speech, just as the hon. member for Hamilton South did a while ago.

The Chairman: I may say that the matter was raised on June 13 and the Speaker did not mention exactly when the opportunity would be given to the hon. member to make these comments. In so far as the speech made by the hon. member for Hamilton South is concerned, I was not in the chair at the time. I make a differentiation between discussing the application of the Customs Act and discussing the removal of a tax because the first is a matter of administration. The hon. member for Brome-Missisquoi discussed the application of an amendment introduced two or three years ago and made an attempt to ascertain the consequences of this change. A matter of this sort would be properly before this committee, but that is not the same thing as discussing the removal of a certain tax.

In any event, I have given the hon. member the opportunity if he wishes to continue. I thought I should warn the committee that if we allow the hon. member too much leeway we might precipitate a discussion which would be repetitious of the budget debate, which was the proper occasion for this kind of discussion.

Mr. Badanai: I promise you, Mr. Chairman, to be brief and not to deviate from the suggestions you have made. I maintain that what I am saying now is related to the excise tax on automobiles which is not only discriminatory because the automobile is the only major consumer product subject to a special tax but also because the employees in the motor car industry are the losers. Here is where the Minister of National Revenue is affected. If there are fewer people in these automobile plants, there will also be fewer income tax payments. If no growth is taking place in the productive capacity of this industry, then the corporate tax will be subject to reduction or decline and ultimately the government, instead of being the beneficiary of its tax policy will collect less instead of more.

If there ever was an illustration of the law of diminishing returns the retention of the excise tax on automobiles may indeed furnish the most shining example. I am only asking the minister to take this into consideration during consultations with his cabinet colleagues who have the power to bring about desirable changes in this industry as well as in other matters which may be beneficial to the people of the country.

I am just going to make one more reference to this subject, Mr. Chairman, with your permission. Only yesterday a delegation of auto workers from the province of Ontario came here for a meeting with the Prime Minister. The greater Windsor industrial commission, in a brief submitted to the Prime Minister, made a worth-while suggestion in connection with the 7½ per cent excise tax on automobiles. I shall only quote one paragraph from this submission, and it states:

> The federal government could adopt a policy of encouraging the Canadian manufacture of foreign vehicles. (If Studebaker-Packard can manufacture in Canada while producing 5,000 units per year, surely Volkswagen, British Motors Corp., and some of the other foreign companies can do likewise on a volume many times this.) Australia has encouraged domestic manufacturing and Volkswagen produced 16,700 units in 1958 in an Australian plant.

Then the brief refers to exhibits which were attached to the brief, and the concluding sentence in that paragraph reads:

> Foreign automobile companies could be encouraged to manufacture in Canada by offering an incentive, such as reducing the excise tax of 7½ per cent on the manufacturer's sales price by a given percentage if the vehicle is of 50 per cent Canadian content, 75 per cent or higher. (7½ per cent on a $2,000 passenger vehicle is $150.00.

This completes the reference I wish to make to the subject of the automobile industry.

There is, however, another matter I wish to bring to the attention of the Minister of National Revenue. Some time ago I referred to the possible or contemplated amalgamation of the two customs offices at Port Arthur and Fort William. I was told then there was no change with the exception of the elimination of one officer and, therefore, there was no diminution in the number of employees. However, I am concerned and the people of Fort William are concerned—perhaps the people at other points across Canada are concerned, too—as to whether or not this is going to be the policy of the government, to amalgamate these offices and to reduce staff. I must say this because I have been asked to object very strenuously to the fact that Fort William, one of the oldest ports in western Canada, established over 60 years ago, has been reduced to the status of an outport. The name of Fort William as a port of entry has been abolished and Port Arthur has been named as the port. Fort William is even subordinate to the port of Pigeon River, which is just an imaginary line and is mostly used for the accommodation of tourists coming from the United States.

These are questions which I wish to put to the minister. I know he has received many

representations from other parts of Canada which he has to study and solve to the best of his ability, to the enjoyment of all concerned and the satisfaction of everyone. On the other hand, I must say that the port of entry of the city of Fort William, one of the largest and oldest cities in northwestern Ontario, should not be eliminated as such and just made an outport. I am not suggesting it is his fault, and perhaps in the study of this question by the minister's department they selected certain points where they could effect some savings in the administration of certain offices. I am not objecting to saving money if it is possible but I do object when these savings are effected at the expense of employment, especially at the present time. Fort William is an important city.

These are the few remarks I wish to make at this time. There are a few other things I shall probably speak about later during the course of the estimates.

Mr. Speakman: Mr. Chairman, I should just like to bring this matter to the attention of the minister and the committee. I should like to ask the minister to give consideration in his submissions next year, if it is not possible at this time, to the matter of the purchases by fraternal organizations, school boards and school divisions of equipment for school activities. I refer in particular to the purchases by two organizations in my area this year of used band uniforms for high school bands, and they asked for a tax refund which apparently is not permissible.

I would ask the minister and his officials to give consideration to this matter because this is money spent by associations, organizations and school boards and they do not have too much. They are trying to help Canada's youth in our educational program and these band activities are of very major assistance in all small rural and urban centres in keeping our youth occupied in their out of school hours. I think they are serving a very good purpose and should be entitled to consideration in the matter of being given a refund on this type of purchase.

Mr. Weichel: It is not my intention to hold up the estimates of this department and of customs and excise but I feel a word of appreciation should be extended to the minister, his deputy, an old army pal of mine, and the department for the service we are receiving in Waterloo county. The city of Waterloo does appreciate the recent change in customs clearance regulations concerning shipments arriving by highway trucks at the warehouse. The resultant savings to the importers in Waterloo total thousands of dollars annually.

Some complaints have been received by Waterloo firms concerning expenses involved in having to take their excise records to Kitchener every business day. The extent to which Waterloo firms contribute to excise taxes far exceeds that of Kitchener with three and a half times the population. I hope the minister will give Waterloo every consideration in this problem, as I feel that the Waterloo customs office can handle the excise records. Perhaps some time in the near future the top officials of the department can visit us and talk over this important matter with members of the chamber of commerce.

Mr. Caron: I want to bring to the attention of the minister something which could be remedied very easily. In January when I came back from the United States by air I was given form E. 24, the customs form. I asked whether they had one in French and they told me they had none, although when I got to Montreal I was told they had both French and English.

I should like to ask if these forms could be printed in both English and French. There is not very much on them but it would eliminate the inconvenience to travellers who cannot read English or who cannot read French if they had forms in both French and English. I think the minister should take that into consideration and if he looks the matter over I think he will consider my observations are very welcome.

Mr. Winkler: Mr. Chairman, I would like to speak very briefly and add my compliments to the minister and his officials on their respective duties.

I want to refer now to the matter of labelling which was discussed in the estimates a year ago and the regulations made effective last December. With regard to textiles being brought into the country I find now that in practice importers of these materials are using a system of obliterating the label which manufacturers are attaching to garments, and because of the fact that the labels are usually made of a flimsy paper they can easily be removed merely by shaking or scratching them off, or that sort of thing. I find in practice that this sort of action is not fair to Canadian textile manufacturers and that it should be investigated by the department and necessary action should be taken.

I also had some discussions with the minister with regard to indicating in catalogues of mail order houses whether an item is imported or is manufactured domestically. This in my opinion has a great bearing upon the sales of domestic textiles. You will find that in mail order catalogues there is no indication

whether the item which is advertised is manufactured in Canada or in some foreign country. At the time I asked the minister about this matter, which was on February 1 of this year, nothing had been done and I am wondering if any further consideration has been or could be given to this particular matter. It is one of great concern to the smaller textile manufacturers of Canada and I have had representations from people all over the province of Ontario. I feel this would be a worth while project for the department and certainly would be of tremendous benefit to domestic manufacturers in this field. You will realize that when a housewife is ordering from one of these catalogues there is no indication whether she is buying a Canadian produced article or an imported article.

I think it would be a very simple matter if these mail order houses were required to indicate under each item whether the item is imported or of domestic manufacture. This in my estimation would answer the problem and be of great benefit to the smaller textile manufacturers.

Mr. McMillan: I want to bring up a matter which might affect communities in British Columbia, in northern Ontario at Fort William, the Niagara district, Cornwall, Quebec and probably New Brunswick. It has to do with the proposal by the cabinet—and I take this from a newspaper—to remove the 20 per cent duty now placed on the finer grades of paper. I know that this comes under the Combines Investigation Act, and that I could have brought the matter up on the estimates of the Minister of Justice, but this matter was not brought to my attention until after that particular item in the estimates of that department had been dealt with.

I understand that in the year 1953, or thereabouts, the manufacturers of the finer grades of paper were fined under the provisions of the Combines Investigation Act. I also understand that not long ago the Minister of Justice sent out a questionnaire—

The Deputy Chairman: Order. I am afraid the hon. member is not in order in the remarks he is making on this estimate of the Department of National Revenue relating to customs and excise duties.

Mr. Chevrier: Would you allow me to say that this department is responsible in part for the administration of the provision with which the hon. member is about to deal, which concerns customs duty, and surely the customs and excise division of the department has something to do with this matter. Then again, as the minister knows, the hon. member for Welland has been obliged because of illness to be absent for a large part of the session, and he was unable to be here when this matter was discussed. This is, perhaps, the only opportunity he has to bring the matter up, and I am assured he is only going to spend about five minutes on it.

Mr. Nowlan: I have no objection to the hon. member proceeding under those circumstances. This is clearly out of order, as this is an administrative department which has no responsibility for policy, but I have learned from experience that it is far better to allow members who are out of order to proceed than to try to save time by raising objections.

Mr. McMillan: I might say that I came across this in the papers only a week or ten days ago. If it came out before that, I was not aware of it. However, the paper manufacturers received a questionnaire from the Department of Justice asking them to supply proofs or reasons why the duty should not be removed. I was approached by representatives of labour, and not by the industry, and it was claimed that there would be considerable dislocation in the industry if this were done. I know that the hon. member for Lincoln has also been approached in connection with this matter. I am told that in our area a mill which was in the process of enlarging its operations was reported to be about to discontinue until this matter had been settled.

I think we have a right to ask a member of the cabinet who is here this afternoon what action is being taken or, if he cannot tell us that, for some assurance that a decision will soon be reached in order that the project may proceed without interruption.

Mr. McFarlane: I shall not take more than a minute or so. I should like to support the hon. member for Wetaskiwin in his request for the consideration of a reduction in the tax on school supplies. I should also like to ask the minister if he would give consideration to the supplies and equipment used by organizations which care for retarded children. Many of these organizations are supported locally by small groups of interested people. Finances have to be raised locally, and any help which the department could give would be very much appreciated.

So far I have been very pleased with the service I have received from the minister's department and I hope the hon. gentleman will see fit to grant some consideration to items of the kind I have mentioned.

Mr. Chevrier: The minister has been so generous in his intervention as far as the hon. member for Welland is concerned that I am going to be as brief as I possibly can.

There are just two matters that I want to raise. One has to do with the anti-dumping regulations, and I wonder if when the minister rises to deal with a number of matters which have been discussed here he will give the committee some indication of what is happening as far as these regulations are concerned.

I am particularly concerned about areas such as Valleyfield, certain parts of the city of Montreal, the eastern townships and the city of Cornwall where the position has become untenable because of textile importations. I am going to keep away at the moment from any political consideration of the subject and deal exclusively with the instruments which are in the hands of the minister.

I think we are all agreed that high tariffs certainly will not cure the situation in any of those communities. There is no doubt but that it is serious. The textile industry in the city of Cornwall has been completely wiped out. I know that in the city of Valleyfield there has been a substantial and considerable reduction in employment because of competition, and that applies to the eastern townships to some extent although I must say I am not as familiar with that area as I am with my own area of Montreal and as well as that of Valleyfield.

But notwithstanding the decision which was taken some few years ago in the house, what is the position? I know that the Minister of Finance announced an agreement in the house with Japan, but notwithstanding that there have still been substantial importations. There have been importations from China and, of course, there has been a considerable amount of dumping from the United States. That is what the anti-dumping legislation was established to prevent.

Is the government giving consideration to any other method of controlling these imports? I know that the problem is not an easy one. I know that the question of appraisers is one which has been given careful consideration by the department over a number of years and that these officials were sent into certain areas of the United States in order to evaluate goods. While they did good work, the point is this: is that sufficient to meet the position? That really is the point I wanted to bring to the attention of the minister.

The other question is one which I have already discussed with the hon. gentleman, and it concerns the Canadian association of income tax employees, Montreal branch. They have made representations to the government about their salaries. They feel that because of the peculiar position in which they find themselves, their salaries vis-à-vis those paid by private industry in Montreal are not at all commensurate with their work.

They also indicate that the minister, and I believe too the deputy minister, stated before the estimates committee last year that in so far as assessors are concerned they are experiencing great difficulty in keeping them in the department, that at most they remain for two or three years. This association would like me to bring this matter to the attention of the minister. It may be that other hon. members have brought this to his attention and in a more capable fashion.

This job classification merits a higher salary. If the statement I have attributed to the minister is correct and these people go elsewhere after two or three years then there certainly must be an anomaly. Perhaps these people are not earning enough money and that is why they are attracted elsewhere. I presume that the civil service commission has a great deal to do with this matter and it may be true that an improvement has been made as the result of the recommendations made by the Minister of Finance. I have no doubt that this is true but none the less the situation still continues to exist in certain areas.

Also there has been brought to my attention the question of certain clerks in the customs branch as well as other employees who are in the same position. The point made with reference to the assessors as well as with reference to the clerks and other employees is that a trained man in the class of an assessor, for instance, earns a salary ranging between $5,000 and $7,000. If an assessor has been with the branch for a period of time he is of course much more experienced than a man who moves from branch to branch or from department to department or from the outside and because of that he is able to be of greater assistance in the collection of taxes than he otherwise would be.

My only purpose in rising was to bring these salaries in the Montreal district to the attention of the minister. While I know improvements have been made in part as a result of the recommendations of the civil service commission I still feel confident that the Canadian association of income tax employees is not fully satisfied. In the light of what I have said would the minister be good enough to give this matter his usual careful consideration?

Mr. Southam: Mr. Chairman, I have recently had brought to my attention a problem which I wish to place before the minister. It has to do with the coal industry in my riding. As most hon. members know, we have an extensive lignite coal development in that area and an increasing development in gas and oil. This matter has arisen as a result of the competition created by these other commodities. The coal industry in that area for the last 30 years or more has been

importing duty free machinery that is not manufactured in Canada. Recently due to keen competition they have brought in equipment for experimental purposes in order to make their production and manufacture more economic and competitive. They have been paying duty on this equipment. The point these people make is that the machinery they are using for experimental purposes is not manufactured in Canada. They ask that these regulations be made more flexible to include this type of equipment and have it enter duty free, too.

Mr. Gundlock: Mr. Chairman, usually when I rise to speak in this chamber I am a bit out of order but I believe I am perfectly in order today in congratulating the minister and his department upon their most efficient execution of their regulations.

There is one question which I should like to ask the minister. Would the minister be kind enough to ask his officials why they differentiate between automatic stock waterers and automatic stock feeders for the purposes of imposing duty on an agricultural implement?

Mr. Pearson: Mr. Chairman, before the vote is carried I wish to say a few words. I apologize to the minister in advance if this matter has already been raised and he may stop me if it has been. I want to ask some questions which I think concern his department arising out of the trade treaty with Russia that will be coming before us for consideration. The minister knows that under that treaty although it is not a matter of the particular responsibility of his department there is a kind of mathematical relationship between the proportion of our imports from Russia and our exports to Russia. The impression is that there will have to be an increase of Russian imports to reach that proportion.

There has been a great deal of talk about how these figures will be increased with particular attention being paid in the discussion to the import of motor cars. Because this does come within his department I should like to ask the minister what are the procedures established? Are they the customary ones or are new procedures being adopted? What are the procedures in effect or to be in effect for the appraisal of values on Russian imports into this country? I am thinking particularly of manufactured imports and even more particularly of motor cars. Have there been any discussions and any negotiations with the Russian government which would lay down a procedure to be followed in regard to Russian imports under this treaty?

[Mr. Southam.]

Mr. Fisher: Mr. Chairman, I should like to know what part the minister played or did not play in the letter sent by the Minister of Justice to the companies involved in the prosecution with respect to fine papers. As I understand it the letter was in effect an invitation to them to state why the tariff protection on their particular products should not be removed. I want to know from the minister something about the consultation that took place.

To my knowledge this penalty has not been invoked before. I want to know what part the minister played in this matter and the general background of it. Like some other hon. members I have received some preliminary protests about the move and I wish to know what part, if any, the minister has played and can play.

Mr. Smith (Lincoln): Mr. Chairman, I should like to join with the hon. member for Welland in bringing to the attention of the minister a problem that could develop in connection with the proposed removal of the tariff on fine papers. The Provincial Paper Mill and others in that area have to bring their raw materials a very long way, in some cases from down on the north shore of the St. Lawrence river. They also have to pay the toll on the Welland ship canal. To impose further penalties on them by removing the tariff would put them in the position of perhaps not being able to compete with papers of that kind coming in from the United States.

Another matter I wish to draw to the attention of the minister concerns imports from the United States. I recently saw an advertisement in a newspaper for a fishing reel. I sent for it and when it arrived I found it was made in Japan. Although it was made in Japan it carried the trade name of a prominent manufacturer in the United States. The warranty was to be taken care of by this company in the United States. What I am concerned about is this. The article was shipped to a wholesale house in Los Angeles. There it was packaged and received a United States trade name and a United States warranty. It is sold in Canada practically as a United States apparatus, yet it was made in Japan. I should like to know whether it comes into the country as a Japanese import or a United States import?

(Translation):

Mr. Ratelle: Mr. Chairman, I have no intention of making a long speech; I just want a few bits of information.

Could the Minister of National Revenue (Mr. Nowlan) tell me whether some agreement was reached when he and the Minister of Finance (Mr. Fleming) met with confectioners and chocolate manufacturers who

were asking removal of the sales tax now applicable to their products?

I do not want to take up any more of the house's time, but I feel we should at least be given some information for the benefit of those who have been asking for the removal of that tax and would like to know the government's decision in this matter.

(Text):

Mr. Pearson: I want to deal for a moment with the point raised by the hon. member for Port Arthur. If the tariff provision—I do not know what section—of the Combines Investigation Act is invoked by the government, it is not necessarily because of the application of the normal economic and trade considerations but because a combination in restraint of trade has been found presumably, and in those cases this clause is used as a punitive clause rather than one which would be invoked under normal economic considerations. I am not attempting to make any judgment of the particular case that has been mentioned but when the minister replies will he inform us about the application of that clause in such a case?

Mr. Chevrier: Before the item carries the minister should take the opportunity to reply to the requests that have been made, as is customary. Once the vote is carried, then we are bound by the particular vote under discussion and there can only be discussion of that item. I should like to get answers to the representations I made and I am sure that goes for most other hon. members. I know the minister cannot deal with all of them seriatim because it would take too much time, but surely he can deal in a general way with the requests which have been placed before him.

Mr. Nowlan: I intended to deal with them. Being an optimist, as always, I had hoped that the other items could carry very quickly and I could deal with them all at the one time. I can go over them now but it will take a little time. I think this is what I did on other occasions. There certainly will not be any restriction by the Chair, I am sure, or by the minister, or any attempt to hold the discussion to any particular item. It will be as free as it was on the first item.

Mr. Pearson: As long as there is no restriction later, as the minister has stated, I should think that would be satisfactory, and we will not be prevented from following up the answer—

Mr. Nowlan: Not a bit.

Mr. Pearson: —because the item is passed.

Mr. Nowlan: Not a bit.

Mr. Caron: Now that the minister intends to answer all the questions at one time, may I bring up one point with regard to taxation difficulties.

Mr. Nowlan: Mr. Chairman, we are dealing only with customs and excise at this time; we shall have the taxation item as soon as these items are through.

Mr. Cathers: Mr. Chairman, I should like to draw to the minister's attention, a regulation of the customs law which I think is creating a great deal of confusion in the trade. This is the regulation which reads, "A class or kind not manufactured in Canada". I believe this regulation was drafted to encourage new industries in Canada. Because of the particular case which I have drawn to the attention of the minister and his deputy I think they will agree that a great deal of confusion is caused by this regulation. I think it is a costly regulation to enforce. To find out whether any article is being manufactured in Canada at a certain time is a very long drawn out affair. I ask the minister and his department to take a good long look at the regulation and see whether something cannot be done to eliminate this confusion.

I should like to congratulate the minister and his deputy upon the courteous treatment I have received from his department in the past year.

Item agreed to.

261. Construction or acquisition of buildings, works, land and equipment, $587,500.

Mr. Nowlan: Before this item carries I think I should reply to some of the questions which have been asked and some of the problems which have been raised. As the hon. member for Laurier suggested a moment ago, there have been many of them, and if I do not attempt to deal with them all I am sure hon. members will not think it is a matter of discourtesy. I will try to refer to some of those which I think have been the more important ones and on which perhaps some explanation is necessary.

The hon. member for Hamilton South raised, as did many other members, including the member for Laurier, the question of textiles and the impact of imports on the textile industry. The hon. member for Hamilton South dealt at some length with the United States subsidy which is paid to cotton producers in the United States and suggested, as have many others here today and elsewhere, that this was a form of subsidization of the textiles which are imported here and is one on which we should impose dumping duty, or deal with in some other way. There is no doubt there is a subsidy paid in the

United States on raw cotton; it is part of the statute law of that country. Incidentally, although the effects here may sometimes be as have been suggested, we also have to realize that cotton is bought by our manufacturers and, by our producers, at cheaper than it otherwise would be because of the fact the subsidy is paid on the cotton which is grown in the United States.

Now what may be termed dumping, of course, is an exercise in semantics. There is dumping in the popular mind and I think there is a misapprehension in the country and in this house that when goods are sold at a price lower than we produce them here, or at a price which seems to us to be low, that is immediately said to be dumping. Whatever may be the moral justification for that, and I think there is one sometimes, there is no legal justification for it unless the technical terms of the statute and of the law are met.

The term is, of course, as most hon. members know, that we are governed by the current market price in the country of origin. Given a free market and normal trading conditions, if that price is lower than ours it is still the free market price. That is the value which we have to impose on the goods, and it is not dumping. I think there is perhaps some misapprehension in the mind of the hon. member for Laurier and others. We are always hearing about dumping as if everybody dumped into this country. If they are selling goods a little bit cheaper than we are selling them in the open market here, then, unfortunate as that may be to some producers, that is not dumping under the act. We can only impose a dumping duty when the goods are sold here at a lower price than the open market price in the country of origin.

The department has had a number of complaints about the matter of subsidization. It has been suggested to us by textile manufacturers that subsidization is going on. The hon. member for Hamilton South read what I took to be a letter from a producer in the United States indicating that certain moneys were being kept there for the importer. If the money comes into Canada it is then something with which we can deal very easily but if there is money paid and it does not come into Canada it is questionable what is our legal position. All I can say is that the department has investigated this matter time and time again, has dealt with it and is attempting to deal with it in every possible way consistent with the law, and we would welcome any information or any co-operation which would assist us to deal further with this difficult problem.

As has been pointed out by various members, there is no question that the textile industry is experiencing difficulty. I think it was the hon. member for Hamilton South who pointed out that employment in the industry had fallen from 22,500 to 16,000 in the last three years. I think these facts can undoubtedly be established and that there is a serious situation. We have attempted to deal with it in various ways.

The hon. member for Laurier asked what had been the effect of the legislation we passed two years ago, the new section 39 of the Customs Act. You will remember that when that section was brought in we were told we were reverting to the law of the jungle, that this was going to raise a wall as high as Haman's gallows, that this was a reversion to R. B. Bennett and to the Toryism of a century ago, and so on and so forth. Unfortunately or fortunately not one of these dire prophecies has materialized and I think when hon. members read some of the speeches they made on that occasion they may wonder at the vehemence of their speeches at that time.

Mr. Chevrier: We also remember the speeches of the Minister of Finance.

Mr. Nowlan: I do not recall all the statements of the Minister of Finance at this time.

Mr. Chevrier: I do.

Mr. Nowlan: The fact of the matter is that one of the reasons why that amendment was brought in was to deal with the question of goods being sold here at less than fair market price plus a mark-up of some kind and not in accordance with current market practice. We investigated sales which were made and we found at least as far as prime goods were concerned that as a result of that legislation or because we had been misinformed—I think it was a little bit of both but probably largely because of the indirect effect of the legislation—there was reason to be satisfied and we are satisfied today that goods now being brought into the country are complying with the provisions of section 39.

We believe that the indirect result of that section has been very great indeed. When we started our investigations we encountered great difficulties. Theretofore we had received co-operation but when our investigations started we were denied information and we had to threaten to use some of the provisions of the new section in order to get the co-operation which we had received in the past and which we have been receiving since. So far as section 39 is concerned, I cannot point to any specific thing which we have done under that provision except that we believe that the tone of the market

has improved. We know that the legislation is being complied with and we think that in part at least this is due to the passing of the section itself.

Mr. Chevrier: May I ask the minister a question? Is it a fact that section 39 of the act is not being invoked in connection with dumping or alleged dumping?

Mr. Nowlan: We actually have not used section 39 at all. We have not used that specific section but, as I said, I think the fact it is in the background has had a great deal of effect.

I want to mention casually and very briefly some of the things we have done in connection with the textile industry and without enumerating too much. As the hon. member for Laurier pointed out, we have increased our staff. We have increased the number of appraisers and have sent them around the world. We have strengthened that branch of the staff tremendously and we are reaping great results because of that. Our appraisers have had special warning about vigilance and checking more closely than they had in the past. A whole series of instructions have been issued to our officers with respect to these matters and, although I cannot point specifically to the result of this or that, we believe and are informed that there has been a substantial improvement in the situation because of that.

The values of imported textiles are constantly under review and every complaint which the department receives with respect to valuation is investigated by competent officials. We now have seven stationed in foreign countries. The appraisers on the headquarters staff in Ottawa are travelling all the time to various portions of the United States for the purpose of investigating and checking on values, complaints and so forth.

With respect to the matter of invoicing, we have also tightened up in that regard. To assist in the detection of undervaluation, exporters are now required to show technical information on invoices and to attach samples of the goods to the invoice so that we can check on those samples and make sure they are in keeping with the invoice which purports to cover them. We have issued other instructions to our officers dealing with these matters. We have given a course on textile cost accounting to all our appraisers. They have been instructed in these matters and we believe they are thoroughly efficient and are carrying out the law as it is today to the limit of the extent to which it can be enforced and maintained.

We did bring seconds within the purview of the Customs Act in so far as dumping is concerned. Heretofore seconds were not included. Approximately a year ago we brought seconds under the act by order in council to protect against dumping. Seconds of course, comprise a very substantial portion of our textile imports because seconds from the United States are a very good class of goods. They are a substantial portion of our imports and by bringing them within the purview of the act we have improved the situation materially.

Reference was made by the hon. member for Laurier to importations from Japan and China and the action taken by the Minister of Finance in co-operation with the Japanese government with respect to the acceptance of quotas by that government. There is nothing much I need to say on that matter in addition to what has been said by the Minister of Finance. The department is administering the provision. I have imposed dumping duties on textiles from China. We have imposed very heavy duties against the protests, of course, of various importers who thought their valuations would be accepted but we refused to accept them. We are still continuing that course of action.

There are other matters, of course, such as discounts. We started to check on this matter a year or so ago and we found that discounts being authorized on imports of textiles were very substantial. As I reported to the house some time ago, we revised these discounts. We issued a new bulletin, appraisers' bulletin No. 12, and whereas discounts had run as high as 20, 25 or 30 per cent we reduced them substantially on the great majority of imports. On cotton sheets, cotton pillow cases, twill and clothing sateen we reduced the discount in each case to a maximum of 5 per cent and 10 per cent on denim. This has made a substantial contribution to the textile industry.

Far be it from me to say that the condition of the industry is good. It is not, and it is a matter which is causing us concern at all times. However, I can say this without fear of contradiction, that if it had not been for some of the steps we have taken and the action which this department has carried out as well as the investigations which are constantly carried out, bad as the condition of the industry is today, it would be infinitely worse if those actions had not been taken.

Mr. Chevrier: It could hardly be worse in certain areas.

Mr. Nowlan: I am not trying to justify the situation. This is a matter over which this department has no control. We have administered the law to the extent that it is

humanly possible in order to give the industry all the safeguards and protection which it could possibly receive.

The hon. member for Port Arthur raised a perennial question about which we have had many interesting discussions, the question of censorship. He asked if new instructions had been sent out to our port officers recently in connection with this matter. I can tell him no such instructions have gone out. The administration is exactly the same as it was at that time. It is an interesting problem as to what our position will be as decisions come out, become codified and the law becomes clear. We welcome that because it is a nasty situation in which one finds himself as the ultimate, in one sense, censor. It must be remembered that this only applies to periodicals coming across the border. It does not apply to anything printed in this country. It does not apply to anything on sale in the bookstores. It is only when books come through the customs house that we have a responsibility, and we are attempting to carry it out in the best way possible.

Mr. Fisher: If I may summarize, then, there has been no change at all in the work of the minister's officials in this particular field as a result of the legislative change last year?

Mr. Nowlan: No, the legislative change last year was concerned with administration within Canada. Our responsibility is for goods coming into the country. Obviously there has to be a close correlation between the two. We have made no change in the instructions issued to our officials up to the present time.

Mr. Pearson: May I ask another question before the minister proceeds. Am I not correct in my recollection that a couple of sessions ago the minister expressed a rather determined desire to free himself from this responsibility of censorship? Can he tell the committee whether any progress has been made toward that desirable objective?

Mr. Nowlan: I am afraid the progress has not been as great as the minister would like. There have been discussions between my department and the Department of Justice and the respective ministers thereof. I was very hopeful that some section could be worked out which would relieve this department entirely of any responsibility in connection with the matter. I am told that this is a matter of common practice, of common law, and I guess virtually every jurisdiction in the world which has a customs act has to deal with this problem. Every once in a while we do get books coming through customs and if you dropped them on the floor you would have to clean them up with a shovel. These items do not present a great deal of difficulty. Beyond these the activities of the department have been of a very limited nature and I trust they will always continue to be.

Mr. Pearson: The minister will recall the strong criticism levelled at his predecessor because the government of that day was not able to get rid of that responsibility which the minister of national revenue was exercising. Indeed, he was accused of being rather happy in the exercise of it, which was not true. It did add to his library, but I do not know whether it has served to add to the minister's library?

Mr. Nowlan: No, I have been very careful, I must say, as to the ultimate destination of these books. I can assure you that they are all returned to the deputy minister, and no further inquiry is made. Of course, they only come to me when they have the signature of the deputy minister. In the first place they come through the port officials and finally to the deputy minister. If there is any disagreement about the decision then the book comes to me. I sometimes read of very interesting books in the newspapers and wonder why they do not get to my desk, and I sometimes wonder what would happen if they did. However, it is sometimes my unpleasant responsibility to read these books.

Mr. Pearson: Is it not regrettably true that the deputy minister is soon to acquire a lot of time which he could use for this purpose?

Mr. Nowlan: I will not pass any judgment on that, Mr. Chairman.

I think, too, the hon. member for Port Arthur raised a question about the closing of some ports. He could not understand why the revenue in some cases appeared to be very small and yet the ports would be kept open, whereas in other cases the revenue seemed to be larger and the ports were closed. It is very difficult to lay down any hard and fast rule with respect to these matters. The matter of port administration is always under review. It is true that we have closed some ports, and it is true that we will probably close some more. I get recommendations from time to time from our committee on port administration dealing with these matters, and one has to face these facts.

I pointed out earlier the reduction we had made in our expenditures. This has not been accomplished to any great extent by the closing of ports, but it is in keeping with the efficiency with which we have carried out this division of our responsibility and sometimes, unfortunately, we have to do that. One cannot measure it entirely, although it is a

big yardstick, by the dollars received. There is the question of proximity to other ports. It may be that people would have to travel great distances if there were not a port at a certain place, and that is a factor. There is also the factor of security arrangements and the deterrent. If there were not a port in a certain place and there were a road leading from one country to another which was not under surveillance at all I suspect the amount of travel on that particular road would increase. It is necessary sometimes, therefore, to have ports in areas which do not, in themselves, bring in a great deal of money. However, if those ports were not there we would perhaps lose a great deal more money.

Mr. Fisher: I should like to remind the minister that the examples I gave were not of ports on boundaries or international waters, so one part of the minister's reply does not apply.

Mr. Nowlan: I realize that some of them were not on international boundaries, but one example he gave was of a port on the great lakes. There is no hard and fast rule which you can lay down in dealing with this matter. We are trying to deal with it in a way which would render the greatest service to the public with as economic an administration as is possible.

Several hon. members raised again this very interesting problem of the so-called free shops about which there appears to be a great deal of misunderstanding. Of course, hon. members who know the Customs Act and practice realize that there has been no change whatever in so far as the statute, the regulations or the practice is concerned. The simple fact is, of course, and always has been, that importers can bring in goods and have them stored in a customs warehouse. Then it is always possible to re-export the goods. This provision has been made for the convenience of importers.

The department has been giving, and is giving careful consideration to this problem. Certainly if we abrogated that privilege, did away with the right of storage in a customs warehouse, I think the damage done to Canada's trade would be infinitely greater than that which it is feared might be done as a result of these alleged duty-free shops. All that has happened, of course, has been that one or two or a group of people have spent a great deal of money—at least in one instance—in building a retail store and putting in that retail store goods which have been properly imported into Canada and on which duties and taxes have been paid. Tourists would be the only people who would benefit from this provision. They can inspect these things in the store, order them, and then the merchant operating that store can have the goods shipped from the customs warehouse to the respective homes of the customers wherever they might be. This has happened throughout the years. There is nothing new there. I could name firms—I am not going to do so—in the city of Ottawa and all over this country who have carried out this practice. They did not try it for long because it involved them in additional expense and perhaps they would not make as much profit as they would off the ordinary retail store. Now you have somebody trying to capitalize on it.

What effect it will have no one can say. Undoubtedly if it is successful it will at least attract tourists in these areas and all the entries will not be on the red side of the ledger, there will be some credits as well. We are watching this carefully and studying the problem and we are prepared to take whatever action is required. We have already taken certain indirect steps which have I think prevented this from becoming the threat to some of our retailers which was at first feared. Other than that I cannot say more.

I was asked by one hon. member how many investigations we carried out on dumping. I cannot give an answer to that. We are carrying out investigations every day. The investigators are working steadily on these matters and no separate statistics are kept about this.

Reference was made by the hon. member for Joliette-L'Assomption-Montcalm about an increase in tariff on cigars and cigar tobacco and also with respect to the dumping of textiles. I have already dealt with the dumping of textiles. As far as cigars and cigar tobacco is concerned, I am responsible for many sins in connection with this act and the administration thereof but I am not responsible for the imposition of the tariff structure. That is a matter for the government or the Minister of Finance, my department being purely administrative. I am sure the hon. member for Joliette-L'Assomption-Montcalm will draw to the attention of the Minister of Finance the problems of that industry and make such representations with respect to an increase in the tariff as he thinks the facts warrant.

The Leader of the Opposition and the hon. member for Sudbury and one or two others referred to the fine papers case. That of course is not a matter under my responsibility whatever. As a matter of fact I might say I am not sure that action has been taken in this regard yet, but if it is it will come as a result of discussions between the Department of Finance and the Department of

Justice, and if an order in council is necessary as a result of government action as a whole it will be made. But it is nothing coming within the administrative jurisdiction of the Department of National Revenue. As a matter of fact, officially we have no knowledge of the matter whatsoever. There have been no discussions with my officials in connection with it and it is not anything which I can deal with today at all.

The hon. member for Vancouver South raised the question of sales tax exemption on machinery. I think that matter was largely rectified by the amendments we made last year as a result of sitting in committee when investigating the Department of National Revenue. Amendments were made to the Excise Tax Act which I think met that question substantially, although I admit not entirely.

Reference was also made to the importation of United States equipment. As the committee knows, this matter flows from a decision taken years ago, I think a proper decision, when as a result of letters exchanged between the then secretary of state for external affairs for Canada and the United States state department it was agreed that our Crown Assets Corporation would sell certain of these assets which had been brought in here by the United States and would take a flat sum for duty and the money would be remitted to the United States. That was as a result of this exchange of notes and the agreement which was brought into effect in 1953 or 1954, perhaps earlier, and which is still in force.

There is this difference, however, to which I would draw the attention of the committee. A year ago under the powers I have by regulation I imposed a dumping duty on these sales, and now a dump can be applied in the question of valuation.

The hon. member for Kootenay West, who always delights me with his questions, raised the question about ports closing and suggested they be open 24 hours a day. That is not of course an original suggestion; it has been raised by many hon. members, I can assure him. He also made what I thought was a very good suggestion about having a sign on the Columbia river where people using that river coming into Canada could be given directions as to where customs offices were to be found. I hope that will be done and if it is we will have it marked at the bottom in the Herridge style so that everyone will know who is responsible for it.

The hon. member for Fort William raised a matter which I pointed out was entirely out of order, but it was easier to allow it rather than argue. It had to do with the 7½ per cent excise tax on cars, a matter also referred to by one or two other hon. members. That again is a matter for the Minister of Finance. I administer the tax; I collect it, but it is not a matter which comes within the purview of this department and any discussion of that matter should be raised on the estimates of the Minister of Finance.

The hon. member for Fort William also complained about a step which this department took in, shall we say, making Fort William, as he termed it, an outport of Port Arthur. It is true we did make a change there. The collector at Fort William had reached retirement age and had retired; there was competent staff there and we all know the proximity of Fort William and Port Arthur. It certainly does not affect the efficiency of the department or the service. It may be a matter I suppose of some local pride that the port is now the port of Port Arthur and that Fort William is not a port but an outport of Port Arthur; I think that would be the technical description. But as I say the efficiency of the service to the public is exactly the same as before.

The hon. member for Waterloo North raised the matter of excise. There has been a great deal of consolidation in excise offices. We are trying to consolidate them and give better service by centralizing them across Canada instead of having excise offices in most of our ports. Outside of one area about which some complaints have been received we are effecting distinct economies and think we are giving a better service, because in this highly technical field it is desirable to have senior and competent officials in charge of administration.

The hon. member for Grey-Bruce raised again the question of marking goods. He has raised it privately with me before and I think I might say that some progress has been made there.

The hon. member for Laurier raised the problem about the Canadian association of income tax employees, Montreal branch. He was not in the committee when we started our discussion and apparently assumed we were covering both branches of the family, but we were only dealing with customs and excise; however, I will refer to this matter when we come to the taxation branch.

The hon. member for Moose Mountain raised the question of coal machinery. That machinery was brought in on a one sixtieth basis and presents this problem but we are going to study it again.

The hon. member for York North raised the question of "Made in Canada". I think the inference was that perhaps we should not have a "Made in Canada" ruling or that it

was a difficult one to administer. We do have more and more requests for that. One of my problems every week is to deal with applications for "Made in Canada" rulings and it is one without which we could not administer the features of the dumping act and many others.

The hon. member for Hull raised the question of the E.24 being in French and English and thought that we could combine the two languages on the one form. We are certainly prepared to take a look at that although I think my officials would say rather whimsically that they have enough trouble with the form in just one language and that if we had both languages on the form the confusion would be more confounded and the minister more damned than at the present time for having to enforce that section. But we will look at the matter.

I think that covers the matters raised.

Mr. Pearson: I did ask a question about the Russian treaty and the procedures for valuations under that treaty.

Mr. Nowlan: Yes. The Leader of the Opposition asked about the procedures which would be followed with respect to goods to be imported from Russia pursuant to the Russian trade treaty. The procedure there is one which is the normal procedure of the department, what we call the third country procedure. In the case of Russia we are dealing with a state-controlled nation where free marketing as we know it does not exist. Therefore we cannot estimate the value for duty purposes in the way we would with respect to goods imported from other countries. So the responsibility falls upon the Minister of National Revenue to devise a method whereby value for duty may be determined, and I propose dealing with imports from Russia and similar countries by invoking the third nation principle; to try to fix a valuation based on that of a similar product from a country where conditions are as comparable with those that obtain in Russia as possible.

There has been a great deal of misunderstanding about this. It has been suggested that the Minister of Trade and Commerce made a deal about oil. One would think from some of the things that have been said that this country is being flooded with Russian oil and Russian motor cars. As a matter of fact, there is not a gallon of Russian oil in the country, and outside the members of the diplomatic corps who may have one or two Russian cars, there is not a Russian car in the whole country.

There have been discussions between my officials and prospective importers and with officials of the Russian embassy here as to what method would be followed. That situation has been clarified, but at the moment there are no goods of that nature being brought in, either cars or gas, and no value for duty has yet been assessed by officials of my department.

Mr. Pearson: May I ask the minister if the procedures which he says his department is working out will be influenced in any way by the obligation in the new treaty to import —I forget what the actual figures are—about half as much in valuation as we export. Will that have any influence on the procedure? Further, am I right in saying that at the present time there is no change from previous procedures with regard to Russia? May I finally ask the minister whether it is contemplated that an official of the Department of National Revenue should be stationed in Moscow for this purpose?

Mr. Nowlan: There has been no change in the procedure whatsoever. Of course, attention has to be given to all facets of every problem but certainly in fixing this valuation we have to be guided by the facts as we find them and by the values which exist in comparable areas, if comparable areas can be found, as I think they can. Much as we may want to encourage an increase in trade —and we would be very pleased to see such an increase—we cannot allow that to influence us in fixing values on the basis of a proper comparison. On the advice of my officials I will try to find markets where the conditions are as closely comparable as is possible to find with conditions existing in whatever part of Russia these goods may originate.

As far as the sending of an official to Moscow is concerned, that matter has not yet arisen. It may be necessary to do so, but we have no immediate intention of doing so.

(Translation):

Mr. Valade: Mr. Chairman, the present plight of the confectionery and pure chocolate industry in Canada has been brought to the attention of the Minister of National Revenue (Mr. Nowlan), and I thought he would have given us the views of his department on the matter, because I know the minister is aware that that industry is facing serious competition from importers who are putting chocolate products on the market at a price lower than the costs to Canadian manufacturers. Might not the minister, with the

co-operation of his officials, investigate the situation with a view to eliminating the 11 per cent tax on Canadian made confectionery and chocolate products, which raises the cost of such products?

I also wonder whether the minister would consider raising the tariff on the entry of such products, so as to enable—

(Text):

The Deputy Chairman: Order. I think the hon. member is talking about raising or lowering tariffs. That does not come under this department, but under the Department of Finance.

Mr. Valade: I thought that since questions of this kind were permitted before I would be allowed to produce them myself.

The Deputy Chairman: The minister has said he cannot answer these questions and I do not see any reason for asking him any more at the moment.

(Translation):

Mr. Valade: In that case, Mr. Chairman, perhaps the minister might consider classifying chocolates and candy as foods rather than luxuries. This would in effect remove the 11 per cent tax that weights upon that Canadian industry.

One confectionery manufacturer, in my constituency, is in serious trouble because of that tariff. He employs a few hundred workers, and I think that Canadian manufacturers of confectionery provide jobs for thousands of people across the country. I wonder, therefore, whether chocolate and sweets could not be regarded as foods rather than luxury products. This would reduce the cost to the manufacturer, and hence the selling price in Canada.

(Text):

Mr. Nowlan: I must apologize to the hon. member for Lafontaine who raised the same question a while ago. I completely forgot to reply when I was speaking and I apologize to him. He asked specifically about any agreement or discussion which took place between the Minister of Finance and the chocolate manufacturers a short time ago. Of course, the discussion was in very general terms. The manufacturers made representations which were not entirely novel or original, to the effect that this was an evil tax and that it should be reduced or done away with. The minister listened very patiently to those representations, and that was the extent of any obligation that was undertaken or of the discussion which took place. I was there, and that is what took place as I recall it.

The hon. member for St. Marie raised roughly the same problem. This, of course, as you pointed out, Mr. Chairman, is a budget matter, a matter which comes within the purview of the Minister of Finance. It concerns the rates of taxation and is something over which I have no direct responsibility, though I have an indirect one as a member of the government and, also, of course, as a member of the House of Commons.

The chocolate manufacturers visited me last week. The biscuit manufacturers turned out what at one time was called a chocolate bar. They now print across the label that it is a biscuit, and they rejoice in the freedom they have found in the change of label and also in having avoided an excise tax, because a decision of the tariff board has been handed down that biscuits are tax free. So I think this has been a good thing for the printing industry, since new labels have been printed very rapidly. There are other cases which are going to the tariff board as far as these items are concerned. As far as taxation is involved, that is a budgetary matter and will be dealt with at the appropriate time.

Mr. McIlraith: I should like to ask the minister if he would elaborate on his answer concerning the duty-free shops. There seems to be a good deal of confusion about them, and the minister will recall there was a great deal of concern about them in March of this year with particular reference to a proposed new enterprise at Niagara Falls.

The minister will also recall that a question was asked on the subject as appears in *Hansard* of March 3 of this year by the late hon. member for Niagara Falls to which an answer was given at that time. I think the answer is good as far as it goes, but I wonder if the minister could tell us exactly how this works out under sections 64 and 79 of the Customs Act, and give us a little more information with respect to the operation as it applies in such places as the Gananoque bridge where there was a great deal of talk about a proposed shop being operated, and Niagara Falls, and other places of that nature as distinguished from the operation carried on by regular merchants in inland cities where they do operate a certain portion of their trade in this way but only as a small factor of their total trade and where the articles that are being sold out of the bonded warehouse on a duty-free basis are shown in their stores in competition with similar Canadian articles. I am thinking of inland shops dealing with such things as woollen products and dishes from the United Kingdom and that sort of thing. If the minister would elaborate on the distinction it would be useful to have it on the record.

Mr. Nowlan: I do not know if I am in a position to elaborate. I have now forgotten what I previously said when speaking on the matter only a few moments ago.

As I point out there have always been bonded customs warehouses in this country where importers could bring goods in and store them and take them out at their convenience and pay a duty on them and use them themselves or re-export them—without the payment of duty or tax, of course,—and as long as they are in the warehouse they are not technically in Canada. I think I may say that. It is from this that someone got the bright idea of taking it one step further.

He was storing goods in the customs warehouse without the payment of duty. The goods were there along with millions of dollars worth of other goods such as are found in bonded customs warehouses all over the country. He takes from that warehouse a watch or a clock or a pair of stockings or some such article and pays on it the duty and excise tax if any is applicable. He then puts it in the store window. In the case we are thinking of he has built a retail store. It is not a large one but it is a store where these things are on display. A tourist who goes in there can pick out these expensive goods. Usually, of course, they are in the semi-luxury class such as woollens, china and so on. That night—depending on how good the service is that the man gives—he can have his clerk work or he can go and work all night or have the staff in the warehouse work if he is willing to pay for it because the warehouse does not operate for free, mind you, and he can package these goods and they are then sent out of the country. Technically they have never been in. They were only in the warehouse and then out they go. They do not pay excise tax or duty. A tourist must stay here at least 48 hours before he can make a purchase. He cannot just flip across the line and buy his goods and go right home. He has to stay 48 hours and he may stay longer.

Mr. McIlraith: There is a limitation on the amount set by his own country.

Mr. Nowlan: The Americans are more generous than we are. They may spend $200 or $300—whatever it is—if they are here for 48 hours and it goes up proportionately. If they are here 12 days, which would be a good thing in many ways for the tourist industry of Canada, they can go back home and take with them or have shipped to them there $500 worth of goods. They do not have to take the goods home. The United States act is much more lenient than ours. We insist, as some hon. members know to their cost, that you bring the goods back with you. You carry them back. Under the United States act you can ship the goods back. That makes it possible for people to make purchases of this kind but they must be here at least 48 hours. They must be here a minimum of 12 days to get the maximum benefit of the thing which is viewed as a threat to our industry by Canadian merchants but during this time they would likely spend lots of money in restaurants, motels and so forth. At the worst it is not an unmixed deal.

This department has received many protests, not many but they have been localized. My late lamented friend raised it with me pointedly. We know what we can do but it would involve changes in the regulations and statute and the last stage might be worse than the first. If the situation developed to the extent concerning which fears have been expressed we will undoubtedly have to take some action.

Mr. McIlraith: I have two questions on that point. First, is any licence required from the department for the operation of the so-called duty-free shops?

Mr. Nowlan: Nothing whatever is required for the shop. There is, of course, a licence for the operation of the warehouse.

Mr. Fisher: Mr. Chairman, I have a question on the order paper for the minister's department in connection with Quetico park. I think it would be out of order for me to attempt to bring it up here. I have been bothered by my own inability to understand the scope and nature of the problem raised by the hon. member for Kenora-Rainy River by correspondence with the department. I have brought it up since. I would appreciate the minister giving me an assurance that his department will send me a résumé of the whole problem and how it may be approached and if anything can be done to stop the practice that arises from the fact that the people of the United States exploit the park more than Canadians do although it is a joint project.

Can the minister also tell me how many decisions he made last year under section 38 of the act? I know he made a couple in January but I want to know how this section is working out.

Mr. Nowlan: I could not give an answer to that, Mr. Chairman. Some decisions are made by me personally. Others are fairly well laid down in the department. I made a decision on Russian pig iron and Chinese textiles. That was one class with which I dealt personally. I cannot answer that question. Frankly I would have to check the records and files and even then I would not be able to give a definite answer.

Mr. Fisher: I am wondering if the changes in the act are working well. Are they effective? Does the minister make regular use of them?

Mr. Nowlan: As I said when I brought in the section, I made an honest woman out of the department. Many administrative practices had been carried on previously without any definite authorization by statute. We incorporated them all in the act and are now operating under the statute.

At six o'clock the committee took recess.

AFTER RECESS

The committee resumed at 8 p.m.

Mr. McIlraith: Mr. Chairman, how many appeals from customs rulings are now pending before the tariff board? How does the number compare with the comparable figure a year ago? Approximately how many appeals have to do with appeals on "made in Canada" ruling?

Mr. Nowlan: I shall try to get the information for the hon. member in a moment.

Mr. Pugh: I should like to ask the minister a question with reference to section 40A7(b) of the Customs Act, the section dealing with fair value for duty for fruits and vegetables. Will the minister comment on progress being made on the submission made through the Canadian horticultural council? The point is, what procedure will be followed to give immediate effect to an application as, if and when made for the establishment of a value for duty on any fruit or vegetable?

Before answering the question will the minister permit me to state that the fruit and vegetable market price-wise is a touchy one. Imports, small in quantity but based on quantity of sales at fair sale prices in the country of origin can ruin our price for the remainder of the season. Unless action is taken immediately when justified our total returns in specific cases may well go below the cost of production.

Mr. Nowlan: Mr. Chairman, when I was replying this afternoon there were one or two members who had raised questions which inadvertently I had forgotten to deal with. Perhaps I can mention those at the moment. The hon. member for Vancouver-Burrard raised the questions of customs pre-clearance and compared our practice with that existing in the United States. This is a very complicated matter; it raises many problems of administration; but it is one which is receiving the attention of the department.

The hon. member for Wetaskiwin and also the hon. member for Kootenay East raised the question of excise tax on uniforms for school bands. I recall very well the individual case to which the hon. member for Wetaskiwin referred. The hon. member for Kootenay East also raised a similar problem with respect to the application of sales tax on such organizations. This, of course, is a matter which one can look upon with a great deal of sympathetic interest, but after all, we are governed by the statute and we have to apply the statute as we find it at the moment. Generally speaking, unless there are very unusual circumstances, we have to administer the statute and parliament will have to decide what changes should be made in it.

The hon. member for Lethbridge raised the question of why it was that automatic stock waterers were classified as farm implements and therefore free of duty and stock feeders were not. There is a very simple answer to that question which perhaps does not satisfy anyone, but this is the situation. We administer the act. Under the Tariff Act one of those implements is described and named specifically in a section which provides for duty free entry. The other article to which the hon. member referred is not mentioned and therefore it must be classified under a different tariff section. That is how the difference arises between these two implements which perhaps to a layman, might be looked upon as both being agricultural implements and entitled to the same treatment.

The hon. member for Ottawa West raised the question of how many appeals there were to the tariff board. Frankly I am not in a position to answer that question. The tariff board, although it deals with problems affecting this department, comes under the aegis of the Minister of Finance and reports to the Minister of Finance, who has to deal with it. I would suggest to the hon. member that he should get the information there. I would be very glad to get the information and send it to him, but we do not have it here before us; we have not it available in the department at the moment. I am sure if he raises it on the estimates of the Minister of Finance he can get the answer then.

Mr. McIlraith: I would never get the answer from him.

Mr. Nowlan: If this is satisfactory to the hon. member I will undertake to see that he gets an answer within a day or so; I will send it to him personally.

Mr. McIlraith: Perhaps I did not make myself clear. What I am concerned with is the part of the matter that is the responsibility of the minister namely the number of appeals pending from the rulings made by the customs division. My concern is whether or not the machinery of the tariff board is working with sufficient dispatch to prevent

any unreasonable delay in the hearing of appeals from customs rulings. That is the point I am really concerned with.

Mr. Nowlan: I can only answer that in very general terms. My impression is—and it is confirmed by information which I receive from official sources—that probably there is a slightly increased load on the tariff board. I am not sure whether you spell "slightly" with a capital "S" or a small "s" but nevertheless the tariff board is carrying on and is administering its functions. I do not think it is markedly different from what it has been during the last few years.

The hon. member for—I have forgotten his constituency; I know he would say he represents all of the apple growers in Canada, however, since I come from the Annapolis valley I question the fact—raised a question with respect—

Mr. Pugh: If I may interrupt the minister just for a moment my constituency is Okanagan Boundary, but my colleague sitting across the way, the hon. member for Okanagan-Revelstoke, feels exactly the same way as I do on this question; certainly we work together on it.

Mr. Nowlan: I know very well the interest that the hon. member for Okanagan Boundary and other members from British Columbia, including the minister who comes from Kamloops, have taken in this problem. We have had many discussions of it. As hon. members well know, there was a time lag between the time the legislation was passed by the house and the time when this particular section was proclaimed. The hon. member has asked me where the situation stands at the moment. It is not a simple problem as there are various facets involved in it. All I can say at the moment is that discussions are taking place. As a matter of fact, there were discussions today between representatives of various departments of the government and also with some reference to our United States friends who should be kept in touch with our plans so that in the end machinery will be evolved which, when required will bring this section into operative effect with respect to specific problems which may be brought before me.

Mr. McIlraith: I wish to pursue the question of appeals to the tariff board a little further in order to make myself perfectly clear. The work load of the tariff board has been increasing over the years, as is inevitable in a growing country and as industrial development progresses. There are two main facets to the work load. One has to do with appeals to the tariff board against rulings of the customs department in which instance the board performs a quasi-judicial function in hearing appeals and interpreting the law. The other facet of the board's work load has to do with investigations it conducts by reason of references on the part of the government to the board of matters the government wishes investigated. That is a wholly different function. My concern is to be sure that the work load arising from references by the government through the Minister of Finance is not so extensive as to preclude the board from performing expeditiously its work as a quasi-judicial tribunal in hearing appeals against rulings of the customs department.

I leave this subject with the request that the minister watch the situation closely. If we come to the point where it is desirable that the functions of the tariff board be rearranged in such a way that one tribunal will hear regular appeals and another tribunal will conduct investigations, I trust the minister will press forward to the end that the work of his own department will not be jeopardized or hampered in any way.

Mr. Nowlan: I appreciate the interest of the hon. member. I will get the information I promised him and send it to him forthwith. A little bird somewhere—I am not sure where—whispered to me a moment ago that with the efficiency of this department there are very few questions that need to be appealed to the tariff board so that the tariff board is not being overworked at all in that regard.

Mr. McIlraith: I should like to ask the minister about the accommodation provided for the head office of the customs and excise division. There has been a bad problem for a number of years in this regard and it was sharply aggravated during the last war by reason of the shortage of space in Ottawa. It is my feeling that the accommodation allocated to this part of the government service has not been adequate enough to permit it to carry on its functions in the way that they should be carried on. It is also true that the situation has not been wholly satisfactory in the case of individual taxpayers wishing to discuss highly confidential problems with officials of the branch. They have to meet the officials with whom they are concerned at a desk in a very large room containing a great many other people hard at work. This is disturbing both to the employees and to the person who is dealing with officials of the branch.

With the completion of the large number of buildings that have been under construction for some years now I hope the department will be able to secure such accommodation as it feels is necessary and adequate for the purposes of the work it has to carry on.

Mr. Nowlan: I appreciate the interest that the hon. member has taken in this matter. He raised it last year on my estimates and I concur entirely in what he says. A terrible situation existed in that appraisers were working in one room and a businessman coming in to discuss his affairs with an appraiser could very easily be talking to a competitor at the same time as he was talking to the appraiser. To a reasonably satisfactory degree that situation has been ameliorated, although I will not say it has been corrected. We have made quite a substantial improvement in that regard so that at least people can feel free to talk to our officials without broadcasting information to all and sundry.

I quite agree with the hon. member that there is still room for improvement and I hope that the hope he has expressed about more space being available is not entirely a pious one because I share exactly the same hope. I am looking forward to the time when the officials of this department, as well as others who I hope will be mentioned in a very few minutes in connection with another branch of this family and whose need is equally as great as those in the customs branch, will be able to have entirely satisfactory accommodation.

Mr. McIlraith: I suggest to the minister that he is a very durable person. His colleagues, the present Minister of Public Works and the Secretary of State for External Affairs, who formerly held the public works portfolio, have devoted their attention ever since the change of government to finishing buildings that were started by the predecessor government and have not been noted for their capacity to originate new buildings. In saying this I am suggesting arguments that the minister may use on them. The present government has merely contented itself with finishing buildings started by the former government and has not originated any new buildings.

I hope the minister will have sufficient influence and be able to exert sufficient pressure on his colleague, the Minister of Public Works, so that the department will be provided with the kind of accommodation it requires because unfortunately taxation in Canada is very real and severe and it is a gigantic business. The department is not accommodated in the way it should be to perform its functions efficiently. I hope the minister will be able to make a real impression on his colleagues and have appropriate accommodation provided.

I also want to ask him a purely local question about accommodation having to do with the provision of the new building at Prescott in connection with the construction of the new bridge across the St. Lawrence. What is the state of construction of that building, when will it be available and precisely what is happening with respect to it.

Mr. Nowlan: The hon. member referred to a local question which was raised this afternoon. This matter depends, of course, upon the construction of the bridge. As the hon. member knows, the bridge authorities are responsible for providing quarters for the department and we are conducting conversations about this matter. As a matter of fact, by coincidence, discussions were held today on a similar question relative to the proposed international bridge at Sault Ste. Marie, Ontario. Conversations are going on with the bridge authorities with respect to their plans so that we can make sure that we will have satisfactory quarters when the bridge is completed.

Mr. McIlraith: Is it expected that the quarters will be available when the bridge is completed?

Mr. Nowlan: That is right.

Item agreed to.

Taxation division—

262. General administration, $3,414,200.

Mr. Godin: Is it the intention of the minister to make a statement at this time on this item of his estimates?

Mr. Nowlan: Yes, Mr. Chairman, I should like to make a brief statement on the taxation division of the Department of National Revenue. I am not going to elaborate at this time on the operations and functions of this division. I am certain everyone will agree with me that present day circumstances have not in any way decreased the work load involved in administering the Income Tax Act and the Estate Tax Act. I am, therefore, only going to comment very briefly on the costs of operation and give you some up to date figures with respect to our work load.

According to our estimates, this year this division will require $32,990,000 to carry on operations for 1960-61. This represents again, as I pointed out this afternoon in connection with customs and excise, a reduction of $217,000 when compared with the amounts which were appropriated for this division last year. As I mentioned this afternoon, and perhaps I will be forgiven for stressing it here, these two divisions are showing relatively substantial savings and at the same time, as I will show in a moment, are carrying a heavier work load than has ever been carried before.

There has been a decrease in the staff, and the estimated requirement to pay the working force for the new year has been reduced by $260,000. This reduction is, of course, offset to the extent of $43,000 because of anticipated increases in the costs of supplies, office stationery, and so on and so forth, and I might say legal expenses and travelling expenses. These minor increases are unavoidable as it is only reasonable that such items of expenditure will increase in relation to the increase in the work load.

The question which is probably foremost in the minds of many hon. members is, how is this increasing work load being efficiently handled when the number of employees has actually decreased? The answer to this question is that the division is continually seeking improved methods and techniques in the processing of its work. The achievements in this regard have been, I would suggest to the committee, without indulging in superlatives, remarkable. One has only to look at the statistics of the past three years to realize that the division has attained maximum results with minimum costs.

Taking the statistics as at March 31, 1959, it is computed that the cost to collect each $100 of tax was $1.05, and that there were 796 returns filed for each person employed in the division. The corresponding figures as at the end of March, 1960 show that the cost to collect each $100 of tax was $1. It is estimated that the total returns to be filed for the taxation year 1959 will be 5,860,000. This will mean that there will be approximately 1,002 returns for each employee in the department. I might say, in parenthesis, that last week I had the pleasure of having luncheon at a certain place at which there was an ambassador of one of the largest industrial nations in the world who discussed with me the costs of collecting taxes. He informed me that in his country it was estimated it cost $5 for every $100 of income tax they received. When I told him our figures he found them rather difficult to believe. Afterwards we gave him a breakdown of the costs and he certainly was very congratulatory to us in his references to the efficiency of this department.

This, I would say, confirms the fact that the division has achieved at least commendable results in handling an increased work load of the more routine work at decreased cost. However, the handling of the more complex types of income tax returns continues to be a serious problem. There is still a shortage, as the hon. member for Laurier mentioned this afternoon, of qualified assessors capable of carrying out these difficult investigations and assessments which have to be made. Every effort is being made to attract this type of staff to the division.

I must say, in view of the circumstances mentioned by the hon. member for Laurier this afternoon—the competition of private industry—our success in that field has not been anything about which I would want to boast. I would stress here again, as was intimated by the hon. member, that this is not entirely the responsibility of this department. We have a civil service commission which fixes generally the over-all rates. We have the treasury board which, as they think, rather controls the relationship between departments with even-handed justice, but the results are not always satisfactory to a particular department which is facing one of these headaches.

The processing of the less complicated returns for the province of Ontario—I think this is something new this year—with the use of modern punch-card and electronic equipment put into effect this year has proved most satisfactory. It is anticipated that this centralized operation will be geared to handle more and more of these returns and consequently will enable the division to reduce the seasonal workers who each year have been processing these returns on a manual method basis.

Re-assessing, which reflects the work of field investigations and desk audits, has resulted in tax increases during 1959-60 for T-1 and T-2 returns, excluding accounting adjustments, of $69.8 million and $49.1 million respectively. This may be compared with $51.2 million and $52.4 million for the previous fiscal year.

The appropriation requested for the operation of the tax appeal board is approximately the same as last year. There is a small increase in the administration expenses almost all of which is needed for the increased cost for court reporters who are used to transcribe the evidence given in the hearing of appeals. As you know, the tax appeal board carries out a very important function in allowing a taxpayer to appeal his tax assessment at very little cost. With the continuing increase in the number of taxpayers in Canada the volume of appeals being filed with the board has continued to increase. During the first three months of 1960 there was a total of 124 appeals filed with the board; during the same period in 1959, the total number of appeals filed was 104; that is an increase of 20 per cent. Similarly, the inventory of appeals outstanding and awaiting hearing has also increased. There were 531 appeals outstanding on March 30, 1960, compared with 446 at the same time in 1959.

There are many other matters to which I could refer but I think I have given a brief

outline of some of the salient points connected with the activities of this division. Of course, I would be very glad to answer any questions with which I can deal or comment generally upon any matters to which reference is made during the course of this debate.

Mr. Godin: The committee undoubtedly appreciates any indication of a decrease in the cost of operation of a department, especially this one from which most of the revenue is derived. However, there may be a fear that possibly in reducing costs the department is lessening the services which it renders.

Earlier today I had occasion to mention the fact that the tax returns of individuals in northern Ontario, that is the short form return, were directed to the Ottawa office this year instead of the Sudbury office. I should like to know if this has meant a decrease in the staff of the Sudbury office, and if the minister feels that the same service can be rendered to the public by having them correspond with Ottawa to find a solution to their problems instead of going to the Sudbury office. Perhaps the minister would like to wait and give his answer later or perhaps he might like to give it now.

Mr. Nowlan: No, I will wait.

Mr. Godin: There is another problem which pertains to the estate tax assessment branch. The act, of course, simply states that joint property is considered to be the property of the deceased person, except of course if proper proof of the segregation of ownership is properly given to the department. It has been found in many assessments that the department takes the absolute view that joint property is the property of the deceased in total. I realize that the estate can appeal and attempt to prove that the joint property was not fully the property of the deceased.

I would like to place before the minister a sample case and perhaps the minister will realize how some estates are very much embarrassed by the way the assessment is made by his department. Say a couple in 1920 purchased two lots of land and placed their property as a joint tenancy. Supposing they were worth about $500. In 1930, as they have been able to save, they are prepared to borrow perhaps $30,000 or $35,000 and build an apartment building on those two lots for $50,000 after getting the loan. From the proceeds of this apartment building, which is in the name of both of them, they pay back the $35,000. I argue it is joint property because they went into the venture and they paid this sum back from the profits of the property.

Then in 1960 the husband dies and the building is then worth $125,000 or $150,000 and the estate is taxed accordingly. I know they are told they can appeal and show certain evidence, but I find this rule works unfairly against them. If the husband had died in 1925 when the lots were worth about $500 they would have been considered his property if the wife could not show she had paid half. You are bound to get an increase in the value of a building, and if a building costs in 1925, say, $50,000, in 1960 it would definitely be worth around $125,000.

My argument is that this widow on appeal might possibly be able to substantiate her case, but perhaps the minister could review the matter and the rules and the regulations with regard to assessment relating to properties built with loans. If that loan is repaid from the revenue of the building the person who survives, say a widow, should be credited with the capital which accrues to her and it should not be considered part of the estate of the deceased.

A further problem which troubles many legal firms and estates is this. In the sale of a property after the death of a person there is a refusal to consider as an expense against the sale of that property the sales commission paid to the real estate broker. Many people have failed to realize why that state of affairs exists but apparently it does, and I suggest that the regulations of the revenue department and its method of assessment and so on undoubtedly brings about in many instances burdens to an estate, especially in the case of a widow who is possibly faced with the prospect of retaining what she and her husband managed to save during their lifetime.

Mr. Hanbidge: Mr. Chairman, the Minister of National Revenue deserves a certain amount of credit for the efficiency of his department and in the manner in which the staff co-operates with the general public in the matter of customs and excise. I should like to corroborate his statement with regard both to himself and his officials of this particular branch, the taxation division.

I have had occasion to contact him once in a while on behalf of the odd individual who felt he had not been fairly dealt with by the income tax department, and when the minister and his officials got through with that individual in practically every case he felt he was not being charged sufficient penalties, interest and so forth and the department should really charge more.

Having dealt with that point I should like to lay in the minister's lap one of the troubles which has come my way. Some weeks ago I had a letter from a prominent lawyer in Saskatchewan with regard to the estate tax branch. In the eastern part of the province,

as the minister probably knows, some of the old homesteads carry with them mineral rights. In other cases mineral lands are acquired or purchased from the C.P.R. or some other company and in the southeast corner of the province where those mineral rights exist, particularly oil rights in the part of the province where oil has been found, the estate tax branch is charging rather phenomenal values for lands carrying those mineral and oil rights. Whether or not oil has been discovered, in certain cases the department is charging such fantastic sums that it is a burden on the estate. Unfortunately my file has not been kept too well for some little time and the correspondence I have had in this connection has been mislaid, but in substance that is the fact.

It is a different proposition where oil has been discovered. In that case naturally where wells are producing those oil rights can very well be taxed; but where the mineral rights exist and the owner has ownership of the mineral rights but oil has not been discovered, they do not know whether there is any value to be placed upon it or not. This particular solicitor I am speaking about felt that the department was charging him too much.

I just bring that to the minister's attention and if I can locate the correspondence I would be glad to turn it over to him.

Mr. Robichaud: In introducing the taxation division of his department a few moments ago the minister referred to the staff decrease which has involved savings of $270,000. In New Brunswick the population is served by the Saint John office and we all know that the citizens of New Brunswick are called upon to pay income tax whether they are farmers, fishermen, wage earners or others. In New Brunswick 42 per cent of the population are French speaking.

I would like to know from the minister what is the total number of employees in the Saint John office, and what percentage of those employees are classified as bilingual. I know that in the past we have had several complaints from French speaking taxpayers in New Brunswick to the effect that they could not be served in their own language by the Saint John office and I do not think there is any need for such complaints.

Mr. Smith (Calgary South): Mr. Chairman, it is hardly necessary for me to compliment the minister because he knows the high regard held of him on this side of the house. However, I should like to join with my colleagues in congratulating his staff in particular, and I am sure the members of the committee will agree that no member of the civil service of Canada has a more difficult job and probably has more epithets directed at him. No one has done his work more conscientiously and I think for the benefit of all taxpayers he should be congratulated.

I want to remind the minister and his staff of two recommendations which were made a year ago by the estimates committee and to which he made some reference. I am referring specifically to our suggestion on the interpretation of taxation statutes.

We said at that time that the line separating taxable income from capital gain has in our view produced an area of uncertainty, particularly with regard to venture undertakings. We also argued that this lack of a clarity could act as a deterrent to resource development where high risk is involved. We went on to suggest a number of remedies and we came to the conclusion that one possible remedy would be to examine the advantages or disadvantages of providing advance taxation rulings in corporate or individual financial undertakings.

Otherwise, two problems arise. The first concerns a fair definition of what a business profit is, and what can be taxed as compared with a capital gain which is tax free, and the second point concerns the age old problem of knowing as a taxpayer exactly what your position is in the absence of competent advice as to whether or not your income is taxable. We have heard it said by taxpayers that the department is inclined to take the attitude: you go ahead and play the game, and we will make the rules afterwards. This I think exaggerates the situation but nevertheless that is an impression widely held. I would ask the minister to comment on this.

I would ask him also to make some further reference to the tax appeal board which he mentioned in his opening remarks. We noted a year ago that the board does indeed have a great deal of work. In fact, we said that while we appreciated that in some cases appeals were delayed at the request of an applicant, only 94 were postponed, 91 were listed for hearing and 188 were not dealt with at all, and we ended by recommending that the personnel should be increased so as to expedite the hearings, and we felt this was an important consideration.

Finally, I should like to bring to the attention of the minister a matter concerning assessment procedure and the assessment of individuals. We questioned whether there should not be greater uniformity in levying assessments from one area of Canada to another, and asked if greater liaison could not be brought about between one branch of his

department and the others. The minister himself referred to the assessors and talked about the necessity of maintaining an informed and well-trained body of assessors in Canada. Certainly there could be no more important group of people in the department because, in the final analysis, they take our money.

In our examination of the department we were concerned about the training that some of the assessors had received and we were also concerned because in many instances after they had been trained they were lost to private industry. In effect the department was carrying on a training school for industry. The minister referred to this and pointed out that it was one of the problems. Our conclusion was that he should twist the arm of his colleague the Minister of Finance, in the hope that a more attractive scale of salaries could be applied so that these people might be encouraged to remain in the department. I leave these three thoughts with the minister and close by saying that through his supervision this is another department of the government which is doing an exceedingly fine job.

Mr. Herridge: I rise to bring to the attention of the minister a matter which has been drawn to my attention by important leaders in various C.C.F. groups and trade unions across Canada and by a good number of individuals who are showing increasing concern about the the tax exemptions granted by the department to corporations and persons who subscribe to Moral Re-Armament.

The increased interest in this question has arisen because of the spate of full page advertisements which have appeared in practically every daily newspaper in Canada. A person who went to the trouble of calculating the cost of these advertisements estimated it was around $350,000. I want to make it clear that the objections are on two grounds. First of all, the persons who write to me and ask me to bring this matter to the attention of the committee, which I promised to do, say that this is not a religious organization and that it is therefore not qualified for exemption by law as bona fide religious organizations are and, second, the persons who write to me question the objectives and purposes of this organization which they view with considerable suspicion since they are in great doubt as to the real purposes of this organization.

I wish to emphasize before going further that I am going to read some strong resolutions. I recognize the integrity and sincerity of many individuals who subscribe to and support this organization, people who are attracted by its public appeals and the philosophy which it advances. I recognize that, and I do not for a moment question their sincerity or the objectives and purposes which they believe in. However, since this matter has been brought to my attention I have made a careful study of the whole situation and I want to bring to the attention of the minister a few of the representations which have been directed to me.

The first item I wish to read into the record is a resolution passed by the provincial convention of the C.C.F. in Alberta at the last provincial conference as follows—

Mr. Jones: Where was this convention held?

Mr. Herridge: We are not like the Progressive Conservative party, we hold annual conventions.

Mr. Ricard: Being such a small party it is easy to do.

The Deputy Chairman: Order.

Mr. Herridge: I wish the hon. member opposite would refrain from depositing his verbal offal in this chamber. The resolution reads as follows:

> Whereas this convention is wholeheartedly in favour of the application of moral principles to our standards of national and international behaviour, and recognizes that there is a great need for moral improvement in the world today, and
>
> Whereas the C.C.F. is a party which, by putting humanity first strives to bring about a more moral social and political order,
>
> Nevertheless this convention believes that we must not allow ourselves to be deceived into supporting the enemies of peace, tolerance and a just social order, merely because they use the language of religion and morality.
>
> This convention believes that M.R.A. is such a movement, and that we must look beneath its high sounding claims to absolute honesty, purity and love, to the sordid reality beneath.
>
> If M.R.A. used its influence to free the black peoples of Africa, to end segregation in the U.S., to seek equality and justice for minorities everywhere, if it were in the forefront of the movement for disarmament and the abolition of nuclear weapons, if it really did strive for world peace and brotherhood, then it would be worthy of our support.
>
> But it does none of these things, for it is chiefly occupied in spreading propaganda which aims at the intensification of the cold war and in building up in our minds the rigid ideology more appropriate to a militaristic dictatorship than to a free democracy.
>
> Therefore be it resolved that this convention condemns M.R.A. as a movement which is opposed to the standards of honesty, tolerance and concern for humanity, which we believe characterize the C.C.F.
>
> The convention further protests against the fact that contributions to M.R.A. are deductible for income tax purposes so that the public treasury is depleted by the amount of taxes which otherwise would be paid to the exchequer on the amount of the gifts. Therefore the result is that as taxpayers we are forced to contribute to a movement whose aims and purposes we deplore.
>
> Be it further resolved that this convention contends that M.R.A. is a political and not a religious organization and urges the national executive to seek a legal test on M.R.A.'s status at an early date.

Mr. Ricard: Where are the others?

The Deputy Chairman: Order.

Mr. Herridge: I cannot hear the hon. gentleman at this distance. This expresses the opinion of many people in various walks of life. That is why I read it.

Mr. Grafftey: Your's or the old party's?

Mr. Jones: Mr. Chairman, may I ask the hon. member a question? A little while ago I asked him what party it was that had moved the resolution of which he has spoken and he replied in general terms. Again I ask the hon. member this question. This is something we would like to know. What is the hon. member quoting from?

Mr. Herridge: I misheard what the hon. member said the first time. This is a resolution passed at the annual provincial convention of the C.C.F. held in Edmonton recently.

Mr. Benidickson: By telephone?

Mr. Jones: The C.C.F. of Alberta?

Mr. Herridge: Yes. I will give a few illustrations to show how widespread the opposition is.

Mr. Grafftey: Oh yes, please do.

Mr. Herridge: The following letter was written to me by the president of the Trail and district smelter workers' union:

At this time I am writing on a matter of great concern to our membership.

The membership consists of between 3,000 and 4,000 people. I continue:

The last few days has shown another surge in Moral Re-Armament propaganda in our local public press. We have no reason to oppose legitimate paid ads in any paper, however, we find that at the bottom corner of the page all donations to Moral Re-Armament are deductible for income tax purposes.

It is our position that since Dr. Frank Buchman has taken it upon himself to organize such a thing and no legitimate trade union has backed such a move and that all these donations are from big business, who are forced to deal with the workers, that tax evasion through such an organization is the ultimate end. Therefore, whether or not we like it we are paying for something that is against trade unions and all working people in particular.

A motion passed last night at our regular membership meeting—where there was a good cross-representation, political-wise—has directed me to urge you to question this in the house at the first opportunity that may arise.

I replied that I would bring it to the attention of the minister and the committee. I have another letter from the united automobile workers political action department in Toronto which states in part:

Don Houston in an issue of UAW ammunition a few years ago described M.R.A. as designed to "relieve the individual of all responsibility for solving economic and political problems and that God alone could solve such problems—M.R.A. not only relieves the conscience of political and business leaders, but it provides security for them at the same time. By diverting support from programs which would try to solve such man-made problems as unemployment, M.R.A. gains support from industrialists."

An hon. Member: What a tiresome old bore.

Mr. Herridge: It goes on to state:

Buchman's association with German nazi leaders in the thirties is commonly known. The *World-Telegram* of New York carried stories of Buchman's activities with such headlines as "Fascist World Rule by God, Buchman Idea" and quotes Buchman as saying, "I thank heaven for a man like Adolph Hitler—through such a man God could control a nation overnight and solve every last bewildering problem—they (social problems) could be solved through a God-controlled fascist dictatorship."

A. P. Herbert, a British M.P., is quoted in the House of Commons debates, September 7, 1941 as saying the technique and language of Buchman's group is strikingly similar to that of the nazis; that everything done against them is persecution but "they can ride roughshod over the feelings of everybody in the name of God."

Church spokesmen condemning M.R.A. include representatives of both Catholic and Protestant churches. Buchman has never divulged the source of his income which is estimated to be at least $2 million a year. Labour people have every reason to be more than suspicious of M.R.A.

Mr. Grafftey: Mr. Chairman, surely the hon. gentleman has read enough.

Mr. Herridge: I have another one from the oil, chemical and atomic workers international union. The concluding paragraph states:

What I would like to know is, how in the world a contribution to this scabby outfit entitles a person to deduct same from income tax. In no way can we call upon them to provide us with a financial statement; the labour movement has tried. In no way are they a charitable organization: it would appear to me that they are a capitalist front for a war mongering crew.

If you have any information on this, would you please let me know.

I have a number of others but I will not take time to read them. However, I want to give a cross-section of opinion. There is a strong feeling about this in our group and in the trade union movement in Canada.

You find many articles in the paper on this subject. One written by Jack Scott, columnist for the Vancouver *Sun* is of interest and is very critical of M.R.A.

Mr. Grafftey: We have had enough letters.

Mr. Herridge: However, I will not read it. I have another article entitled "Moral Re-Armament—friend or foe" which was sent to me a few days ago which is very critical of M.R.A. Recently the Toronto *Star* carried an article by Pierre Burton which states in part:

No Cultural Changes—Peaceful co-existence is part of the party line. Anybody who advocates neutrality or pacifism is a partyliner (i.e. a communist). If you believe red China ought to be

recognized or traded with or admitted to the United Nations, then you are a communist in Buchman's book.

To discredit Chiang Kai-shek is to follow the party line. To advocate total world disarmament is to follow the party line. To urge cultural exchanges—or indeed any contact—between east and west is to follow the party line.

"When a Montgomery, a Billy Graham, a group of governors, senators or industrialists visit Moscow they are entertained there by those who are planning their funeral", says Buchman's pamphleteer. Then he goes on to quote with approval a Swedish bishop who said: "Inviting Khrushchev to our country is the same as letting the enemy through the front line in a shooting war. It is wrong, unwise and stupid."

Thus we know what Moral Re-Armament is against. It is against any meeting of minds in the communist and non-communist world. It is for war—not necessarily a shooting war, but certainly a name-calling, rooftop shouting, hosannah-singing war. It is no accident that M.R.A. pamphlets stating that "World War III has begun" were distributed around the world on the eve of the summit fiasco.

It is more difficult to discover what else M.R.A. stands for (outside of those ever-present absolutes). As one Roman Catholic observer has commented about Buchmanism, it is "quite unaware of any social mission" and has "instituted no works of charity for the poverty-stricken or unemployed". It is much more concerned with what it calls "a superior ideology with a superior strategy" and "the incorruptible and inspired leadership that alone can create a full and free life for the nation."

Superiority and leadership are twin concepts that run like a twisted thread through Dr. Buchman's checkered career as a fashionable evangelist among the well-to-do. He has, we learn, "enjoyed personal friendship with four generations of Japanese leadership." When one realizes the dark alleyways into which that leadership took us all, one marvels at the temerity of such a boast.

He goes on at greater length. I have read quotations from these letters—and I have others—and from these articles that have been sent to me to indicate concern over Moral Re-Armament and over the fact that individuals and corporations are allowed exemption from taxation on contributions to this organization. The concern about this question is much stronger than the minister realizes. This applies to some members of all parties in this house who have given consideration to what this movement represents. If you read the literature of the last 20 years and the so-called moral philosophy preached by this movement you will realize why suspicions and doubts are aroused. Therefore, I promised to bring this matter to the attention of the committee and the minister. I read some extracts from these letters to indicate the feeling on the part of the people who wrote to me and sent me these articles.

Before I conclude I wish to bring one other illustration to the attention of the minister. This is a personal experience I had a month or so ago which convinced me that a great deal of thought should be given to this organization. Along with some other members of this house I was invited to a dinner at the Rideau club given by the Presbytery of the United church to Dr. Donald Soper, one of England's most famous preachers, one time head of the Methodist conference in Great Britain, who at the present time is posted to the, I am not sure whether it is the City Temple or Westminster mission, London, a non-conformist church. He is a man of unquestioned integrity; and a brilliant preacher. At that dinner he addressed us for about an hour. He gave us a most interesting talk; he was listened to by members of parliament and prominent people in Ottawa. At the conclusion of his speech he received a very hearty round of applause.

On sitting down he said he was ready to answer a few questions from anyone at the dinner table who wished to ask him questions. Various persons asked questions; I asked one. My question was, "Dr. Soper, what is your opinion of Moral Re-Armament?" You should have seen his reaction. In the most vivid language he told us what he thought of this organization and of the ideas it presented to the western democratic world. He strongly advised us to do all we could to expose the machinations of this organization, I was very much convinced on hearing such a well-known gentleman express his opinion so freely, so exactly and with such vigour. I bring that to the attention of the committee, as evidence on this question, in my opinion, from an unquestioned source.

I have read these extracts about this organization on behalf of the people who have written to me and on behalf of the members of this group. I do suggest that this matter warrants thorough investigation. We want to know why persons and corporations contributing to this organization are allowed exemptions from income tax on their contributions? We want to know on what grounds they are exempt? We urge a thorough investigation and reconsideration of this departmental decision, and we wish to express in the most vigorous terms possible on behalf of the people for whom I am speaking this evening our objection to this exemption and procedure.

Mr. Chevrier: Mr. Chairman, at this stage I want to inject a pleasant note in the consideration of the minister's estimates and to tell him that I heard with interest the statement which he made on the item which is now under discussion. I think all of us, not only on this side of the house but in the house generally, will be pleased to see that this division of the Department of National Revenue has shown progress and efficiency to the extent that not only has it reduced

expenditures but also it has increased efficiency. As the minister has stated, this is due in no small measure to those who surround him from I suppose the most junior official right up to the deputy minister. On behalf of the opposition I wish to congratulate those who are responsible for this efficiency in his department.

Mr. Benidickson: Great integrity.

Mr. Chevrier: I had occasion to bring before some of the officers of the minister's department in Montreal a case which was of particular interest to certain constituents of mine. I am pleased to tell the minister that the courtesy and the efficiency with which the problems were dealt were certainly a matter which pleased those of us who had to discuss it. I am not saying that the matter has been ironed out to the satisfaction of all. I hope it will be possible to do that in due course, but I did not want to let the occasion pass without telling the minister that his officers, without naming them, with whom my constituents came in contact gave them a courteous reception.

But my purpose in rising is to bring to the attention of the minister a matter concerning a statement which he made. He said that these new operations brought about by automatic equipment will be responsible for a reduction of the number of employees. That is really the problem that worries me at the moment and I am sure it worries all hon. members. This is a matter concerning technological improvements. The point that arises is, what methods are being taken and what is being done by the department to look after those employees who because of the introduction of this new automatic equipment are without work? The problem is not one which concerns the minister alone; it concerns many other departments and the whole of Canada.

There is unemployment due not only to seasonal conditions, not only to business and cyclical conditions but also to technological improvements. On a number of occasions I have brought this up when the estimates of the Department of Transport and the Department of Citizenship and Immigration were under consideration. In each of those instances I believe means were taken to make sure that those who found themselves out of work because of the introduction of new methods received work elsewhere. I hope that is the position in the Department of National Revenue. When the minister replies to all these queries perhaps he will tell the committee what plan is being adopted to look after those people who find themselves out of work because of the new automatic equipment.

Mr. Nesbitt: Mr. Chairman, I have one or two brief remarks. I must say I was rather astonished at the vitriolic attack by the hon. member for Kootenay West on those who belong to the group known as Moral Re-Armament. I do not belong to the group myself, but I must confess that those I have met who do belong to the group would hardly fit the description given by the hon. member for Kootenay West. I must say I was indeed surprised but I suppose that those in this world who do not agree with the precepts of communism and socialism might well come under such attacks.

I should like to bring to the attention of the minister the report of the estimates committee which was set up a year ago and of which I was a member. While some comments have already been made on this report by the hon. member for Calgary South, there is one point which the hon. member did not deal with and on which I should like the minister to comment when he replies. I refer to paragraph 2 of the committee's report which deals with the evaluation of assets for succession duty purposes. The committee had this to say in its report:

> The committee was advised of a difference of opinion between the provincial governments and the Department of National Revenue in evaluation of assets for succession duty purposes. While some progress has been made toward standardization, the department as yet has been unable to entirely resolve these differences.

When the minister replies perhaps he could tell us whether any progress has been made yet in this respect. I should also like to refer to the recommendation which reads as follows:

> The committee also considered the inequality in the evaluation of certain assets in their relationship to the realizable value and therefore recommends the following:
>
> That, for the purposes of income and succession duty taxation, the Department of National Revenue be authorized to value assets such as certain mortgages, securities, company assets and shares at their realizable values and not at unrealistic and arbitrary face values, market quotation values or book values.

I hope the minister will make some comment with respect to whether any progress has been made in making appropriate changes in the act in this regard.

Mr. Fisher: Mr. Chairman, I want to ask the minister whether there have been any improvements in the financial position of the tax assessors. From the details of the estimates it does not appear that any particular increase in remuneration has been granted to this group. I think the minister will remember that in the proceedings of the estimates committee, to which reference has been made, it became quite apparent that there was a high rate of turnover. This is one

of the occupations in the government service where there seems to be difficulty in holding people, and for two reasons. One is that the training these people get in the income tax division makes them extremely valuable to private business. Second, it is not the most pleasant job in the world because in a sense it has to be approached with the idea that everyone is guilty or should at least be viewed with a certain amount of suspicion. That is obviously the case because these men are in a sense the custodians and protectors of the revenues of the crown.

The recommendation of the committee with regard to this matter was fairly strong. I have the wording here but there is no point in reading it. I would have thought that by now we would have had some indication of progress in this regard. A tax assessor is never going to be a popular man anyway but it certainly seems to me it is the kind of job that deserves a high level of remuneration for the very reason that it is an objectionable or difficult or hard job.

The work of the assessor is the nexus or link in many cases so far as the amount of money we have to spend is concerned. Most members want money to be spent. Very rarely have I ever heard a member of the house rise on estimates and advocate not spending money. At any rate, no instance springs to my mind. If the very people who are bringing in the revenue are dissatisfied with their lot it seems to me we should go out of our way to provide more satisfactory conditions. In particular, I think that the trend toward private business using these people must indicate their general value. If private business finds someone who has several years of experience in the department extremely useful, one cannot help but conjure up pictures of tax avoidance. There is nothing illegal about tax avoidance but we would like to think that the balance, in terms of sharpness, acuity and experience, remains with the department.

The second point I wish to ask the minister about relates to an objection I heard from a legal official who has left the minister's department to the effect that very often in the early stages of cases in the taxation division involving legal proceedings the men of the division prepare the case but when the case comes before a higher court as the result of an appeal the old patronage aspect enters the picture in that a lawyer outside the service is hired to handle the case for the department. The contention was put forward by this particular person that in many cases the talent hired was inferior to that of those who had handled the case up to that point and quite often these people did not have the time to brief themselves nearly as well as the legal staff of the department. It was said that in many cases the people hired were nothing more than party hacks. I have very little knowledge of how these legal appointments are made but I should like the minister's views on the matter and some idea of the practice followed in bringing in outside lawyers when a taxation case is to come before an appeal court.

Mr. Gundlock: Mr. Chairman, would the minister care to comment at this time on what progress has been made in the inquiry with respect to the payment of income tax by the farming corporations of western Canada known as the Hutterian brethren?

Mr. Benidickson: Would the hon. member repeat the name of the taxpayer?

Mr. Nowlan: Hutterites, he said.

Mr. Carter: Mr. Chairman, I wish to say a few words in reply to the statements made by the hon. member for Kootenay West concerning Moral Re-Armament. The attack just made by the hon. member is in line with the attacks that have been appearing in the Canadian *Tribune* for several weeks.

Mr. Herridge: I had not seen it but that is the old line of Moral Re-Armament.

Mr. Carter: I will send it right over to the hon. member. I just want to tell him that I am very much surprised to find him in such company. This is not the first attack that has appeared in the "Commie" *Tribune*. It is the latest of about seven or eight attacks. When the communists find it necessary to attack something, I think it behooves the rest of the people of Canada to sit up and take notice. I was not in the house when the hon. member made the statement but I understand that he quoted as his authority the Rev. Dr. Donald Soper.

Mr. Herridge: Quite right.

Mr. Carter: Hon. members who watch the television program "Tabloid" will recall that this is the same Dr. Donald Soper who appeared on that program and told Canadians that Khrushchev is our man. I do not think anything more need be said on that score. With regard to the specific charge as to eligibility for income tax reductions, the charge was answered by the Minister of National Revenue on March 31 as found on page 2643 of *Hansard*.

Moral Re-Armament is an incorporated body and was incorporated by letters patent in December, 1944. One of the purposes for which Moral Re-Armament is incorporated is

set forth in the letters patent as, among other things, the advancement of the Christian religion in particular, by means of and in accordance with the principles of the Oxford group movement founded in or about 1921 by Dr. F. N. D. Buchman.

My hon. friend must know that you do not have to be a religious body or a political body or any other body to engage in the advancement of the Christian religion, and that is what Moral Re-Armament purports to do. It does not compete with any religion; it has no body of doctrine. It is not a church and does not profess to be a religion, but it does heal mistrust, hates and resentments amongst the peoples of the world. It holds out to mankind the challenge of living by absolute moral standards, and that is something to which I want to give my support.

Mr. Bigg: I wish to say a word or two about income tax exemptions. This is something which I think is of universal interest. I am not asking for a reduction in income taxes across the board. I merely rise to suggest to the minister and his department that some consideration be given to students who are taking university courses or technical training, and who are trying to put themselves through these courses by taking seasonal employment during the summer. In many instances this has an effect on the income tax position of their families or themselves. They need this money immediately to go to university and the income tax levied on them at this particular time often delays them a year or two or sometimes prevents them from getting this higher training. I would suggest to the minister that this might be a field in which through some small reduction in our national income we could relieve these very worthy young people of this financial burden.

I might add at this time that this suggestion would not present any solution to the problem of nursing students because they do not get any income while they are learning their profession.

Mr. McIlraith: I want to raise a question concerning the administration of the estate tax by the Department of National Revenue. This question has been raised before with the minister on another occasion and his answers on that occasion were comparatively satisfactory. The difficulty can be best illustrated by indicating to the minister exactly how the matter works. A person dies leaving a commercial property which is immediately listed with real estate brokers for sale. It is sold at the highest possible price that can be obtained and the sale is completed within three months of the date of death. If you take the sale price as the basis for determining value, then the value is the gross sale figure less the agent's commission. The estate only receives the net figure.

The department, however, takes the position that the estate must pay tax on the gross sale price and injustice is caused by the increase in taxation caused by that administrative practice. The estate tax legislation deals with value, and the departmental interpretation should not enable the department to increase the "value". The value is what the selling authority can get for the property. This is one of the tests of value, in any event, although there are many others. In a case where there is an attempt made to sell immediately, the value must be what the vending authority realizes. I should like to have the minister's comments on that situation because I feel that what the department is in effect doing is to amend the Estate Tax Act by interpreting the value of the property in the example which I have given to mean the real estate agent's commission as well, a wholly unfair practice.

Mr. Dinsdale: I should like to speak briefly on the subject raised by the hon. member for Kootenay West. I believe he raised a query as to the desirability or eligibility of certain religious groups having contributions to their organizations exempted from income tax. It seems to me that this principle that has been espoused by the Department of National Revenue has many benefits. As a matter of fact, I would be inclined to support this principle in preference to the principle recently adopted to the effect that automatically $100 per person be allowed as an income tax deduction.

We have many religious and charitable organizations in this country which are doing good work on behalf of Canadian citizens. It seems to me it is an entirely desirable principle to assume that this work should be encouraged by providing an incentive of the kind that is provided under our income tax legislation. So far as the Moral Re-Armament group is concerned, my acquaintance with the organization goes back to my student days when it was known as the Oxford group and carried on religious activity amongst the students of this country as well as England and European countries. The impression I have always received has been that it was made up of dedicated believers in the concepts and doctrines of the group, and that its purpose was none other than to encourage and stimulate religious life among the young people of this country and throughout the western world. More recently, in the post-war

world, under the name of the Moral Re-Armament group, the Oxford movement has reached out into the international field. I am certainly not going to enter into a discussion tonight along the lines of the subject that has been introduced here by the hon. member for Kootenay West, that is, as to whether or not the work they are doing in this field is tied up with international intrigue.

I would certainly lend my support to the principle that as a religious group they should enjoy the same privileges as all other religious organizations working for the moral enlightenment and benefit of mankind everywhere. I do not think this House of Commons is the place to indulge in intolerance of this kind and I certainly would lend my support for the continuation of the principle so far as this group is concerned.

Mr. Fisher: Just one or two comments with regard to this matter. I do not think it is a question of intolerance at all; it is a question of judging the organization by its aims and programs and claims. I would like to suggest to hon. members who are so strongly for Moral Re-Armament that they look very closely at this organization and make up their minds whether this particular privilege they have received from the department is a benefit. I think a close examination would alter their judgment.

Since this point is being brought up I would like to know from the minister a little more about how such decisions are made. I know I helped put forward the appeal of one organization, the Canadian ski patrol, for an exemption. At the time I was somewhat bothered whether this was a worth-while cause so I spent a week end out on a ski slope as an observer and I came to the conclusion that it performed a worth-while function.

I can also see that there are unlimited possibilities in trying to prove or show that an organization is of a charitable or worthwhile nature and I would like to know more about how the limits are arrived at. As far as the hon. member for Brandon-Souris is concerned, I can get much more sympathetic about a genuine cause which deserves support or about the Canadian ski patrol or the Canadian Olympic association than I can about Moral Re-Armament.

I did ask a question previously of the minister on orders of the day about a big story which broke in Montreal with regard to an investigation currently going on into the question of charitable donations, and I believe this newspaper, the Montreal *Gazette*, mentioned the word "racket". I asked the minister about it and he indicated that there would be more information later about this. I did not want to address him further on orders of the day because I thought I would have an opportunity here to ask for more detail about this investigation, what is involved and what kind of organization is involved. If there is very little truth to the matter I would like to know how this story was released, because the particular newspaper man who broke the story, Arthur Blakeley, has a reputation for probity and fairness, at least as far as I know. I must assume that there was something to the story and for that reason I would like an explanation from the minister as to what was behind it and where the information came from.

The Chairman: Shall the item carry?

Mr. Benidickson: No explanation?

Mr. Nowlan: I will reply later.

Mr. McIlraith: Is it the intention of the minister that we ask our questions on any item and then he will deal with them at the end?

Mr. Nowlan: Yes, on the last item.

Mr. Caron: Does that mean we can go back to the items or will we have to stick to one?

Mr. Nowlan: You can come back, of course.

Item agreed to.

263. District offices, $29,576,139.

Mr. Caron: I have a problem which has been raised for years. It has been raised by all public bodies in western Quebec from the different counties because they want a collection office for the Quebec side separate from the Ottawa office. This has been asked for by boards of trade, by the junior chamber of commerce and the union of the chambers of commerce of western Quebec; and they have been asking for it for years.

Therefore I would ask the minister to think about this, not just to say, as he said last year, that he will look it over. I ask him to try and think how advantageous it would be for the Quebec side, and even for the Ontario side. We have the same trouble with the statistical information. It is all at Ottawa, unemployment statistics and everything, so we cannot make a difference when it is for the Quebec side or the Ontario side.

I know the minister will say, why did I not ask for this when the Liberals were in power? I did and I did not succeed then but I hope I will succeed now. If I do not I hope I will succeed with the next Liberal government in two years' time.

Some hon. Members: Oh, oh.

Mr. Caron: I will give the minister the chance to make a good move before he goes out of office, and it is only a matter of generosity on my part. I would like him

to think about it seriously this year and give it to us for the beginning of next year.

Item agreed to.

Tax appeal board—

264. Administration expenses, $116,500.

Mr. McIlraith: This is the last item and I understand the minister will now answer.

Mr. Nowlan: Yes; I was waiting for other comments. Mr. Chairman, at least we are on the last item of my department and perhaps I could refer briefly to some of the matters which have been raised this evening.

The hon. member for Nickel Belt raised the highly technical question with respect to valuations of lots at Sudbury which were bought at a certain time and he asked what valuation might be put on them now. Frankly I do not think I can get involved in a technical discussion of that kind. He also mentioned the problem of joint property and raised many other technicalities which frankly I am not competent to deal with. Even if I thought I were I think it would be the height of presumption to try and deal with them on an estimate and give what might be construed as a legal opinion and afterwards have it used against me in another place. I would be very glad to discuss this question with the hon. member in my office, or he can discuss it with legal officers or with other officers of the department.

I can well understand how he takes more than a passing interest in the increase in the value of lots at Sudbury because I know about that from having visited my son there some 15 years ago. I saw vast expanses of rather unoccupied land, shall we say, and one can see how it has been built up during the last few years so that now you have almost a continuous town in areas where for miles you hardly saw a house. I realize the importance of the problem and I will do everything possible to provide satisfactory answers to it.

The hon. member also asked about the staff at Sudbury and the impact of this centre which we have in Ottawa upon the staff there. The hon. member for Laurier also asked about this problem of the reduction in staff. It is true we have reduced the temporary staffs who are normally employed during the rush season in the spring. As the result of centralizing operations here in Ottawa we have effected substantial reductions in those temporary staffs. We have not reduced all our permanent staff in any way, shape or form.

Earlier in my opening statement I spoke about the over-all reduction in staff. That was accomplished by efficiency and by modern methods perhaps, but we did not let anyone out of the department. What happened was that the people we had retired for various reasons, health, age, and so on, and we were able to effect economies by not filling all the vacancies which normally occur. That is how we accomplished a reduction in staff; it was not by letting anyone out who was in the employ of the department.

The hon. member for Kindersley raised with me a theoretical problem with respect to the evaluation of oil and mineral rights and the principle which the department follows in assessing those rights on those old properties when they were not reserved at the time the original grants were made. That, again, is a technical and legal matter and I think it would probably be better dealt with in conversations between the persons concerned and the officials of the department rather than my trying to deal with it inadequately at this time.

The hon. member for Gloucester raised a question as to the number of bilingual employees we have in the district office of Saint John. I am advised by my officials that we do not have a break down of the number of bilingual people we have at the district offices in Canada. We know, through a card record of individuals, those who are bilingual and those who are not. It is the policy of this division, as it is the policy of all branches of government, to make sure that there is a sufficient number employed in each one of the offices throughout Canada to serve whichever of the official languages that is used. I am sorry I cannot give the exact number tonight, but if the hon. member wishes me to obtain it we can get it by checking the individual cards of the staff in Saint John.

The hon. member for Calgary South together with others made some flattering references to the deputy minister and his staff. I want to express my appreciation for this. I think it speaks very highly of them, and I join with what has been said by hon. members in this committee tonight. Praise has been given to officials of the customs and excise division which is a tax collecting department and a tough one. I presume that of all the tough jobs in the service of Canada, administering the income tax division is probably the toughest of all.

Mr. Benidickson: They do it very well.

Mr. Nowlan: They deal with millions of individual taxpayers, somewhere in the neighbourhood of six million individual taxpayers, I think. In addition we have scores of thousands of corporations and the number of complaints or criticisms we receive is so negligible that it does not come as a surprise to me that the officials responsible should

receive praise. I do appreciate it, having served in the office for some three and a half years, and I want to express appreciation of what hon. members have said on behalf of the staff.

I might say that another deputy minister here, not too long ago, was marking down those who were tendering praise to him because he said he was sure they would be coming to his office with requests. I am sure this does not apply to those who have been bestowing praise on the income tax division, because they know they will not get anything anyway.

The hon. member for Calgary South also referred to the report and recommendations of the committee last year, as did the hon. member for Oxford. I have a long memorandum here which I do not think it is necessary for me to read in full. The recommendations of the committee did receive the very careful attention of the officials and of myself, and as far as we could in keeping with the rulings of the Department of Justice and the statutes involved we have attempted to meet them. There have been changes made in the assessment procedure and in the appointment of assessors. One hon. member, I think it was the hon. member for Port Arthur, raised the question of the salaries we are paying to the assessors and pointed to the recommendation which was made last year. I regret very much to have to say that no great progress has been made in that field.

Mr. Fisher: Who is the stumbling block?

Mr. Nowlan: I do not want to say there is a stumbling block. I am convinced, of course, that the officers of my department are the most valuable, the most able, the most intelligent of the officials of any department of the government of Canada, and that they make the greatest contribution to the public service; but many of my colleagues mistakenly hold the same opinion about their officials. The Department of Agriculture, for instance, is concerned about its veterinarians and the Department of Transport is concerned about its engineers, and the civil service commission has found it very difficult to deal with one class of officials, valuable as I am sure they realize they are, without dealing with them all at the same time. However, this matter is now under review by the civil service commission and the treasury board. I am disappointed that more concrete action has not yet been taken in this field. I am told that some time within the next few weeks we shall have a recommendation to go before treasury board from the civil service commission which I hope will rectify this situation.

[Mr. Nowlan.]

Mr. Benidickson: May I ask the minister a question? The recommendations of a parliamentary committee are, of course, of some consequence. I know the minister has in his hands an observation on practically every point which was raised by the parliamentary committee when it examined the minister's estimates. I wonder if there is any chance of the minister making that document a public document in some way? I refer to the statement which the minister would perhaps, if pressed, be prepared to make with respect to the observations of the parliamentary committee of last year.

Mr. Nowlan: Speaking from memory I feel certain that I did send to the chairman of that committee last year a copy of this memorandum. If I did not, I certainly will do so tomorrow, and I would also be glad to send one to the hon. member for Kenora-Rainy River so that he can see what has been done.

Mr. Benidickson: Not for myself. I was thinking that it might be filed with the Clerk of the house.

Mr. Nowlan: Anyway that is the situation with respect to the salaries of assessors. There was another recommendation, one specific one, on which we made progress, of course. The committee recommended that the tax appeal board be enlarged and, as the committee knows, in the tax bill which is going through parliament at the present time —it is possibly in the other place—there is provision for one additional member of the board. That will assist in dealing with the problems with which the board is confronted.

We have spent a fair amount of time this evening dealing with a matter which is somewhat extraneous, that is the relative merits and demerits of a system or an organization known as Moral Re-Armament. Far be it from me to pass judgment or to enter into such a discussion, because I know that many hon. members in this house feel keenly on this matter and have had personal connections with this organization. This is not a subject on which I want to pass any judgment except to say that years ago, before I came into this department, the minister then responsible ruled that Moral Re-Armament was a charitable organization within the meaning of the act, and I have seen no reason, and I have heard no reason tonight, why that decision should be reversed or interfered with.

This is one of the problems with which the minister is continually confronted, this matter of ruling on charity, and I must say that I think there has been, if anything, a greater leniency shown in this respect in

the immediate past than there was in preceding years. This is a very difficult problem. Lawyers here know we go back to the definition of charities as laid down back in the time of Queen Elizabeth. The present minister as, I am sure, did all his predecessors, has attempted to define charities within the meaning of those statutes and has sometimes given them a very charitable interpretation.

I refer now to the question which the hon. member for Laurier raised with respect to lay-offs. I may say this about the temporary centre: there have not been many questions asked about it, and I thought that perhaps more attention would have been paid to it than has been the case. We have carried out a most interesting experiment this year by establishing in Ottawa a centre which deals with all the T-1 short returns recording incomes of less than $20,000. That is something we have watched with great interest. It was an experiment.

Mr. Benidickson: Was it successful?

Mr. Nowlan: We brought in electronic devices. It is necessary because of the increasing growth of population. We hope to have this as a sort of pilot plant here and having ironed out the bugs, as it were, to use a slang expression, we hope to establish the system in other parts of the country. On the whole we think it has been very successful. We have not got the complete returns, of course, but what I am about to say will interest the hon. member for Laurier who was talking about reduction. Speaking now of Ontario, at the peak load on April 30 this year we had 60 less temporary employees than we had at the peak load last year. Of course, we had many temporaries employed here in Ottawa so in areas such as Sudbury the diminution in temporaries would be greater than it would be in the whole province.

As a result of having the work centred here our permanent employees in the various departmental offices were able to give much more time to assessing the problems there. We had our senior expert people dealing with the urgent problems rather than with routine assessments as was the case in the past. It has been a successful experiment. We have had difficulty, of course, in working it out in the first year but I think it reflects credit on the staff responsible for it, and on the deputy minister and the senior officials who planned it. I want to pay my tribute to them for it.

One thing which did result was that rebates and refunds were processed much more quickly than last year. We got hundreds of letters of appreciation from people throughout the province. I think the only person whose enthusiasm about the speed with which rebates were made was somewhat tempered by other considerations was the Minister of Finance who found that the refunds were going out so fast that before the end of the year he was paying out more money in refunds than he anticipated. I do not want the financial critic of the Liberal party to hold that against the minister next year because probably next year the refunds will not be as great as a result of so many having been paid out so promptly this year.

Mr. Benidickson: Notwithstanding what has been said, has the minister got the capital and current costs of the system?

Mr. Nowlan: No, frankly, I have not. As I said, there were 60 less temporaries this year. The current cost was less than the cost of the administration throughout the province.

Mr. Benidickson: The minister was referring to Ontario only?

Mr. Nowlan: Yes. There was some capital equipment that we got from the electronic firms as my hon. friend knows. I am not sure what the cost was in that connection.

The hon. member for Port Arthur raised the question of assessors and I have dealt with that. He also raised the question of what he called legal patronage. This term "patronage" is one that rather intrigues me. I have not found any evidence of it in this place since I have been here. I thought it existed in some other fields. I doubt if that term can be justified in reference to the dealings of the federal government and certainly not in so far as legal counsel are concerned.

My hon. friend may recall a statement which was made by the Minister of Justice last year, I believe on his estimates, when he said and quite properly that he had to assume responsibility for the administration of justice in the trial of cases and when it came to cases going to appeal and cases in the superior courts of this country the Department of Justice and not the Department of National Revenue reserves and exercises the right to appoint counsel to handle cases where the Department of Justice feels this is justified.

I have the highest respect in the world for the legal staff of the Department of National Revenue. That staff is the permanent part of the department and could not possibly deal with all the cases and litigation with which we are confronted. We would have

to enlarge the staff tremendously to deal with the volume of work confronting us. Everyone here knows and certainly the lawyers know that when you are handling cases involving millions of dollars in taxation, with all due respect to our permament staff who are fully qualified, it is highly desirable to have counsel who have had a great deal of experience in the appeal courts and in the higher courts of the country. Whether or not you call that patronage I am sure you must admit that it is the only way you could administer a department such as this.

Mr. Fisher: That ain't the way I heard it.

Mr. Nowlan: If the hon. member for Port Arthur has heard anything else I would like to see him rise in his place and say so and not mutter from his seat. I would like to know who the man is that has left the department and is now talking about legal patronage. I would like to know his name. Let us bring this out in the open. I am telling this committee and the hon. member that we do not appoint counsel except on the advice of the Department of Justice and the deputy minister of that deparment. Anyone in this committee who has had any experience in these matters knows, and certainly my hon. friends opposite in the Liberal party who had experience in administration know very well, how scrupulous the deputy minister of justice and all officials of that department are in naming counsel.

We have many counsel on our staff today whose political antecedents, if they have any, I am sure are not those that are identified with the party now in office; but that is a matter for the Department of Justice. I said I would defend that practice anywhere in this country. I challenge anyone to suggest that in the matter of handling cases in the superior courts—cases where you really have to present the best possible case because you are confronted there with the most competent and experienced counsel in the country—patronage in the accepted sense of the term has never been used in any way, shape or form.

The hon. member for Ottawa West raised the question he raised last year with respect to valuations of the sale of real estate. The hon. member suggested—and I can see where from a public standpoint there would appear to be some merit in it—that when one sells a lot of land or a piece of property the estate tax branch assesses the gross price received whereas in many cases the vendor has retained an agent and perhaps with respect to a large and valuable property has paid between $20,000 and $40,000 in commission. As I said that is an argument which was an appeal.

All I can say, is that I am advised that the law is that the fair market value does not allow for agents' commissions. That has been laid down, I am told. I am not now giving a legal opinion. I am informed that this has been laid down in the courts of this country. One can see from a practical standpoint that whether a vendor uses an agent is, shall we say, a matter of option with the vendor. According to the argument advanced he would have to pay the tax on the whole property if the man sold the property himself whereas one who employed an agent would be able to claim payment of a commission even though it was somebody closely related to himself. In any event that is the practice that has been established and laid down, I am told, in accordance with the law as we interpret it. If there is any further clarification the hon. member would like I shall be glad to discuss the matter with him.

The hon. member for Brandon-Souris also raised the question or Moral Re-Armament and entered into a defence of it as did the hon. member for Burin-Burgeo in relation to Newfoundland.

The hon. member for Port Arthur also referred to the question of charity and mentioned some newspaper articles dealing with this matter. I do not know, of course, the sources of the information of the press gallery and I have been told that is something one can never discover. I have even found out that it is very difficult to discover the identity of those who take part in television shows, although that perhaps has been disabused. I believe it is much more difficult to define the sources of information, therefore I cannot satisfy the hon. member's, shall I say, curiosity on that any more than I can satisfy my own.

Mr. Fisher: Has there been a special investigation?

Mr. Nowlan: Yes; there are always investigations going on with respect to these matters. The affairs of individual taxpayers are subject to investigation and, of course, they are also a matter of absolute privacy. I do not think I can properly or profitably go into the matter any further than to say what issues have arisen from time to time with respect to these matters. They have been, they are and they will be investigated in years to come and settled in the best possible manner that the department can achieve.

The hon. member for Hull uttered a very forceful plea for the inauguration of a taxation office in his city. He said he raised this matter last year. Frankly if he did I have forgotten it. My recollection is that I passed my estimates last year with a great burst of speed. Today we had a great deal of praise.

I could have done without the praise if we had had the luck of last year. The estimates were passed last year in 30 seconds. Before the officers got down from the gallery we were through. If the hon. member raised the matter last year it must have been in the hurry of that moment and I did not notice it. He said that he raised it in years gone by. He did not say he had a deaf ear, but he certainly did not get it. He has no deaf ear this time, Mr. Chairman, but I am particularly concerned about him because the hon. member said if he did not get it from me he would keep at it here and finally he would get it from the next Liberal government.

Mr. McIlraith: Next year.

Mr. Nowlan: I have the highest regard for the hon. member; we like him and we love him, but I do not want to see him around here forever. I think he does deserve a rest before the time he is 75 or 80. He would have to be coming here when he is that age if he expects to get it from a Liberal government. I will promise him we will give the matter consideration. If I made a promise last year I forgot it. I promise him that we will give this the most careful consideration and next year when he raises the matter again I hope I shall be able to be more specific on the matter.

I think this covers fairly well, if not fairly well at least slightly, the various points raised by hon. members. If there is anything further I can do—I hope there is not—I shall be very happy to do it. I think that covers the points at the moment.

I am sorry, one question was asked by the hon. member for Lethbridge with regard to the assessment for income tax purposes of farming corporations in western Canada known as the Hutterite brethren. This is a matter which has been raised on several occasions during the past few months. It is a matter of great concern to the members from western Canada and to the department. All I can say at the moment is that it is receiving the most careful study by the departmental officials. I am not in a position to go farther than that at the moment except to say that the whole matter is under review.

Mr. McIlraith: Mr. Chairman, there are two matters that I should like to raise that were dealt with by the minister in his remarks. I want to return first to this matter of valuation of estates. I am afraid the matter is not quite as simple as the minister has indicated in his most plausible answer. It is not a simple problem.

Mr. Nowlan: If you can find anything simple about the administration of this act I should like to know it.

Mr. McIlraith: The point here is one which should be pursued by the minister because the problem is whether a taxing department is in fact increasing the taxes imposed by the statute. I am sure this is something that the minister will agree it is not desirable for it to do. The amount of the tax is fixed by statute and not by the department; at least, we like to think that that is the theory of our system.

The minister said the sale price was the absolute criteria and the estate executors, presumably, or beneficiaries, could sell the property themselves. That is neither possible nor practical with 80-year old widows when they are dealing with commercial property in most cases. I think it will be readily agreed that that is just not a good enough answer.

The problem does not arise in those commercial properties where you obtain a valuation because such valuation is based upon the amount the vendor can realize from the property and takes into account all factors; but where a sale is made within a short time after the death then the estate is improperly penalized because in most instances the only method of making a sale of a commercial property in a short time after the owner dies is by employing competent real estate agents. The real estate agents will sell the property to the best possible advantage, because they get a percentage in fees and because they seek to serve their clients well, but they turn over to the client only the net amount of the sale. That is all he gets. It is not a simple matter; the agent's commission is not a debt of the testator. The value is a matter of what the estate is able to realize from the asset. That is the true test of value. The test can only be determined in that way.

There are two practical methods of determining the value of those properties. One is to obtain a valuation by qualified appraisers, and usually no problem arises there. But this other problem arises and it can be a penalty that is very severe on the estate. If the minister would take the trouble to compute out the penalty in the case where the estate is of a value of $100,000 and the selling commission is $7,000 and from $60,000 to $80,000 is exempt, he will see just how heavy the penalty is. I respectfully submit that taking the gross sale price as the value is a wrong practice; it is only the practice of the department and I do ask to have the matter pursued.

It is not a sufficient answer to say that this matter can be appealed to the courts, because that involves tying up releases or deposits, as the case may be, and usually it

is difficult to have the cash available to provide the deposit against payment of the tax, and it is not possible for the estate to involve itself in the delays inherent in an appeal and the cost involved in an appeal to the courts. For these reasons I ask the minister to pursue the matter in a more thorough way than his answer tonight would indicate. This is not a matter at all of simply working out the answer that will make for easy administrative practice. I am not sure but that the minister's department is verging on the difficulty of working injustices on taxpayers, by its attempt to be what it calls efficient in reducing its staff, as he has done. There is a point where your apparent efficiency becomes an injustice to the taxpayer.

The other matter I wanted to raise was the question of salaries of assessors. The matter was dealt with by the minister and in his answer the minister was unaware of what he did. He took shelter behind the civil service commission recommendations on this matter of pay increases and I am quite sure he did not want to do that, because the inference from his remarks as delivered by him—I think he will agree with me it was the only inference that could be drawn from his remarks—was that the civil service commission had not dealt with this matter, had not recommended the increases.

Under the act the civil service commission made a report to parliament on the matter of pay increases and for some reason or other that report was not tabled in the house although it was made at the request of the government of which the minister is a member. Notwithstanding the fact that the minister must assume responsibility for the failure to table that report, he is now seeking to leave the inference that the report failed to deal with this important matter. A great many of us will be quite unconvinced that it did not deal with this matter unless we see the report. For my part, knowing the work of the civil service commission I feel quite confident that they did deal with the matter of pay increases in a proper manner and that the responsibility for the failure to grant these pay increases must remain with the government. It is a government responsibility. The civil service commission has enough burdens without being treated in the way the minister in his remarks, perhaps unintentionally, treated the commission tonight. I would ask him to clarify that matter so far as the civil service commission and its report are concerned.

Mr. Robichaud: Mr. Chairman, I have in mind another matter which I should like the minister to clarify. Why is it necessary for officials of the taxation division, in many instances accompanied by officers of the R.C.M.P., to raid commercial establishments and seize all the books and papers of such corporations? I can understand why under liquor acts or the narcotics act it is necessary for the R.C.M.P. to raid certain establishments but I do not understand why it is necessary for long established companies with branches throughout a province or throughout the country to be raided at seven or eight o'clock in the morning by officials of the taxation division accompanied by R.C.M.P. officers and why officials of these companies have to open their safes and hand over all their books and papers. At a time when we are talking about the rights of individuals it seems to me that there must be ways and means of obtaining any necessary information without taking such measures. I should like to have an explanation from the minister as to the reason for such action.

Mr. Hardie: Mr. Chairman, I am looking for guidance from you. On this department's estimates can I raise at this time the question of doing something about the vision of the government—

Mr. Fisher: The vision?

Mr. Hardie: The vision in developing northern Canada, particularly with reference to the policies of the taxation department and giving the same type of treatment to Canadian companies as is given to United States companies that spend money on exploration. I should like you to advise me whether I can speak at this time or whether I should delay my remarks on this subject which will be made for the purpose of helping the minister and the cabinet do something about the vision.

Mr. Nowlan: It is a matter of fiscal policy and should be under finance, Mr. Chairman.

Mr. Hardie: Did the chairman give me a ruling or did the minister?

The Chairman: I have not given a ruling yet as to the point raised. I may say that this afternoon I gave an indication of my views on the discussion of fiscal policies and said that in my opinion they could not be discussed under the estimates of the Department of National Revenue because this department has no other duty than to collect the taxes imposed under such policies. Normally it would be a matter for the budget debate but it may be that in certain respects the matters the hon. member wishes to discuss could be discussed under the estimates of northern affairs.

Mr. Hardie: How about finance?

The Chairman: And possibly under finance. In any event I would not want to make a ruling in advance.

Mr. Smith (Calgary South): I wonder whether I could make a comment with the consent of the hon. member.

Mr. Hardie: On a point of order, I want to accept the ruling of the chairman that this is not the time to enter into such a discussion, a discussion that would add to the happiness and welfare of those people who have had so much to say about the northern vision. I accept the chairman's ruling that this is not the time for such a discussion.

Mr. Fisher: Mr. Chairman, I obviously gave the wrong emphasis in the remarks I made about the question of lawyers outside the government service being called in to handle income tax appeal cases with the result that such cases pass out of the hands of the lawyers of the department. I think we all know that patronage in connection with legal appointments exists. I do not think the minister is so naive or would expect me to be so naive as to think it does not. I can give him examples in the appointment of lawyers to handle real estate dealings under Central Mortgage and Housing Corporation. I have collected such examples for several constituencies, and it is obvious that a lawyer has to be an open supporter of the government if he is going to get such an appointment. I obviously gave the wrong emphasis. What I was interested in was whether the system of using outside lawyers is by far the best or much better than using the legal staff of the department to carry on these cases.

In his reply the minister indicated that he felt it would be impossible for the poor overworked lawyers of his department to carry on these appeals and we accept his word for that. However, if the minister doubts the information I have put before him I should like to say that I too can doubt information but on the other hand may I suggest that this would be a most unlikely type of thing to be put before me if it had not been done by someone who at one time worked for and was familiar with the department.

The other point is that in challenging anyone to produce his source of information the minister must be aware that one is most unlikely to be in a position to do this. I make no apologies for not giving the source. I do not think it would add any additional validity, but I think the matter I have referred to remains as an insight into how these matters are conducted. Perhaps it is a wrong one. The minister certainly seemed to indicate that he thought it was a wrong one. The only way I can follow up this matter is by putting questions on the order paper. I will have to do that and obtain from the department details as to how many lawyers have been hired over the years, how many cases they have handled and what their fees have been. We will also know something then of the identity of these people. As a result, next year I will be in a much better position to present an argument to the minister on this point.

Mr. Smith (Calgary South): The minister made a very comprehensive reply to two of the three questions I put to him. I am sure he did not deal with the third one because he had such a variety to answer that it was not possible to remember them all. However, I would ask for his comments with respect to the suggestion of his department providing advance tax rulings for those individuals or corporate bodies who engage in venture or risk undertakings. There are a great many people involved in the development of our resources who are hesitant as to the extent to which they should use their capital because they have some doubt in their minds as to their tax position. This only tends to discourage the development of these resources by Canadians.

I know the committee is well aware of the fact that this is a practice which is followed in the United States. I realize also that the minister has some misgivings about it in that it would require a substantial additional body of assessors and that it would also disrupt certain procedures which are currently followed. The minister is quite right in saying he did give me a memorandum which, unfortunately, as chairman of the committee I could not submit to the committee because it was received after the committee had completed its hearings.

As I recall, in this memorandum the minister said some consideration is being given currently to this problem and stressed the difficulty in staffing such an operation. However, I do impress upon him the need for a very clear definition of what is taxable income and what is capital gain and, in particular, when any of these companies are in a position to bring a situation to his department which does involve extreme risk in my view it would be helpful if the taxpayers were in a position to know exactly where they stood with the department rather than having to complete the undertaking and then proceed without a clear understanding of their tax position. I wonder if the minister would comment on this particular aspect of my question.

The Chairman: Shall this vote carry?

Mr. Hardie: Not until after the minister has commented on the statement just made.

The Chairman: Shall the vote carry?

Mr. McIlraith: No, Mr. Chairman, there are some replies to be made.

Mr. Nowlan: I was waiting for the hon. member who was addressing the Chair to stand on his feet.

Mr. McIlraith: I did.

Mr. Nowlan: I was not referring to the hon. member for Ottawa West. This matter which the hon. member for Ottawa West has raised is one, of course, which is always a subject of discussion and debate. He did refer to the fact that the matter was discussed last year, and he suggested that there were rulings handed down or suggestions brought down which were not implemented. This is quite true. The matter, as the hon. member knows, is being reviewed this year. We are getting classifications and rulings on various classes in the national economy, and undoubtedly there will be one come down on some of these matters to which he referred. I am not in a position, of course, to disclose any of these matters which he did raise. He said he would not be satisfied until the various matters are brought down. After all, the matter has been the subject of discussion in the house, and the issue was closed. We are getting further information on these matters and a further report dealing with them class by class. I hope further action will be taken on this particular matter in the early future.

The hon. member for Gloucester raised a question with respect to seizures of books and records by the Royal Canadian Mounted Police. It is true that under certain circumstances officers of the Royal Canadian Mounted Police do accompany officers of this department in making seizures. However, it should be stressed that these documents are not seized at any time in that manner without an order of the exchequer court. We have to apply to the exchequer court and have to satisfy that court by affidavit that this action is necessary and then the seizures may be made. A mounted police officer accompanies the official of this department, not to participate in the seizure in any way, shape or form, but simply to be there—what shall we say—to lend the majesty of the law to the procedure of the department and make sure that if there is a breach of the peace then the officer will be there to deal with it. Fortunately these cases which do arise very seldom involve any breach of the peace and the officers of the Royal Canadian Mounted Police go along and are there but do not actually participate in these seizures. This is only done, as I said, after this action has been brought in exchequer court and an application made to that court. We cannot take that action otherwise.

The hon. member for Calgary South has again raised this matter which was raised last year in the report of the committee, as he said. I, perhaps, overlooked the fact that when he received this memorandum from the department the committee had been released and, therefore, he could not deal with it at that time. The committee advanced several points last year and the departmental officers attempted to deal with them to the best of their ability. This matter of advance rulings was under very careful consideration, and perhaps at this time I can do no better than to read an excerpt from a paragraph in this memorandum which I sent to the chairman of the committee.

The advantages and disadvantages of providing a service of advance tax rulings to a greater extent than is done at the present have received further study, and it is our feeling that the tax practitioners are not unhappy with the service presently being offered. The problems of attracting and retaining the qualified staff referred to in item 4 make it difficult to envisage an extension of the tax ruling service in the near future. There is some merit in this suggestion and it could be argued pro and con for some time. On balance, considering the demands made on our staff, we feel it is impossible at the moment to go further in the matter of making these rulings than we are doing, and that is the only definite answer which I can give to the hon. member for Calgary South at the moment.

Mr. McIlraith: I do not want to be overly persistent on this matter of salary adjustments and the civil service commission report. However, I think it should not be left the way it is. The minister indicated that the matter of the publication of the report had already been dealt with in the house, and that is so. But that is only part of the truth of the situation on that point, as I think he will agree. There was a motion made in the house for the production of that report, to which the government took exception, and the house sustained the government in that objection. It now becomes impossible for a member to put another motion on the same point because it has already been dealt with by the house.

However, the minister overlooked the fact that he chose to refer to the civil service commission recommendations in connection with these pay increases when he dealt with this subject. If he does that, he leaves himself open to the requirement of having to table the report. The minister's parliamentary

secretary does not seem to agree with that, but I think if he looks at the rules he will find that is the requirement. The government having taken the position it was a government document, and the minister having relied upon it, he is obliged to produce the report. I believe the rules are quite clear on that point.

In any event, I am not pressing the minister to table it now. I am pointing out to him the impropriety of taking shelter behind the document or leaving an inference as to the contents of that report, and then not producing it. This is the point I wanted to leave with him. If he does that, it is not open to him to say the matter of the production of the report is closed because by his own action he opens the whole matter and is required to produce it. I think it is quite important that the position of the government vis-à-vis the civil service commission in these matters be kept quite clear. I think he would be the first one to agree, having the responsibility he has for administering legislation of the parliament of Canada with his large staff, that the independence of the commission should be guaranteed and that nothing be done to impair or jeopardize its position in these matters.

Item agreed to.

CANADIAN BROADCASTING CORPORATION

41. Grant in respect of the net operating requirements of the radio and television services, $62,085,000.

Mr. Fisher: Mr. Chairman, I should like to say to the minister that we have not got the annual report of the Canadian Broadcasting Corporation for the past year. We have the board of broadcast governors coming up perhaps this evening and again we have not got the report. These would be very important to us in our consideration of the estimates since they will be the first reports since the passing of the provisions of the Broadcasting Act. According to the Broadcasting Act both the board of broadcast governors and the corporation are required to file within three months of the end of their financial year their annual reports with the minister and he has to lay them before parliament within 15 days, which takes us to July 15. The minister must have in his hands the reports of these two agencies and I wonder whether it would be possible for us to have them tonight or before his estimates come up next time. It would make our criticism and judgment of the activities, especially of the board of broadcast governors, much more sensible and I ask the minister where these reports stand at the present time.

Mr. Chevrier: Mr. Chairman, on this item I think the committee would be entitled to know what is the position of all these applications which have been made for private stations. I think the committee is entitled to a report from the minister on the result of the new policy. I am speaking generally now but I think the minister will know what I mean.

It is true that the committee has been set up and there will be a possibility to discuss many of these things and it may not be necessary to go into great detail at this time, but I think we are entitled to get a statement from the minister about the applications which have been recommended. My understanding is that applications are made to the Minister of Transport for technical clearance and from there they go to the board. The board then holds public hearings and after having heard the evidence makes a recommendation to the Minister of Transport.

Mr. Nowlan: I do not want to interrupt the hon. member, as he knows, but I thought we were dealing exclusively with the C.B.C. Is not the matter to which the hon. member refers a matter for the B.B.G. and the application of that act rather than the C.B.C.? I would be very glad to discuss the matter with him, but frankly I prefer to have the officers of the B.B.G. in front of me, because as he knows under the act the B.B.G. has to deal with all the applications for licences.

Mr. Chevrier: I apologize to the minister. I was outside and when I came in I understood we were on item No. 40. I will reserve my remarks for a later occasion.

The Chairman: Item 40 will be called after the items dealing with the Canadian Broadcasting Corporation. I called item No. 41.

Mr. Smith (Calgary South): Mr. Chairman, may I deal with an item in relation to the Canadian Broadcasting Corporation?

The Chairman: Yes, but I was going to recognize the hon. member for Madeleine islands.

Mr. Keays: Thank you very much, Mr. Chairman.

(Translation):

Mr. Chairman, on behalf of my constituents of the Iles-de-la-Madeleine, may I ask that facilities for French language television broadcasts be provided in that area of the country, which is so isolated from the mainland.

At the moment, reception is quite poor, because coming as it does from station CHAU-T.V., at Carleton, 180 miles away, reception is equal only to about 5 per cent of the station's power.

(Text):

Mr. Chairman, this 5 per cent efficiency of reception given to my constituents in the islands only angers them to the point where they wish to know why people living in this area are not entitled to television reception given other parts of the country.

To establish the policy that television will first be brought to those areas where the per capita cost is the lowest is, to my thinking, a good policy so far as the mainland of Canada is concerned. But when we think of those people who live 50 to 150 miles from the mainland I believe closer scrutiny should be given to their problem and we should consider very favourably an exception to the rule and bring at least a little bit of comfort to these people who spend from November until May almost completely isolated from the rest of Canada, with the exception of one plane service per day.

Would the solution be the extension of the microwave system of the French network from Moncton, first of all by increasing the output from that station and bringing it to the closet point to les Iles-de-la-Madeleine? From that point would then be a satellite which could bring to the Magdalen islands the reception which they so ardently desire, and we would like reception from the French network because 95 per cent of the population speak the French language. It would thereby bring to those few islands in the gulf of St. Lawrence, so often referred to as the gem of the gulf, television service which they deserve and so ardently desire.

I should like to speak at this time in the name of the hon. member for Gaspe who is unavoidably absent from this committee due to illness. As the minister may know, the station at Carleton, CHAU-TV, at present gives 65 per cent French television and 35 per cent English television service. That serves only a very small part of the Gaspe peninsula, and I, along with the hon. member for Gaspe, have received numerous representations asking why that part of the lower St. Lawrence should not be given television service when so much has been given to the area immediately to the west. I am thinking now of approximately 2,000 English speaking families in the Gaspe peninsula who enjoy this 35 per cent English television at about 35 per cent efficiency. I think also of the other 2,000 English speaking families and the 2,000 French speaking families in that area who have no opportunity whatever of enjoying television in that remote but beautiful area of Canada.

I trust that the engineers of the C.B.C. will immediately begin to study the problems which I know exist, and that they will look at this request favourably, put forward as it is on behalf of these two areas which are so far away from the main centres of Canadian population. I can assure the minister that the people there will be very grateful and they will feel they are getting their just due and not having to pay a penalty for living outside the urban areas of the province of Quebec.

(Translation):

Mr. Lambert: Mr. Chairman, on behalf of C.B.C. authorities, I wish to thank the hon. member for Magdalen islands (Mr. Keays) for the sound remarks he made tonight, because he explained the situation with regard to television in the Magdalen islands. The same situation also prevails in several other places in Canada. However, the hon. member must realize that certain technical problems cause serious difficulties at present. Anyhow, I can tell him that C.B.C. officials are aware of the situation and that, even if they have not yet inquired on the spot, the problem concerning the Magdalen islands and the Gaspe peninsula has been reviewed and is still being carefully looked into.

Moreover, it must be realized that some stations mentioned by the hon. member have rather low transmitting power and, since they are operated by private interests, the C.B.C. is not in a position to interfere and boost that power.

At all events, I can say to him and to other members who would like to raise similar matters, that the C.B.C. is doing its best to improve the service.

(Text):

The hon. member for Iles-de-la-Madeleine has raised a somewhat serious problem with respect to certain areas of Canada. I hesitate to use the term fringe areas to describe them because we do not like to consider them as being beyond the centres of civilization, if we can call it that, of Canada. They are an integral part of Canada and they are entitled to the services which are provided to their fellow citizens. However, it will be realized that because of the population pattern and the long distances involved there are severe technical problems which have to be faced not only by the corporation but by private radio facilities. I know that the same problem exists in certain areas of western Canada and in those regions where the corporation is not represented by television stations from which it can operate satellites where private stations are faced with similar problems, and the technical difficulties that arise from them.

However, I am assured by the officials of the corporation that continuing studies are being made of these problems and while detailed studies may not have been made in certain areas the situation there has been reviewed in some detail by the corporation. We hope that in due course those people who are affected will get some measure of satisfactory television service. I hope, also, that this time will not be too far away.

Mr. Batten: I have one or two comments I should like to make on this item, but before doing so I point out that we have got well into this item already and since it is one which includes a large amount of money I wonder whether before we go any further the minister intends to make a statement.

Mr. Nowlan: As the hon. member says, we got into this item quickly. Far be it from me to try to delay my own estimates, but I do have a preliminary statement here which perhaps I could make at this minute. It is very brief, and it would at least lay the foundation for other matters which might arise.

This is a brief statement dealing with a tremendous corporation and one which is among the largest spending corporations in the government service. I think it can be said that during the year we have improved the over-all broadcasting service through strengthening our Canadian produced programs and through continued development of the radio and television services.

In radio, C.B.C. station schedules were started one hour earlier in the day for the benefit of the early morning audience and I am sure that includes hard working members of this house. In television the program service was started one hour earlier in the afternoon during the fall and winter schedule. C.B.C. coverage was improved. Twelve new low power radio repeater stations were established. Radio coverage was further developed in the north country with the establishment of five additional C.B.C. stations located at Fort Smith, Hay River, Churchill, Fort Nelson and Watson Lake. The C.B.C. is now operating nine of these stations in its northern service and expects to add another at Inuvik by September of this year.

In television, four new low power stations were brought into operation. In addition, C.B.C.'s national program service was further improved for viewers of ten private stations affiliated with the C.B.C. when the corporation replaced television network recordings with microwave service to each of the stations.

Members may recall that the corporation forecast some years ago that the greatest coverage problem to be faced by the national service would arise in attempting to bring television service to the final 10 per cent of the population.

We have now arrived at that stage. I am told that just about 16.5 million Canadians now live within the A, B and C contours of at least one Canadian television station. This means that about 94 per cent of all Canadian homes have Canadian television coverage available. It is significant to note that 80 per cent of all homes in Canada actually have television sets.

This brings me to a quick look at the year ahead. The corporation expects to start work on new low or medium power television stations at various centres as well as continuing its studies of the problems and costs involved in making television available to other still unserved areas. The corporation does not expect to further increase its hours of regular program operation in the year ahead, other than a move toward equalization of the programming hours of the French television network with those of the English network.

In radio, the corporation expects to establish about 12 new low power repeater stations and to also continue work on the further development of the northern service. The experimental C.B.C.-Radio Canada FM network between Montreal, Ottawa and Toronto will be continued.

Referring now to the vote before the committee, hon. members will note that the appropriation they are being asked to approve represents an increase of $2,131,000 over last year's amount. This figure includes an increase in operations of $3,681,000 and a decrease in capital requirements of $1,550,000. The increase in operating requirements represents demands on the corporation as the result of union negotiations, artists' fees and wage scales, the development of broadcast coverage, as well as continued program development.

That is a very brief indication of the work of the corporation and the reason for the expenditures which are before the committee at this time.

Mr. Batten: Mr. Chairman, I want to assure the minister that I have no intention of delaying his estimates but I did feel that upon an item of this size and particularly one of such importance to the people of Canada he would want to make a statement and I thank him for the statement he has made. I wonder if the hon. gentleman would now give us a break down of the $62 million covered under this item?

Mr. Smith (Calgary South): Mr. Chairman, I am indebted for the applause with which hon. members have greeted me. I should like

to ask the minister a number of questions which come to mind as a result of the committee's examination of the corporation a year ago. At this time I will make reference to only one or two.

I would hope that in the course of his remarks the minister could indicate the success or failure of the corporation in its attempt to obtain a greater recovery in relation to some of their productions which as we recall were produced at a great expense to the public treasury and from which in many instances the corporation received no return and in some instances received only a partial return. I would be interested in learning if they had any success with their sales staff in attempting to reduce the amount of money which the public treasury had to put up and upon which no return was realized.

Another point which is perhaps more local in nature but which is of great importance to us in western Canada is this. The corporation was recently awarded the television licence in the city of Edmonton. Naturally I do not want to discuss the award itself. Frankly I regret that the corporation decided to go into a market which is or could be so adequately served by private interests. I am interested in knowing whether or not the corporation is yet in a position to indicate if they are prepared to give extended facilities or boosted facilities at their Lacombe transmitter in Alberta so that all the corporations' interests are not centred in the northern half of the province. The situation as it is of present is that their radio signal covers only an area roughly south to Red Deer and no further. Consequently southern Alberta receives no radio signal and therefore no broadcasting from the corporation at all. It seems unfortunate that the corporation would entertain the idea of establishing at a great capital expense a television studio before fulfilling what I suggest it is their duty to complete, the establishment of facilities for the rest of the province with respect to radio transmission.

I also want to ask the minister whether in his view it is a sound policy for the corporation to compete in market areas such as Edmonton, and many other similar locations when there are yet so many areas in Canada which receive no television service. We have witnessed the unusual situation wherein these moneys were made available to the corporation and thus they entered into a market area to which a number of private broadcasters were prepared to offer much the same service. From the policy standpoint I ask if this is not a backward step in failing to provide television service to areas that require it. As it is we are providing this service to areas which could and should be adequately served by private interests.

There are a number of other points I should like to raise with respect to the corporation but I see that it is eleven o'clock.

Resolutions adopted in committee of supply this day reported and concurred in.

BUSINESS OF THE HOUSE

Mr. Chevrier: Mr. Speaker, may I inquire what the business is for tomorrow and Friday?

Mr. Churchill: Tomorrow, Mr. Speaker, we will continue with the debate on second reading of the bill of rights. In view of the lengthened hours, each day now being the equivalent of two normal days, I am assuming that this debate will conclude during the course of the day. We will then go on with the estimates we were considering this evening, those of the C.B.C. and then the board of broadcast governors, followed by the estimates of the Department of Transport on which the committee has already spent four days. We are part way through.

On Friday there will be a continuation of estimates in the order I announced earlier in the week: external affairs, northern affairs, labour and public works. All of these are available for consideration.

At eleven o'clock the house adjourned, without question put, pursuant to special order.

ANSWERS TO QUESTIONS

The following answers, deposited with the Clerk of the house, are printed in the official report of debates pursuant to standing order 39:

CORNWALL HIGH LEVEL BRIDGE—WORK ORDERS, ETC.

Question No. 379—**Mr. Argue:**

1. Were any work orders issued in connection with the main contract for construction of the substructure for the south channel high level bridge at Cornwall, Ontario, by the St. Lawrence seaway authority?
2. If so, what was the number of orders, the date of each, the name of the official authorizing and signing each, the value of each, and the nature of such orders?
3. Was any change in tender price accepted by the St. Lawrence seaway authority for construction of the substructure after the contract was signed?
4. If so, what was the date of each change, the name of the official authorizing it, the reason for it, and the actual amount?
5. What is the actual number of work orders, which have been issued for remedial work in connection with the substructure of the Cornwall high level bridge, the date of each order, the value, the name of the official signing each, and the purpose of each?
6. What is the total actual cost of remedial work on the substructure of the Cornwall high level bridge as of April 1, 1960?
7. What is the total actual amount unpaid on this contract for the substructure as of April 1, 1960, and amounts unpaid on (a) the prime contract; (b) extras in connection with the main contract; (c) remedial work, and the reason for non-payment on each category?

Answer by: **Hon. George H. Hees (Minister of Transport):**

The St. Lawrence seaway authority advises as follows:

1. Yes.

2. Five—as follows:

No. 1, dated December 29, 1956, providing for the substitution of 75-ton capacity "Franki" caisson piles at $15 per lineal foot for the 50-ton cast-in-place piles specified at the contract unit price of $10 per lineal foot. Because of a reduction in quantity from an estimated 7,000 lineal feet to 4,667 lineal feet, there was no change in total cost.

No. 2. dated August 18, 1958, providing for the supply and installation of rigid struts between the upstream and downstream cylindrical shafts of each main pier to assure their stability during the 1957-58 winter season before the stabilizing effect of the steel tower weight and its bottom strut had been added. Value at cost plus 10 per cent—$5,435.28.

No. 3, dated November 12, 1958, providing for the removal costs of trestlework damaged beyond repair during winter of 1957-58 when left in place for the performance of remedial work on the main piers. Value at cost plus 10 per cent—$47,140.28.

No. 4, dated March 5, 1959, providing for the refinishing of the bearing surfaces on approach piers Nos. 1, 2, 3, 5, 7, 10 and 20 as required to suit changes in the psecified elevations and the relocation of anchor bolts in approach piers Nos. 1, 3, 4, 16, 21, 23 and 24 to suit revisions to the contract plans. Value at cost plus 10 per cent—$10,649.22.

No. 5, dated April 1, 1959, providing for a change in detail of the upper portion of the north abutment. Value $3,239.50.

All work orders were authorized by the authority and signed by the chief engineer and the president, as stipulated in the contract.

3. Yes, as covered by work order No. 1 referred to in answer 2.

4. Answered by 2.

5. One, work order No. 3, referred to in answer 2. (Another formal order covering remedial work to the main piers is to be issued.)

6. Estimated $335,402.20. (by contractor $228,218.81; by authority $107,183.39).

7. $190,488.80 (estimated); (delayed pending negotiations of final quantities and extra work)

(a) Overpaid $2,953.95;

(b) $12,364.22 (work order No. 4—$10,649.22; work order No. 5—$1,715.00).

(c) $181,078.53 (estimated).

GRAHAM AIRPORT, EXPENDITURES AND LANDINGS

Question No. 410—**Mr. Benidickson:**

1. In each of the years 1957-58, 1958-59, 1959-60, what expenditures have been made at the Graham airport (a) of a capital cost nature; (b) for operation and maintenance?
2. How many landings have been made at the Graham airport in each of the above years?

Answer by: **Hon. George H. Hees (Minister of Transport):**

Supply—Items Passed

1. Expenditures:

	Capital expenditures	Operation and maintenance expenditures	Total
(i) Airport			
1957–58	$ 17,052	$ 35,004	$ 52,056
1958–59	—	67,204	67,204
1959–60	—	32,993	32,993
			$ 152,253
(ii) Radio range			
1957–58	$ 1,481	$ 28,085	$ 29,566
1958–59	695	32,882	33,577
1959–60	—	32,899	32,899
			$ 96,042

2. Landings:

	Non-schedule (revenue)	Itinerant (non-revenue)	Local	Military	Total
1957–58	73	92	46	2	213
1958–59	7	103	—	—	110
1959–60	15	89	29	1	134

[The following items were passed in committee of supply]:

DEPARTMENT OF JUSTICE

B—Penitentiaries—

161. Administration of the office of the commissioner of penitentiaries including $90,000 for grants to recognized prisoners' aid societies, as may be approved by the treasury board, $641,516.

162. Operation and maintenance of penitentiaries including compensation to discharged inmates permanently disabled while in penitentiaries, $14,878,797.

163. Construction, improvements and equipment, $2,353,840.

523. Administration of the office of the commissioner of penitentiaries, including authority for a special adviser to the Minister of Justice on correctional planning, having the rank and status of a deputy head of a department, and one additional deputy commissioner of penitentiaries to be known as the senior deputy commissioner, having the power and authority of the senior deputy commissioner under the Penitentiary Act; to be appointed by the governor in council to hold office during pleasure and to be paid such salary as may be fixed by the governor in council—further amount required, $17,792.

524. Operation and maintenance of penitentiaries —further amount required, $69,340.

525. Construction, improvements and equipment —further amount required, $632,250.

ROYAL CANADIAN MOUNTED POLICE

Headquarters administration and national police services—

372. Operation and maintenance, $6,753,539.

373. Construction or acquisition of buildings, works, land and equipment, $101,276.

Land, air and training divisions—

374. Operation and maintenance, $36,706,157.

375. Construction or acquisition of buildings, works, land and equipment, $3,804,029.

Marine services—

376. Operation and maintenance, $1,779,918.

377. Construction or acquisition of buildings, works, land and equipment, $71,230.

378. Grant to the Canadian association of chiefs of police, $500.

379. Grant to the Royal Canadian Mounted Police veterans' association, $300.

Pensions and other benefits—

380. Government's contribution to the Royal Canadian Mounted Police pension account, $1,546,939.

381. Pensions to families of members of the Mounted Police who have lost their lives while on duty, as detailed in the estimates, $14,352.

382. To provide, notwithstanding section 45 or other pertinent provisions of the Royal Canadian Mounted Police Act, being chapter 241 revised statutes of Canada, 1952, that L. H. Nicholson, former commissioner of the Royal Canadian Mounted Police, shall be paid, as of the day he ceased to be commissioner, a pension for life of one fiftieth of his pay at the time of his retirement for each completed year of service, $1.

DEPARTMENT OF NATIONAL REVENUE

Customs and excise divisions—

258. General administration, $4,807,852.

259. Inspection, investigation and audit services, $4,271,730.

Ports—

260. Operation and maintenance including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year from firms and individuals requiring special services, $28,929,225.

261. Construction or acquisition of buildings, works, land and equipment, $587,500.

Taxation division—

262. General administration, $3,414,200.

263. District offices, $29,576,139.

Tax appeal board—

264. Administration expenses, $116,500.

END OF VOLUME V