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SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order!

HON. F. D. MOORES (Premier): Mr. Speaker, I wish at this time to make a statement on behalf of government.

Mr. Speaker, upon assuming office one of the more contentious issues facing my government and one of the major concerns of the public generally was the question of the negotiation of leases for certain liquor stores around the province. Who benefited from the exorbitant rents? Why was there such secrecy when the people's money was involved?

In order to clarify the situation, I felt it important that a commission of enquiry be established and this was done.

In a few moments I will be tabling the commission's report in this House. However, before doing so, I wish to express a personal word and to review very briefly the main items of that report.

Today, Mr. Speaker, is a sad one in our province's history. The findings of the report, even though rumoured for sometime, are still not easily acceptable, when one considers the implications. There have been moments during the past twenty-four hours when I personally have wondered if I even would have had commissioned the report at all knowing what I know now. However, irrespective of the consequences, the answer must be yes. We must have honesty in our society and that applies even more so to the leaders of our society. In the case of the persons who will be named today, while many people, including myself, feel genuinely sorry, once can only say they have reaped what they have sown.

The Royal Commission received its commission on February 29, 1972.

The commission had found that seven premises rented as liquor stores by the Newfoundland Liquor Commission from the Bankers Trust Company

were in fact owned by a company incorporated under the laws of Newfoundland, known as Investment Developers, Limited. The commission has found that the issued shares of Investment Developers, Limited were owned equally by Mr. Arthur Lundrigan of Corner Brook; Mr. Oliver L. Vardy of St. John's and by the honourable J. R. Smallwood. The commission has found that Mr. Smallwood was the third shareholder in Investment Developers, Limited, that he knew he was the third shareholder in that company and that he knew of its dealings with the Newfoundland Liquor Commission.

The commission finds that a fair annual rent for the seven Investment Developers, Limited, buildings, located at Deer Lake, Clarenville, Baie Verte, Grand Bank, St. Lawrence, Marystown and Placentia, would be \$37,545; whereas the actual rent being paid by the Newfoundland Liquor Commission is \$73,192 or nearly double the rental that should have been paid. The commission finds that over \$700,000 would be unnecessarily spent by the Newfoundland Liquor Commission over the course of the twenty year leases, if they were permitted to continue. The commission also finds that buildings are poorly designed, so that maintenance costs will be greater than usual.

The method of valuing the buildings, Mr. Speaker, was unbelievable. First, an inflated value would be put forward to the Royal Trust. Then the Royal Trust Company would advise what amount could be advanced for mortgage purposes. These amounts, Mr. Speaker, always exceeded the actual cost of the building. Then the company would value the property to match the amount received for the mortgage. In other words, the amount of the mortgage was the amount of the evaluation of the building.

In the course of the investigation of the commission, the commission discovered that 3,000 issued shares of Investment Developers,

Limited, owned by the honourable J. R. Smallwood, Mr. Arthur Lundrigan and Mr. Oliver L. Vardy, had been transferred to nominees of the Bank of Montreal, who were employees of the bank, since the shares had been taken as security for loans. These loans began in April, 1963. They were made jointly to the honourable J. R. Smallwood, Mr. Arthur Lundrigan and Mr. Vardy. Monies were advanced jointly to these three persons for the purchase of shares in Brinco, Limited, beginning in April, 1963 but occurring mostly in June, 1965. These three persons borrowed, according to evidence, between \$1.5 million and \$1.6 million from the Bank of Montreal.

The commission states that the circumstances of this loan, for the purchase of the Brinco, Limited, shares and the subsequent forgiving of some hundreds of thousands of dollars, owed for interest on the loan, are matters merely for comment in their report since they are related only peripherally to their enquiry. It is important to remember that the forgiving of the interest was done by the banker of the province who was also the banker for Brinco and the sum forgiven was a sum owed by the then premier of the province and by a director of the bank itself, Mr. Lundrigan.

However, it is important to point out that after the purchase of Brinco shares, Mr. Smallwood and the government of the day arranged several mineral concessions with BRINEX as well as negotiated the terms of the Churchill Falls Development. This, of course, included the sales agreement which was signed between Quebec Hydro and Churchill Falls. At the time when Quebec Hydro received thirty-four per cent of the company's equity and Newfoundland eight per cent, Mr. Smallwood and his friends were large shareholders in Brinco.

Further, it is very obvious that the circumstances of the loan of more than \$1.5 million, given by the bankers of the province to three persons, including the premier of the province, to purchase shares of Brinco, a company engaged in negotiations with the province

for concessions and for the development of the power on the Upper Churchill, and the later forgiving of hundreds of thousands of dollars of interest by the bank, on the said loans, certainly requires further investigation and explanation. Why would the Bank of Montreal forgive the interest on this loan? One would have thought that at least two of the three persons involved were well able to make the payment. They have requested that the Bank of Montreal provide a thorough explanation. As bankers for this province, as bankers for Brinco and as bankers for Lundrigans, Limited and considering that Mr. Smallwood was Premier at the time, when the whole scheme was taking place, Mr. Lundrigan was and is (I understand that since he may have resigned) a director of the bank, I have asked the Bank of Montreal to advise us of their position and the reasons why.

I repeat, from the facts now revealed by the commission, it is obvious that from 1963 onwards the then premier of the province, Mr. Smallwood, was involved, as a third party, in a loan of some \$1.5 million to purchase share of Brinco, a company with whom the government were negotiating in connection with the Upper Churchill. That from 1963 onwards, many important decisions and concessions were given to Brinco in connection with the development of that project. That the then premier of the province was then in a position of complete conflict of interest, in connection with these negotiations, where his interest as a major shareholder of Brinco could conflict with the interest of the people of this province, in getting the best deal for the province on the development of the Upper Churchill, is obvious.

The commission finds that the most scandalous lease of the lot is a lease of the Newfoundland Liquor Commission premises at Mount Pearl, from Mr. Arthur Noseworthy and his family, through the ownership of Gordonna, Limited. With respect to Mount Pearl, the Newfoundland Liquor Commission decided to rent the front of the building as a store, with a lease eventually signed at \$12,950 a year

for 2,590 square feet or at the rate of \$5.00 per square foot. This lease began June 1, 1966 and was to run for twenty years, with the tenant paying for all interior repairs, the heating and all the landlord's taxes. At this time the remainder of the premises, the area of the former bowling alley, was rented by the Board of Liquor Control on a month to month basis, at \$500 a month. The commission finds that this space was never needed by the Board of Liquor Control but that despite this, subsequently the Board of Liquor Control entered into a new lease for eighteen years and five months, with Gordonna, Limited, on the bowling alley space, at a rate of \$4.00 per square foot, with the tenant undertaking to maintain the premises. The commission finds that the rental each year for the Gordonna, Limited building at Mount Pearl, owned by Mr. Noseworthy and his family, was \$40,950 and that of this \$28,000 was paid for the warehouse space that has been little used. The commission finds that over one-half million dollars would be wasted if this lease were permitted to run for twenty years. In short, for a building costing some \$107,000 some years ago, Mr. Noseworthy stands to collect nearly \$800,000 with no cost to himself. In addition the commission finds that in reference to the Mount Pearl lease, the Newfoundland Liquor Commission were being charged for a larger square-foot area than actually existed. There was an overpayment to Gordonna, Limited, yearly, of \$2,328 for this reason alone.

The commission finds that with respect to the leasing of space for the self-service store from Lundrigans, Limited, Philip Place, St. John's, the Newfoundland Liquor Commission paid about \$10,000 for certain work done by Bata, Limited, which should have been paid for by Lundrigans, Limited and that this amount now be recovered from Lundrigans, Limited.

Once again the commission has found that there is a yearly overpayment of rental to Lundrigans, Limited, of \$2,442, since the measurement taken by the commission show that the rent is being paid for

more square footage of space than exists in the premises.

Mr. Speaker, the government have decided to act promptly both with regard to the recommendations of the report and also in certain respects as we have interpreted from the report. Some people may say that we are being harsh in the approach we have taken to this but, Mr. Speaker, never again must people in power, in public trust, feel that they can abuse the rights of the people of this province. For that reason:

(1) The government have instructed independent special counsel to advise the government on what in civil and criminal actions might be taken against the various parties involved and the activities described in the report. Civil actions may be taken for recession of unfair contracts and for damages. Equally, if the government are advised by special counsel that criminal action is justified, then such action will be taken. The government also intend, if

necessary, to introduce legislation to cancel the outrageous leases in question. These include the seven Investment Developer buildings and the Noseworthy Premises at Mount Pearl.

(2): The government agrees with recommendation (2) of the commission in that the Newfoundland Liquor Commission should be reorganized. It will not proceed with this reorganization until the report is received of the present consultants who are reviewing the activities of the Newfoundland Liquor Commission at this time. The report should be available by the end of August.

(3): The government is now reviewing the position with respect to any employees of the Newfoundland Liquor Commission or any other persons in government service mentioned in the report that will be tabled today.

(4): The government agrees with recommendation three of the commission, that the licencing and inspection functions of the Newfoundland Liquor Commission should be separated from its other functions by setting up a separate licencing board to grant licences for the sale of alcoholic liquors and to inspect licenced premises. Appropriate legislation to this effect will be introduced in the next session of the House of Assembly.

(5): In connection with recommendation four, the government agrees that Newfoundland Liquor Commission should not enter into long-term leases without an Order-in-Council. The government acted several months ago to make it a requirement that Treasury Board approval be a condition precedent to the entering into of any leases by the government or agencies of the government.

(6): With respect to recommendation five of the Royal Commission, concerning the appointment of a building manager to the staff of the Newfoundland Liquor Commission, the government will wait for the report of the present consultants before proceeding with this recommendation which is agreed to.

(7): The government accepts recommendation (6) of the Royal Commission report, that the public tender system should be used

by the Newfoundland Liquor Commission on purchasing equipments and materials and the making of substantial repairs and alterations and in many instances for its leasing of premises.

(8): The Department of Justice has been instructed to proceed with the necessary legal action to (a) recover approximately \$10,000 from Lundrigan's Limited for work done at Philip Place at the expense of the Newfoundland Liquor Commission which Lundrigan's Limited had undertaken to do. (b) Recovery from Lundrigan's Limited of amounts paid by the Department of Public Works for rents of the space at Philip Place which according to the measurements are not there, and which amounts to \$2,442 a year. (c) Recovery from Gordonna, Limited, the owners of the Noseworthy premises at Mount Pearl, of \$2,328 a year for store and warehouse space based on measurements that this amount is for space that does not exist.

(9): The government have requested the Bank of Montreal to provide the government with all the facts concerning the loans to the hon. J.R. Smallwood, Mr. Arthur Lundrigan and Mr. Oliver Vardy for the purposes of purchasing Brinco shares from 1963 to date, the forgiveness of interest on same and all matters relevant to those transactions. There is obviously conflict of interest existing in that situation both with respect to the bankers of the province and the government, and between the then premier of the province and Brinco Limited.

(10): The government have given instructions to the Newfoundland Liquor Commission and to the Department of Public Works that they are not to pay any further rents or to make any further payments whatsoever in connection with the leases from Investment Developers, Limited to Newfoundland Liquor Commission, with reference to the seven stores located at Deer Lake, Clarenville, Baie Verte, Grand Bank, St. Lawrence, Marystown and Placentia, nor rents to be paid to Gordonna, Limited with reference to the liquor store and warehouse premises at Mount Pearl, to Lundrigan's, Limited with reference to the liquor store located in Prince Philip Building on Elizabeth Avenue, St. John's, nor to Mrs. Adelaide

Vardy with reference to the liquor store located at Stephenville.

(11): All business presently being conducted with government that was not subject to public tender of companies controlled by Mr. Arthur Lundrigan, Mr. O.L.Vardy or Mr. Arthur Noseworthy or controlled by any combination of them has been cancelled. That, Mr. Speaker, means all business that is presently being done with the government and not just as they apply to the liquor leases.

(12): The government are taking the necessary steps to review all leases entered into by government or any other agencies of the government in the past five years, to ensure that the government or the government agency concerned is paying the proper rental due under the terms of the leases and to ensure that the government is only being charged for the actual space rented. In other words, steps are being taken to measure exact space rented under all such leases and to review any leases where there appears to be exorbitant rentals or onerous conditions imposed upon the government or government agency as a tenant.

Mr. Speaker, there will be many other issues that will come out of this report. This is what we have been able to deal with in twenty-four hours. The issues raised in the report of the O'Dea Royal Commission are so serious that they must be given extremely careful consideration. The government is determined to take whatever legal action is recommended by the legal advisers of the government both with respect to criminal or civil matters. Issues we could act on immediately we have done. In other matters listed, we will act on as quickly as possible.

Mr. Speaker, as I mentioned previously, and I mean this very sincerely, today is a sad one for many of us. No one likes to see people who have contributed greatly to our society and to our way of life exposed in an affair such as this. However, in another way it must be considered, Mr. Speaker, a good day for our province and its people. It hopefully is a day when justice and honesty have replaced greed and corruption, a day that we can build on with lessons learnt for a better tomorrow.

Thank you, Sir.

Mr. Speaker, I would like to table the Royal Commission report enquiring into the leasing of premises for the use of the Newfoundland Liquor Commission and the opening statement I made today. There will be copies for the opposition, for the press and for the government members.

HON. E.M. ROBERTS (Leader of the Opposition): Mr. Speaker, if I may make a very brief comment on the statement just made by the Premier. All members of the House listened with as much shock I think as I did and as much concern. All I will say now is, as I have said earlier in this House, speaking for those of us on this side, the government did the right thing, Sir, to appoint this commission. I have had no opportunity to look in detail into the various actions the Premier has outlined to implement the recommendations of the commission. Judging from what he has said in his statement a moment or so ago, they seem to be doing the right thing in acting to follow out the recommendations of the commission.

The Premier has said that in a way it is a sad day for this province, and that is true. The particular sadness is that a man who was Premier of this province for so many years and did so much for this province has been found by this commission and on the evidence they set forth in their report, (I have no doubt they have evidence) to have been involved in events which, without putting any other connotation on them right now, are improper and should not have been entered into by any man in public life. What a man does or what a man does not do in public life, he must answer for.

I was glad the Premier ended his statement by saying as he did, that it is - I think his words were: "It is a good day for the province." I would go further than that. I am anything but unproud. I am quite proud to be a member of the House or a citizen in a province where if there is something improper that has been done, it is looked into and set straight. This goes far beyond politics. I have differences

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of political opinion with gentlemen opposite. That is fine. All of my colleagues (we have discussed this often) have differences, but conduct that is improper, as the royal commission have apparently so found here, is far beyond and far different from any political differences. It cannot be tolerated and it should not be tolerated. I am glad the government are taking steps to have it appear or to have it that it is not tolerated.

I have not seen in detail all of the information of the commission, but it is quite obvious that no members of the cabinet were involved or they would have - or the Premier I think would have mentioned it. No members of any of the cabinet. There were twenty-six men in the last House of Assembly, Mr. Speaker, of the forty-two who were elected, I am sorry! forty-four men who were elected, twenty-six of them served in the cabinet at one time or another, in the period between 1966 and when the cabinet left office in January 1972.

I gather that no other minister was involved in any way. No other person in elective office was involved in any way. I think that is significant. The matters of conflict of interest obviously will have to be dealt with. Again, I assume from what the Premier has said that no other person knew, because if they did know then any person who knew from 1963 on and was involved in the cabinet, any decisions that were taken, would be equally culpable, whatever culpability there may be. That would include, of course, gentlemen on both sides of the House as well as gentlemen who are no longer in politics.

Sir, it is a sad day for the men involved. I feel sorry for Mr. Smallwood.

MR. ROBERTS: I think it is a tragedy for him that a man who has served this province as he has is now condemned, I assume he is, by a royal commission. It is a sad thing to see that happen, Sir. So be it! let it be a lesson to all of us. You know, what we do we must answer for. I am sorry for him but I am proud for the province. If we are to have the sort of government, the sort of society we want in Newfoundland, Sir, we must be on our guard constantly. I think that this sort of thing may not be pleasant but it is necessary. We, as men, should deal with it and we will deal with it.

I will read the report with interest and then perhaps at some point there will be an opportunity for a detailed discussion. I assume and I hope and I believe the government will not make this a partisan matter. If they do, it will lose much of its value. It should be above partisan politics. It is a matter that affects in the truest form the body politic of this province.

Let me end, as I finish - the government did the right thing to appoint this commission. They have done the right thing to make the report public. The people in Newfoundland, in due course, will judge on what follows from here. Thank you!

MOTIONS

HON. J. C. CROSBIE: (MINISTER OF FINANCE): Mr. Speaker, I give notice that I will on tomorrow ask leave of the House to introduce a bill, "An Act To Amend The Crown Corporations Local Taxation Act, 1960."

QUESTIONS

HON. T. C. FARRELL (MINISTER OF PUBLIC WORKS): Mr. Speaker, in answer to Question No. 86, appearing on the Order Paper of June 8, 1972, asked by the honourable member for Fogo, the answer is: no such persons have been employed since January 18, 1972. I wish to table this answer. Thank you.

MR. CROSBIE: Question No. 138, asked by the Leader of the Opposition, June 29, Order Paper. "What was the cost of the reception tendered on the occasion of the premiere showing of the feature movie 'The Rowdyman'?"
The answer: \$860.80.

AN HON. MEMBER: A very rowdy occasion.

MR. CROSBIE: I was not there, so I cannot vouch for it. I also table the answer to Question No. 121, on the Order Paper of June 27, asked by the honourable Leader of the Opposition.

MR. ROBERTS: Mr. Speaker. I wonder if the honourable Minister of Highways has had a chance to find out about Fox Cove in Placentia West District?

HON. DR. T. C. FARRELL: (MINISTER OF HIGHWAYS): Mr. Speaker, in reply to the honourable Leader of the Opposition, no, not at this time.

MR. WOODWARD: Mr. Speaker, I would like to direct a question to the honourable Minister of Highways - in view of the fact that six people have died in traffic accidents in the past six days on the Trans-Canada Highway, I understand in areas where there are no traffic lines. I would like to ask the honourable minister what progress has been made as far as painting the white lines on the Trans Canada - what progress has been made to date? And if the minister has had a report in the cause of those accidents and if he will tell this honourable House, if this is a human error on the part of the drivers or if there is a need for some traffic or driving education programme in the province?

DR. FARRELL: Mr. Speaker, in reply to the honourable member for Labrador North on question (1) the yellow lines are being painted first and they should be finished within the coming week. It has been difficult, due to the late spring and the present weather, to get this work done as fast as possible. I think I made an answer to a question the other day as to the fact that we are doing approximately an average of thirty-one miles a day. This should be finished in approximately one

DR. FARRELL: more week and then the white lines will be started as soon as possible.

The second part of the question concerning the accidents, I have had no report so far on that. I think the third part of the question was -

AN HON. MEMBER: About the driving education programme.

DR. FARRELL: Yes, there is an education programme in line in the Department of Highways for the coming year as far as this is very necessary and essential to driving in the different areas of the province, on gravel roads, winter conditions, summer conditions. This is under preparation at the present time.

MR. F. B. ROWE: Mr. Speaker, I would like to direct a question to Minister of Economic Development, I was going to ask the Parliamentary Assistant to the Premier, I was speaking to him earlier about it, Have the cabinet reached any decision regarding the supply of electricity to small communities such as Big Brook and Bard Harbour? Yes, I understand this was to come up before the cabinet sometime this week.

MR. CROSBIE: Well we have had a cabinet meeting but it was concerned with this other matter, so it has not come up. It will come up in the next week or so.

MR. E. W. WINSOR: Mr. Speaker, may I direct a question to the honourable Minister of Economic Development - has he any late information as to the "Vancouver Forest" as to how she is making out, discharging wood?

MR. CROSBIE: I cannot give the honourable gentleman any information at the moment because we have been at meetings all morning. If I hear anything, I will let him know later today.

MR. WINSOR: It is rumoured that she cannot discharge it.

MR. CROSBIE: She cannot start. She cannot discharge, no.

ORDERS OF THE DAY

On motion, a bill " An Act Further To Amend The Workmen's Compensation Act, 1962," read a first time, ordered read a second time presently, by leave.

On motion, a bill, "An Act Further to Amend the St John's Housing Corporation Act", read a first time, ordered read a second time presently, by leave.

On motion a bill, "An Act Further to Amend the Newfoundland and Labrador Corporation Limited Act, 1951", read a first time, ordered read a second time presently, by leave.

Motion, Second Reading of a bill, "An Act Further to Amend the Companies Act:

HON. T.A. HICKMAN (MINISTER OF JUSTICE): Mr. Speaker, this a very simple and routine amendment. Section (71) of the Companies Act makes provision for application to the the court for the late filing of mortgages or changes but makes no references to the late filing of notices of mortgages nor changes; which is also required under the provisions of the Newfoundland Companies Act.

This bill will rectify that obvious error.

I move second reading.

On motion bill read a second time, ordered referred to a committee of the whole House presently, by leave.

Motion second reading of a Bill, "An Act To Provide For The Retiring Registrar Of The Supreme Court."

MR. HICKMAN: Mr. Speaker, the purpose and intention of this Act is set forth very clearly, The Registrar of the Supreme Court is appointed At pleasure, There is no provision for a pension, When the former Registrar of the Supreme Court of Newfoundland was retired because of ill health a similiar bill was passed by this honourable House.

This bill does not indicate the imminent retirement of Mr. R.C.B. Mercer, Q.C., the Registrar of the Supreme Court, but provides that when he goes to pension or seeks retirement and is retired he will be provided a pension of \$10,000 per year and this pension or a percentage of this pension is made available to his widow in the event he predeceases her. I move second reading.

MR. ROWE (WM.): Mr. Speaker, one or two question I would like to ask the honourable minister on this particular bill. Has this gap in the pension scheme now been rectified by legislation or is it intended to do so. Maybe the minister can answer that.

It seems to me incredible that a high officer of the court yet an officer of the government, in a larger sense of the word, in this province, should not be included in some kind of a pension scheme, Mr. Speaker and he has the humbling experience really of having to petition this House, in the person of the minister, to allow himself to have a little dignity after retirement, by a financial, almost ex gratia award. To me that smacks of indignity and it is something that should be rectified and remedied as soon as possible.

Another question I would like to ask the honourable minister, Sir, is what ratio this proposed pension of \$10,000 bears to the Registrar's salary, keeping in mind the years of service that he has put in. In other words, Sir, does his pension, bearing in mind the salary he has been receiving and the years he has put in, is this pension on the same par as the pension that another civil servant would

receive in similar circumstances as of right. In other words, is this pension as good as he would have received had he been say a deputy minister of Justice for the equivalent amount of time that he has served and if he were to have received the same pension. If not, I would suggest - maybe it is, I do not know. If not, I would suggest that the pension be revised upwards. I would like to see that gentleman, Mr. Mercer, the Registrar of the Supreme Court, get an equivalent amount or an amount that he would have been entitled to had he been part of a pension scheme over the years.

Of course, the question that goes along with that is that Mr. Mercer apparently has not been required and will not be required to make any contributions in respect of this ex gratia award. Perhaps the minister can find out that? If he has not, then of course my original statement about an equivalent amount to be received, as he would have received under The Pensions Act, may not be applicable. Maybe these are a couple of matters which the minister can deal with.

Also, Sir, while I am on my feet, I would like to commend to the honourable minister bringing all people who provide a public service and are paid from the public purse, to bring all people in the province under the pensions schemes which now exist. I think there is an anomalous situation with regard to the Supreme Court, I do not know about the sheriff, is the sheriff under a pension scheme? I doubt it, I do not know. I do not think he is, Sir. I think that is wrong. The Supreme Court or the County Court or Magistrates Court for that matter, or the personnel of those courts should not be outside the ambit of the civil service rights and privileges. They should be brought within it, And, of course, this would in no way affect their independence of action nor anything else. It is just a matter of looking after them financially in the same way that the public servants of the province, the civil servants of the province, are looked after financially under the various pensions acts.

Finally, Sir, before I sit down, perhaps this is really not the

proper place to debate this particular point but I would like to make some comment on the whole idea of public servants receiving fees as partial payment of the services which they render. To me the Registrar of the Supreme Court, the Sheriff of the Supreme Court and any other person who is acting in a similar capacity should not collect fees in respect of services which they render - for example estates or the issuance of writs or what not in the case of the sheriff.

These gentlemen should be paid a salary which is in keeping with the status or position they hold. The Registrar of the Supreme Court is obviously a high public servant and should be paid a good salary which would be in keeping with the position which he holds. I do not agree with the idea of collecting fees, such fees to be retained by any of these gentlemen. If fees are to be collected, if people who are having estates administered or writs issued or share of sales conducted, if fees are paid in respect of these particular activities, then they should be paid into the consolidated revenue fund. A sheriff or a registrar or any similar person should not have to rely at all on the vagaries of such fees being collected or not being collected, sizes of estates in certain cases, the number of sheriff sales which might take place, for example, the number of writs which may be issued or served upon defendants. These things should not, I think, in this day and age, play any role in the salaries which such public servants receive.

They should know before hand what their salaries are, They should not be in a position where they might, I am not saying they have done this but they should not be in a position where they might render a better service because a better fee might be realized from a particular action. They should not be put in that position. They should be in a position where they are financially secure, the amounts of their salaries are known before hand, as is the case with any other civil servant or public servant, and they should perform duties in an equitable fashion without any constraints, without any fear or any favour being

shown because there might be a larger fee involved or any prejudice being shown because there might be a small fee involved. I think the time has come to get rid of this, I think pernicious type of way of rewarding or paying our public services.

Certainly the salaries in these cases should be commensurate with the duties performed and I think any fees collected should go into the consolidated revenue fund. I would like the minister to answer a few of those questions which I pose to him and perhaps he might have a comment on the question of fees being collected by these various public servants.

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

MR. HICKMAN: Mr. Speaker, I will try and answer the questions raised by the honourable member for White Bay South. They are very valid questions in relation to this Bill. (1) the pension provided in this Act for the Registrar of the Supreme Court is, as far as we can ascertain, in line with the pension provided other public servants bearing in mind that it is not contributory. It would be higher if it were a contributory pension. The registrar, Mr. Mercer, who has done a very excellent job in that capacity, has indicated that this pension is satisfactory to him, I believe.

I agree that we should amend our pensions act to bring the offices of the Registrar of the Supreme Court within this scheme, so that it can be contributory. As the honourable member for White Bay South is aware, there is some difficulties in attracting people to these offices. Last year this House passed an Act to provide for a deputy registrar or an assistant registrar of the Supreme Court. To date both administrations have been unsuccessful in finding anyone to assume this job. The salary is \$13,000 or \$14,000 I think. But then the registrar went further and said he was prepared to share the fees, if someone could be made available, so it still may be a matter for negotiation.

Our magistrates do come within the pension scheme of the public service. The supreme court and county district court judges were paid by Ottawa. They come under the scheme set forth in the Judges Act. The last point raised by the honourable member for White Bay South is one that may be open to some debate. I am not happy with fees being collected by people in official positions. But an argument will be advanced from time to time that respectfully states that this is really not a public service. Beneficiaries to an estate can apply to have someone else appointed who is entitled, under our rules of court, to charge the fee but they decide that the registrar,

because of his competence, would be more desirable. Whether or not the public chest should pay for that fee and pay for that service, I am not so certain. But I do hope that Mr. Mercer will be able to continue in office for some time to come. I am sure it is a public fact that he has been suffering from ill-health but at the same time he is still at work or will be returning to work very shortly. But in the event that he decides to avail of the pension provided in this Act, I suspect it is still going to be a matter of negotiation to fill the post so vacated.

On motion Bill read a second time, ordered referred to a Committee of the whole House presently, by leave.

Motion, second reading of a Bill, An Act To Amend The Highway Traffic Act, 1962.

MR. HICKMAN: Mr. Speaker, ordinarily an Act To Amend the Highway Traffic Act would be moved by the minister of Highways, but this particular Bill to Amend the Highway Traffic Act deals exclusively with the administration of justice. We have an unusual situation in the province right now. If a motorist is convicted of impaired driving and the sentencing magistrate suspends his license for six months, it automatically follows that the registrar of motor vehicles must and will give a similar suspension. But if the conviction - having come under the criminal code of Canada, it is then open to such motorists to make application, through the office of the National Parole Board in St. John's, to have his license restored. We have a good branch of the National Parole Office in this province and they work with a great deal of dispatch and efficiency. They examine the transcript of the evidence. They obtain what is called a community report on the individual. They take into account whether or not a license is needed in order for him to make a living. If the National Parole Board then - generally it is not too often you get below three months off

your suspension but then, regardless of the time the National Parole Board decides to lift the suspension, the registrar of motor vehicles will likewise follow suit. We have run into two or three cases recently where the presiding magistrate has realized that the motorist needed his driver's licence in order to make a livelihood. He did not suspend at all. This meant that the provisions of the National Parole Act did not come into play. Then under the provisions of the Highway Traffic Act the registrar was obliged to suspend his driver's licence, and he had no authority to return it until half the time of suspension had been served. This obviously is in conflict. But the significant thing, Mr. Speaker, while this emergence in this Act is being passed today and hopefully assented to today, is that there has been an amendment passed to the Criminal Code of Canada which will come into force on July 13, 1972. This will enable the magistrate to impose certain restrictions, if he so desires.

In other words, he may sentence a convicted motorist to loss of licence for restricted purposes. He may say, "if you are a truck driver you can have your licence, a limited licence, a restricted licence in order to pursue your livelihood for the workday only." But he may say: "You will have to give up your Sunday driving."

The other provision in this Bill is an amendment with respect to Judgment Recovery. There is a provision whereby Judgment Recovery can make an arrangement with a person on whose behalf a Judgment Recovery has made a payment out of what we used to call the Unsatisfied Judgment Fund. But the person must at the same time deposit the \$200 deductible with the registrar of the Supreme Court. Quite recently we had a case where the total amount payable under the judgment was \$350 and arrangement was made with Judgment Recovery with respect to \$150 being the amount they paid. The motorist was in rather indigent circumstances but at the same time he needed his driver's licence yet the licence could not be restored unless \$200 was deposited with the registrar, which

was a commitment he could not meet. This act now also confers upon the registrar the right to enter into similar arrangements for the installment repayment of the deductible and again it will enable the motorist to get back on the highway, having made the arrangements that are satisfactory to Judgment Recovery and to the registrar, who in that position really is the protector of the innocent motorist. I move second reading.

On motion Bill read a second time ordered referred to a Committee of the Whole House, presently, by leave.

Motion. second reading of a Bill, "An Act To Incorporate The Newfoundland And Labrador Amateur Sports Federation."

MR. HICKMAN: Mr. Speaker, in moving second reading of this bill which is brought

before the House at the request of the Newfoundland and Labrador Amateur Sports Federation, I do not wish to trespass upon the time of the House. It is really not a government bill in the true sense of the word. But the Newfoundland and Labrador Amateur Sports Federation was founded June 12, 1971 and it is a federation of the sports governing bodies in this province. Each amateur sport has a provincial sports governing body which has jurisdiction over that sport and each provincial sports governing body is affiliated with the national sports governing body.

I am told that there are thirty-five governing bodies in this province and there are thirty who are active at this time with the high school athletic federation and it is anticipated, which is a delightful development, that The Wheel Chair Sports Association will become a member as well. I am told, Mr. Speaker, and as I say, I will not go into the detail but it makes a very pleasant story that amateur sports in this province are functioning very well through the federation and the locals. I think it is significant that the federation received an annual grant of \$25,000 a year from the Government of Canada and they plan a sports museum. They already sponsored clinics and seminars and they anticipate a formation of an official registry of sports records.

Basically, Mr. Speaker, the role of the federation is to bring together the various sports governing bodies in this province, with a view to forming solidarity as to alternate aims and objects, so that amateur sport can do together what they have not been able to do in the past by themselves. I have pleasure in moving second reading of this Bill.

MR. ROWE (WM.): Mr. Speaker, ordinarily I would not even rise to comment on a bill which is of such a noncontroversial nature as this but I have been speaking to Mr. Jeff Steele who has been extremely active in organizing, participating, reporting on and administering various aspects of sports and

athletics in this province over a fair number of years. He was very anxious that this bill receive the unanimous support of every member of the House of Assembly.

As the honourable minister states, it is not a government bill as such, it is really a private bill brought forward to be sanctioned by this House of Assembly. The bill itself, the act itself, when it becomes an act really does no more than this body could have done if they had proceeded under The Companies Act and merely got themselves incorporated as a non-profit organization. But the body concerned wanted to have the sanction of statute, to make it an act and to give it as much publicity as possible. It is for that reason that I rise today in order to express the complete and unanimous support of this side of the House to this bill and I am sure that the members on the other side of the House give it their whole-hearted support as well. I think that it is a red letter day really in the organization of sports and athletics in this province, to see the Newfoundland and Labrador Amateur Sports Federation set up and enshrined in the statute law of this province.

On motion a Bill, "An Act To Incorporate The Newfoundland And Labrador Amateur Sports Federation," read a second time, ordered referred to a Committee of the Whole House now by leave.

Motion second reading of a Bill, "An Act To Incorporate The Newfoundland Family Guidance Association."

MR. ROWE (WM.): Some weeks ago I believe I was making a few random and rambling remarks on this bill when Your Honour called it 6:00 o'clock. There is not too much that I wish to say about it, Sir. I mentioned at the time that this is a step in the right direction, though how far we are going along in the right direction I really do not know. It is a step in the right direction. It now puts into statute law some of the recommendations of the Gushue Royal Commission, a very good royal commission. I might say. Anyone who is interested in family law

or matrimonial problems in this province would be well advised to study that report in detail.

But how far we have gone along the line in this particular field of family guidance, I do not know, Sir. I should hope that the time will not be far away when we have practitioners in the province who can devote a lot of time to trying to council wives and husbands who have some reconcilable difference and families who have problems of a matrimonial or merely a family nature that some professional help and assistance will be available to them.

Along that line, Sir, I might add that I have received, I received on June 1 a letter from Dr. Mark Scheonberg, the Professional Director of the St. John's Community Counselling Centre, in which he stated that he would like to thank me and all the opposition for the support which we lent to the legislation geared to the licencing of counselling psychologists in the province. "That it is a small step in the right direction," says Dr. Scheonberg, "is certainly a correct appraisal, but such licencing must assuredly be the first move." I agree whole-heartedly with him.

Then he goes on to say, Sir, to give some ideas as to what the St. John's Community Counselling Centre has been doing in this particular field. Perhaps the minister has had some talks with gentlemen like Dr. Scheonberg and others who are acting in the same capacity. Dr. Scheonberg has noticed that in the four or five months the St. John's Community Counselling Centre has been in operation, they have had fifty-seven visits to their offices, looking for counselling services, people looking for counselling services, plus a great number of phone calls in which questions were asked.

The St. John's Counselling Centre, for whom I have no axe to grind except that it is a non-profit body trying to do a job of work in St. John's here, this body is being granted some money from a foundation

on the Mainland, the Counselling Foundation of Canada, and of course is finding it very difficult to carry on its operations.

At that time, this was long before the estimates were put through the House, I mentioned to Dr. Scheonberg that I would be delighted to convey to the Minister of Justice a suggestion that perhaps this counselling centre or a similar centre might receive from the government say a grant of \$10,000 a year, which could be used by that centre for counselling services provided by them in respect of actions under The Divorce Act only. Other services perhaps should not be using public money. But the problem we have in this province, of course, is that under The Divorce Act, a solicitor, a lawyer is constrained or obliged to make sure that his client has received whatever counselling he can or whatever counselling is available in the province. Something along those lines, I have not looked at the positive duty on the lawyer for a couple of years, In any event there is in a positive injunction on the part of persons seeking divorces and this sort of thing in the courts of law, to try to reconcile their differences, to get counselling services and hopefully their problems will not end up in divorce at all but in some reconciliation or some other more pleasant and happy arrangement.

I thought that it might be a good idea if the government of the province made a small grant of \$10,000 for example. to such a body as the St. John's Community Counselling Centre and which Centre could be encouraged to branch out to other parts of the province for the sole purpose of allowing that Centre to counsel people who are taking action under The Divorce Act. This would be a further step in the right direction, a very significant step I would think.

I do not know what the honourable minister intends to do with regard to this, maybe nothing at the moment, but I would commend to him a suggestion that his department or

MR. ROWE, W.N. The Department of Social Services and Rehabilitation do take some active steps to bring either organizations of counsellors into the province, to set up in the province, to try and provide counselling service or to encourage individual sociologist, marriage counsellors or other consultants to set up practice in the province so that a very badly needed counselling service can be provide to the people of the province. Sir, this bill, this act, as it soon will be will have some real practical meaning rather than being merely an enabling act, so as to speak, to allow people to become licenced as counsellors. We can see some real positive steps taken in the direction of really setting up some counselling service in the province particularly in respect of the Divorce Act and action taken under it.

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

MR. HICKMAN: Mr. Speaker, the question just raised by the honourable member for White Bay South concerning the St. John's Community Counselling Centre, that organization is doing a good job. There is no question about it. But this act envisages something greater and something more embracing. I too have received a letter of commendation from Professor Scheonberg of Memorial supporting this bill and I might say from the Newfoundland Association of Social Workers and from various religious organizations including the Extension Department of Memorial and other citizens.

I think it is significant and I would like to take one or two minutes to reiterate and make this position clear to the House that not only is this act but I consider this act the main thrust, the most important act of several acts recommended by the Gushue Family Guidance Report on Family Law. Dr. Raymond Gushue and his researcher assistant, Mr. David Day, have done a first-class job. I think it is of particular interest to this bill that we should know that intensive interviews and correspondence conducted by a study of some 500 persons preceded the introduction of this bill to the House of Assembly including judges,

MR. HICKMAN: members of the clergy, lawyers, social workers and members of the medical profession in ten countries and all the members of the judiciary in Newfoundland, the religious leaders and representatives of the legal and medical professions, and the Department of Social Work at Memorial University researched their discussion drafts before the final proposals were submitted to the Attorney General.

The objects we have already indicated are set forth particularly in Section (13) of the Act.

With respect to funding the act, we have received a great deal of encouragement from the federal government. As late as June of this year, a representative, I must confess I cannot recall his name, was in this province from the appropriate department of government and he indicates that federal funds should become available for the implementation of this act because the Government of Canada are now beginning to realize that when parliament passed a new Divorce Act and laid a great deal of emphasis on marriage counsellors that they neglected to provide any funds so that the service which is contemplated under that act can be provided.

I would hope that when the act is passed - I should also add that it is not too often in this province that we are a first insofar as legislative reform is concerned but we are with respect to this act, No other province has an act even similar to it. The Government of Canada and I believe the Vanier Institute, I recollect what Dr. Gushue told me, looked with a great deal of favour upon this act and I think they, like we, are determined to make it work.

In all, I think there were something like 235 recommendations in the Gushue Family Law Study, in the fourteen reports that have been tabled from time to time in this House. About 120 of these have now been incorporated in various legislation brought before the House during the past three years. I think it is noteworthy and indicative

MR. HICKMAN: of the excellence of the Gushue Report and the excellence of the work of Mr. David Day that one of the major law-publishing companies in Canada has expressed an interest in obtaining Canada-wide right to the book, which now has been put into book form and with the proper headings and the proper indexing. If this happens, because there have been an interest from law schools in particular for this type of work, I think it will be a very worthwhile endeavour of the Gushue Committee. But I would prefer not to name the publishing company at this time because I understand competition between the various publishing companies is very keen. But one of the well known law publishing companies in Canada is negotiating for the rights.

I move second reading of the bill.

On motion, A bill, "An Act To Incorporate The Newfoundland Family Guidance Association," read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion, a bill, " An Act Respecting Petty Trepass To Property," be now read a second time.

MR. HICKMAN: Mr. Speaker, this Act follows the Petty Trepass Act of Ontario, which has been in force in that province for a number of years and, from the reports we have been able to get from the Department of the Attorney General in Ontario, is working very well indeed.

The Annual Conference of The Maritime Association of The Chiefs of Police recommended to the Atlantic provinces that similar legislation be enacted. This legislation, Mr. Speaker, I think it can truly be said, has become necessary because of a change in the method of living in Newfoundland, particularly during the past ten years, and a change that has been more prominent and more apparent in the rest of North America during the last twenty years or so. The police, the law enforcement agency in this province and the various ministers of justice have received complaints from the owners of shopping malls that are springing up

MR. HICKMAN: throughout the province, in St. John's, Marystown, Corner Brook, Gander, Grand Falls, Labrador City and obviously in other places as time goes on, and in Carbonear.

We are in a rather peculiar position. As the law now stands without this act these malls are not public property. The Avalon Mall - and there is a judicial decision of the Ontario High Court to that effect - is not a public place, consequently the police do not have the responsibility nor the right to patrol up and down the Avalon Mall or Zeller's Mall or the Marystown Mall or the Corner Brook Mall as they would along the streets of these communities. They can only go after an offence has been committed and quite often it is too late. The owners of the mall, at this time, have no real redress.

This act provides that where there is obvious misbehaviour and where a notice has been given to the person, that the owners of the mall

may then, in effect act as a peace officer for the purpose of apprehending and bringing the offender to justice. Indeed, from reading the decisions, the old sign that we see so often throughout Newfoundland "Trespassers will be prosecuted" has been a figment of the imagination, if prosecution means criminal prosecution.

This act, I am told by the police in particular and by those who use the law, is necessary if we are going to maintain law and order in these areas and at the same time protect persons and property. You may say that the employing of so-called security guards will do the work, but experience has shown that they have little more than psychological control of the normal segment. Again, as a security officer, they will not have the right to really do anything about it until this act becomes law. I therefore move second reading.

MR. W.N. ROWE: Mr. Speaker, I must say I am genuinely surprised at the honourable minister for bringing this particular legislation into the House. He has a good record of bringing progressive legislation in. The last bill for example, which we just heard second reading in respect of, was a good piece of legislation. This particular bill, the Petty Trespasser's Act - Petty Treapassed Act to me is a bill which is offensive to general principles. It is not helped and that offensiveness is not gotten around by the fact that the Province of Ontario has an act similar to this or that the police, the Chiefs of Police, at an annual conference in 1969, recommended that this act be enacted.

Ontario is not lily-white in the field of civil liberties, by a long shot. We all recall some years ago when a minister of justice in that Province, under the Progressive Conservative Government, was forced to resign from his office (Mr. Cass I think it was) because he brought in an act -

AN HON. MEMBER: He became speaker.

MR. ROWE: He became speaker later, that is right. Maybe it will work in reverse, Mr. Speaker, maybe you will become Minister of Justice tomorrow or the next day. But they brought in an act in that province, "An Act

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To Amend The Police Act." which raised such a furor in the province that because of its restrictive thinking (it was like something out of South Africa) the minister of justice was forced by the public clamour (not only from Ontario, but right across Canada) to resign his position as Minister of justice.

When the honourable minister brings in an act or a bill, and says that this bill will enact an act similar to the Petty Trespass Act of Ontario, I would submit, Sir, that that alone is not sufficient argument for this House of Assembly to pass a similar act. Ontario, as I say, is not lily-white with regard to civil liberties nor public liberties nor any other kind of liberties. That government has on occasion attempted to bring in legislation, (no doubt on the recommendation of the various police chiefs) which has been found to be completely unpalatable as far as civil libertarians are concerned.

Sir, to further support this bill by saying that it is recommended by the chiefs of police at an annual conference, to me is not a recommendation for bringing in such a bill but an additional reason why such a bill should be scrutinized very, very carefully. This House, Sir, and I would submit the government, does not exist to act on the whim of chiefs of police. The very reason we have elected officials, elected politicians in this province or in every democracy, is that there shall be civil heads of state, people who with a broader wisdom perhaps than a chief of police might be ordinarily called upon to exercise, people who are responsible to the people. Elected politicians, responsible to the people, can exercise their wisdom as to whether an act a bill or a piece of legislation is good or bad.

The recommendation by the chiefs of police might have one merit to it and one only. That is, that the police work in the province can be exercised in a more efficient or a quicker fashion. I would submit, Sir, that that is not the greatest interest of politicians who are representing the people of this province. Their concern is not with efficiency of police detection, quickness of police detection, but to make sure we do not

have laws in fact that may be restrictive to the individual but which makes the policeman's job a little easier. Surely the politician's job is to make certain, sure and certain that the best interest of the people themselves is looked after and not the best interest of any particular aspect of that society to the detriment of the great body of the people.

Now, Sir, what does this bill do? The principle I think is enunciated in clause (21) section (21) of the proposed act. That clause says: "Subject to subsection (2) of this section and to sections (4) and (5), every person who unlawfully enters or in any other way trespasses upon another person's land that is enclosed or that is a garden or lawn or with respect to which he has notice by word of mouth, in writing or by posters or sign boards so placed to be visible from every point to the land, not to trespass, and whether or not any damage has been occasioned thereby, is guilty of an offence and liable, on summary conviction, to a fine of not less than ten dollars and not exceeding one hundred dollars and in default of payment, to imprisonment for a term not exceeding three months." It is a pretty severe penalty, Mr. Speaker. The act itself may be petty and the trespass may be petty, but the penalty which can be suffered by somebody under the Act is certainly not petty in any way.

Subsection (2) goes on to say: "Where an offence under this subsection is committed by means of a motor vehicle, the driver of the motor vehicle, not being the owner thereof, is liable to a penalty provided by that subsection." It also goes on to say: "The owner of the motor vehicle is also liable to a penalty" provided by that subsection which I have just read, "unless at the time the offence was committed the motor vehicle was in possession of a person other than the owner without the owner's consent." It is a pretty large extension of the law of this land in my estimation, Sir. It seems to me that there is no real reason for this Petty Trespasser's Act to be brought in, unless it is to

facilitate the work of the police which in my estimation is not the larger issue which should be considered by this House at all.

We have other sections, other laws in this province and under the Government of Canada which in my estimation adequately protect private property and public property wherever it may be situated. Under the Criminal Code, for example, it is under section (40) of the Criminal Code, it states: "Everybody who is in peaceable possession of a dwelling house and anybody lawfully assisting him or acting under his authority is justified in using as much force as is necessary to prevent any person from forcibly breaking into or forcibly entering the dwelling house without authority." That is a dwelling house. Then section (41) says: "Anyone who is in peaceable possession of a dwelling house or real property, any kind of real property (that would include a shopping mall, it would include public buildings, it would include parks, it would include everything) and anyone acting for him is justified in using force to prevent any person from trespassing in the dwelling house or real property or to remove a trespasser therefrom, if he uses no more force than is necessary."

Sir, the Criminal Code goes on and on and gives other remedies to people who

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suffer from trespassers. It goes on to say, in subsection (42) "Everyone is justified in peaceably entering a dwelling house or real property by day to day possession of it, etc." It goes on to say: "No assaults be unreasonable assaults or are permitted and so on." The Criminal Code which has been built up over a great number of years, Sir, in my estimation adequately protect owners of property in this province or anywhere else in Canada. I think that there should be a presumption against, by politicians, by the so-called leaders of society, the creation of new crimes or offences unless there is some really overriding reason why there should be a new crime or offence created. Unless the circumstances, Sir, have changed so drastically that a new crime is seen to be necessary, i.e., in fields of corporations, security, securities in the development of businesses and this sort of thing, where there are clear dangers to society because of changing circumstances, unless certain laws are brought in. In those cases certainly the government of the province or the nation should bring in laws to remedy it. In a case which in my estimation is already adequately protected by the law, why should we see a new law brought into effect? It is not only shopping centres, Sir. I believe in the Memorial University Amendment, which is before the House presently, there is a reference to the Petty Trespassers' Act as well. It goes much broader than these shopping centres.

I think the honourable minister is correct when he says that by and large the reason for this new law or the felt need for this new law is because of the shopping centres, the malls which have grown up in the past few years. But, Sir, I do not consider that to be adequate reasoning at all for this new law. I do not think the shopping centres in this province or elsewhere ought to have the extra protection which this bill would give them against the freedom of the individual citizen. I do not think any case has been made out for it. I do not think it is necessary at all. These shopping centres, Sir, spend millions and millions of dollars trying to attract people to their premises. In the same breath, they

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cajole the police and cajole the minister of justice in this province and in the Province of Ontario to bring in legislation which will allow them to have their cake and eat it too. They spend millions of dollars trying to persuade and conjole people to come to their shopping centres and then they want to see this added protection passed which could have a very severe affect against the freedom and liberties of the children.

Sir, the way that this bill is now worded, there are some very grave risks involved, i.e., I think there is a reasonable interpretation under this bill where a child walking along a street happens to trespass inadvertently or otherwise on a lawn owned by somebody, that owner or a servant acting under that owner, a goon acting for that owner, can take that child and hustle that child of as a police officer would be permitted to do, hustle the child of to appear before a justice and to have the matter looked into (It could be an adult, not a child) on the spot by a justice of one of our courts. Now why is that kind of a severe action suddenly deemed to be necessary, Mr. Speaker? I do not think it is necessary at all. We have adequate protection. If somebody were to go on your lawn, if somebody were to go near your premises, come on your premises, at the moment under the Criminal Code, you are permitted with impunity to ask that person to get off your property. If the person do not get off your property, you are enabled yourself or with people using your authority to remove that person, if you use no more force than is necessary or, Sir, you can call upon a policeman to assist you in that particular work. Suddenly, we see an extension to the law whereby the owner of property or one of his servants or an authority acting for him can hustle a trespasser off to court right away without anything intervening, without any writ having been sworn out, without any complaint having been laid.

I see also risks, Sir, with respect to lawful picketing by labour unions in the province. I see a difficulty where if a union is lawfully

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picketing and happens to inadvertently go on the property of an owner of a plant and they do not remove themselves quickly enough when the owner of that plant asks them orally to do so, by word of mouth, as is permitted under this act, I can see an owner or some goons acting for the owner hustling off the picketer, down to court in order to answer for his so-called crime which is being created by this bill. I see difficulties with regard to loiters who might be in university, who might be in various malls, harmless loiters who the owner suddenly decides should not be on the premises. If they do not get off quickly enough, when the owner says, "you should get off my property because you are trespassing," they are hustled off without any further benefits. They are hustled off to court. I mean these are things which can happen under this legislation which is proposed to this House. I do not see, Sir, any need of it. I just do not see any reason why this bill is necessary in this province today.

Now, Sir, the bill itself on principle is offensive per se but certain parts of the bill appear to me to be even more offensive than the principle of having this law or act brought in in the first place. I think there is a difficulty with regard to the term "notice" in this act. "Anyone who trespasses on someone's land and who has been given notice by word of mouth." Now what does that mean? Does that mean as I have mentioned earlier that a child or somebody, if they happen to walk on my lawn and I say to them, "get off my lawn, you are trespassing." Is that sufficient notice for me then, if they do not get off immediately, for me to get my friends or my servants or people acting under my authority to grab that person by the scruff of the neck and hustle him off to court? I mean, what is meant by notice? Is it a reasonable notice? Is it a notice that you have trespassed on my land, by word of mouth? "I am telling you now that you have trespassed on my land. If you trespass there anymore I will deal with you severely." I mean, is that the type of notice involved?

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I mean, I see difficulties with regard to an interpretation of the word "notice." Under clause (3) of the act, Sir, I see some difficulties as well, especially I believe clause (3) (c), subject to section (4) and (5): "Every person who is a peace Officer ..."
That is okay. "The owner of land involved..." That is okay. "The servant of or any person authorized by such owner may apprehend without warrant any person found committing an offence under section (2)...," that is going on someone's land, inadvertently or not. "Forthwith taken before the nearest justice to be dealt with according to law."

Now, Sir, first of all we have the situation where a hired goon in the case of a mall, for example, can be used to hustle somebody off to court. But, Sir, even more unsavoury and more unpalatable in my estimation is the fact that such a goon or such a person authorized by an owner of land may apprehend without warrant any person. Now the clear distinction which has grown up over four or five hundreds years of the development of criminal law is that if a serious offence is committed, usually termed as indictable, if a serious offence is being committed or a peace officer or a citizen for that matter has reasonable cause to believe that a serious and indictable offence is committed, about to be committed, has been committed, the person so suspected, on reasonable grounds, of committing that serious offence may be arrested and brought to court or brought before a law enforcing agency or before a judge without any warrant having been used by any court. The reason for that, Sir, is because the offences are serious and there may be a need to apprehend the committer of such a serious offence as soon as possible or a reasonably suspected committer of such an offence. The other distinction which has grown up in the criminal law

is that in the case of frivolous offences, offences which are not too serious, summary conviction offences, misdemeanors I think they would be called in the United States, in such cases nobody can arrest a person for committing such an offence without having received a warrant to arrest from a judge of a court.

The reason for that distinction, Sir, is that otherwise police officers or citizens, for that matter, would be able to harass people in this province without merit, without warrant, without any justification for it, or harass people in England or in Canada or in the United States, for that matter, where we have this system of criminal law.

If a summary conviction offence, a misdemeanor is committed, the person who arrests the person for committing that goes to court and gets a warrant, has to persuade a judge, a highly responsible official of the court, that such an offence has been committed or it is suspect that such an offence has been committed, and the judge then issues a warrant. The reason for that, as I have stated, Sir, is clear, otherwise there is a grave danger that the police or other people in society could harass private citizens and deprive them, not by sending them to jail but by arresting them over and over again, deprive them of their liberties in such a fashion. That is why that clear distinction has grown up.

Yet we see here, Sir, in this particular bill, this offensive petty trespassers Act, we see that the owner of land or a police officer or the servant or goon, the privately hired servant of the owner, may apprehend without warrant, without any need to go before a judge and persuade the judge of the reasonableness of his case, may apprehend without warrant such a person and hustle him off to the nearest judge to be dealt with according to law. That to me, Sir, is a departure from the traditions, the salutary traditions of criminal law which have grown up in the common law world over the last five hundred years, I for one, as a lawyer and

as a citizen, would not like to see such a departure from criminal law and the traditions which have grown up, without better reasons than have been put forward by the honourable minister, than which were put forward by the Ontario Legislature, for that matter.

I do not think there is any need for such harsh and stringent laws to be applied, to be brought into this province and be applied.

Now, Sir, perhaps the bill would be okay without that particular clause, I do not know. I think the bill is offensive on general principles but maybe if that clause were removed, which I just mentioned, the bill would not be too bad.

I think, Sir, that there are one or two other things in the bill which are offensive as well. Clause (22), for example, which I have already read, states - "were an offence under subsection (1) (that is to trespass) is committed by means of a motor vehicle, the driver of the motor vehicle, not being the owner thereof, is liable to the penalty provided by that subsection."

In other words, a person who is driving another person's vehicle can trespass by use of the motor vehicle and can be hustled off to court.

But the next part, Sir, is the really offensive part. "The owner of the motor vehicle is also liable to the penalty provided by that subsection, unless at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner, without the owner's consent."

What that means, Sir, is that if somebody steals my car and trespasses on somebody else's property with that car, I can be prosecuted or otherwise harassed or persecuted, for that matter, under this particular act. But if, on the other hand, I were to lend my car to the honourable Minister of Justice and he has my car with my

knowledge and he trespasses on somebody's property, then the owner of that property, regardless and irrespective of the fact that I had no knowledge whatsoever of the trespass that took place, the owner of the property trespassed upon can come against me as the owner of that vehicle and I can be liable to an imprisonment for a term not exceeding three months, as a result of a so called quasi-criminal action by somebody who has a loan of my car with my consent. To me, Sir, that is a completely offensive and unpallatable law to have, to be bringing into this Legislature at this particular time.

I do not think, Sir, there is much more I can say on the particular bill. I think I have said enough to show that we have to watch very carefully what we are doing when we start bringing in this kind of thing. The fact that Ontario has this act does not impress me and does not impress my colleagues. I am sure it does not impress the Leader of the Opposition. I am sure it does not impress the member for St. John's South. Ontario has never shown itself to be, the Ontario Government has never shown itself to be the great bulwark of civil liberties in their province.

We have seen that they have brought in this Police Act, which was a South African type Act, and that a minister of justice had to resign as a result of it. We have seen some pretty strange activities going on by the Government of Ontario, with the police department in that province, where demonstrators have been set upon in a very harsh and ruthless fashion. I do not think that we need to be proud to say in this House that this bill would enact an Act similar to the Petty Trespass Act of Ontario, and certainly, Sir, we do not need to say that this has been recommended by the chiefs of police gathered together in a conference because, Sir, although I have the greatest respect for the police doing their job, we are the people who make laws in this province, we are the people who have to look after the best interests of the citizens of this province. If a group of police chiefs recommend to me that a

certain act be passed, Sir, that to me is sometimes or often good reason why such an act should not be brought in because the police will undoubtedly be trying to do their job a bit better, better, seen through their eyes, and that might not necessarily serve the best interests of the people of this province.

We on this side of the House, Sir, will vote against this bill because we think it is offensive in general principle, we think it is offensive and we think that particularly the parts which I have already read, the part about no warrant being necessary, the part about the owner of a vehicle being held liable under this act even though he does not know that the driver to whom he lent the car has committed the trespass, that kind of thing is offensive. The whole idea of privately hired goons able to hustle people off, say a covered mall like the Avalon Mall, for example, when the Avalon Mall spends millions of dollars to get people to go in there and suddenly, at the discretion of some hired servant or person authorized by the owners of that mall, someone is able to be hustled off without warrant, down before a judge for trespass, presumably because the person did not step quickly enough when such a servant of the owner said to him, "get off our land, you are trespassing on it," or "get off our property, you are trespassing on it."

The whole thing, Sir, is offensive and I do hope that the Minister of Justice, when he has heard one or two other arguments in respect of our position that he will see fit to withdraw this bill because it is an offensive bill. It is unpallatable and I think it is a pernicious type of thing. It is sort of the thin edge of the wedge we are seeing, crimes, new crimes being created when there is absolutely no need for these crimes to be created at all.

MR. WELLS: Mr. Speaker, I have heard my honourable and learned friend on this matter and I feel that there is some comment necessary on this proposed piece of legislation.

Now he has said that it does not matter what the Association of Police Chiefs said and it does not matter what was done in Ontario, and I have to agree with him. The fact that the police chiefs might recommend it, does not to me mean that it necessarily ought to be passed and what another province does is not always of great significance in my mind insofar as what this province ought to do. But I think that we ought, nonetheless, to be aware that the police chiefs felt it was necessary and it does not hurt us to be aware of what another province does. But I agree with his point that we ought not to...

AN HON. MEMBER: Inaudible.

MR. WELLS: Yes, yes I agree. I think we ought to be aware of them but that does not mean that we have to fall head over heels backwards to do something because they say it ought to be done.

But I think we have to be aware of a situation that is developing or any situation that is developing in this province, and I think it is the duty of this House to be aware and if the House feels or the government, in bringing forth legislation, that steps ought to be taken, then the steps ought to be taken based on the collective judgement of the House - what it thinks ought to be done.

Now I think we all know, as the minister said, the pattern of life in some respects is changing. These malls have come into existence. I think it is fair to say that in recent time there is less regard paid by a certain segment of society to private property. There is a great deal of vandalism going on and the law, the criminal law (this in the narrower sense, I suppose, is the criminal law) although it is not the criminal code, has to take cognizance of these things and there are times when the Legislature, acting within its jurisdiction, has to do something about them.

For instance, I think it is well known that there is a problem at some of these shopping malls. People are wandering about. It is a case of freedom, to walk about and do something, being converted into licence. Take the case of the post office, I am told in certain

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post offices in St. John's, and this I use by way of illustration only, that the outer part of the post office (what do you call it?) the lobby, if you like, has been left open at night or it has been the custom for it to be left open at night so that people wanting mail out of boxes could come in and get it, but the post offices have had to take action themselves and close these lobbies, to the inconvenience of the ordinary citizen, because bands

MR. WELLS: of roaming people have decided to set up housekeeping, almost, in these post offices, in the lobbies, when the permanent staff have gone. Damage has been done. I have heard that fires have been set and generally a situation has prevailed in these lobbies when ordinary citizens would be almost frightened to go in and get their mail.

Likewise, the use of motor vehicles in public parks - we read of an incident, a couple of weeks ago, when an unfortunate young man was killed in driving his motor car up and down and all around the public park in the City of St. John's. So my honourable and learned friend is quite right when he says we have to be careful about limiting the liberty of the individual but, at the same time, we cannot allow the individual who confuses liberty with licence to go right ahead and push himself upon all sorts of public and private places without hinderance or let whatsoever and do as he sees fit.

Now the Criminal Code, it is true, talks about and gives a right to an individual to repel force by force as long as the force used in repelling a person or putting him off property is adequate. But surely no citizen or no group of people nor company operating something like a mall or a post office or a public park wants to be involved in the business of forcefully pushing people off the property and I think it is quite right that a piece of legislation like this be enacted, which would make it an offence in these circumstances, when you are warned off the property, an offence to trespass.

Where I do agree with the honourable member and I think there is a point in what he says - it is in Section (3) Subsection (1) where it says that the peace officer, the owner of the land involved or a servant or agent may apprehend without warrant." I think a peace officer, an owner or a servant of an owner should be able to take some action. I do not think my honourable and learned friend was altogether fair when he refers to the servant of an owner who might be

MR. WELLS: the person employed as a security guard at Avalon Mall or some other mall. I do not think he is being altogether fair when he refers to him as a "goon." I think the servant of the owner, on behalf of the owner, ought to take some action and be able to take action. But I think he is right when he refers and is a bit fearful about this "may apprehend without warrants."

MR. ROWE, W.N.: He could be a goon.

MR. WELLS: Yes. He could be a goon, he is not likely to be. It worries me a little bit myself this business of apprehending without warrant and perhaps the bill would be the better for substituting something to the affect that he may be charged by summons.

So this is the only thing that I would have to say about the bill, I think it is necessary in principle. I think it ought to be tried. I think there is need for something to be done about people who seem to have no understanding or no conception that any people have a right to private property and this includes businesses, particularly something like shopping malls. I think that and perhaps in committee stage we may have some discussion on this. I think that Section (3) perhaps should have a little more thought or a little more consideration given to it. There are arguments there, I would certainly concede that. But apart from that, in principle I think, Mr. Speaker, that this bill ought to be passed and I think there is a need for it. If it is found that the way, that when the power is granted, if it is found that the power is being abused, I would like to see next year, for instance, or whenever it is found, if it is found that the power in it is being abused, that this matter be brought to the attention of this House and I for one would have no hesitation in listening to what was said and in dealing with it. But at the moment I think there is sufficient cause for some action along these lines and I would agree with the bill in principle.

MR. ROWE, W.N. Before the honourable member retains his seat would he care to make a comment on Section (2b) -

MR. WELLS: About the driver of motor vehicles?

MR. ROWE, W.N. Yes, the owner of a motor vehicle.

MR. WELLS: I would make one small comment on that, I do not agree with the honourable member on that. I feel that people, and I have come across this in the practice of Criminal Law, I feel that people are very blithely enabled to walk out from under, lending their motor cars to people who have no sense of responsibility at all and can say, "well look, it has nothing to do with me." In fact a great many of them say it when they get into difficulties on this point; "oh, the car was stolen." There are all sorts of difficulties there and I feel that some responsibility, a considerable degree of responsibility should be placed on the owner of motor vehicles or the owners of motor vehicles, that they do not just casually lend them to other people who are going around with them creating mischief. So I must say I do not agree with the honourable member on that and I feel that that particular clause ought to stay as is.

MR. ROBERTS: Is there any other member who wishes to speak on the other side, because I will be a second and last speaker on this side, Mr. Speaker. Does the member for Placentia East want to say a word or so, as an honourable and learned member of the House? The honourable gentleman from Bonavista South is concerned with civil liberties matters.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Oh, no, that is another story.

Well, Mr. Speaker, let me say a word or two along the same lines as my honourable and learned friend, our House Leader, the gentleman from White Bay South. I am going to vote against the principle of this bill and I will vote against it in committee and indeed I intend to vote against it in third reading. I think that this bill, The Petty Trespass Act, is offensive. I think that it is wrong in principle. Even if it were right in principle, I submit, on what the minister has said in

MR. ROBERTS: introducing the bill, he has made no case at all for it.

Now, Sir, I listened with particular interest to the remarks of my learned friend, the member for St. John's South. I agreed with some of what he had to say and with respect, I disagree with some of the points that he made. Now, Sir, first of all let me be quite clear that nobody on this side of the House condones vandalism in any form. The Law of Newfoundland, the Law of Canada says that if a man has private property he has certain rights to have that property protected. Indeed, as my learned friend said, under certain conditions he may even protect the property himself. He cannot put out man-traps. He cannot shoot. He cannot harm but he is entitled to use reasonable force, reasonable of course being something that depends upon the circumstances.

But, Mr. Speaker, to say that we are against this bill in no way condones vandalism. I have not heard the Minister of Justice say - now perhaps he may say in concluding that the normal criminal and police measures are not adequate. Before this bill will be justified, Mr. Speaker, the minister would have, I submit, to make a case to the effect that we had in St. John's or elsewhere in this province where we have shopping malls a situation where first of all the normal police authority, the authority they now have under the Criminal Code and under Common Law, really the two sources of authority for our police, the authority they now have, Sir, is not adequate to enable them to protect in a reasonable way the rights of private property.

Furthermore, Mr. Speaker, I submit that the minister once he made that case - he has not made it, in my view, he has not made it yet, Sir, maybe he can, maybe he cannot, but he has not made it - the minister would then have to say that we need a bill, we need a law in Newfoundland under which a person can be arrested for stepping on a lawn. That is what this bill will allow. With all respect, Mr. Speaker, under the provisions of this act, if the House, in my view, is so unwise as to accept it, a person can step on my lawn down at Hogan's Pond where there are a few precious sods that are struggling there to try and

MR. ROBERTS: get a root and to grow up, a person can step on that and if he has been warned, whatever the procedure is under this act, I can arrest him. this act gives me the power.

AN HON. MEMBER: Without warrant.

MR. ROBERTS: Without warrant. something that normally is used for a most serious offence. If my honourable friend agree with me, the gentleman from St. John's South, and he knows much more about the Criminal Law than I ever will. he is quite expert in it. But my understanding of the Criminal Law is that the only offences for which a man may be arrested, even by a peace officer let alone a citizen, a police officer, if he has reasonable cause to believe the man has committed or is about to commit a crime, a reasonable cause or if in fact he detects the culprit in the commission of an offence, or hot pursuit - the doctrine of hot pursuit, in my books, you know, is part of commission. It grows directly out of the act of commission. Indeed it is one and the same thing. If we were in court law we would say "causa causan". It is the direct cause and exact relationship.

Mr. Speaker, under this bill any person in Newfoundland - the honourable gentleman from St. John's North runs a savoury farm up in Mount Scio here. He does well at it. Under this, as a garden or lawn would come under the wording of the act, he then could go up to any person to whom he has given notice, by word of mouth, in writing, by posters or sign boards, any person to whom he has given warning not to trespass, the honourable gentleman from St. John's North could go up to him and clap him on the shoulder and say, "I arrest thee under the authority of Section 3, subsection 1 of the act, Petty Trespass Act, I am going to hold you for the weekend because I have to bring you before the nearest justice as soon as it is practicable." Now the words "as soon as it is practicable" are not in there but they must be put in to make sense. In the common law the judge would obviously put them in.

Mr. Speaker, that is intolerable. The minister has made out no cause for this, no need for this legislation. This is drastic legislation. A minor matter, we may say -- but here we are in the dog days of a session that has gone on for a long while and will be going on again later. Normally, legislation would go through very quickly.

Mr. Speaker, this legislation should not go through, should not go through at all and if it is to go through, the government majority are to push it through. It should not go through without examination. Section 3 of this act, Sir, is offensive, it is direct invasion of the rights of the subject. There is no cause for it. There is no warrant for it. It should not go ahead. I am surprised at the Minister of Justice. I have always found him to have a tender regard for the liberties of the subject, for civil liberties. I am surprised at him sponsoring this legislation. We sent word to him privately that we were somewhat taken aback and that we hoped it would be withheld. Instead, he pushes ahead with it. I hope now he will withdraw it and instead will ask that it be

allowed to stand, we will not give it second reading, or if he wishes, we can defeat second reading. But he has the support of the majority, we do not, in this matter. But, Sir, it is wrong.

Furthermore, Sir, another point; This act applies to far more than shopping centres. There has been some chatter here in the House about the need to protect Avalon Mall. Well, I will come back to the need to protect Avalon Mall, Mr. Speaker. The terms of this bill apply to everything. They apply to any person's land that is enclosed or a piece of land that is a garden or lawn or a piece of land in respect of which has been noted. Any of those three. It is a lot of area, Mr. Speaker, that is a big chunk of Newfoundland. It means that if Your Honour has a lawn in Your Honour's home in Lewisporte and somebody wanders on that lawn, Your Honour can go out and arrest him and bring him before the nearest justice under the Petty Trespass Act, The guy can get up to three months in jail. If anybody thinks that could not happen, let me remind you, Sir, let me remind the House, we had a case in this province where a magistrate, I believe he has since retired from the magistracy, gave - it was a St. Alban's case - first of all, was it eighteen months in jail for some people who broke into a house? Under the - agreed under the Criminal Code But an offence, which would be considered reasonably nominal, drew a stiff sentence.

We had a case in Bonavista North a number of years ago, where some lads, some maneens went out on bonfire night and burned an old boat. The Minister of Justice was minister of justice then, was he not? Well, that is why we took the correct action. We had a case where a group of maneens went out, as young men will, Sir, I would not say that any member of the House has ever done that, I would not suggest that. Mind you I would not be surprised. The member for Twillingate obviously had a hand in destruction of property. But some young men, Sir, up in Bonavista North, went out one night, November 5th, bonfire night, a night

that goes far back in the annals of Parliament. In the British House of Commons, Mr. Speaker, to this day, before a session opens, Mr. Speaker has his Clerk search underneath the Chambers, underneath the House of Commons, looking for gunpowder. They have not found any yet but they keep hoping, keep hoping. If we were to search here, it would be through the Cabinet Chamber, it would be interesting.

But, Mr. Speaker, those young men were charged with arson under the Criminal Code. They were convicted of arson. They were sentenced I think to three years in jail. An incredible sentence. It was immediately appealed. The Appeal Court took what I submit is a much more rational view of it and I believe they got a suspended sentence and a slap on the wrist for burning an old trap skiff.

MR. WELLS: I remember a case where a chap burnt an old boat belonging to himself and got eighteen months.

MR. ROBERTS: The member from St. John's South makes the argument with as much or more eloquence than I can. But the point is, it is valid, Sir. Lord only knows what happens when a poor, innocent fellow has happened to wander on to the savour farm of the Minister of Education. Lord only knows happens when he is hailed before a justice. He may get three months in jail. Incredible! The mere fact that one says that normally it would not happen; there have been enough instances in this province or elsewhere in Canada to indicate that, you know, this is a danger. So, Mr. Speaker, we have legislation brought before us, drastic legislation. It does not look very dramatic. It is only five pages, Sir, and it is a fairly simple piece of legislation. It has not a lot of clauses and subclauses and what have you, but it is drastic legislation, it could affect every person in this province. We have been given no reason for it. We are told, by way of explanation, that the police chiefs have asked for it. Well, you know, that is good

information to have but it is, nobody has said that is sufficient reason to justify it. We have been told the Province of Ontario has similar legislation. So they have, but that is not to indicate we should have this. Many provinces have legislation which in my view should not be adopted in Newfoundland.

Further, Mr. Speaker, the minister introducing the bill made no case for it. He talked about Avalon Mall. He talked about the Fraser Mall in Gander, Millbrook Mall in Corner Brook. There is one up in Wabush. There is one in Labrador City. There may be others. There is talk of one in Grand Falls now. Mr. Speaker, this House does not exist to pass laws for the benefit of the owners of shopping plazas. That is not our concern. Our concern is for the welfare of the people of this province.

Here we have the shopping centres. Fine places, designed to separate the citizen from his dollar in a painless and pleasant manner. Like the dentist, painless potter in "buttons and bows," the Jane Russell movie, the Bob Hope movie. They try to extract the man's dollar from his pocket. I may add, from what I understand, they are pretty good at it. They spend thousands of dollars, hundreds of thousands of dollars enticing people on to the shopping plazas. Every way they can think of, they do. That is fine. That is very fine. Now all of a sudden, apparently they are to have an act or to have legislative authority; perhaps if you do not provide enough dollars you can get clapped into jail, you can get arrested. This gives them more power, Mr. Speaker, than a police officer has under the Criminal Code. In the normal course of things a police officer, under the Criminal Code, could not arrest you merely for trespassing, unless there was violence. unless there were some other offence being committed, break and entry or a personal assault or something of that

order. Well drunken clauses should be taken out of the Criminal Code surely the minister will agree with that - for being drunk and disorderly possibly, but just being drunk. Either it is a case that all offences, victimless offences, should be taken out of the Criminal Code, strong case for that - but that is a jurisprudence question which should be settled elsewhere.

So, Mr. Speaker, I find this legislation quite offensive. No case has been made out for it, Sir. Even if there were a case let us assume the minister has made out a case, there is no evidence that we need a bill. The Criminal Code has strict provisions about trespass and about criminal trespass and all these things, and disorderly conduct. The police do not need permission to go onto private property in that case. If I am committing an offence on some honourable gentleman's lawn some evening, perhaps with a young lady, there are sections in the code, there have been cases in the code, there have been cases in the code where young men do. But all of a sudden, I am subject to the normal penalties but the owner of that property can come out and forthwith tap me on the shoulder and carry me off to the nearest justice. That may be Monday morning or Tuesday morning, if it is a long weekend. No provisions for false arrest. There is a section further down where the person has a fair and reasonable supposition that he had a right to do the act complained. God only knows what a court could do with that.

When, Mr. Speaker, does one have a fair and reasonable supposition that he has a right to do something? Lawyers have made fortunes on cases like that. They have gone into the Supreme Court of Canada. In the old days they went to the Privy Council. If you have notice, that takes care of it. You know, wiped out. The notice can be by word of mouth. Your Honour can run out on your lawn in Lewisporte, Sir, I assume you have a lawn in Lewisporte, and say, "I give thee notice under section 2, subsection (c) of the Petty Trespass Act, Bill

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No. 28, 1972. Unless the gentleman and ladies involved get off your lawn, Sir, you can forthwith arrest them. Why? What reason have the government got for bringing in this legislation? I am surprised, Sir, that the gentleman from Bonavista South has not said a word or two. He is active in the civil liberties movement, a very noble organization. This is a clear offence against civil liberties. The gentleman from Bonavista South is not listening to me, but let me repeat it, I am surprised he has not - well he is getting

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a lot of wisdom then. I am surprised he has not said a word or two on this. I am surprised that my learned friend from Placentia East, a luminary of the Bar of this province, one of the pillars of the Bar, a learned gentleman who has just become a silk, a gentleman who has devoted a large part of his time to the noble aspect of defense of people charged with criminal offenses, a gentleman who is very active in legal aid and insuring that people have their rights and that they do not lose them, I am talking about the gentleman from Placentia East. All these kind words could be about no other learned gentleman.

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: No, Placentia East, the gentleman from Placentia East. I am surprised that he has not said a word on it, Maybe he will. The bill is offensive, Sir. I think the minister should withdraw it and take it outside the Narrows and sink it. If not, he should amend it by striking section (2), section (3), These are the operative sections, he should amend these.

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: I agree. That is my suggestion. I am surprised at other honourable gentlemen. What reason have they, Mr. Speaker, to bring in a bill under which a person can be put in jail for the simple offense of trespassing on somebody else's land, with or without damage? It says: 'Whether or not any damage has been occasioned thereby.' It is incredible, Mr. Speaker, incredible. It goes against the whole trend of jurisprudence in Canada. It may or not be ultra vires of the province. The mere statement that the purpose of the act is to legislate within matters within the legislative competence of the province may not be enough. It may well be outside the provision of this House. Even so, Sir, it goes against - for example; the new Bail Act in Ottawa that says that a person is to be released on his own recognizance in all except exceptional circumstances. Not so here, Sir.

A peace officer, the owner of the land involved or the servant of or any person authorized by such owner can carry you off for the weekend.

Not bad, Mr. Speaker. I think the legislation is offensive. I think it is bad in principle. There is no case for it. Even if there were a case, this is not the means to deal with this problem. I think the minister should be ashamed of himself for bringing it in here and he should withdraw it. I believe that and I do not say that in any partisan sense. I speak as a citizen, as one who has some concern with the liberties of the subject. If we must crack people, let us, Mr. Speaker, but let us have a reason for it. It is not here, there is no reason given. Because Avalon Mall may have some people - it came into Ontario because of the Scarborough case, the shopping centre out in Scarborough. Are we to copy that? Have we had these incidents in St. John's? Are the police not able to cope with them? If so, then maybe there is a case for action. Maybe then, but, Mr. Speaker, there is - even if there is that case, and no such case has been proven. It may be there, but has not been proven, it has not been adduced in this House, if there is, this is not the way to deal with it. Where are the protections of the subject? It does nothing anyway about trespass. Trespass in civil law is a relatively minor offense. There are criminal offenses growing out of trespass, but normally to get action in damages from trespass one must sue, go through the process. One must prove damages.

Not so here, Mr. Speaker, not so here. You get hauled off to jail. You can be put in jail for up to three months. It will happen. There will be some magistrate somewhere, of the same class as the man who convicted and sentenced the fellow to eighteen months for burning his own boat. Incredible but true. These things happen. Or the three young lads in Wesleyville, somewhere on the north side of Bonavista Bay.

AN HON. MEMBER: No! No! No!

MR. ROBERTS: Well somewhere up there.

AN HON. MEMBER: It was Carmanville.

MR. ROBERTS: I was right on the ville and wrong on the start, wrong on the first of it.

AN HON. MEMBER: In White Bay.

MR. ROBERTS: No, Sir, in White Bay they would have done more than burn the boat. But, Mr. Speaker, there was a magistrate who gave a man three years for that, and there was the case down in St. Alban's or Bay d'Espoir, wherever it was, a year or so past. There was a lot of controversy about it at the time and eventually it was taken on appeal, I guess to the Supreme Court, and they overturned the sentence and reduced it significantly.

If we do not need such legislation, let us not have it on the books. Let us put it aside. I have said enough on this. I doubt that I have changed the minister's mind. I hope I have. I hope I have. I have not been as forceful as my colleague from White Bay South, who spent a long time studying this. Sir, this act is bad legislation. It affects the rights of the subject with no purpose and with no justifiable end in view. It should be withdrawn. If it is not withdrawn, it should be amended substantially. You should not be able, in this province, to be clapped in jail for the simple act of trespassing. This is what this does.

Furthermore, I submit that we should not in Newfoundland have a situation where any person can arrest another person. The peace officer has the right to arrest, under the Criminal Code, and so he should and so he must. Under certain conditions, very limited, a citizen may arrest, under the Criminal Code, although he does so at his peril. If I am not mistaken, if I recall that correctly and the member for St. John's South could tell me if I am wrong, a citizen may arrest only if in fact he has actual justification. The mere reasonable belief is not good enough, it will not defend him against a suit for false arrest. He must be right in fact and not just right in a reasonable belief.

Sir, there is nothing here about that. This takes it far beyond the Criminal Code, far beyond anything the Parliament of Canada

has done, and now we have this legislation here. I think, Mr. Speaker, the minister should withdraw it. If he wishes to withdraw, we will consent to let him without having it put to a vote. I think he should withdraw it and if on contemplation it turns out there is a need for some such legislation, then perhaps at another time the House could have a different piece of legislation. If he does not withdraw it, we will oppose it, Sir, we will oppose it by any means within our power.

We think it is wrong. We believe it is wrong. Let the minister withdraw it, That is what he should do. Let him withdraw it and come back later. Thank you, Sir.

MR. HICKMAN: Mr. Speaker, firstly, I thank honourable members for their contribution to this debate. It is the kind of debate that I think is good in this House. I do not propose to withdraw the bill. There are two very good points that are hidden in this bill, in my opinion, that are worthy of consideration. I would ask the House Leader if, when it reaches committee stage, if we will hold it over for further contemplation. I would not want anyone in the public to go away with the impression that this bill is a great invasion of the liberty of the subject. What this bill is designed to do is to try and protect the subject. We cannot stop progress, if you want to call it progress. We cannot stop change of living and methods of living in this province, anymore than you can anywhere else, Mr. Speaker. We do have a responsibility to ensure that people who gather in public places, be it in the shopping mall or any other public place, have the right to go totally unmolested. If they are going to be molested or if there is destruction of property and (the complaints that have been put to me by these mall owners and the shop keepers, more so than the owners, because the owners could not care less) if the shopkeepers and those who go in there indicate to me that the congregation and the people in there - and I can tell you of a case, Mr. Speaker, within the past few weeks, where a person in this province was convicted of disorderly

conduct in the mall and then was ordered not to go back there. Within a matter of days that person was back.

You can say: "Why not bring another action?" By the time the police get there, because they have no right, as I said, right now to patrol malls or any of these other places --

MR. W.N. POWE: Why are they not given that right?

MR. HICKMAN: Then they will have the right to go and patrol our houses and every other place, Mr. Speaker. But by the time they got to these public places, they found that the person had left and it became just a total and open flaunting of the law.

There are two things that I am not prepared, as minister, to ask this House to do. One is, to send a person to jail for committing a trespass, certainly not the kind of trespass that is envisaged in this bill. Secondly; one that I have to confess came to my attention today very forcibly, is the question of apprehension without warrant. My recommendation to the committee will be (and I would suggest that this bill not go to committee today but rather later on in this session) that we amend section (3) by changing the word "without" warrant and including the word "upon" warrant. This will eliminate any possibility of some

frivolous person coming out, I will not talk about a child walking on a lawn, that is over dramatizing something, but some person becoming overly difficult in trying to exercise rights under this right. Because if they have to go and get a warrant, this means that people in these public places are not going to do it unless they have pretty just cause and unless they are being tormented.

Now reference has been made to the Criminal Code and it is referred to in this act so I have the right to refer to it as well. This act can only apply to situations where the Criminal Code does not prevail. It can only apply to places where The Bail Act does not prevail. The break and entry sections of the Criminal Code will continue to afford the protection that the code envisages at this time and now contains. It is only under the conflict of law decisions and under the constitutional law we do not have the right to invade the criminal field. So if there is any intent of superseding the Criminal Code, then this act could not stand.

But, Mr. Speaker, this House has a right to ensure the protection and the peaceful use of properties in this province. Indications to date are that with this type of usage of quasi-public property, there is no such thing as quasi-public property, it is either private or public.

If I quote the decision of the Ontario Courts along this sense, they state precisely the same thing, that there is no such thing in our law as quasi-public premises. But that does not get away from the fact that you have large congregations of people using the public property today who are really without any protection. But insofar as the two objections; Number one, of imprisonment, is concerned, I am not going to be a party to bringing a bill before this House to provide for imprisonment. The fine itself, from \$10 to \$200, is minimum, you cannot get below that if you are going to enforce law and order at all.

Secondly, Mr. Speaker, the warrant provisions, (which are the two offensive provisions in the bill) will be amended in committee: The precarious liability of the owner of a motor vehicle is something that you provide, you find right now in the insurance acts and in The Highway Traffic Act, and I do not think that that offends any liberty of the subject.

On motion a Bill, "An Act Respecting Petty Trespass To Property," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Motion second reading of a Bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And Allied Chemical Corporation."
HON. C. W. DOODY (Minister of Mines, Agriculture and Resources):

Mr. Speaker, this bill would serve to authorize the negotiation between Allied Chemical and the Government with respect of mineral exploration rights on an area of the Burin Peninsula. This company is a reputable company and intend spending a considerable amount of money there during the next two years.

If they are successful in finding fluorspar there, they will be applying for a development lease, which is a right under the agreement. They are required to spend \$75,000 each year for two years and the usual conditions that apply to such mineral agreements will be in effect with this agreement with Allied Chemicals.

On motion a Bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And Allied Chemical Corporation," read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion second reading of a Bill, "An Act Further To Amend The Workmen's Compensation Act, 1962."

MR. HICKMAN: Mr. Speaker, I thank honourable members for granting me leave to do this and I also thank the honourable Minister of Labour. I shall not keep the House because I have to be in Gander by 6:15 P.M.

This bill is to implement, and I could go on for a long, long time on this but it does implement the recommendation of the Royal Commission Respecting Radiation Compensation and Safety of the Fluorspar miners in St. Lawrence.

In moving second reading in this Bill, may I first commend the Chairman, the honourable the member for Placentia West, for the excellence of the work of him and his Commission.

AN HON. MEMBER: West or East?

MR. HICKMAN: East. Secondly, Mr. Speaker, the main principle of this bill is that any workmen who suffered from chronic obstructive pulmonary disease, who worked underground in the mines at St. Lawrence at any time during the period January 1, 1951 to December 31, 1960, will be entitled, or the dependents of diseased miners, to Workmen's Compensation.

So, Mr. Speaker, that there can be no doubt as to the interpretation, so that the Workmen's Compensation Board will have to be generous in their interpretation and in the retroactivity of this bill, there is provision that the Lieutenant-Governor in Council have the right to make regulations to make sure that the intentions and the recitals are carried out. There are one or two amendments which will be moved in committee but government is anxious that this bill be assented to this afternoon, with the leave of the House, because I do not believe these people should be deprived any longer of the debt society and in particular the Newfoundland society, the debt the society of Newfoundland owes to them. It is with pleasure I move second reading.

MR. NEARY: Mr. Speaker, I rise to support this bill. This is part of the unfinished business of the previous administration. We had commissioned the honourable member for Placentia East to act on a commission to look into the radiation problems in the St. Lawrence Mine and, as a result, a number of recommendations made in the commission report were implemented but this is one that was not implemented and this will now take in all the widows and miners who could not be included under the Workmen's Compensation previously,

because of a technical difficulty in the Workmen's Compensation Act.

I might point out, by the way of interest to the members of the House, Sir, that not only now will twenty-five or thirty widows or survivors, victims of the radiation in the St. Lawrence, not only will they qualify for workmen's compensation. — I do not think the workmen's compensation will be retroactive.

AN HON. MEMBER: It goes back to the day of the report.

MR. NEARY: It goes back to the day of the royal commission report, but not retroactive to the day that they were put off the job. I think there are twenty-five or thirty people involved, widows and survivors involved, twenty-five or thirty.

But anyway, I do not want to delay the proceedings of the House, Sir, but these persons will also qualify for assistance under the special fund that was set up for the miners and the victims of radiation or widows of the victims of radiation in the St. Lawrence Mine. The payment under the special fund, Sir, will be retroactive to July 1 of last year. So we on this side of the House, Mr. Speaker, support the bill.

MR. AYLWARD: Mr. Speaker, before the passage of this bill, I would like to say a few words. I realize that the Governor will be here shortly to assent to the bills, including this one, so my remarks will be very brief.

I am very pleased to

Mr. Aylward.

see that the recommendations of the commission are implemented to the extent that people who are now suffering from pulmonary disability and their dependents will receive compensation. I think it is very, very important, Mr. Speaker, that this act be passed as promptly as possible, because the individuals concerned and the widows of these deceased men will certainly need this money as promptly as possible. As everyone who knows anything about the St. Lawrence situation must realize, this is one of the worst tragedies really of any industrial town of its size in North America, indeed in the world.

Mr. Chairman, my only regret is that it is not retroactive back to 1951. I am sure there was a period, a long period there of eighteen years, when people experienced disability and probably died. There is still a debt due to a good many people in St. Lawrence, in my opinion, despite the passing of this act.

MR. HICKMAN: Mr. Speaker, if I may, in closing the debate, there is one thing I want to draw to the attention of this honourable House. The recommendation of the royal commission was a participation by the Government of Canada. The government are not at all satisfied with the attitude that has been displayed by the Government of Canada. The hon. member for Bell Island wrote, as you recall, some year and a-half ago, and there has really been no reply to that request since. This is going to be pursued with a great deal of vigour.

On motion a bill, "An Act Further To Amend The Workmen's Compensation Act, 1962," read a second time, ordered referred to a Committee of the Whole House presently by Leave.

On motion that the House go into Committee of the Whole on said bills, Mr. Speaker left the Chair.

COMMITTEE OF THE WHOLE

A bill, "An Act Further To Amend The Prison's Act, 1969."

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

A bill, "An Act Further To Amend The Summary Jurisdiction Act."

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

A bill, "An Act Further To Amend The Judicature Act."

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

A bill, "An Act Further To Amend The Law Society Act."

MR. MARSHALL: Mr. Chairman, clause 2, there is an amendment.

A capital "A" should go immediately after 34 in clause 2 - 34(A).

I move that it be amended accordingly.

On motion clause 2 as amended, carried.

Motion that the committee report having passed the bill with some amendment, carried.

A Bill, "An Act To Incorporate The Newfoundland Family Guidance Association."

MR. MARSHALL: Clause 22: Under (7) the word and be replaced, instead the definite article "the" before the word "work."

Clause (11), the word "counsellor" to be changed to "counselling."

Sir, I move these amendments.

On motion Clause 22, as amended, carried:

Motion that the Committee report having passed Bill No. 21 with some amendments, carried.

A bill, "An Act To Ratify, Confirm and Adopt An Agreement Made Between The Government and Allied Chemical Corporation.

Motion that the Committee report having passed Bill No. 30 without amendments, carried.

A bill, An Act Further To Amend The Companies Act.

Motion that the Committee report having passed Bill No. 56 without amendments, carried.

A bill, An Act To Incorporate The Newfoundland and Labrador Amateur Sports Federation.

MR. MARSHALL: Mr. Chairman, the word "amateur" should appear between Labrador and Sports in sub-clause (1).

On motion, Clause 12 as amended, carried.

MR. MARSHALL: Mr. Chairman, on Clause 14 there is a similar amendment the word "amateur" should appear between "Labrador and Sports" in paragraph (a).

On motion, Clause 14 as amended, carried.

Motion that the Committee report having passed Bill No. 60 with some amendments, carried.

A bill, An Act To Provide A Pension For The Retiring Registrar Of the Supreme Court.

Motion that the Committee report having passed Bill No. 74 without amendments, carried.

A bill, An Act Further To Amend The Highway Traffic Act, 1962.

Motion that the Committee report having passed Bill No. 73 without amendments, carried.

A bill, An Act Further To Amend The Workman's Compensation Act, 1962.

MR. MARSHALL: Mr. Chairman, before Clause 1 carries the word number two ought to be deleted because of the fact that there is another act that is presently on the order paper and has not reached this stage so the other act would be number two.

On motion, Clause 1 as amended, carried.

MR. MARSHALL: There are a few amendments, Mr. Chairman, in clause 2 which are as follows: Clause 2(b) as amended is appearing here and the first word "subsection" should be plural and after subsection (2) should be added the words "and (3)." Further down in the main part of that clause where it says "the disease or disability" ten lines from the bottom, the word "suffered" should be inserted to read "suffered disease or disability." Then further down "entitled to compensation" before the words "from the date" put (a) and after "subsection (4)" on that same line you put in the words "or (b) from the date of disability or death as the case may be whichever is later."

Subsequently, also in sub-clause (3) of this amending clause, sub-section (3), paragraph (a) second line after the word "ran" you put in the words "or any other person." Under (b) of that second line of that same sub-clause you put in the words ".if such widow or next of kin is not a dependent of such workman ." I apologize to the committee for these lengthy amendments but the bill was obviously drafted in some haste.

On motion, Clause 2 as amended, carried.

On motion Clauses (3) and (4) carried.

Motion, that the committee report having passed the bill with some amendment, carried:

On motion, that the committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair:

MR ROUSSEAU: Mr. Speaker, the committee of the whole have considered the matters to them referred and have directed me to report having passed the following bills without amendment:

"An Act Further To Amend The Prisons Act, 1960."

"An Act Further To Amend The Summary Jurisdiction Act."

"An Act Further To Amend The Judicature Act."

"An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And Allied Chemical Corporation."

"An Act Further To Amend The Companies Act."

"An Act To Provide A Pension For The Retiring Registrar Of The Supreme Court."

"An Act Further To Amend The Highway Traffic Act, 1962."

On motion report received and adopted, bills ordered read a third time now, by leave:

On motion, a bill, "An Act Further To Amend the Prisons Act, 1960", read a third time, ordered passed and title be as on the Order Paper.

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

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

On motion, a bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And Allied Chemical Corporation," read a third time, ordered passed and title be as on the Order Paper.

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

On motion, a bill, "An Act To Provide A Pension For The Retiring Registrar Of The Supreme Court," read a third time, ordered passed and title be as on the Order Paper.

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

MR. ROUSSEAU: Mr. Speaker, the committee of the whole have considered the matters to them referred and have directed me to report having passed the following bills with some amendments: and asks leave to sit again.

"An Act Further To Amend The Law Society Act."

"An Act To Incorporate The Newfoundland Family Guidance Association."

"An Act To Incorporate The Newfoundland And Labrador Amateur Sports Federation."

"An Act Further To Amend The Workmen's Compensation Act, 1962."

On motion report received and adopted, bills ordered read a third time now, by leave:

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

On motion, a bill, "An Act To Incorporate The Newfoundland Family Guidance Association," read a third time, ordered passed and title be as on the Order Paper.

On motion, a bill, "An Act To Incorporate The Newfoundland And Labrador Amateur Sports Federation," read a third time, ordered passed and title be as on the Order Paper.

On motion, a bill, "An Act Further To Amend The Workmen's Compensation Act, 1962," read a third time, ordered passed and title be as on the Order Paper.

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MR SPEAKER: Maybe while we are waiting for the clerk to come back I will make an announcement:

The Press Association has asked me to inform the members of the honourable House and the staff of the honourable House that they are invited to a reception, this afternoon, shortly after the House closes. It is to be held in the Press Club, the corner of Springdale Street and Water Street.

MR. NEARY: Well, Sir, unfortunately I will not be able to accept the invitation to go to the Press Club this evening but I would like to go sometime as I understand they have some good meetings down at the Press Club. Sir, while we are on the subject of the press, while we have a moment, I would like to express a word of praise to the press for the very fine recording that we have had of this session of the House, Sir. By and large I would say that it was some of the best that I have seen in my eleven years in this House. In practically every other session, Sir, we had members popping up every day raising points of privilege, things that appeared in the press or on the radio or on the television. In this session members have had only to rise on a point of privilege, Sir, two or three times. I think this speaks very well for the press. They worked hard when we had night sessions and when we sat for nineteen hours on a stretch.

AN HON. MEMBER: They do not like the House Leader.

MR. NEARY: I do not know if they like the House Leader or not. Maybe they do not. I am developing a kind of a soft spot in my heart for the House Leader, Mr. Speaker. I cannot say the same for some other members on the other side of the House. The hon. Premier and I get along very well. If he keeps his promise of what he just told me about certain things happening before the weekend, we might be able to come to some kind of an arrangement, he and I, Sir. Getting back to the press, Sir, they did work hard. They did work hard and I would like to compliment them for the wonderful job that they have done in reporting to the people of Newfoundland the proceedings of this session of the House of Assembly.

MR. MARSHALL: Mr. Speaker, His Honour the Lieutenant Governor is due to arrive at any moment. Obviously, he is not here yet. With the consent of the House, I would like to ask that we rise for a few moments until His Honour does arrive. We will not call it 6:00 P.M. until after His Honour leaves the Assembly.

MR. SPEAKER: This House stands recessed for a few minutes.

SERGEANT-AT-ARMS: Mr. Speaker, His Honour the Lieutenant Governor has arrived.

MR. SPEAKER: Admit His Honour the Lieutenant Governor.

May it please Your Honour, the General Assembly of this Province has at its present session passed certain bills, to which, in the name and on behalf of the General Assembly, I respectfully request Your Honour's assent:

A bill, "An Act Further To Amend The Insurance Premiums Tax Act, 1968."

A bill, "An Act Further To Amend The Constabulary (Pensions) Act, 1970."

A bill, "An Act Further To Amend The Revenue and Audit Act."

A bill, "An Act To Provide For The Exemption Of Atlas Construction Company Limited From Taxes Imposed By The Social Security Assessment Act, 1963."

A bill, "An Act Further To Amend The Income Tax Act, 1961."

A bill, "An Act Respecting Gift Tax."

A bill, "An Act Respecting Succession Duty."

A bill, "An Act Further To Amend The Loan And Guarantee Act, 1957."

A bill, "An Act Further To Amend The Local Authority Guarantee Act, 1957."

A bill, "An Act Further To Amend The Tobacco Tax Act, 1964."

A bill, "An Act Further To Amend The Revenue And Audit Act."

A bill, "An Act To Revise And Consolidate The Social Security Assessment Act."

A bill, "An Act Further To Amend The Prisons Act, 1969."

A bill, "An Act Further To Amend The Summary Jurisdiction Act."

A bill, "An Act Further To Amend The Judicature Act."

A bill, "An Act Further To Amend The Law Society Act."

A bill, "An Act To Incorporate The Newfoundland Family Guidance Association."

A bill, " An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And Allied Chemical Corporation."

A bill, "An Act Further To Amend The Companies Act."

A bill, "An Act To Incorporate The Newfoundland And Labrador Amateur Sports Federation."

A bill, "An Act To Provide A Pension For The Retiring Registrar Of The Supreme Court."

A bill, "An Act Further To Amend The Highway Traffic Act, 1962."

A bill, "An Act Further To Amend The Workmen's Compensation Act, 1962."

THE HON. E.J.A. HARNUM, LIEUTENANT GOVERNOR: In Her Majesty's Name, I assent to these bills.

MR. MARSHALL: Mr. Speaker, before moving adjournment of the House, I might indicate that the purpose of the rather unusual circumstances of the adjournment to the date which we will name is for the purpose of government determining matters respecting the committee report which is expected on the restructuring of government matters, with respect to interim matters, with respect to committees and also determining what further action may be taken, other than that outlined by the hon. Premier today, with respect to the report of the O'Dea Royal Commission. For this purpose, Mr. Speaker, I move that when the House adjourns today it adjourn until Monday, August 21, 1972 and stand adjourned until 3:00 P.M. provided always that if it appears to

Mr. Marshall.

the satisfaction of Mr. Speaker or in the case of his absence from the province of Chairman of Committees and after consultation with Her Majesty's Government that the public interests requires that the House should meet at an earlier time than the adjournment, Mr. Speaker or in his absence the Chairman of Committees may give notice that he is so satisfied and there upon the House shall meet at the time stated by such notice and shall transact its business as if it had been duly adjourned to that time.

I would note before the motion is put, Mr. Speaker, that (for the information of honourable members of the House) Monday, August 21, is really an outside date and we would expect and hope to be able to reconvene the House earlier in August.

On motion the House at its rising adjourned until tomorrow Monday, August 21, 1972, at 3:00 P.M.