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THURSDAY, JUNE 5, 1975

SPEAKER: THE HONOURABLE M. JAMES RUSSELL

The House met at 3:00 p.m.

Mr. Speaker in the Chair.

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

PRESENTING PETITIONS:

MR. SPEAKER: The honourable Member for Fogo.

CAPT. EARL W. WINSOR: Mr. Speaker, I beg to present a petition on behalf of the Carmanville Local Educational Committee. I might add, Mr. Speaker, and give a little background that that Committee consists of the voters from Davidsville, Carmanville, Frederickton, Noggin Cove, Aspen Cove and Ladle Cove. The prayer of the petition is that :whereas the schools of Carmanville school system are in a much less desirable condition, and whereas there is need for new school buildings in this system, and whereas the Board of Education is unable to supply these needs because of insufficient financing for operational and capital expenditure, ve the undersigned request the Provincial Government to see that either the Provincial Government separately or in co-operation with the Federal Government provide the Terra Nova Integrated School Board the necessary finances to provide the operational and capital expenditure for Carmanville School system required by the accompanying brief. I understand, Mr. Speaker, that the honourable Minister of Education was presented with a brief a couple of days ago and I may refer to one or two paragraphs of that brief.

It reads, "The children are our most important resource. It is these people who will be the decision makers of the twenty-first century. That century will be a more complex and fragmented society than this world has ever witnessed. Children are the most vulnerable and pliable creatures in existence. As such it is the responsibility of the older section of society to see that our young people receive the best possible educational environment in order that we nurture a more human and just society. Again, in the twenty-first century humanism may be as important, if not more important than technical

and professional knowledge."

Mr. Speaker, the recommendations are that the government of Newfoundland and Labrador either of its own accord or through agreement with the Federal Government take immediate steps to see that necessary funds to implement immediately the capital structure required by already existing plans for the Carmanville school system.

In supporting this petition, Mr. Speaker, I have visited many of the schools in the Carmanville school system and I find one or two and perhaps three to be very old buildings, wooden buildings and they lack the facilities which the children of the day so well deserve. Mr. Speaker, if we do not build and provide sound bodies

as well as sound mind then I am afraid we are heading for a very weak society in the future. Mr. Speaker, I wholeheartedly support this petition and ask that it be laid on the table of the House and referred to the department to which it relates.

MR. SPEAKER: The honourable Member for Burgeo.

MR. A. EVANS: Mr. Speaker, I beg leave to introduce a petition which was handed to me by the local improvement district of Isle aux Morts. I will read the petition. "We, the undersigned, being bona fide residents of Isle aux Morts do strongly protest any attempt to send our high school students out of Isle aux Morts. We hereby state that we are determined not to do so. Our reasons are obvious. By the Fall of 1976 we should, allowing for dropouts, have from 150 to 170 pupils from grade seven to grade eleven. We consider moving that number of children is ridiculous as this would be sufficient for a high school of our own. Furthermore, anyone who has any regard for human life would not even consider letting a child be bused around Clarkes Cove or Round Pond Hill. It would be a disaster. We therefore demand that the school be built on the site selected to accommodate the high school students from Bird Islands and Rose Blanche and that a high school be constructed at Isle aux Morts out of the money saved by the reduction in size to the school already planned and by eliminating the need for three or four buses from here. No other alternative will be accepted by us."

That petition is signed by 330 residents of Isle aux Morts. There were thirty-one people who did not sign. So that gives us ninety-two per cent. Now in supporting that petition there are a few facts that I would like to present. The Department of Highways, the western division, the superintendent says in no way could he sanction the use of a bus between Isle aux Morts and Bird Islands. It is not fit to risk the lives of our children and the people in that area know that and they are determined not to. But, of course, there is one thing I want to emphasize, that they are in agreement with a school being constructed for the people in Bird Islands and

Isle aux Morts, or Rose Blanche rather, and the Department of Highways has sanctioned the use of that section of road as being a normal road for Newfoundland. I would say that I not only support it but I applaud the guts of the people in Isle aux Morts and everyone who went around with this petition. I think the day is past when someone who is not even an elected representative but an appointee to a school board can look up and tell the people, you send your children here because we say so whether it is going to take life or not. Anyone here in this House, including myself, who would not support such a petition as this is not fit to sit here.

Mr. Chairman, I ask that this petition be laid on the table of this House and referred to the department to which it relates.

MR. SPEAKER: The honourable Member for Bell Island.

MR. S. HEARY: Mr. Speaker, at the end of the member's remarks there, Sir, these were pretty strong words, pretty tough words and I could do no less I suppose after that veiled threat and to stand in my place in this honourable House, Sir, and support the prayer of the petition so ably presented by my friend from the district of Burgeo La Poile.

Now, Sir, I must say that the Member for Burgeo LaPoile, Sir, was not beating his gums when he introduced this petition and I want to put members' minds at rest, Sir, and say that the member did not get these molars for half price from the Member for Harbour Grace and he did certainly give us something to get our teeth into here in this petition, Sir. Mr. Speaker, I must say that I could not really follow the line of reasoning of the petition. There appears to be dissention between the various communities represented by my friend, the Member for Burgeo. The people in Isle aux Morts are asking that the school children, the young children not be bused to Bird Islands where the school board, I presume, proposes to build the school. I understand, Mr. Speaker, that there is another petition on the way from the people of Bird Islands and Rose Blanche to have the school built as originally planned and that the school board proceed with its original plan.

MR. NEARY: So we are going to have a situation, I would suggest, in that district that developed in my learned friend's District of Placentia West, with the people of Parkers Cove and so we can look forward, Mr. Speaker, although I support this petition I have no doubt within a few days, Sir, that I will be standing in my place in this honourable House to support a second petition asking the House to recommend to the school board that they proceed with the original plans to build this school in Burnt Islands but nevertheless, Sir, it is the people's democratic right to make their feelings known on this matter and that is why, Sir, that I support the petition.

MR. SPEAKER: Are there any other petitions?

HON. G. OTTENHEIMER, MINISTER OF EDUCATION: Mr. Speaker, if I may speak on the latter petition, with leave of the House very briefly on the former one because the honourable Member for Burgeo-LaPoile was so -

MR. NEARY: You have got to have leave.

MR. OTTENHEIMER: Yes, that is what I am asking for leave.

MR. SPEAKER: Order, please! Does the honourable Minister of Education have leave to speak in support of the previous petition? Agreed.

MR. OTTENHEIMER: Thank you. Thank you. Sir, the honourable Member for Burgeo LaPoile rose to his feet with such alacrity that it was difficult to, it indeed became impossible to have a few words of comment on the petition in the first place presented by the honourable Member from Fogo and since I do have leave very briefly to refer to that first petition, as the honourable gentleman stated, I was familiar with the contents of the petition. The day before yesterday four or five gentlemen from the area were in my office and we had a fairly lengthy conversation and indeed I certainly commend those who put together the petition for the thoroughness and precision with which they did so. There is quite a detailed description, inventory if one wishes, of the educational facilities there. Certainly the petition was put together with great care and attention to detail. It is to be commended for that.

I think one of the essential points in that petition is that of,

if one wishes, a better rationalization of educational services. A number of the buildings in the area, while some are quite old, a number of the buildings in that educational area are not really very old and not in themselves inadequate. What in fact has happened is that during I would say the fourteen, fifteen, sixteen year period since the construction of a number of the buildings, new services and new programmes have become available in physical education and science, in art, in music, in these areas and the facilities while adequate for, if one wishes to call it the regular, but that is the wrong term as well, the traditional or conceived to be traditional programmes in education, they certainly are not adequate for the new and innovate programmes which are presently available.

And certainly the spirit of the petition I am very pleased to support and I certainly hope that it will be within the financial capability of the educational authorities to see that the requests of the ladies and gentlemen of the Carmanville area, because it is a fairly wide area in which the petition was circulated and by residents of whom it was signed, I certainly hope that their requests can be met within a reasonable future.

With reference to the petition to which, and it is only by leave that I made the reference to the former petition presented by the honourable Member for Fogo, with reference to the petition so capably and melodiously presented by the honourable member for Burgeo-LaPoile, this particular petition I have not had the opportunity of seeing as I did the former one, so therefore to a large extent I have to refer to the very specific and clearly and precisely presented points by the honourable member and a brief conversation this morning during which he informed me that it was his pleasure and privilege to present a petition this afternoon and that one is of a somewhat different nature because whereas the former referred to school facilities and their improvement, the latter is essentially a question of the location of school facilities and certainly I shall be looking forward tomorrow or the day after when the petition reaches my desk to studying it in detail and certainly to

paying very due attention to the points made. The question of the location of particular school facilities is as all honourable gentlemen know frequently in areas as a point of contention and various matters come into play, matters of education, educational policy, and obviously matters of community sentiment as well. Obviously these are important and to be borne in mind. So, certainly I look forward to receiving copies of it so that I can study it in detail and I can certainly assure the honourable gentleman and members of the House that we will give very serious consideration to the points put forward by the residents and citizens in that particular area of Burgeo-LaPoile to whom and on behalf of whom the honourable gentleman presented his petition.

MR. SPEAKER: The honourable Member for Bonavista South.

MR. MORGAN: Mr. Speaker, I beg leave of the House to present a petition from the fishermen in the Bonavista area who prosecute the crab fishery, and also the plant workers who normally work in the crab plant at Bonavista. Mr. Speaker, this same petition was forwarded a few days ago to the honourable Romeo LeBlanc, the federal Minister of Fisheries in the federal government, and basically asking for the same things in the prayer of their petition.

They are asking that because it now appears certain the queen crab industry will not operate during the 1975 season unless financial help from government is forthcoming, they are asking that some sort of assistance, financial assistance be channeled into the industry to enable the fishermen, number one, to go fishing, and, number two, to enable the commencement of the operations of the plants once more.

Now, this morning I talked to a number of crab fishermen who are part of a committee that is being set up by the Fishermens' Food and Allied Workers Union. I understand that they met also with the Minister of Fisheries in the provincial government. I would like to make one point in supporting this petition, that because there are approximately 220 fishermen only in Newfoundland who prosecute the crab fishery, a total of fifty-five boats, and because last year, 1974, the total crab catch in the Province was 7,500,000 pounds, and because the fishermen feel the maximum they can catch this year is 10 million pounds, if the governments, federal or provincial or either one or the other put on a

subsidy, even of ten cents a pound, it will still only amount to \$1 million total cost of the subsidy.

Because the federal government has already put in \$50 million in the groundfish industry, I feel it would really justify putting in \$1 million or less than \$2 million into the crab fishing industry. Because what it means is according to last year the crab fishing industry directly employed 1,200 people working directly in the crab fishing industry, 220 fishermen and the rest were plant workers. There were more than 1,200 people who qualified for unemployment insurance benefits last year in 1974 because they worked and were employed directly by the crab fishing industry.

MR. NEARY: Some of them will be working elsewhere.

MR. MORGAN: So, Mr. Speaker, because the situation now stands that the crab plant owners and operators can only offer up to ten cents maximum per pound as of two days ago - prior to that it was only six and eight cents, now it is eight and ten cents - and because the fishermen who have invested substantial investments in their own buying of the crab fishing gear, they feel they cannot fish economically this year at that price. There is no way they can carry on in the fishing industry fishing for crab and only getting ten cents per pound maximum. They are asking that the provincial and federal governments either combined or the provincial government request of the federal level of government to put some kind of a subsidy on to subsidize the price being paid to the fishermen, not to the owners or the operators or the plant processors but to the fishermen so as the reduction in cost will be down for the processors by means of only having to pay ten cents per pound compared to sixteen cents last year, and the fishermen would be getting the prices equal to what they got last year.

So, Mr. Speaker, I am hoping that the provincial minister will receive this petition in a very serious way and give it his immediate attention in the hope that if the federal government refuses to put on a subsidy to employ 1,200 or more Newfoundlanders this year on seasonal employment that maybe this government, the provincial government will look at the possibility of putting on their subsidy even though it is going to cost the taxpayers \$1 million. It is going to mean 1,200 or more seasonal jobs this year in Newfoundland. So, Mr. Speaker, I beg leave that this petition

be tabled in the House of Assembly and be referred to the department to which it relates.

MR. SPEAKER: The Hon. Member for Fogo.

CAPT. WINSOR: Mr. Speaker, on behalf of this side of this House I certainly support the petition presented by the honourable Member for Bonavista South. There is no doubt in anyone's mind that the crab fishery is in serious trouble, and if the information which I received is correct then it is in the marketing of crab. And it is also a well known fact too that there is some very poor quality of crab trying to seek its way into the market.

It is interesting, Mr. Speaker, it is only two days ago I spoke with one of the crab processors in Conception Bay and he told me he had all the crab meat sold, that is the stock which he was holding since last Summer or since last year.

MR. NEARY: In Boston -

CAPT. WINSOR: That is right, in Boston. It is interesting too that he has all of this year's production whatever it may be -

MR. NEARY: Sold.

CAPT. WINSOR: - sold this year.

MR. NEARY: Sold in advance.

AN HON. MEMBER: Below price?

CAPT. WINSOR: No, no, he got a fairly good price for it because the quality was very good.

MR. NEARY: You need Rossie back in Bonavista.

CAPT. WINSOR: So I think too, Mr. Speaker, if there is a subsidy - if there is going to be a subsidy paid that subsidy should be paid direct to the fishermen. These are the men who deserve whatever goes in to that industry in order to get them on their feet and get them back to production.

So, Mr. Speaker -

CAPT. WINSOR: - perhaps the Hon. Minister of Fisheries if he supports this petition may be able to enlighten us a little on exactly what the marketing -

MR. NEARY: Rossie knows -

CAPT. WINSOR: - situation is for the crab fishery.

MR. NEARY: We have to get Rossie back, boy, to look after the crab down there.

MR. SPEAKER: The Hon. Minister of Fisheries.

HON. J. C. CROSBIE (MINISTER OF FISHERIES): Mr. Speaker, we received this petition with a great deal of sympathy. The position is that the prices for crab products declined severely last year because, I suppose, of the amount of crab produced, not just in Newfoundland, but in New Brunswick and other areas of the world because there was a general softening in consumer demand for high priced, more luxury type items such as crab is considered to be, and this involved difficulties in marketing the production of queen crab in Canada as well as in other areas last year and that still carries on into this year.

Now insofar as the federal government is concerned, so far as the queen crab processors are concerned they say that they cannot afford to pay any more than ten cents a pound for crab this coming season. We have not audited their books. And whether or not that statement is correct or how it applies to each of them I do not know. I think if any assistance programme is entered into it will certainly going to have to involve an audit to see exactly what the position is and whether or not they can afford to pay more.

The position of the Government of Canada has been that they do not want to announce or make any decision on a deficiency programme or deficiency prices to be paid catcher of queen crab at the start of the season because they do not want to encourage the production of too much queen crab during the current year. In other words they do not want to end up the year with all the queen crab processors having produced a great volume of queen crab which cannot be marketed in the market places of the world, and therefore have to enter into another programme to dispose of the queen crab through distress sales or through the CIDA or whatever. So the federal government has taken the position that they do not at this time what to decide whether or not there will be any deficiency payment programme in connection with the catching of queen crab.

I met today with the President of the Fishermen's Union, Mr. Cashin and twelve of the queen crab fishermen of the Province, and others and officials of the department to review the situation as they see it. They have made certain proposals to the Government of Canada at Ottawa dealing, they feel, with the problems of, the fact that it is now quite likely that we have too many queen crab fishermen. If the present level of fishing keeps up we may exhaust the queen crab resource.

very quickly, and all of these other problems. And they have made certain suggestions, the Government of Canada at Ottawa, they have made certain suggestions to us today. We will be in touch with the Department of Fisheries of Canada to try to arrange a meeting with them in the next several days. If we agree with the proposals or any variation on them that has been made by the Union of Queen Crab Fishermen, we will support them. We are arranging a meeting hopefully with the Department of Fisheries at Ottawa to see whether they can be persuaded to accept any programme now or not or whether they want to continue their present policy. If they are not prepared to do anything at this time then we will have to see whether the Province itself should undertake any programme. I do not want to give the details on what the crab fishermen are themselves suggesting at the moment.

However, they do agree that there are too many fishermen licenced at the present time for the queen crab fishery. They want attention given and a priority given to the queen crab fishermen who have been in that fishery for the longest period of time, who have the biggest investment in it, which appears to be very sensible. And so the problem is being looked into.

Now in the Province of New Brunswick there is a considerable crab fishery also. There are plants that are operating, processing plants that are operating in New Brunswick and they are paying seventeen cents a pound, but they are taking the position they are only going to pay seventeen cents a pound to July 1st., and if the Government of Canada does not institute a deficiency payment programme on July 1st. they will close again themselves. Our own processors, there may be one or two exceptions, but most of them have not yet opened and the fishermen are not prepared to sell the queen crab they catch for ten cents a pound. One could not blame them because last year they were paid sixteen cents a pound and we all know that the cost of living and the costs have gone up since.

So the problem is being worked on and we hope that a solution can

be found. It is a complex situation but as far as the Province is concerned, as the honourable gentleman pointed out, while there are not a great number of queen crab fishermen, there might be 200 or so, there are a large number of people who get employment in the processing of queen crab because it is very labour intensive and it is therefore important to this Province.

So we have met with the union, I think we will be meeting with the processors, we will be in touch with the Government of Canada, and we will see what can be worked out. And if we have no luck at all with the Government then we will have to see whether the Province can do something on its own to help the situation.

MR. SPEAKER: The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, I must say, Sir, I followed the remarks of the Minister of Fisheries very closely and I could not come to the conclusion, Sir, whether or not the minister supported the petition presented by the minister, from the member who was almost a minister, upstaged by the Member for St. John's South, by the Member for Bonavista South. It was the greatest example, Sir, of double talking that I have ever seen in this honourable House. And Mr. Speaker, is it any wonder, Sir, that the fishery is in such a mess in this Province?

MR. MORGAN: Point of order, Mr. Speaker.

MR. SPEAKER: Order, please!

MR. MORGAN: Point of order, Mr. Speaker.

MR. SPEAKER: Order, please! The honourable Member for Bell Island is certainly permitted to speak in support of the petition but the Chair has the feeling that the honourable member is debating and not speaking in support of the petition.

MR. NEARY: Well, Mr. Speaker, if the minister, Sir, and I am merely commenting on what the minister has said about his reference to Ottawa, his remarks were rather -

MR. SPEAKER: Order, please!

MR. MORGAN: Mr. Speaker, on a point of order, Mr. Speaker. My point of order is this, that the honourable gentleman from Bell Island can either support and speak in support of the petition, he cannot get into debate on the

comments made by any member while speaking on the petition.

MR. NEARY: Sit down. Sit down. Sit down. Sit down dumbbell.

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

MR. NEARY: Dummy, sit down. Sit down dumbbell.

MR. SPEAKER: Order, please! The Chair will ask the honourable Member for Bell Island to retract that statement as being unparliamentary.

MR. NEARY: Well, Mr. Speaker, if Your Honour thinks the member is not a dumbbell I retract it, Sir.

MR. SPEAKER: Order, please!

AN HON. MEMBER: - unqualified.

MR. SPEAKER: An unqualified retraction of that statement. The member certainly did not satisfy the Chair that he had retracted and apologized for that statement.

MR. NEARY: Can I stand while Your Honour is standing or do I have to wait until Your Honour takes his seat. Thank you, Sir.

Sir, I retract. I retract that statement.

MR. SPEAKER: The honourable Member for Bonavista South may proceed with his point of order.

MR. MORGAN: The point of order was that the honourable gentleman from Bell Island is debating the comments made by the honourable Minister of Fisheries in support of a petition. The honourable gentleman must stand and speak either in support of the petition or not speak at all on this petition.

MR. SPEAKER: Order, please! The

honourable member may speak to a petition. The Chair has not yet seen where a member has to support a petition. Certainly, that a member cannot debate a petition is quite correct and the Chair did get the feeling the honourable Member for Bell Island was on the verge of entering into a debate. But there is nothing which says he has to support the prayer of a petition.

MR. NEARY: Mr. Speaker, I do support the prayer of the petition, by the way, and I would hope, Sir, that the Minister of Fisheries will see fit not to try to pass the buck to Ottawa on this particular case because if we continue that policy, Sir, of passing the buck to Ottawa we may as well close down our provincial Department of Fisheries, that the minister, Sir, take the initiative himself and that the Provincial Government implement a plan of assistance to our crab fishermen, not wait for Ottawa, Sir. Ottawa looks at Newfoundland sometimes in the fishery, especially the crab fishery from the vantage point of Wellington Street up there in Ottawa. We have our own provincial Department of Fisheries, Sir, and I am sure that if the minister wanted to that he could search through the estimates and find countervailing savings, Sir, eliminate some of the extravagance and waste that is into the budget, find countervailing savings and subsidize the crab fishermen in this Province.

The minister should also, Mr. Speaker, in keeping with the prayer of the petition try and persuade the Government of Canada to buy the crab meat. Can it first, tin it. Some of the operators in Newfoundland are already canning it. I think Mr. Janes over in Hants Harbour cans it and Boyd Way, I believe, cans the crab.

CAPTAIN WINSOR: Beothuck Fisheries.

MR. NEARY: I beg your pardon?

CAPTAIN WINSOR: Beothuck Fisheries. Beothuck Fisheries.

MR. NEARY: Beothuck Fisheries, Sir, can it. There are several operators in Newfoundland who have canneries and the minister should persuade the government of Canada, if the minister can arrange to have this crab meat canned, to buy it, Sir, for the third world. Here we

are told there are no markets for our crab meat. Now you turn on your television and half the world is starving. There is something wrong with that statement, Mr. Speaker, and I would submit that the Minister of Fisheries, Sir, our own provincial minister, try to persuade the Government of Canada if the operators cannot find markets, if the minister cannot find a market and the whole problem in the fishery seems to be marketing, Sir, that they try to persuade the Government of Canada to buy it, put it in tins and send it over to the third world.

MR. SPEAKER: Are there any other petitions?

REPORTS OF STANDING OR SPECIAL COMMITTEES:

MR. SPEAKER: The honourable Member for Placentia East.

MR. F. ALYWARD: Mr. Speaker, I would like to table the report of the Select Committee on the Inshore Fishery and also as appendix, the six volumes. Volume one is the minutes of all the hearings of the Committee. It retains the minutes of the public hearings as well, and in addition, two volumes of the submissions presented at the meetings and public hearings of the Select Committee. These were ones that the Committee received and in addition there are three volumes of written submissions which the Committee received by mail. So, we will table the original report together with the documentation that I referred to.

Mr. Speaker, in doing so I would first like to thank the members of the Committee for their co-operation and assistance during the hearing. I sincerely trust that the House will see fit to adopt and endorse the report. The report itself contains acknowledgements of all the various individuals who have made a contribution to the report. As far as the recommendations and conclusions are concerned, Mr. Speaker, I sincerely trust that all members of the House will deal in detail with them when there is a motion before the House as to how the report will be dealt with. I am sure each and every honourable member of this House realizes how serious the problems are confronting the industry and it is only a question of how they should be solved.

I sincerely trust that the debate will expose the views of every honourable member, and again, Mr. Speaker, I look forward to participating in that debate when the matter comes before the House after the members have had time to consider the report.

MR. SPEAKER: Order, please!

SOME HONOURABLE MEMBERS: Inaudible.

AN HONOURABLE MEMBER: Just one copy -

MR. AYLWARD: Yes, one volume - that is right.

MR. SPEAKER: Order, please!

Before we continue I understand we have had just enter the galleries there as guests of Beaconsfield High School in St. John's twenty-four Grade XIII students from St. John's College in Brantford, Ontario accompanied by Father Joseph Kolivesky. On behalf of all the members of our legislature I welcome you to the House of Assembly and trust that your visit here is most interesting and informative.

Are there any other reports of standing or special committees?

NOTICE OF MOTION:

MR. SPEAKER: The honourable Minister of Justice.

HON. A. HICKMAN (MINISTER OF JUSTICE): Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills:

A bill, "An Act To Amend The Newfoundland Engineering Profession Act."

A bill, "An Act To Amend The Fire Prevention Act."

On behalf of my colleague, the honourable Minister of Transportation and Communications, a bill, "An Act Further To Amend The Motorized Snow Vehicles and All Terrain Vehicles Act."

Also I give notice that I will on tomorrow ask leave to introduce the following resolution:

That this House thanks the Select Committee on the Inshore Fishery for their report and for the diligence and perception which the Committee members brought to their task and directs the Government to investigate immediately the feasibility of implementing those recommendations of the Report that are within provincial jurisdiction.

MR. SPEAKER: The honourable Minister of Fisheries.

MR. CROSBIE: Mr. Speaker, I move that we do on tomorrow - I give notice

that I will on tomorrow move a bill, being "An Act To Ratify, Confirm And Adopt A Guarantee Agreement Made Between RoyMarine Leasing Limited And The Government And Fishery Products Limited."

I also give notice that I will on tomorrow move the following resolution:

That this Honourable House doth concur in the Report of the Committee appointed pursuant to Standing Order 84 (a) presented on May 5, 1975. That report deals with the appointment of members of the House to various committees, Mr. Speaker.

MR. SPEAKER: The honourable Minister of Finance.

HON. H.R.V. EARLE (MINISTER OF FINANCE): Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce "An Act Further To Amend The Increase Of Pensions Act, 1974."

MR. SPEAKER: The honourable Minister of Industrial Development.

HON. W. DOODY (MINISTER OF INDUSTRIAL DEVELOPMENT): Mr. Speaker, I give notice that I will on tomorrow ask leave of the honourable House to introduce a bill, "An Act To Provide For the Establishment Of the Labrador Coastal Development Corporation."

MR. SPEAKER: The honourable Minister of Forestry and Agriculture.

HON. H. COLLINS (MINISTER OF FORESTRY AND AGRICULTURE): Mr. Speaker, I give notice that on tomorrow I will ask leave of the House to introduce a bill, "An Act Further To Amend The Agreement Approved And Confirmed And Set Forth in The Schedule To The Bowater's Newfoundland Act, 1938, And To Make Certain Statutory Provisions Relating To That Agreement."

And I would also give notice of a bill, "An Act To Provide For Livestock Insurance And To Create A Livestock Owners Compensation Board." And a bill, "An Act Respecting The Keeping Of Dogs."

AN HONOURABLE MEMBER: The keeping of what?

MR. COLLINS: Dogs.

MR. SPEAKER: The honourable Minister of Mines and Energy.

AN HONOURABLE MEMBER: The honourable member should be interested.

HON. L. BARRY (MINISTER OF MINES AND ENERGY): His bark is worse than his bite.

Mr. Speaker, I give notice that on tomorrow I will introduce a bill, - I ask leave to introduce a bill, "An Act To Limit The Financial Responsibility

Which May Be Incurred By The Province In Respect of Newfoundland And Labrador Hydro Without Further Reference To The Legislature."

I also, Mr. Speaker, give notice that on tomorrow, I will ask leave to introduce a bill, "An Act To Amend The Regulation Of Mines Act."

MR. SPEAKER: The honourable Minister of Municipal Affairs and Housing.

HON. B. PECKFORD (MINISTER OF MUNICIPAL AFFAIRS AND HOUSING): Mr.

Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills:

"An Act Further To Amend The Department Of Municipal Affairs And Housing Act, 1973."

And "An Act Further To Amend The Local Government Act, 1972."

MR. SPEAKER: The honourable Minister of Social Services.

HON. A. MURPHY: Mr. Speaker, I would give notice on tomorrow I will ask leave of the House to amend two acts, "An Act To Amend The Welfare Institutions Licensing Act," and, "An Act Respecting Day Care And Homemaker Services."

SOME HONOURABLE MEMBERS: Inaudible.

MR. SPEAKER: Order, please!

ORAL QUESTIONS:

MR. SPEAKER: The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, I would like to put a question to the honourable Premier. Would the honourable the Premier tell the House what plans his government have to take care of the record number of our fellow Newfoundlanders who are unemployed at the present time?

MR. SPEAKER: The honourable the Premier.

PREMIER MOORES: Mr. Speaker, that question is very broad as the Member from Bell Island well knows and has been asked here many times previously. One of the great problems, not in just Newfoundland, but in Canada today, Sir, is the, not only the increase in inflation but the cure of that which is obviously recession. Obviously the cure for recession is unemployment. Other countries in the Western world, in Europe and in the United States have started to come to grips with this and we in Canada, including the Province of Newfoundland, have yet shown very little sign of doing the same thing. The matter of employment this year, Sir, will be one of the utmost effort by this government but let us face, in my opinion, reality because we in Newfoundland and we in Canada have been living in somewhat of a dream world for quite a long time as far as what we can expect out of Canada in the international context. This should be the subject of a much longer and much more detailed debate later on, of course, but the fact is answering the member's question, we will be doing our absolute utmost to create all the employment we possible can.

MR. SPEAKER: The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, a supplementary question, Sir. The last

part of the Premier's answer there, I wonder if the honourable the Premier could be a little more specific and give us some details of what the government is going to do, what plans they have?

MR. SPEAKER: The honourable the Premier.

PREMIER MOORES: In due course, Mr. Speaker.

MR. NEARY: Mr. Speaker, I wonder if the honourable the Premier, Sir, could bring the House up to date on the situation in Western Newfoundland concerning North Star Cement, Bowaters, Atlantic Gypsum concerning the layoffs, cutbacks, how serious, what it is doing to the economy of Western Newfoundland? Could the Premier give the House an updating on this?

PREMIER MOORES: Mr. Speaker, I promised the Member for Bell Island when we were here last that I would get that information. I got the information. I am sorry I do not have it on me right now but certainly on tomorrow I will gladly pass along that in some detail to the member.

MR. SPEAKER: The honourable Member for Fogo.

CAPTAIN WINSOR: Mr. Speaker, might I direct a question to the honourable Minister of Fisheries. Has the minister or can the minister inform the House if his department has carried out a survey to ascertain what damage was caused by a recent storm and by ice conditions along the Northeast Coast?

MR. SPEAKER: The honourable Minister of Fisheries.

MR. CROSBIE: Yes, Mr. Speaker. The position is, Mr. Speaker, we have some reports from regional representatives on gear losses in various areas. The weekend of May 17-18 there were heavy losses of fishing gear due to a storm in the Port au Port Bay from the South side of St. Georges Bay and the Highlands to the Codroy area. The estimate is that approximately 20,000 lobster traps were severely damaged or destroyed. Also, a small amount of other gear was lost which were salmon nets and herring nets. This is an estimate, of course and not the final figures.

The other areas of the Coast where there has been damage

or appears to be severe damage to gear will be the area from Jackson's Cove in Green Bay to Fogo where we estimate that perhaps eighty per cent of the lobster pots were damaged or lost, and from Gander Bay to Cape Freels, again, probably eighty per cent of the pots lost. Also some loss of salmon, lump fish and ground fish nets. It is very difficult to estimate the losses in this area as the fishermen have not been able to get out to check their gear due to the ice. Until they are able to do that we are unable to give a more accurate figure. From Cape Freels South there appears to be little damage. The two areas most effected, from Codroy North to Port au Port Peninsula and the Green Bay, Lewisporte and Fogo districts. Total losses might be 100,000 lobster pots. In other words, there might be 75,000 lobster pots

lost in the other areas along the Northeast Coast. We will only know for sure after the ice moves off and people have been able to check their gear. So there is a very considerable loss of lobster traps or pots in those two areas.

MR. SPEAKER: The Hon. Member for Fogo.

CAPT. WINSOR: A supplementary to the question, Mr. Speaker.

Can the minister tell the House whether he has made any representation to the Federal Department of Fisheries for any assistance?

MR. CROSBIE: Mr. Speaker, I have made no representation with the Federal Department of Fisheries as yet. We have been in touch with their representatives, employees in the Province, in attempting to get an estimate of the damage done. Once we have an assessment made of the damage then we will consider whether we will get in touch with them or just what action will be taken. I do not think that we can automatically expect that there is going to be any programmes such as the ones last year dealing with the damage suffered last year due to Arctic ice. But when we have gotten the final reports we will have to assess the situation and we will talk to the federal government, and we will also decide what if anything we can do.

I might also add, Mr. Speaker, in connection with the programme of last year, because there seems to be some confusion on this, last year in the area covered for losses due to the Arctic ice we included lobster traps. The amount of the compensation was \$10.00 per trap replaced.

MR. NEARY: No it was not. That was not the understanding at all.

MR. CROSBIE: Mr. Speaker, if I can continue -

MR. NEARY: Five dollars for losing a trap -

MR. SPEAKER: Order, please!

MR. NEARY: Five dollars for replacing it.

MR. CROSBIE: Mr. Speaker, the programme last year was we agreed that we would pay \$5.00 last Fall -

MR. NEARY: For loss of gear.

MR. CROSBIE: - towards - so that the men could start rebuilding, constructing their lobster pots. And when the pots were checked this year and we knew how many had been replaced the other \$5.00 would be paid to them. The programme was to replace lobster pots, not to pay people money who did not replace the pots.

MR. NEARY: That was not the understanding -

MR. CROSBIE: That is the arrangement, that was the programme that was explained and that is the programme that is now underway. Now the first payment of \$5.00 was made last year. The second payment of \$5.00 - we have since, of course, interviewed all the claimants to see have they replaced their pots. We have no intention in this world of paying anyone another \$5.00 who did not replace the pots he claimed were lost last year.

MR. NEARY: What about the \$5.00 they already got?

MR. CROSBIE: Now, Mr. Speaker - would the honourable gentleman allow me to speak and, you know, not be such a silly nuisance.

MR. NEARY: You are making a fool of yourself, boy! You do not know what you are talking about.

MR. SPEAKER: Order, please!

AN HON. MEMBER: Inaudible.

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

MR. CROSBIE: So, Mr. Speaker -

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please! I will remind the honourable member from Bell Island that when a member is speaking he does have the right to be heard in silence.

MR. CROSBIE: Thank you, Mr. Speaker. Now, Mr. Speaker, the cheques are now being mailed out to the fishermen for the pots that they have replaced, and this is resulting in some confusion. For example, if a person made a claim last year and the claim was accepted for 100 pots, he would have received a cheque for \$500.00, \$5.00 a pot times 100 pots is \$500.00 - and I am just going into that because the Member for Bell Island would not understand the mathematics of that - that is \$500.00.

Now, Mr. Speaker, suppose when our inspector went around, the person or the fisherman in question had not built any pots to replace the hundred he lost he would not now get a cheque for any dollars.

MR. NEARY: No pot luck.

MR. CROSBIE: But if he had replaced his 100 pots he would now get another cheque for \$500.00 making \$1,000 compensation for 100 pots lost and replaced.

MR. NEARY: The jack pot.

MR. CROSBIE: But if the fisherman who had claimed for 100 pots and got \$500.00 last Fall had only rebuilt 50 pots, what would he get a cheque for now? I know this is confusing for the gentleman from Bell Island. If he had only replaced -

AN HON. MEMBER: Inaudible.

MR. CROSBIE: - 50 pots he would get no cheque now, because he has gotten \$500.00 for the 50 pots he has replaced and at \$10.00 a pot times 50 pots is \$500.00.

AN HON. MEMBER: Who has got a baby crying?

MR. CROSBIE: I hope now that all honourable gentlemen understands this programme, Mr. Speaker.

So the point is that this was a programme to enable fishermen to replace the gear they lost. If some of them choose to accept the money that went out last Fall, and not to replace their pots, not to build new pots, they are not going to get more money this Spring to pay for pots they did not replace.

MR. NEARY: Will they have to repay back the money they have?

MR. MOORES: They have not got a pot to what in?

MR. PECKFORD: They have not got a pot to play in.

MR. CROSBIE: We are checking this. If there are some glaring offenders we may be very tempted to take action against him. For example if somebody reported 500 pots lost last year and we paid him \$2,500 and this Spring he does not have a pot to - he does not have a pot to fish in, this arouses considerable suspicion as to whether he was ever a lobster fisherman in the first place. So if there are major offenders like that we will have to consider whether or not there should be any action take. But generally speaking I would say no. But they will not get the second payment if they have not replaced their pots.

MR. SPEAKER: The honourable Member for Hermitage.

MR. NEARY: Mr. Speaker, could I go -

MR. SIMMONS: You cannot get a word in here.

MR. NEARY: I am a little bit out of practice, Sir, could I go back to the question I asked the honourable the Premier. I am dissatisfied with the Premier's answer given me on unemployment, Sir, and I -

SOME HON. MEMBERS: Too late. To late.

MR. NEARY: No, it is not too late. There is nothing in the Standing Rules that says, no Sir, when you wish to give notice of debating it. I wish to debate this during the late show this evening, Sir.

MR. SPEAKER: Order, please! The Chair will certainly have to take that under consideration. The Chair at the moment feels the honourable Member for Bell Island is too late in giving notice.

MR. NEARY: Mr. Speaker, I would like to ask the honourable the Premier, Sir, to tell the House if his government have any special plans to make work for our 42,000 Newfoundlanders who are unemployed at this time.

MR. CROSBIE: Mr. Speaker, the honourable gentleman is being redundant and tenacious in asking this question. It is the same question, vexacious.-

AN HON. MEMBER: Frivolous.

MR. CROSBIE: Frivolous, mischievous in asking the same question again today and it should be ruled out of order.

MR. NEARY: Point of order, Sir. It is not the same question that was

asked previously, Sir. My question now to the Premier is would the Premier tell us of any special make-work projects that his government may have to take care of the people who are unemployed? Which is a completely different question, Sir.

MR. SPEAKER: Order, please! The Chair rules it is in essence the same question asked by the Member from Bell Island. He has just changed the wording somewhat and his question is out of order.

MR. NEARY: Mr. Speaker, my interpretation of the Stating Orders, Sir, that you can give notice before four-thirty anytime during the day that you ask a question and I am giving notice now, Sir, that I am dissatisfied with the Premier's answer and wish to debate the matter during the Late Show this afternoon.

MR. SPEAKER: The Chair has already said that it will take the matter under consideration.

MR. SIMMONS: Mr. Speaker, to that point, will the Chair hear some argument before making a decision?

MR. SPEAKER: The Chair is not prepared to hear any argument re that matter at the present. No.

The honourable Member for Hermitage.

MR. SIMMONS: Mr. Speaker, I have a question for the Minister of Mines and Energy, I wonder would he indicate to us what the status of the proposed Lloyds River diversion is now, has any final decision been made on that or -

MR. SPEAKER: The honourable Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, I never expected that question today.

AN HON. MEMBER: Surprise.

MR. BARRY: Mr. Speaker, as a salmon fisherman who has fished for salmon on the Exploits, who has walked the shores of Red Indian Lake, who has flown over the Lloyds River and Lloyds Lake, I am very much aware of the possible adverse effects even prior to the preliminary feasibility report, preliminary, I am sorry, environmental report that we received several weeks ago, even before that time I was aware of the possibility of environmental damage resulting from any diversion of waters in that particular area, and that is why we requested that the environmental

study be carried out and that is why I said then, I have said several times since and I say again, that there will be no decision made to divert the river, the waters of Lloyds River, until and unless it is shown that this can be done without undue environmental damage.

But I can understand, Mr. Speaker, the concern that is raised in the general public about this matter, as somebody who has also fished in the Bay D'Espoir Reservoir, who has come back after dark and tried to navigate around the tops of trees that were flooded without any attempt to clear the timber

around the reservoir without any attempt to cut so as to provide new banks in a reservoir that was flooded by the previous administration, by the party that these gentlemen opposite represent, supported then then and still support. I can understand, Mr. Speaker, how the people of this Province become very concerned now when they see this government or any government even put forth a proposal that could result in the flooding of any other land in our Province.

But, Mr. Speaker, I ask all members of this honourable House, I ask the people of this Province, I ask the media - God help me, particularly the media - to take a proper prospective, not to swing from one extreme to the other, Mr. Speaker. Because, while we have a duty as a government to protect the environment and the ecology of this Province, we also have a duty to do everything possible to reduce the cost of living, to do everything possible to reduce the expense to the consumer of electrical energy.

AN HONOURABLE MEMBER: And the unemployment.

MR. BARRY: Now, Mr. Speaker, when we are told that there is the possibility of saving the consumer some \$7 million a year prior to the time that power comes on stream from Labrador and probably some \$3 million to \$4 million a year thereafter, Mr. Speaker, we then have the responsibility to take a very hard look at the proposal to divert the rivers or the waters of the Lloyds River. We have to take a very hard look. I personally, Mr. Speaker, have some very serious concerns as to whether this project can ever go ahead, very serious concerns. I am delighted, Mr. Speaker, to see the interest that this project has aroused in the general public.

I am concerned however, Mr. Speaker, that much of the opposition that has been raised until now has not taken into consideration both sides of the issue, protecting the environment against reducing the cost to the consumer. I ask, Mr. Speaker, that this debate continue but that it continue rationally, analysing both sides of the issue.

MR. SPEAKER: The honourable Member for Hermitage.

MR. SIMMONS: I think all that means he is sitting on the fence, Mr. Speaker. I simply asked what the status was.

A question - no Minister of Public Works, no acting Minister of Public Works. A question for the Premier in the absence of the

Minister of Public Works. I wonder if the Premier could indicate whether a decision has been made with respect to the rental space for government offices? Has a decision been made on the rental space on which public proposals were called a month or so ago? Two months ago?

MR. MOORES: The answer is, Mr. Speaker, that the proposals were opened publicly at the Department of Public Works. They have been analyzed, or are being analyzed rather, by the engineers and the other technical people in the Department of Public Works. I would expect that a recommendation will be coming forward to government within a week, ten days, I have no idea, but it certainly will be one of the things I will be checking on. There is an urgent need for it, and hopefully we will be in a position to deal with it in the not very distant future.

MR. SPEAKER: The honourable Member for Labrador North.

MR. WOODWARD: Mr. Speaker, I have a question for the Minister of Justice. Some time ago there were negotiations with regards to establishing a building or developing a correctional institute in Labrador for native people. I am wondering if the minister can tell the House, inform the House if that programme will be starting this Summer. If not, when do we hope to see it started or when will it get started?

MR. NICKMAN: Mr. Speaker, the House will recall that following receipt of the report of the Federal-Provincial Corrections Committee which committee was set up on the initiative of this government followed by the report of K.L. McReynolds Limited, both of which recommended a community corrections center for the Happy Valley area to serve Labrador. We then made a submission to the Solicitor General and subsequently held discussions with the honourable Judd Buchanan, Minister of Indian and Northern Affairs suggesting to them that,

at least I did, that I considered and still consider this to be the number one priority insofar as the provision of facilities for corrections are concerned.

AN HONOURABLE MEMBER: Inaudible.

MR. HICKMAN: That is right.

AN HONOURABLE MEMBER: Inaudible.

MR. HICKMAN: Well, I cannot. I wish I could tell you. At a very recent dinner here the honourable Warren Allmand, the Solicitor General of Canada indicated to those in attendance - and they were the people, the John Howard Society people - that he had set up a committee to study and to report to him hopefully by the end of this Summer upon the request from the Government of Newfoundland for substantial financial assistance in the construction of a community correctional facility in Happy Valley and also a provincial correctional center to replace Her Majesty's penitentiary.

I urged again that night upon the Solicitor General that the committee move with the utmost dispatch and he assured me that he had issued these instructions. I feel, Mr. Speaker, and this too has been conveyed to the Government of Canada, that insofar as the corrections center, community center in Happy Valley is concerned, that the department responsible for native Canadians has a very heavy responsibility because I would see that institution not only taking care of the needs of residents of the Labrador part of the Province of Newfoundland but also people, Canadians who reside in the Eastern section of the North West Territories sometimes known as the near North.

We have done our job. The ball is now in the laps of my honourable friends, compatriots in Ottawa. I have no reason to believe that they are not sympathetic towards our cause. But, we just have to wait until they make their decision.

MR. WOODWARD: I would like to thank the minister. I have a question for the - in the absence of the Minister of Transportation and Communications, maybe to keep away from a long-winded answer, I should ask the Minister of Industrial Development. In light of the fact that the Newfoundland and Labrador Hydro is calling tenders for maintenance and upgrading of the Freedom Road from Churchill Falls to Goose Bay, does this mean that the road is not under the auspices or the responsibility of the Department of

Transportation and Communications as a public highway? When this work is done and the maintenance is performed on that particular road and it is made serviceable or useable, will the public be permitted to use that particular road during the construction phase of the Upper Churchill when that thing gets off the ground?

MR. SPEAKER: The honourable Minister of Industrial Development.

MR. DOODY: If the honourable member is not interested or does not want to get a long-winded reply, I think I would rather refer the answer to that question to my colleague the Minister of Mines and Energy who is renowned for being brief, to the point and far more accurate than any summation of this I would have, Sir.

MR. SPEAKER: The honourable Minister of Mines and Energy.

MR. BARRY: The answers, Mr. Speaker, are no, yes, and yes.

Seriously though, Mr. Speaker, the work is being done through Newfoundland and Labrador Hydro because the cost of the road should really be attributed to the project itself. There has been no final decision made with respect to when this road can be opened or dedicated, I think, is the proper term as a public highway. But, I would expect -

AN HONOURABLE MEMBER: It is a public highway.

MR. SPEAKER: Order, please!

MR. BARRY: I would expect - right, as far as it is consistent with protecting the safety of the public, that access to that part of the Province as any other part of the Province should be open, but it has got to be obviously what is consistent with public safety and proper management of what is going to be a very, very large project.

MR. DOODY: I am disappointed, Your Honour. I could have been as brief as that.

MR. WOODWARD: A supplementary question to that which may solve some of the problems that we foresee in the future, Mr. Speaker, is the fact that - well is now that highway, and will it be during the construction phase the responsibility of the Department of Transportation and Communications and not the developers or the contractors who are building the particular project. I ask that question to clarify it. It is important.

MR. SPEAKER: The honourable Minister of Mines and Energy.

MR. BARRY: I think,

Mr. Speaker, that is something I better get, draw to the attention of my colleague the Minister of Transportation and Communications and get a specific answer. I am not sure. To me, I think, it would make sense that once the initial major work was done that this become the responsibility of the department the same as any other highway. There may be something there that I am not aware of where this cannot be done immediately or where the responsibility of the Department of Transportation may have to be suspended for a time. I would just like to check and make certain before giving a final answer on it. And I will undertake to get it from the Minister of Transportation.

MR. SPEAKER: The Hon. Member for Labrador North.

MR. WOODWARD: Mr. Speaker, I want to thank the minister.

Mr. Speaker, I would like to direct another question to the Minister of Energy. Now that two or three weeks have elapsed since we have asked questions in the House, gave him some time to do further planning on the development of the Lower Churchill, I wonder if he is now in a position to inform the House and this Province how many people will be employed on that project this year? And maybe in a two part question, if he can give us the central location of the employment office. There are a number of people who are confused today as to where to get work.

MR. BARRY: Mr. Speaker, it is anticipated that the work force should peak to around 900 people.

MR. WOODWARD: At what period?

MR. BARRY: During 1975. I think the peak period will be August, September. But there will be several hundred people within the next month or so working. The honourable member is probably more aware than I am of the number actually involved from the Goose Bay end right now, but you can think roughly in terms of the project being broken down about one-third, one-third, one-third both in cost and effort this year to the Gull Island site, the tunnel crossing and the transmission line right-of-way.

With respect to the employment office - the Newfoundland Labrador Hydro is at present - they have received instructions to have arrangements made so that people will have direct access to them in the Goose Bay-Happy Valley area and other areas where work will be taking place. They are in the process of putting personnel in the Goose Bay-Happy Valley area, putting an office in there. In the meantime I would suggest to the honourable member if he has constituents who are interested in employment that they should make contact either with Canada Manpower or with the Newfoundland and Labrador Hydro offices here directly.

MR. SPEAKER: The Hon. Member for Bell Island.

MR. NEARY: Mr. Speaker, could I direct a question to the Minister of Justice. Would the Minister of Justice care to tell the House if he has instructed his officials to undertake an investigation into the movement of booze in this Province at the present time to see if it is being distributed legally or illegal?

MR. MORGAN: Concerning what?

MR. HICKMAN: Put it on the Order Paper.

MR. NEARY: Well, Mr. Speaker, I am dissatisfied with that answer, Sir, and I wish to debate it during the late show this afternoon.

Mr. Speaker, I would like to ask the Minister of Mines and Energy if he can confirm or deny a statement made by the President of the Newfoundland Hydro Corporation yesterday to the St. John's Kiwanis Club that the preliminary work on the tunnel across the Straits of Belle Isle is not going very satisfactory? Would the minister care to comment on that?

MR. SPEAKER: The Hon. Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, I am not aware that was said. I do not believe it was said. I am not aware of any -

AN HON. MEMBER: It was taped.

MR. BARRY: - particular problems with the work on the -

MR. NEARY: 'Mr. Gloom's' voice was on the tapes.

MR. SPEAKER: Order, please!

MR. BARRY:

Strait of Belle Isle crossing. The honourable member will have to bring me the words that he is attributing to Mr. Groom.

MR. NEARY: Mr. Speaker, did 'Mr. Gloom' submit a text of his address to Kiwanis to the minister before he made this speech or was he speaking off-the-cuff on his own?

MR. BARRY: No, Mr. Speaker, this government does not censor its top -

MR. ROUSSEAU: Now you have him in trouble.

MR. BARRY: - the heads of Crown Corporations the way the previous administration did, when the honourable member was a member.

HON. MEMBERS: Inaudible.

MR. BARRY: Mr. Speaker, I have not seen any - I was in consultation with Mr. Groom, he indicated to me what the gist of his remarks to Kiwanis. I do not know any 'Mr. Gloom', so I assume it is Mr. Dennis Groom that the honourable member is referring to.

MR. NEARY: Yes.

MR. BARRY:

I am not aware of any such statement having been made by him. If the honourable member can bring the words to me I will check them out.

MR. HEARY: Mr. Speaker, supplementary question to the minister.

MR. SPEAKER: Order, please! Order, please! The thirty minutes for the question period have expired.

ORDERS OF THE DAY:

MR. CROSBIE: Motion (3), Mr. Speaker.

MR. SPEAKER: Motion (3) to be moved by the honourable the Premier.

MR. CROSBIE: Mr. Speaker, the honourable the Premier has to be out of the House for the moment so I will introduce the motion.

MR. SPEAKER: The honourable Minister of Fisheries.

MR. CROSBIE: It is a great pleasure to move this motion, Mr. Speaker. Mr. Speaker, I was away for a few days prior to the adjournment of the House of Assembly early in May.

MR. HEARY: Tell us where you were. Tell us where you were.

MR. SPEAKER: Order, please!

MR. CROSBIE: I do not mind telling the honourable gentleman where I was but it is not relevant to this debate. Wherever I was I was working hard and earnestly in the best interests of this Province, I trust. Now, Mr. Speaker, I was away when this motion was first proposed early in May. When I got back to St. John's and looked at the old newspapers as is my wont to see what had been happening while I was away, and of course I am deeply interested in the historic affairs of this historic Assembly. I was dumbfounded by several matters, one of which was the scurrility and the vehemence and the desperateness and the untrammelled nastiness of the attacks that were made by honourable gentlemen opposite when it was proposed that Mr. Ambrose Hubert Peddle be made parliamentary commissioner under the terms of the Parliamentary Commission (Ombudsman) Act.

Mr. Speaker, I mean seldom, seldom have I seen such a concentrated and vitriolic attack on any individual as I saw at that time in the kind of expressions that were used and the vehemence and the way in which the

whole thing was greeted by honourable gentlemen opposite, undeservedly so, undeserved attacks on Ambrose Peddle. I thought to myself, my God! Has the government appointed some criminal who has just come out of the penitentiary after serving twenty years for main, rape, manslaughter, murder, incest and what have you, fraud, theft? Have the government just appointed someone like that or suggest to the House of Assembly that we appoint someone like that as ombudsman? Is that what has happened? Is that what is causing this furor? Then when I saw who it was the government was proposing, Ambrose Peddle, the complete opposite of that, it was really astonishing. What is wrong with this Province, Mr. Speaker, that anything that is proposed meets with nothing but negative criticism and vitriolic attack, not only from the Opposition opposite, but by some agencies of the news media? What is it?

Just compare an appointment just made in the Province of Ontario within this last month of an ombudsman for the Province of Ontario. The burden of the attack on poor Ambrose Peddle, the burden of the vicious comment and attack and scurrility was that he had been a member of this House of Assembly. That was not bad enough that the poor fellow had been a member of this House of Assembly, but that was not bad enough, I will not even mention that he is alleged of being a Tory. That was not bad enough he was an ex-member of this House of Assembly but he was an ex-member of the House of Commons. That seemed to make it even worse. That seem to make Mr. Peddle beyond recall altogether for honourable gentlemen opposite and some members of the press.

In other words, if you were ever elected to this House of Assembly or if you were elected to the House of Commons and you get defeated or leave politics, you should never be appointed to anything. You are a desperado. You are the type that should no longer have any connection with the public affairs of the Province or the country. You are nothing but a subject fit for scorn and attack if anybody ever suggested you

June 5, 1975.

Tape 2098

RR - 3

should be put in any position of trust in the public again. That is the conclusion, Mr. Speaker, you would come to, that you would come to with the way that Mr. Peddle's suggested appointment was announced. Now, frankly, I do not know how the man has taken it. You know, it is a desperate thing. You are

6294

an ordinary citizen and you are proposed for an appointment and that kind of a concentrated attack is made. I congratulate him for his courage in still permitting his name to go forward to this honourable House. To turn back would be shameful. It would be shameful. It would be an admission that there was something wrong with Mr. Peddle, that he could not act impartially or that he did not have the qualifications to be ombudsman, that there are other people who would have qualification, Mr. Speaker, only because they had never been in politics or a member of the House of Assembly or a Member of Parliament. What a shameful state of affairs we are in in this Province if the public and the media believe that to engage in public life is to be so tainted that you are never again to darken the doors of any appointment that will give you any public trust in this Province thereafter.

Now, a large part of the reason for that kind of thing is the attitude of the Opposition opposite which I will not elaborate on. But, for nastiness, for invidiousness, for ennuendo, and for that kind of thing, the Opposition opposite has not been matched in this House in I do not know how many hundred years. The House has only been here 100, I suppose.

Now, Mr. Speaker, when I was over there I was not nasty. I was not mean. I was not scurrilous. I attacked the government on the government's policies and I fought a dictatorship. I am delighted and I have got nothing to apologize for and never will. I am proud of it. There may be the odd thing that I have said that, all right, that I would not say on reflection. But, that is not the kind of thing that I am talking about. I am talking about the kind of mean, vicious attack on people who cannot defend themselves who are proposed for anything in a mad, insane desire to defeat the government in what the Opposition thinks is going to be an election this year.

Now, in Ontario, Mr. Speaker, just within the last month, a former Member of Parliament, Mr. Arthur Maloney has just been appointed ombudsman. There is the Globe And Mail of May 23 - Maloney is appointed Ontario ombudsman at \$60,000 a year. Of course the Opposition, and the Member for Bell Island is the worse of them, that little open line hound, that little hound dog that runs with his mouth open. He is like Pavlov's dog. When he hears there is an open line show, he is

there slaving to get on the open line show with his distortions and exaggerations. He has been on the open line shows slaving about the Province since the House of Assembly adjourned a month ago, slaving, slaving -

MR. SIMMONS: Who is attacking now? Who is attacking now?

AN HONOURABLE MEMBER: I am glad you are attacking -

MR. SPEAKER: Order, please!

MR. CROSBIE: I am addressing myself to the Member for Bell Island who is slaving on the open line shows saying that Ambrose Peddle is going to get \$40,000 a year if he is appointed. Not a word of truth in it, and he knows it. Now, here is the ombudsman in Ontario - \$60,000 a year. The ombudsman in Newfoundland if appointed is going to get \$27,000 or \$28,000 whatever the chief magistrate of the Province gets, not \$40,000 a year as the honourable exaggerator from Bell Island was saying. So, Arthur Maloney -

MR. NEARY: What! I did not say that.

MR. CROSBIE: \$40,000.

MR. SPEAKER: Order, please!

MR. CROSBIE: Friday, May 23, the Globe And Mail, Maloney is appointed Ontario ombudsman. Well, who is Arthur Maloney? He is a criminal lawyer in Toronto and he has been appointed Ontario's first provincial ombudsman. The Premier, Mr. Davis, put forward his name. It met immediate acceptance by all parties. Mr. Maloney said he has given a lot of anxious thought to whether he will accept or not and so on and so forth. He is a former Conservative M.P. for Toronto-Parkdale riding from 1957 to 1962. He is a former member of the House of Commons, P.C. member for Toronto-Parkdale. Did that drive them rabid in Ontario? Did they go berserk with the desperate rapacity of a government in Ontario that would dare to appoint a former member of parliament and a P.C. at that to the post of ombudsman? Did they go rancid? Did editorials crack out all over the place attacking this savage act of political corruption and political patronage as the honourable Leader of the Opposition here. He went berserk. He never heard of such political corruption and patronage in his life. What a short memory he has got!

Did they go berserk in Ontario? Did the Liberal Opposition get rancid? They have an election in Ontario this year. They are sure to

June 5, 1975

Tape 2099 (afternoon)

IB-3

have one this year. We are not sure of having one this year. We can go until April of 1977, you know, or even longer if we adopt the Smallwood precedent. We can go until perhaps December of 1977 and we can cling on with our fingernails and cling on with our toenails the same as Mr. Smallwood. But, the honourable gentleman are worried we might go tomorrow or this year. We might or it might be next year. But, in Ontario they are going this year. It is pretty definite.

Did the Liberal Opposition go berserk? Did they attack Mr. Maloney's character? Did they attack him viciously? Did they say he was unsuited for the office because he was a P.C.,

MR. CROSBIE: because he had been a member of Parliament? No, they did not. They did not. The Leader of the Opposition, what is the gentleman's name up there, Nixon, Nixon welcomed his appointment. Did the N.D.P. get a bit annoyed that a P.C. had been appointed Ombudsman in Ontario? One might think that the N.D.P. would get annoyed with that, they are so pure. They are the purest of the pure. Did they get annoyed? No, "Liberal Leader Robert Nixon said he was impressed with the government's appointment of Mr. Maloney. His reputation is such that if he were to even suggest any government agency was holding back on him it would be enough to destroy that agency." Stephen Lewis, the new Deomocratic Leader, said "Mr. Maloney was a man with a real feeling for social justice and a remarkable grasp of simple human problems. I like the appointment of Arthur Maloney. From my knowledge of him he will make an Ombudsman at least equal to Morton Schulman." That is the N.D.P. Leader up in Ontario. Not taking what might be a political advantage to attack Arthur Maloney and to say that because he was a former P.C. member of the House the thing is doomed forever, and make the kind of cheap political attack that was made here a month ago and will be repeated, Mr. Speaker, I forecast, it will be repeated here today. We will hear a day now and perhaps tomorrow, of invidious attack on poor Ambrose Peddle. That is what we will get from honourable gentlemen opposite.

Now they will couch it in terms, they will say now Ambrose Peddle is a fine man, yon Ambrose Peddle is an honourable man, they will say, yon Cassius is an honourable man, that is what they will say, but after saying that they will knife him in every direction, every rib of his will get stabbed and stamped on during this debate by the honourable gentleman opposite.

They will say he is not fit for the post because he was a P.C. member of the House. There is nothing wrong with Mr. Peddle, they will say, we are sure he will do a wonderful job, but it is corruption, it is inequity at its worst, it is patronage. That is what we will have to endure for the next day or two, unless honourable gentlemen pleasantly surprise

me. They may get up and say, gentlemen we went too far a month ago. We have reconsidered. We do not want to slander and harass Ambrose Peddle any longer. We made a mistake. We are prepared to give the man a chance. We agree he is an honourable Newfoundlander with a lot of experience in fields that will be very relevant for the Provincial Ombudsman and therefore we are withdrawing our opposition. They have a chance to do that. If they do, Mr. Speaker, I will get up and apologize and say what a fine bunch I think they are on a temporary basis, on this particular, on this particular.

But I do not think I am going to have to do that. I do not think I am going to have to do that. I do not think I am going to have to do it. All right. Now what did Mr. Maloney say about the post of Ombudsman? He said, he viewed the role of the Ombudsman as an extension or adjunct to the job performed by the member of the Legislature for his constituents. Besides investigating complaints brought to his attention by individual citizens, he said it would be his duty to initiate investigations in the problems he might see, or read about or hear about. He regarded it as an extension or adjunct to the job performed by a member of the Legislature for his constituents.

Now that is certainly, that is certainly true, Mr. Speaker, and that being the case what better experience, if one is fitted in character, what better experience could one have for a job than that one have been, as Ambrose Peddle has been, mayor, first Mayor of the Town of Windsor, Newfoundland for five and one half years, five and a half years Mayor of Windsor, one of our larger towns. And then from 1962 to 1966 a member of this House of Assembly here in Newfoundland and then from 1967 to 1971, I guess it was 1971, 1967 to 1971, or 1968 to 1971 whatever it was during that term of Parliament he was the Member of Parliament for Grand Falls - White Bay-Labrador in the House of Commons at Ottawa. So that is eight to nine years experience in these two Houses, also with experience in the Civil Service both before and after Confederation and then he has conducted his own business for about a dozen years and was involved in all kinds of other community activities. Widely known and respected.

in the Province, a man of integrity, always a gentleman. Now how could that background not suit Ambrose Peddle to be the first Ombudsman in this Province? What makes that appointment so bad apart from the fact that honourable gentlemen opposite object to the fact that Mr. Peddle was known to have supported the P.C. Party. If it was a former Liberal member of the House of Assembly, or a former Liberal member of the House of Commons, honourable gentlemen opposite

would have cheered the appointment. They would have cheered it and huzzaed it and said how fitting it was if it had been a Liberal. But because Mr. Peddle is in their eyes tainted with the mark that he was a P.C., they cannot understand P.C. appointments. They certainly never made any. If it had been a Liberal then they would have cheered, roared and given loud huzzas.

So here we are we are proposing to this House Mr. Ambrose Hubert Peddle, five and a half years Mayor of Windsor, four years a member of this House, four years, four years a Member of the Parliament of Canada, experienced in business and all kinds of community activities. And as far as we know we have not heard one word against his character or his reputation, known as a man of integrity and common sense, devoted ten years, fourteen - what is it? - he devoted about twelve or fourteen years to the public life of Newfoundland to helping to try to solve the problems of individuals, independent type, not the type that can be swayed by anyone, who has been appointed to an independent post where he can only be removed by a resolution of this House of Assembly, where he does not have to kowtow to anyone, where he is completely independent, where his salary is independent the same as the Auditor General, where he becomes an officer of this House, and where he has the duties set out in a Parliamentary Commissioner (Ombudsman) Act with the amendments that that has been given recently and with his salary set so he gets the same salary as the chief magistrate and does not have to be dealt with individually on salary any longer because if the magistrates salaries goes up his will go up, and it will not depend on anything that he has done or not done.

Now, Mr. Speaker, there is absolutely nothing wrong. In fact we should be proud and members of this House should be proud to vote for the appointment of Ambrose Peddle as a Parliamentary Commissioner. There had been Ombudsmen appointed in some jurisdictions. One was an ex-R.C.M.P. Superintendent. Well, what fits an R.C.M.P. Superintendent to be a better Ombudsman than somebody who has got experience in the House of Commons and in the House of Assembly and in public life? I would think that he would be less suited. An

R.C.M.P. Superintendent or whatever has never had to deal with individuals' problems, people who are confused by the bureaucracy, who do not know what department to go to or to have some problem that their member has to look after for them. An R.C.M.P. Superintendent has no connection whatsoever, never had any previous experience in those kinds of things. In fact, R.C.M.P. Superintendents are not normally known as the heroes of civil rights advocates. It is quite the opposite.

What would make a clergyman any better suited to be Parliamentary Ombudsman than Ambrose Peddle? Is there any particular quality about a clergyman, as a class, clergyman that make them any better suited? You have to look at the individual involved. Reverend X may be a fantastic and fine man, and Reverend Y may be something entirely different. One ex-member of this House may be one type of character and one kind of person, and the second ex-member may be something entirely different. Are we all to be branded and categorized as not fit for appointment to any kind of post at all in public service, involving any kind of public trust once we are finished here simply because we were members of this House? I do not think so.

Now, Mr. Speaker, I could say a lot more. And I do not intend to say a lot more. I would rather wait and see what the Opposition is going to say. Whether they felt any qualms of conscience at the kind of outcry that they raised a month ago when this was first mooted to this House, whether they want to continue in that kind of outcry and damage the position before it even gets well established, you know, whether they will continue that kind of tactic, or whether they will be a little more statesmanlike and agree that Ambrose Peddle, P.C. or no P.C., former P.C. or whatever he was, is a very suitable person for this post. By the way, Mr. Mahoney in this article here points out that as from the date of his appointment he will give up his membership in the Conservative Party and avoid any political affiliations from this day forward, the same as Ambrose Peddle, of course, would do.

There is only one other thing that might be mentioned, Mr. Speaker, and that is this kind of a hullabaloo is not kicked up when some ex-member of this House or the House of Commons gets appointed to the Bench. And there have been dozens, and there have been hundreds of judicial appointments in Canada of ex-members of the House of Commons and the House of Assembly who have been appointed to the Bench, and never a word said, as properly there should not be said, about those appointments as long as they are qualified for the post no matter what parties they belonged to. So why the great outcry about the appointment of Ambrose Paddle to the position of Ombudsman?

We know, of course, one reason why the Opposition is making a cry, they think there is something to it politically, that they can paint it as something infamous. Well they are going to have quite a job to paint this as anything very infamous.

Now, Mr. Speaker, it may be and I hope that it is, it may be that the Opposition will now save a lot of the time of this House, repair a lot of the damage they have caused by agreeing with us now to move unanimously that the question be put and that we deal with this resolution right now without anything further except a few complimentary words from whoever is going to speak on behalf of the Opposition opposite.

I hope so and I am proud, Mr. Speaker, and delighted to have the privilege of moving this resolution that Ambrose Hubert Paddle be appointed the first Parliamentary Commissioner or Ombudsman in the Province of Newfoundland. We have looked for several years and he is the best qualified man we have been able to find for the job and I have every confidence that

he will be a first class ombudsman who will deal without fear or favour with anything that comes before him or anything he initiates himself in looking into any of the administrative or other actions of this government or whatever other governments follow behind it.

MR. SPEAKER: Just before I recognize the honourable Member for Hermitage I am merely going to say that I looked at the standing order again and the questions as given notice of by the honourable Member for Bell Island are in order and shall be debated at five thirty this afternoon.

The honourable Member for Hermitage.

MR. R. SIMMONS: Mr. Speaker, I would like to have some things to say on motion number three, the motion that was to have been moved by the Premier, the Premier who was in his seat until Orders of the Day were called, was here right from three o'clock, but for some reason had to skip out. I am sure he could have used his influence with the House Leader to have the calling of the motion deferred until he could get back into the House. So, I suggest, Mr. Speaker, that his being out of the House was rather contrived and rather deliberate, rather convenient. I would suggest he is out of the House so he would not have to introduce this particular motion. I would suggest, Mr. Speaker -

MR. SPEAKER: Order, please! Order, please! The Chair feels that the honourable Member for Hermitage is really questioning the motives of the Premier in saying that he was deliberately out of the House so he would not have to introduce this motion. Certainly, that is out of order.

MR. SIMMONS: Mr. Speaker, if that is all, of course, I have no hesitation in withdrawing it. The Premier will have an opportunity to speak for himself. I can only wonder out loud, Mr. Speaker, as to why the Premier does not introduce this motion himself, a motion that has a fair amount of import for all the people of Newfoundland. It stands in his name on the Order Paper. Certainly arrangements could have been made for it to have been called in his presence but instead it gets called in his absence, whatever the reason for his absence may be. We can speculate on that. I would have liked to have heard the Premier give us some argument which,

by the way, the Minister of Fisheries failed miserably to do. Any argument as to the wisdom of this particular appointment and why in particular, this is the whole meat of the motion, Mr. Speaker, why the particular person named in the motion was indeed the best possible appointee. Now, the minister only in his very last statement, in his concluding sentence said something to the effect that it was by far the best appointment. He did not tell me why. He certainly convinced me that Ontario probably has a good appointment. It certainly has an appointment that the people of Ontario can live with as is demonstrated in the press reports. I read a writeup in Time, I think, in the past few days about this Mr. Maloney. There is no doubt about his credentials for the job and no doubt about his acceptance by the people of Ontario, whether the leaders of political parties or other people in the public eye, no question about his acceptance and his acceptability. But I do not believe our motion refers particularly to Mr. Maloney although the Minister of Fisheries spent fully two-thirds of his time talking about the propriety of that particular appointment. We are talking about another individual here, Mr. Speaker. We are talking about the proposal to appoint one Ambrose Hubert Peddle.

Now the minister in his usual clowning circus-like fashion raved on about the vicious attack that had been made on an individual. But he did admit he was absent at the time. He chose not to tell us where he was but we have an idea.

He did admit to being absent, and obviously either read the press reports wrongly or the press reported wrongly what went on. I have sat here during the period that colleagues on my side of the House spoke on this matter a month or so ago. I do not recall any particularly vicious attack. Indeed I think it exists only in the mind of the Minister of Fisheries. That is understandable. That is understandable, Mr. Speaker. A lot of vicious things exist only in his mind. There was no vicious attack. Let us call spades spades, Mr. Speaker.

What we are talking about is whether the gentleman whose name is proposed in this resolution is the man best able to perform the role. If he is not, I say, Mr. Speaker, that the onus is on the Premier and his colleagues in cabinet to find the man best able. Now, what are we talking about? Are we talking about some position of trust as the Minister of Fisheries would say? He says, are we all branded now having been in this House, as being unfit in the future to hold any position of trust. He knows that is not the issue at all. Of course we are not so branded.

The issue is whether the gentleman who is being proposed will be completely approachable by every Newfoundlander, because that is what the job of ombudsman is all about, whether he will, whether each Newfoundlander will have access to that person. And there exists in the public mind, and, Mr. Speaker, we did not start this outcry against the proposed appointment. I would say we have joined in the outcry because we have felt that it is the proper and honourable thing to do. We did not initiate this outcry all over the Province, and there is an outcry, not only in the editorial pages, Mr. Speaker, but from a number of individuals who understand the role of ombudsman and who are concerned about it.

I say to the Premier now, if he is within the hearing of my voice, I say to him that even if at the time he made the decision or whoever made the decision to recommend this name, even if at that time he and his colleagues felt it was the wisest choice, it has certainly been demonstrated to him since then that it is not the wisest choice. no matter how impeccable the man's credentials may be, no matter how competent he may be, the issue is now simply that it has been demonstrated

by the public outcry, not just something contrived or manufactured by us on this side of the House, but a legitimate and fairly widespread public outcry against the appointment of this individual, for that reason alone, Mr. Speaker, irrespective of how impeccable his credentials may be, for that reason alone, namely the lack of public acceptance, for that reason alone this proposed appointment is unacceptable because it is the people of Newfoundland, the ordinary people of Newfoundland who will have to approach this particular person.

Now, Mr. Speaker, what we are talking about here in the last - today and in the last month is not something new. We are not setting any real precedents in terms of setting up an ombudsman. The ombudsman goes back a long way in Scandinavia, I think, to 1803 or 1809 or somewhere around there or the first part of the nineteenth century. They in the Scandinavian countries have a long tradition of ombudsmen. They can draw on a valuable fund of experience as to what are the pitfalls. Reading the literature, one of the clearer pitfalls and a pitfall that the Scandinavian people have not fallen into is the appointment of a politically partisan person.

Now, we have heard from the Minister of Fisheries at length about what applies in Ontario. He choose to skate over what applies in the other six or seven provinces where we have ombudsmen and have had them for some time. So, for the benefit of the record let us just have a look at what is happening in other provinces. The minister dealt with Ontario where we have a very competent criminal lawyer who also I believe sat as a member of the House of Commons, as a Conservative member of the House of Commons and whose appointment was well received by

MR. SIMMONS: all concerned if you can judge by press reports.

Now, Mr. Speaker, other Provinces, P.E.I. they have no legislation at the moment affecting an Ombudsman. New Brunswick, they do have an Ombudsman and he is one - I am sorry, not New Brunswick but Nova Scotia first of all, the Ombudsman there is one Dr. Harry Smith, appointed about four years ago. That appointment had the prior concurrence of the Leader of the Opposition before it was announced to the House by the Premier. It was done in consultation with the various parties in the House in Nova Scotia so that there could be no such public confrontation as we have had to get into right here. And I suggest that if the Premier were anxious to appoint the best Ombudsman to the job and anxious to pave the way to see that he could do an effective job as an Ombudsman, the Premier would have done some of his homework privately like this too, instead of parading it out in his usual confrontation style, daring people to take him on.

Nova Scotia, as I say, did it in consultation. Dr. Smith the present appointee of course is a man who is an academic by background, who has had no political, that is to say no party affiliation, never been a party worker and never sought an election as a candidate for any particular party. What his credentials are otherwise, well I just told you, they are those of an academic and he was involved at the Nova Scotia Teachers College in the French Department and so on but what his credentials are for Ombudsman I do not intend to comment on. I am just wanting to demonstrate at this point, Mr. Speaker, that appointees in other Provinces, with the exception of Ontario, have had no involvement in party politics whatsoever.

New Brunswick has had an Ombudsman since 1967. Three persons have held that office. Dr. Flemington until his death was a clergyman, an educator, a soldier, a public servant, and a professor at Mount Allison University, then President of the University for seventeen years and then involved for a number of years with CIDA, the Canadian International Development Agency before becoming Ombudsman.

His successor, Mr. Charles Leger served until his death in 1973. He was a lawyer involved in the Barristers Society of New Brunswick, a Chairman

of the Town Planning Commission of Moncton, Director of the Community Chest, and again no involvement in political office. And the present Ombudsman in New Brunswick, Mr. George McAllister, was the Dean of the University of New Brunswick's Law School until his appointment as Ombudsman.

In Quebec the Ombudsman there, called the Public Protector, Louis Marceau, was the Dean of Law at Laval University before being appointed and was aligned with no political party according to the record. Ontario we have heard about already, Mr. Maloney.

In Manitoba, they have had an Ombudsman since 1970, Mr. George Multsby and he was involved as an R.C.M.P. Officer and as Chief of Police for one of the suburban parts of Winnipeg. No political background.

In Saskatchewan they have had an Ombudsman since 1973, Mr. Earnest Boychuk. This is interesting here, Mr. Speaker, the method of selection in Saskatchewan is of particular interest. Applicants were selected by advertisement across Canada and interviews were conducted by the Secretary to Cabinet and the Clerk of the House of Assembly. They interviewed several people including Mr. Boychuk and finally they recommended his name to the House in Saskatchewan. He had been a Magistrate of the Provincial Court in Saskatchewan and was connected with no political party.

In Alberta the first appointee was Mr. George McClellan, retired Commissioner of the R.C.M.P. and he was succeeded by Dr. Randell Ivany in 1974 who had been a clergyman and a professional electrical engineer, in both cases no party affiliation.

Mr. Speaker, here is a summary of the backgrounds if you like of the various ombudsmen who are or who have held the post of ombudsman across Canada.

AN HONOURABLE MEMBER: Very well read.

MR. SIMMONS: And with the exception of the Ontario one, which we have heard about already, none of these people have had any affiliation with any party whatsoever. Now, Mr. Speaker, again we are not espousing anything that is particularly new right here. If we go back to the Select Committee set up by this House, oh some years ago, 1969, I believe, we will see there that the committee, the Select Committee, was pretty concerned then that the ombudsman should be a person who was free from all kinds of pressure or biases insofar as politics were concerned.

Now, the Select Committee as some will recall included the present Minister of Justice, the Member for Burin, the present Minister of Tourism, the present Leader of the Opposition. Only those three, Mr. Speaker, are present -

MR. MURPHY: How many meetings did they hold?

MR. SIMMONS: I have no idea, Mr. Speaker.

MR. MURPHY: Not one! Not one!

MR. SIMMONS: I have no idea, Mr. Speaker, -

MR. SPEAKER: Order, please!

MR. SIMMONS: - how many meetings they had if they had any. I can only go by the report. I do not see any minority report here from the Minister of Tourism.

MR. HICKEY: We did not get an opportunity to submit one.

MR. SIMMONS: I do not see any minority report from the Minister of Justice. I have checked the records of the House for that period. I do not see any place where the Minister of Tourism or the Minister of Justice took exception to any part of the report. So, I can only assume, Mr. Speaker, that they endorsed the report. But whether or not they endorsed the full report or not is not my point at this time because they have had opportunities since, Mr. Speaker, to introduce some amendments which they have done. So, I am not going to get particularly sidetracked about whether or not they had one meeting or nine or ten. That is not important to what I find in this document because if you went by the

validity of this document - I will refer to some comments by the Minister of Justice and others right in the House of Assembly, and perhaps then they will question the Hansard record.

The Select Committee, Mr. Speaker, was particularly concerned, and in their recommendation to the House of Assembly in 1969, their recommendations as to the qualifications of the proposed ombudsman, they said in part - now, I can only assume, Mr. Speaker, that this is the Member for Burin, the Member for St. John's East Extern, the Leader of the Opposition - the only three members who are presently sitting in the House - plus some other members who are no longer in the House, Mr. Nolan, Dr. Frecker, Mr. Hodder, Mr. Noel. I can only assume that this report represents the viewpoints of these particular people.

In any event it recommended in terms of qualifications, he should be a man not too young, not too old, not too rigid an outlook. He should be able to view problems and cases with objectivity rather than sentimentality. He must be non-political. Now, Mr. Speaker, if you will notice what has gone before, they have been saying he should be a man not too young, he should be able to view problems etc. But, then when they get to the matter of politics, they change from should and they say, he must be non-political, like a judge and secure from interference. He must not be a member of the House nor hold any office or employment and so on.

Then they quote from the Swedish ombudsman as reported by a Mr. Anderman in the American Journal of Comparative Law as follows: "To be effective, the ombudsman must maintain the respect of other public officials, the public and particularly the parliament who elect him. He must not be cowed by high ranking officials nor should he be unwilling when necessary to take an unpopular position. He must be a strong individual. He must also endeavor to remain above party politics. To a certain extent the requirement of a judicial background aids in selecting a relatively non-political nominee."

That is part of the foundation, Mr. Speaker, on which our present legislation is built. An overriding concern by the Minister of Tourism, the Minister of Justice, the Leader of the Opposition, that we appoint to the office somebody who would command a respect of the entire public, and somebody

in particular who would have no association with party politics.

MR. A. MURPHY: The honourable member would not make a judge of that.

MR. SIMMONS: I read it out, yes.

MR. MURPHY: I am wondering if that says like a judge.

MR. SIMMONS: Oh, yes! Mr. Speaker, for the benefit of the member for St. John's Centre I read in part, I think there was something like a judge here at one point. Just hang on now. Yes, it is. Quote, this is from the report of the Committee itself now, not the quotation from Sweden but the report of the Committee, "He must be non-political, like a judge, and secure from interference."

MR. MURPHY: Judge Noel said that, did he not?

MR. SIMMONS: Pardon?

MR. MURPHY: Judge Noel said that.

MR. ROWE: There is a comma in between -

MR. SIMMONS: Do not try and explain it to him "Fred". We will be here all night.

MR. ROWE: We will put him in a daycare centre when we get them set up.

MR. SIMMONS: Mr. Speaker, I have also checked the verbatim report of the House for 1970 when this matter was discussed here in the House and I find the Minister of Justice, who must be party to this resolution, I would assume it had had his concurrence, I assume the Premier checked with his colleagues before he brought the resolution in, and I find him, the Minister of Justice in this verbatim report on page 3761 of Monday, May 11, 1970 saying the following, "To my knowledge and to the knowledge of the members of the Select Committee we could not find any evidence of any former politician having ever been appointed to the position of ombudsman, and the reason for it is that this man is in the same position, he has to be, as the man who was appointed to the bench of the Supreme Court or any other judicial body," and so he goes on. The Minister of Justice at that particular time was

particularly concerned that no one who had been involved in partisan politics should be appointed as ombudsman. Our sin now, and the sin for which we had to put up with the nastiness of which only the Minister of Fisheries is capable, the sin for which we had to listen to that diatribe again this afternoon, Mr. Speaker, he, entertaining himself and nobody else with his new heights and depths of nastiness, our sin, Mr. Speaker, is for saying what his colleague, the Minister of Justice, said five years ago. Our sin is that we say that no matter what the competence of the individual being proposed is, his record is one of a political partisan and for that he is unacceptable, not to hold any office of public trust as the minister puts it, no, of course not. We are talking about one particular office, an office that is like no other office in the public sector, Mr. Speaker, an office that must be completely approachable by every Newfoundlander, every Newfoundlander.

MR. BARRY: (First part inaudible.) - a judge must go by the law.

MR. SIMMONS: I would even go so far as to say, Mr. Speaker, in response to the interjection from the Minister of Mines, I would go even so far as to say that even more than a judge, he has to be even more approachable because there are other methods, Mr. Speaker. If the judge -

MR. NEARY: How come a Tory got appointed recently to a judgeship too?

MR. SIMMONS: If the judge, Mr. Speaker, is not completely approachable, although I hope he would be, and if for some reason he is not, there are other recourses. There are lots of precedents, Mr. Speaker, where a person has requested and been tried by another magistrate because of some particular personal circumstance which pertains between the defendant and the judge or the magistrate. There are all kinds of examples, Mr. Speaker, where the defendant or the would-be defendant has another course of action because there are other judges and there are other magistrates. But that is not the case, Mr. Speaker, with the ombudsman, not the case.

Now, Mr. Speaker, the epitome of dignity in this House, the man who keeps screaming that the dignity of the House is going to be lowered, is now doing his best to elevate it as usual. He has not stopped yapping, Mr. Speaker, since I started, like a cracky. If he could only be as silent

June 5, 1975.

Tape 2107

RH - 3

right now as he would like us to be at times, I would have much less difficulty in getting on with this. The epitome of dignity, the man who is always upholding the traditions of the House.

MR. SPEAKER: Order, please!

AN HONOURABLE MEMBER: Inaudible.

6314

MR. SPEAKER: Order, please!

MR. SIMMONS: What nonsense he is.

MR. SPEAKER: Order, please!

I will remind the honourable members that when a member is speaking he does have the right to be heard in silence. If the honourable member opposite, or if any honourable member opposite provokes or says something re the speech being made by the honourable Member for Hermitage, then that still does not give the honourable Member for Hermitage the right to reply even though he might feel like doing so. He is certainly not being relevant to this resolution.

MR. SIMMONS: Thank you, Mr. Speaker. I got the message.

Now, Mr. Speaker, while we are talking about the remarks that were made back in 1970 when this matter was debated in the House, it is probably appropriate that we should refer to some remarks that were made by the present Minister of Fisheries whose views on this matter, of course, we heard just now, I presume his only views on the matter. We heard lots of words, Mr. Speaker.

AN HONOURABLE MEMBER: No action.

MR. SIMMONS: Indeed in some respects they made more sense than they make right now. What he was saying then makes an awful lot more sense than the diatribe we heard this afternoon, Mr. Speaker. It is certainly more pertinent to the motion or the resolution under debate.

MR. F. ROWE: Was he Liberal or P.C. then?

MR. SIMMONS: Well, he was crossing. It depended on what day, you see. It does not tell. There is no box score in here. So, it is hard to tell. It depends on what particular day it was, whether he was Liberal or Tory or Independent or Reformed or Deformed or whatever the party was he had at the particular time. But, he was certainly articulate about the ombudsman's job as you will see in a minute.

I read now, Mr. Speaker, from Monday, April 27, 1970, page 2891. I am quoting the present Minister of Fisheries who was then not the Minister of Fisheries.

MR. F. ROWE: Political hybrid.

MR. SIMMONS: I am quoting from him. "The person appointed a parliamentary commissioner must - (not too grammatical but that is -we will try it again). The person -

AN HONOURABLE MEMBER: What are you doing?

MR. SIMMONS: I am trying to make some grammar out of what the minister has here.

"The person appointed a parliamentary commissioner must absolutely fair - I suppose he means must be absolutely fair - "not ever afraid of a fuss with the government, the type who will just not give a damn" (it was parliamentary in those days) is going to press on ireregardless. He has got to be that type of person. It is not good in bringing in some person who is ready for retirement from public life or ready for retirement from anything." I presume from that he means including politics. But, these are not his words. He said, "Or ready for retirement from anything."

Now, is Mr. Peddle retired from politics, or is he planning, is this just a little interlude? Is he going back to politics when it is all over? The minister then said, "Not someone who is ready for retirement from anything. He has got to be the crusty, unreasonable type." Sounds like he is making a job for himself there. "Got to be the crusty, unreasonable type who gets his teeth into something." Even the Member for Burgeo might have applied if there had been applications for the position, Mr. Speaker. This is good this is. Literature - this should be in the high schools. Is the Minister of Education here?

AN HONOURABLE MEMBER: It has got to be simple for you to understand it.

MR. F. ROWE: How not to do it.

MR. SIMMONS: "He has got to be the crusty, unreasonable type who gets his teeth into something and will never let it go, that will go right for the government's jugular as soon as he finds a case of injustice. He will find lots of them. He will find lots of them in this Province. He has got to be the type who goes right for the throat and not care if he is going to be bumped out by the House of Assembly or dismissed by the Lieutenant-Governor in Council a few months later. That is the type that you have to have if this bill is going to be any good at all, Mr. Speaker. And, Mr. Speaker, I would like to have someone's assurance...." And he goes on then to make a case for them being able to investigate the

various commissions, the Power Commission and the Liquor Commission about which he had some particular hangups at that time and so on and so on.

AN HONOURABLE MEMBER: Hear! Hear!

MR. SIMMONS: But, anyway, Mr. Speaker, without passing any judgements, I just ask the question whether the description we have just read about the fearless, unreasonable, crusty, unretired jugular-grabbing type is Ambrose Peddle.

AN HON. MEMBER: Hear! Hear! Right on!

MR. SIMMONS: Now, Mr. Speaker, there is something about I guess it is my past association with the present Minister of Justice that I read every word he has written - every word he said I should say - every word he said because I keep hoping that somewhere -

MR. HICKMAN: Trying to learn something about leadership.

MR. SIMMONS: Yes, that is right. I keep hoping that somewhere I will find some more things that I wrote for him, -

AN HON. MEMBER: Inaudible.

MR. SIMMONS: - like that tremendous education speech I wrote for him and to which I referred in the last session.

MR. EVANS: Inaudible.

MR. SIMMONS: But I must say I take no particular credit for this. He probably consulted me on it, and I probably gave him the benefit of my long experience at the time. But these words are his own, I believe, Mr. Speaker. I did not write them. But they were said on Tuesday April 28, 1970, and I am reading from page 2943 quoting some more immortal words from the present Minister of Justice, the aspirant to a judgeship, but at present the Minister of Justice temporarily anyway. And he goes on to say, Mr. Speaker, what kind of person we have to have as an Ombudsman. And I quote, "A completely, fearless, unbiased man not susceptible to political influence, not susceptible to political appointment, and not susceptible to the wishes of an overbearing government."

Mr. Speaker, we saw again - I always get captivated by the performance of the Minister of Fisheries, but beyond the captivation there is another feeling, one of genuine fear. I find myself saying if he is willing to bully like that in public how much does he really bully in private. If he is willing to be that overbearing in public where the press are watching us, how overbearing can he be if he had to deal some day with an Ombudsman who is also an old friend of his, an old political partner of his. How overbearing could he be, Mr. Speaker, if we are to judge by

how ruthless he can be in his dealings right here in this particular House? And I would not want to be Mr. Peddle. I would not want to be Mr. Peddle as the Ombudsman if the Minister of Fisheries were still the Minister of Fisheries at that particular time. He must be - I am using the words of my friend, the Minister of Justice, "He must be an unbiased man not susceptible to political influence."

And then, Mr. Speaker, we now come to what must be the highlight of these readings this afternoon - I kept the best until last- we come to a quote from that great protector of parliamentary democracy the present Member for St. John's Centre. Now, Mr. Speaker, if you had not had time to think about the need for an Ombudsman I tell you, save your time, do not waste your time because the Member for St. John's Centre had it solved, had it all solved five years ago. He had it right down to a T five years ago. I am quoting now for his reference, if someone will find the page for him, Tuesday, April 28, 1970, page 2965, and he talks about the salary, he feels perhaps it should be a little more than whatever it was - I think he was talking about \$100,000 at the time, but anyway we will go on from there. But then he says, "But I think I am trying to be a little more practical, a little more down to earth on this. This appointment" - he is talking about Ombudsman now, Mr. Speaker, and keep in mind that one of the things that the government will tell us that this should have been done long ago.

Well listen to the House Leader of those days, I believe, for the Tories. 'I think I am trying to be a little more practical, he says, "a little more down to earth on this. This appointment at this time, in my opinion, would be just as practical as building another Elizabeth Towers or just as practical as having a public building on the Funk Islands."

MR. SIMMONS: Mr. Speaker, I could think of reasons, reasons of humanity why I would like to put a building on the Funk Islands, and I would not want the minister to be out there without any shelter at all. Just for sheer humanity I would vote to put a building on the Funks, a small one.

Yes, he says, economically, and so on, speaking with the state we are in in our finances period. That is the end of whatever he was going to say right there. But he goes on to say, "I cannot see what purpose the Ombudsman would serve at this time. We have forty-two members in this House. We have eighteen Cabinet Ministers." How many have they got now?

MR. ROWE: Over eighteen. Nineteen.

MR. THOMS: Nineteen.

MR. SIMMONS: I see. That is the crowd that was going to have a -

AN HON. MEMBER: Inaudible.

MR. SIMMONS: I see. I see. Well that is a fair number, fair number. Eighteen Cabinet Ministers.

MR. NEARY: Any chance of getting on the gravey train?

MR. MURPHY: You fell off it.

MR. SIMMONS: Well the Premier was absent, Mr. Speaker, so he would not know. But he is back in now. The minister has introduced the motion for him. I am quoting from his colleague back in 1970, what his colleague from St. John's Centre had to say about the Ombudsman.

MR. MURPHY: He was no colleague, he was a Liberal in these days.

MR. SIMMONS: Who, the Premier was?

MR. MURPHY: Yes.

MR. SIMMONS: The Premier?

MR. MURPHY: Biggest Liberal in the country.

MR. SIMMONS: Well there were some advantages to fellows crossing the floor after all.

MR. MURPHY: You would never know.

MR. SIMMONS: Is that right?

MR. NEARY: We always knew the Liberals went over and took it over over there.

MR. SIMMONS: I would certainly rather have them sitting across from me than behind me, Mr. Speaker.

MR. MURPHY: Only three Tories in the House today.

MR. SIMMONS: Yes, and he goes on to say -

MR. NEARY: Marshall, Carter and Wells, one of them got into the Cabinet today, first Tory to get into the Cabinet.

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

MR. SIMMONS: They have planted a fellow in the Cabinet now and look out. Look out, the beginning of the end.

Mr. Speaker, quoting again from the immortal words of the great protector of parliamentary democracy, the Member for St. John's Centre, "I think we hold our own with any Province of Canada as far as representation is concerned. I think we all try to do our best to speak with people on the different grievances and so on." Now I will get down here again.

MR. MURPHY: Professional efforts, not like you people are doing it -

MR. SIMMONS: Now then, Mr. Speaker -

AN HON. MEMBER: That is parliamentary.

MR. SPEAKER: Order, please!

MR. SIMMONS: That is parliamentary. That is good. That is par for the course for the Member for St. John's Centre, Mr. Speaker, power for the course.

MR. NEARY: Keep quiet "Hank".

MR. MURPHY: Inaudible.

MR. SPEAKER: Order, please!

MR. ROWE: We are going to put you in a daycare centre.

MR. SIMMONS: Mr. Speaker, I will tolerate him, Mr. Speaker, he -

AN HON. MEMBER: Inaudible.

MR. SIMMONS: He does not know any better so I can tolerate him if you can, Mr. Speaker.

MR. ROWE: Sit, boy! Sit, boy!

MR. SIMMONS: He goes on to say, Mr. Speaker, quoting from the Member for St. John's Centre back in 1970, I do not know the exact words that the honourable

minister quoted the other day but we have had one Ombudsman for the past number of years back and I do not see any reason or hope that that great Ombudsman will be replaced by the one that is coming in" and so on and so forth. Anyway, the point is that at least one member in the Cabinet would just as soon see a building on the Funks as see an Ombudsman. He also goes on to say that it is a squandering of the public money and I hope we will hear from the Premier, if he decides to stay in the House when we close this debate or sometime during it, I hope we will hear how they resolve that one and whether they still think it is a squandering of public money or whether the Minister of Social Services was once again expressing a personal viewpoint or as may be more likely, if he has very little influence on what the government does anyway and no matter what he thought about the Ombudsman, if the Premier decided they are going to appoint a fellow and if in particular decided they were going to appoint Ambrose Peddie, well that was all that was to be said and the Member for St. John's Centre might just as well shut up about his squandering and his raving on about buildings on the Funks because the Premier had made up his mind, or somebody has made up his mind for him, probably the Minister of Fisheries for that matter, Mr. Speaker.

Well so far, Mr. Speaker, I have referred to what has happened in other parts of Canada, I have referred to the debate that took place here when the Ombudsman was to be, when the legislation affecting the Ombudsman was brought in. I think, Mr. Speaker, the burden of what we want to say, although it was badly misconstrued by the Minister of Fisheries, he chose the old tactics of attempting to confuse by putting words in our mouth that were not there, he predicted, falsely again, how we would get up and attack the person and say he was a nice person and all that kind of thing.

Mr. Speaker, look, I have known Mr. Peddie for a long, long time. From what I know of him he is a nice fellow. From what I know of him he is a gentleman. My father is a gentleman too but I would not make him an Ombudsman.

We are not talking, Mr. Speaker, about whether fellows have integrity or if they are nice or if they are gentlemen. We are not talking about those issues at all, Mr. Speaker. That is where they get bogged down conveniently. They do not look at the real issue. And the real issue is one of political partisanship and as a result is he approachable by every Newfoundlander. I say, Mr. Speaker, there are thousands of Newfoundlanders, particularly in the district of Grand Falls-White Bay-Labrador, thousands upon thousands upon tens of thousands, I did not talk to those many but I talked to an awful lot of them when I was in Central Newfoundland in the last couple of weeks, and they have some pretty strong opinions on the subject of the proposed appointee, Mr. Speaker, not because they dislike the fellow personally, not because they think he is not competent, none of these reasons, Mr. Speaker.

When the Premier gets up if he decides to and when others get up they will put words in our mouth about how we were vicious and personal and that kind of thing. I never can decide, Mr. Speaker, whether it is that they have difficulty understanding or whether they just conveniently do the kind of thing that the Minister of Fisheries has done. Will they hear the essential point that we are making? It has to do with the acceptance by the public of this man. And I said in the Premier's absence, and I will repeat it again for his benefit, I said that even if at the time he and his colleagues agreed on this name, even at that time if they thought it was the best possible solution, the best possible appointment the public outcry since, not only from the Opposition, the Premier knows it has come from other sources, a lot of other sources, the editorial columns have been mentioned, sure, but from other sources besides that - I think he has had letters from private organizations of various kinds. I am sure he has had some personal flak on the subject, and I am sure people have talked to him about it personally. I am sure his colleagues on this side of the House have picked up a fair amount of flak on this proposed appointment. And I say to him even if at the time the appointment was decided or the

recommendation was decided he thought it was the best one possible, he has got to have some second thoughts now, Mr. Speaker, in view of the clear non-acceptance by a large segment of the public of Newfoundland. And let us never forget when all the verbiage is done with and when all the arguments have been said and all the votes have been taken, that man if he cannot relate - that is asking too much, he may not be able to relate. Let me say it another way. If he is not completely approachable in the minds of every Newfoundlander, if he is not completely accessible to every Newfoundlander well then he cannot be the Ombudsman for all Newfoundlanders. Now it is the old business. You will never reach, you will never get the ideal, you will never have Utopia in this matter. But why stack the cards against him before he begins? Why could not the Premier have done what the Premier of Nova Scotia of that day did? Why could he not have either appointed a committee of the House or approached the Leader of the Opposition, and for that matter the Leader of the New Labrador Party who was in the House at the time, and discussed possible nominees to ensure that the name proposed would meet with ready acceptance by the people in this House, and they would show leadership outside and see that it was accepted around the country?

MR. SPEAKER: I would just like to interrupt the honourable member to say that he has three minutes left.

MR. SIMMONS: Mr. Speaker, it is my understanding that I have more than that in that I am replying to the minister who opened debate on this matter. Could I have a ruling on that before I proceed?

MR. SPEAKER: The honourable member may continue. I will rule on it.

AN HON. MEMBER: He has unlimited time.

MR. SPEAKER: I am sorry. The Hon. Member for Hermitage did speak Thursday after the minister introduced the resolution. He may continue.

MR. SIMMONS: Is there a limited period? There is not a limited period. Is there a limited period, Mr. Speaker?

MR. SPEAKER: Ninety minutes.

MR. SIMMONS: Ninety minutes.

MR. SPEAKER: I am sorry. The Hon. Leader of the Opposition and the Premier sometimes have ninety minutes. The Hon. Member for Hermitage has unlimited time.

MR. SIMMONS: Mr. Speaker, I notice that there are no people around bringing water these days. Is there any possibility of getting some water?

SOME HON. MEMBERS: (Inaudible).

MR. SIMMONS: No lobster pots, eh?

Mr. Speaker, I think, it is probably pertinent at this time if I referred just for a moment for the benefit of all of us to an item that appeared in the annual report of the Ombudsman known as the Public Protector in Quebec.

This goes back to 1969 when he submitted his first annual report and at that time he had some things to say about what kind of person or what kind of individual this person should be. I will find it here for you. In his role, I am quoting now from the report of the Public Protector, 1969, Quebec, "In his role as a buffer between an individual and the provincial administration whose task is to apply the law, he has a well defined field of activity. His duty is not to pronounce judgment on legislative assembly but to supervise the application of such policy through the existing structure of executive power." Then there is a footnote which I think is very important. It says this, "Respecting this duty, I have always refused to take a stand either directly or indirectly on a political issue and have denied my assistants the right to do so." He goes on to talk again. I will not read any more but the same gentleman goes on to talk about no involvement in political parties and so on.

Now, Mr. Speaker, without belabouring this unduly, I think the body of evidence, the weight of evidence is clear, very clear. It is not enough for the Minister of Fisheries to stand here and say, we are doing it because Ontario did it. First of all, of course, that is not true because Ontario followed Newfoundland in terms of the announcement of the proposed appointment. It is not enough to say we are doing it because someone else is doing it. Let us look at what this man has to do. Let us look at the body of evidence which exists particularly in Scandinavia, other European countries and more latterly in North American and without exception until we get to the Ontario one, without exception they have avoided party politicians like the plague. Now why, Mr. Speaker, why? Because of what the Minister of Fisheries says, because we will be branded as not being able to take positions of public trust? No, not for that reason at all, Mr. Speaker, not for that reason at all, but because out there somewhere if we have a person who is ombudsman, who was a political candidate and was defeated for political office, which in the case of the proposed appointee was the

case, he was defeated for political office, if we have that kind of person out there in that constituency in particular there are many dozens of people who, having looked at the choices, voted against them and many people who having looked at the options worked actively against them in the other party organizations, the Liberal, the NDP and whatever other party structures there were at the time of his seeking election, that being the case, Mr. Speaker, he is going to have real difficulty relating to those people. Or to say it the other way around, more important, they are going to have real difficulty approaching him. They may be, after all they do that constituency represents roughly one-seventh of the Province's population, those people, or many of them in that constituency, well over half of them, because that is the number who voted against him in the election, well over half of them may have difficulty in finding him, in feeling that he is approachable and he is nonpartisan and he is going to do his best on their behalf. Now, look, whether there is 50,000 or 20,000 or 10,000, suppose there is only three, Mr. Speaker, suppose there is only one who is going to be reticent, hesitant about coming to the ombudsman for those reasons then I say it is unfair to that one or those three or those ten, completely unfair, and it could be avoided if the Premier had taken another way out and instead of making what is obviously to all concerned a political appointment, no question about that, Mr. Speaker, had the minister or had the Premier come in here and said, look, we have had a raft of applications, we advertised publicly, as they did in Saskatchewan, we have had a raft of applications, ten, twenty, thirty. We weeded them down and we interviewed, five, eight, ten people as they did in Saskatchewan and as a result of all of that we have come to the conclusion that Ambrose Peddle is the best qualified of all the potential applicants. Now, had that been the

procedure, Mr. Speaker, one would have to consider it pretty seriously and wonder if indeed the government was not doing the right thing. Of course, we know that procedure was not followed. There was no procedure, Mr. Speaker, that we know. And I say that if this man is appointed and he does have some difficulty performing his role, as he will, not for any lack of confidence but for the reasons I have outlined in terms of his unapproachability by a number of people, his unacceptability by a number of people, if he has difficulty doing his job a fair amount of the sin rests with the Premier, the onus for this snarl-up rests squarely with the Premier for not having done this the right way in the first place.

Mr. Speaker, I was quoting earlier from Quebec. I could also quote to you from Nova Scotia in one of their reports of the Ombudsman in which once again the Ombudsman, Dr. Smith, says in part that the Ombudsman is one who is without politics in his position, without politics in his position. And later on he says the Ombudsman is non-political - non-political.

Now I find it a matter of regret, Mr. Speaker, that we are having this debate with a particular name before us. I suppose it always happens this way, but if only we could have had some input a little earlier before we begin talking names so that we would define the role without reference to an individual! Then again you hardly thought there was any need for that, because a Select Committee had laid down the kind of person it should be, and I submit, Mr. Speaker, that the name before us is not the kind of person described, defined by the Select Committee back in 1969. He is not that kind of person. So perhaps it is a bit idealistic to think that we should have defined the job before we propose an appointment, when one would assume that the least you could expect, however blatantly political this government is, the least you could expect is that they would not toy with this particular job, they would not tamper with this one, that this is the one that must, the occupant of which must be approachable by every Newfoundlander, and you grant them enough common sense, Mr. Speaker,

to say, well there is no way they are going to toy with this one, no way they are going to tamper with this one. This one for sure they are going to see to it that they put in a man who is acceptable to the people of Newfoundland.

There has been a lot of muttering this afternoon, Mr. Speaker, about judgeships and that kind of thing. I am no authority on the credentials of all of the judges who have been appointed who might have been past members of the House. I made it my business to get somewhat familiar with the last judge appointed, the new Mr. Justice Morgan. And my conclusion is that, one, his credentials certainly commend him to the job, certainly that he did not spend too many months running Liberal campaigns for Mr. Trudeau or anybody else. I do not think he did anyway. I have not heard about it. Perhaps the people on the other side of the House might know of something that I do not know on that particular matter. But they are making all kinds of asides about the political nature of judgeship appointments. Are they suggesting, Mr. Speaker, are they suggesting that Mr. Justice Morgan is a political appointment? Is that what they are saying? Is that the Member for St. John's Centre is saying that Mr. Justice Morgan -

MR. MURPHY: No. He is one of the eighteen judges (Inaudible)

MR. SIMMONS: I am sorry?

MR. MURPHY: He is one of eighteen representatives.

MR. SIMMONS: One of the ?

MR. MURPHY: Eighteen representatives - seventeen representatives.

MR. SIMMONS: I see.

MR. MARSHALL: On a point of order, Mr. Speaker.

MR. SPEAKER: Order, please!

MR. MARSHALL: I do not have the quotation, but I know it is here in Beauchesne. I know the honourable gentleman does not intend to do this, but in effect he is doing it, and it is very contrary to the rules of this House or of any

House to call into question anything with respect to the qualifications of the judges, their appointments, or the judges, in fact, themselves. I think, Your Honour, I would ask Your Honour to call the honourable member to order and indeed any member on this side or that side of the House who transgresses this. I was not here at the particular time but I understand -

MR. THOMS: You should have heard your colleagues.

MR. MARSHALL: Well, I gave -

MR. SPEAKER: Order, please!

MR. MARSHALL: This is not in issue. I am rising on this particular point of order. I would have risen on it if I had heard it on another occasion but I think it is entirely out of order, Mr. Speaker, and it should be nipped in the bud at this stage.

MR. THOMS: (First part inaudible) You should have heard the Premier on this.

MR. SPEAKER: Order, please!

MR. MARSHALL: I do not care.

MR. SIMMONS: A point of order, Mr. Speaker.

I, of course, was in no way calling into question the qualifications. I said first of all to the best of my knowledge the judge to whom I referred had the highest of qualifications. I repeat that. I said it a moment ago. I also said that it certainly seems to me he is not a political appointment. I asked the question not to in any way cast any aspersions on the judge but to perhaps cast a few on what the Member for St. John's Center said when he invoked the name of another justice, Mr. Noel. I asked if he was suggesting that the appointment of Mr. Morgan was a political appointment, and he can answer it not me.

MR. MURPHY: On a point of order, Mr. Speaker, seeing I have been brought into this. I would just like to say this. There was a Select Committee in which Mr. Nat Noel, the M.H.A. for St. John's North was a member on the Select Committee with regards to ombudsman. He is now a justice of the Supreme Court. In its preamble or whatever it was it said, non-political as like a judge. A few months after that same gentleman who was a politician became a judge. I cast no aspersions on him. But, if it is going to carry on that non-political

as a judge, there is nothing with appointing a politician as an ombudsman. That is the only point I tried to make, Sir.

MR. MARSHALL: Well, on that point of order, Mr. Speaker, now having had an opportunity to look at Beauchesne, section 149 (f) of Beauchesne says it is out of order to cast reflections upon the conduct of Judges of Superior Courts, unless such conduct is based upon a substantive motion. Really, Mr. Speaker, this is a matter of substance that I am rising on, and I do not think the judges of the Supreme Court or District Court should be subjected to the type of comments that occur from time to time in this legislature which has become a circus.

MR. SPEAKER: Order, please!

On the point raised, the Chair is not quite prepared to say that the honourable Member for Hermitage was deliberately casting aspersions upon the appointment of the character of any judge of the court. But, of course, the section quoted and the point raised by the honourable Member for St. John's East is well taken and should be certainly taken note of by all honourable members. I would say though that in talking re the appointment of any judge, the honourable Member for Hermitage was certainly not relevant to the resolution at hand.

It being now a bit later than five-thirty, perhaps we shall continue with the, or commence, with the Late Show. I recognize the honourable Member for Bell Island with the question the answer to which he was unsatisfied from the honourable the Premier with regards to unemployment.

The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, we have three major problems in Newfoundland today, Sir. Number one, the cost of living. Inflation is the number one problem facing our people. The number two problem, Sir, facing our people is unemployment. And the number three problem is productivity, work stoppages both legal and illegal in both the public and private sectors.

I intend in the few minutes that I have at my disposal, Sir, to talk about record unemployment and the answer that the Premier gave me this afternoon to a question that I put to the Premier as Leader of the administration of what his government intended to do about unemployment.

The answer the Premier gave me, Sir, was very vague and general and of no substance whatsoever. I asked the Premier to outline plans that his administration had to create, to make work for the record 41,000 of our fellow Newfoundlanders who are unemployed at the present time.

From what I can gather, Sir, the honourable the Premier in his answer, if I am to interpret his reply correctly, the administration have no plans to deal with this record unemployment. The Premier tried to brush it off by saying it is world-wide, it has to be dealt with on a national scale. I say, Sir, that is hogwash. That, Mr. Speaker, is not going to satisfy heads of households, the heads of families in this Province who are frustrated at this moment, unable to find a job. They are

becoming completely demoralized, Sir. They look upon it as a hopeless situation, and it is undermining the morale of our people. Mr. Speaker, unemployment has been on the upswing, steadily increasing in this Province since the Tories took over back in 1972. Let me give you an example, Sir. In 1973, Mr. Speaker, there were 29,000 Newfoundlanders unemployed. In 1974 there were 33,000 Newfoundlanders unemployed. And in 1975 as of the end of April, and I might say all these figures are as of the end of April, there were 41,000 Newfoundlanders unemployed, 21.7 per cent, and 189,000 employed.

AN HON. MEMBER: The year before -

MR. NEARY: The year before, I do not have the figures.

MR. THOMS: In the work force not employed.

MR. NEARY: There were 189,000 in the work force of which 148,000 were employed in 1975.

AN HON. MEMBER: What about 1974?

MR. NEARY: I do not have 1973 or 1974.

But, Mr. Speaker, it is not true to say that this has to be solved on a national level. It does not, Sir. It is up to the provincial government to take the initiative and create work for our people who are unemployed. Mr. Speaker, this merely bears out the argument that we have been using all along, Sir, that this honourable crowd have not done one thing in the way of industrial development in this Province, in the way of creating projects and employment for our people. All they have done, Mr. Speaker, is to follow on with the projects that were started by the former administration and once they ground to a halt, Sir, and many of them now have either been completed or will be completed very soon, as soon as they are completed, Sir, there are no jobs for our people, no new industries, no new hospitals, no new Health Science Complexes, no new public buildings, nothing, Sir, to take up the slack. And when you have a slump in the construction industry and in the fisheries people always look forward, Sir - Joey always had something on the go, the Liberal Administration always had something to take up the slack. Right now, Sir, it is a hopeless situation, Mr. Speaker, and when you compare

the record of the former Liberal Administration to the track record of this administration, Sir, it is very sad indeed. It is pathetic. Unemployment since Confederation started to drop in Newfoundland and as soon as this honourable crowd took over it started to climb again and today we have a record of 41,000 Newfoundlanders unemployed. And I would submit when the figures come out as of the end of May that will be closer to 50,000, Sir. And if this crowd are allowed to stay in office, Mr. Speaker, the next thing it will be 60,000 or 70,000.

Mr. Speaker, if the administration is unable to cope with this problem then I would suggest to the Premier that he do the same thing as he did in the case of the inshore fishery, appoint a Select Committee of the House to try to find solutions to this problem and remove it from the realm of politics and let the elected representatives of the people come to grips with this very, very serious problem, Sir, that is undermining the morale of our people in this Province.

MR. SPEAKER: The Hon. Premier.

MR. MOORES: Mr. Speaker, the member for Bell Island, of course, is being eloquent with his statistics. That does take a bit of doing to be eloquent with statistics. The fact is that the honourable member is doing his utmost to make political points and that, of course, is his responsibility. The fact is that in this Province, Sir, we are a Province with far too high an unemployment rate. There is no question about that. We, unfortunately, because of the neglect of many years, have a lack of an industrial base which causes the type of employment that gives year round employment. Now the member for Bonavista North laughs at that. The fact is that our employment opportunities in this Province are mainly in the lumber woods, in farming, in fishing, in those sort of industries that are susceptible to the seasons as opposed to heavy industry - we have very little of that - which gives year round employment as such. This industrial base obviously has to be broadened, Mr. Speaker. With the natural resources we have as a Province this is something that will happen.

Now the member for Bell Island and others will say that it is not happening fast enough. And I suppose in many ways that is true. But with the situation in the world today and, Mr. Speaker, the investment for the development of this Province has to come from, in the main, outside this Province because the sort of money to be invested in private industry, the capital, is not available in the Province to do the development of the resources job that, in fact, has to be done.

Now he asked, what in fact is the government doing? Well, Sir, in the areas where we do spend money, in services to people primarily, in highroads construction, we have by far the biggest budget that we have ever had in this Province this year. In water and sewerage projects, the same thing, but they are the sort of things that do employ people. Capital works projects in the field of health, other than turning sods which was the fashion of the past, the fact is that hospitals have been ongoing and will be completed this year in Corner Brook, in Twillingate, in Carbonear, the Waterford Hospital, Bonavista, and new hospitals will be commenced this year in Clarenville, Burin and some of the other smaller hospitals such as Channel and Placentia and the ongoing programme at Bonavista.

Now in these areas, Sir, where it does cost a lot of money with a Province that in fact does not have the resources of some others, this is, as far as direct government expenditure is concerned, just about as much as we can do. Now another thing and a figure that is continually missed is that I think it was about three years ago the industrial wage in Newfoundland was about twenty to twenty-five dollars less than the Canadian average. On last month's flash sheet it showed that we are now within six dollars of the Canadian average in the industrial wage in this Province, which means we have caught up much more rapidly than people could have expected, but with higher wages obviously people in business are going to look for more efficiency and if possible try to do with less people.

Mr. Speaker, I suppose industrial development could be carried on in many areas. We have seen examples of it in the past. We do not want to duplicate it, such as ERCO where I think the average subsidy on power works out to something like \$50,000 an employee. I think that is about right. I think it is about \$50,000 per person per year that that subsidy is costing in ERCO through previous agreement, which is not the sort of industry, Sir, that really contributes to this Province. We know about the older industries like the battery plant and that sort of thing but that is not worth discussing really.

When we talk about the great industrial development of the previous government, I would like for someone to document exactly what development

they are talking about. What industries are we talking about? IOC was not started by the previous government.

SOME HON. MEMBERS: Inaudible.

MR. SPEAKER: Order, please!

MR. MOORES: Mr. Speaker, there is after twenty-three years the track record in fact from an industrial development point of view, is pretty dismal. One of the facts I would like to mention, with the very high unemployment, one of the amazing facts is that as of the end of April there were 4,360 people on social assistance in this Province. Now that is down from 5,580 in January when the Fisheries strike was on which did make a difference.

MR. NEARY: What about the unemployment insurance?

MR. MOORES: But 4,380 - well that is still - the fact is it is not as desperate as, for instance, in 1972 when we took over when there were 9,400 people in this Province were on -

MR. MURPHY: The Hon. Member for Bell Island

MR. SPEAKER: Order, please!

MR. MOORES: The fact is, Mr. Speaker, that there were twice as many people on able bodied assistance in 1973 as there is today. Now, Sir, there is a great that can said on this that obviously cannot be said in five minutes. The Member for Bell Island was making some political points, fair enough. The fact is I think that possibly this should be the subject of a debate in this House before we really can get into the plans of the government, and if they insist the failures of the previous government.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please! The Hon. Member for Bell Island's second question.

MR. NEARY: Mr. Speaker, before I get into my second question, I would like to first of all congratulate the Member for St. John's South on his appointment to the Cabinet today. I wish him every success, Sir, I hope his term of office will not be of long duration. I might take note, Sir, that the new minister is about the first Tory to be appointed to the Cabinet in two or three years.

Now, Sir, I am very concerned about this matter of distribution of liquor in this Province since the Liquor Store employees went on strike. And I believe, Mr. Speaker, that the time has come for the Minister of Justice to launch an inquiry into the distribution of booze in this Province at the present time. I submit, Your Honour, that there is legalized bootlegging going on in this Province right now. Sir, one night I got a call at 12:00 o'clock at night telling me that a shipment of booze was being loaded aboard the ferry on its way to Bell Island.

AN HON. MEMBER: Now!

MR. NEARY: Yes, Sir.

AN HON. MEMBER: Inaudible.

MR. NEARY: And I have had numerous phone calls, Sir, telling me about the peculiar movement of booze in this Province since the strike took place under cover of darkness, and the latest example that we had, Sir, we had the incident down at Hotel Newfoundland - the latest example we had is over here at our own Memorial University.

MR. EVANS: They are stocking up for the Liberal Ball!

MR. NEARY: Now I know there is -

AN HON. MEMBER: The Liberal Ball!

MR. NEARY: No, Sir -

AN HON. MEMBER: The Liberal Ball!

MR. NEARY: Mr. Speaker let me make this statement that if the liquor strike is not over when the Liberal Ball takes place on the 28th. day of this month I will boycott the Ball unless they serve milk and donuts.

AN HON. MEMBER: They are stocking up!

MR. THOMS: How about ginger ale?

MR. NEARY: I do not care, Sir,

MR. EVANS: Inaudible.

MR. NEARY: No, they -

MR. EVANS: Inaudible.

MR. NEARY: No, Sir,

MR. SPEAKER: Order, please!

MR. NEARY: No, Sir, if the liquor strike is still on, Sir, here is one who will not be there if liquor is served at that ball.

MR. EVANS: Inaudible.

MR. NEARY: That is my policy and I will not, Sir, be accused of being a strike breaker. But, Mr. Speaker,

SOME HONOURABLE MEMBERS: No, no -

MR. NEARY: There is all kinds of evidence of strike breaking, Sir, in this Province at the present time. Every con artist and every fast buck artist in Newfoundland, defeated Tory candidates, representatives recommended by the government representing distilleries in Newfoundland are rum running. It is scandalous, Sir, what is going on. The whole thing is a complete shamble and all for one reason, Sir, and that is to underminde the poor, old employees of the Newfoundland Liquor Corporation who are trying to get a just and decent wage for themselves and their family. And I -

MR. MURPHY: Inaudible.

MR. NEARY: Mr. Speaker, I know that the university -

MR. SPEAKER: Order, please!

MR. NEARY: I know the university is pushing for increased funds, Sir. I heard on Convocation Day the President of the University saying they need more money. But they do not have to bootleg over there, Sir, to get that money, to bring in the booze at two and three o'clock in the morning. I think the time has come, Sir, for the Minister of Justice to step in to this whole matter and launch a thorough investigation, Sir, into the distribution of booze in this Province at the present time. I think, Sir, the law is being broken right, left and centre. The Minister of Justice cannot sit idly by in a weak-kneed

fashion, ostrich-like with his head in the sand and let these things go on right under his nose. Something has to be done about it, Sir.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: No, Sir, I have not had a bottle of - I must say I had one bottle of wine since the strike started and I believe it was through the courtesy of the Minister of Mines - no, one of our colleagues. I have not had a bottle of wine, Sir, since the strike started and I am as parched as anybody. I love a drop of white wine and a drop of red wine. I do not touch beer or hard liquor. But I will be damned, Sir, if I am going to buy this counterband, this bootlegged liquor that is being brought into this Province. I think it is high time that the Minister of Justice investigated this whole affair.

SOME HONOURABLE MEMBERS: Hear! Hear!

MR. SPEAKER: Order, please! The honourable Minister of Justice.

HON. A. HICKMAN: Mr. Speaker, I am amazed, dismayed, alarmed, when I hear the announcements coming from the honourable the Member for Bell Island who is the justice critic for the Opposition and has been for the last year or so. He tells us that there is legalized bootlegging going on in this Province, that he is aware of it, that he has received a telephone call saying that it is being transferred under the cover of darkness by ferry to Bell Island. Now, the justice critic has been on his feet screaming for law and order. Remember he is the man to the right, law and order at all cost, nail them and jail them. Every honourable gentleman knows that the honourable member's position. Now he discloses to this House that he is aware of what he considers to be an offence having been committed and has not passed it on to the authorities to investigate. I find that almost incredible, beyond belief. He has been made aware, he is aware of what he believes may be a breach of the law. I am not aware of any law which says, Mr. Speaker, that the liquor store as the legitimate agent of the Crown for the sale of liquor cannot sell liquor through its various outlets.

MR. DOODY: They can still make direct shipments.

MR. HICKMAN: They are permitted under the law to make direct shipments. But if the honourable gentleman from Bell Island is aware of a breach of the law, then as the justice critic for the Opposition he has a very solemn duty to report that to the police so that the police can investigate. I commend the Liberal Party of Newfoundland for their stand. I hope the press will take due note that if the strike at the Newfoundland Liquor Commission is not over by the time the Liberal Ball is held in Memorial University which is to be attended by the Prime Minister of Canada, the same gentleman who refused to come to Newfoundland during our celebration year, if the strike is not over it will be a dry, dry, dry Ball.

MR. HICKMAN: As a former, as a past recording scribe of Grand Division Number Nine of the Sons of Temperance may I say that I commend the Liberal Party of Newfoundland for having the courage to stand up and say we are prohibitionists, more power to them, long may their dry jib draw and I do hope that they will have a very, very successful but dry ball at Memorial.

May I say, Mr. Speaker, that the honourable gentleman for Bell Island's reference to agents for distillers was something that aroused some interest on my part. My recollection is, and the fact is that one of the first decisions by the Moores Administration was to tell any distiller of - what do you call it, this foul stuff that they call booze, any distiller could now sell to the Newfoundland Liquor Commissioner without a local agent. And that was a revolution, that was a breakthrough, that was a major change in policy -

PREMIER MOORES: That was a mistake.

MR. HICKMAN: - well it might have been a mistake, whether it is a mistake or not the simple fact is that today nobody who makes that evil stuff, who distills that evil stuff, who brews that evil stuff need now have to retain an agent in Newfoundland to sell his product to the Newfoundland Liquor Commission.

The Newfoundland Liquor Commission is presently on strike, and there have been some very delicate and detailed and genuine negotiations going on on the part of the government representatives and the employees of that Commission. May I point out, Mr. Speaker, for the information of the press and this House that as of today under last year's scale the lowest paid employee in that Liquor Commission is receiving \$4,969 per annum. Under the offer made by the Newfoundland Liquor Commission that employee will make \$7,656. The Liquor employees themselves have shown their concern for the very productivity -

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. HICKMAN: - that the honourable gentleman from Bell Island mentioned earlier. They themselves have asked to go to a forty hour work week which is an increase of five hours from the present thirty-five hours.

May I give honourable gentlemen some other examples. A sales clerk under the present thirty-five hours scale will be making with the Liquor Commission \$6,348.

MR. SPEAKER: Order, please! I would like to inform the Hon. Minister of Justice that his five minutes has expired.

MR. HICKMAN: By leave?

AN HON. MEMBER: Time up.

MR. HICKMAN: By leave? Would you like these figures by leave?

AN HON. MEMBER: Inaudible.

MR. SPEAKER: May the Hon. Minister of Justice have leave?

HON. MEMBERS: Inaudible.

AN HON. MEMBER: Carried.

MR. HICKMAN: No. Cannot bear the truth.

MR. SPEAKER: The honourable minister does not have leave. You may now continue.

MR. OTTENHEIMER: Mr. Speaker, before the motion to adjourn and with the leave of the House I have already consulted with the Honourable House Leader of the Opposition who has kindly assured me of the Opposition's leave, I would wish to make a brief statement which I was not in a position to make not having the requisite not having the letter to which I shall be referring, between thirty and forty-five minutes ago. And I thank the honourable gentleman for the leave which he assured me.

MR. SPEAKER: Does the Hon. Minister of Education have leave to make a statement?

HON. MEMBERS: Agreed.

MR. SPEAKER: Agreed.

MR. OTTENHEIMER: Thank you, Mr. Speaker, and I thank the honourable gentlemen opposite for their leave. I received a half hour ago a letter from the Auditor General dated the 5th. of June, dated today, a letter which contained a copy of the Auditor General's letter to

the Deputy Minister of Education, also dated today, June 5. The letter refers to the preliminary audit findings with respect to the Burin District Vocational School. I have carefully studied the interim report of the Auditor General.

with respect to Burin District Vocational School accounts. I feel that on the basis of the information contained therein I should request my colleague, the Minister of Justice, to initiate an investigation into the matters of inventory control, accounting procedures and the possibility of misuse of public funds at the school. I have thus made this request to my colleague, the Minister of Justice.

I should point out now, and there are copies of this for the press and for Her Majesty's loyal Opposition, and I point out now that I do not intend to make any further statement on this matter until I have received a report from the investigation that I have requested. To do so would run the risk of prejudging the outcome of the investigation. I feel however that I should inform the House of the action I have taken upon the receipt of the interim report of the Auditor-General at the earliest possible moment which I am doing and which in fact I have now done and for which I thank honourable members for granting leave so that I could so do. Thank you.

MR. SPEAKER: It is moved and seconded that the House do now adjourn. Those in favour, "Aye".

MR. HICKMAN: I move, Mr. Speaker, that the House -

AN HONOURABLE MEMBER: Inaudible.

MR. SPEAKER: Order, please!

AN HONOURABLE MEMBER: Oh, it was voted down.

MR. SPEAKER: It is moved and seconded that the House do now adjourn. Those in favour, "Aye". Those against "Nay". The motion is defeated.

I now call it six of the clock and leave the Chair until eight o'clock tonight.

The House resumed at 8:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: When we adjourned at six o'clock the member for Hermitage was speaking to the resolution, and I now recognize the Hon. Member for Hermitage.

MR. SIMMONS: Thank you, Mr. Speaker.

Mr. Speaker, our main objections to the nominee being put forth, I believe, were well summarized in some editorial comment which appeared around the end of April when the Premier made known his intentions to move a resolution naming Mr. Peddle. Just to refresh memories I refer you to an editorial in The Evening Telegram on April 29 which made some reference to what the precedents are elsewhere and then goes on to say - sorry, first of all I should say that this is April 29, 1970 and this refers to the original legislation and it quotes -

MR. EVANS: (Inaudible).

MR. SPEAKER: Order, please!

MR. SIMMONS: - it quotes some precedents elsewhere across Canada and also, of course, it refers to Sweden and then it makes some comment on the length of the term being proposed - this is back in 1970 - the ten year term and so on. And then it goes on to say, quoting from that editorial of over five years ago now, "We have already set a precedent in those matters from the University President down and in the case of the Ombudsman there could be real merit and value in selecting someone who is free of the many inhibitions that stem from the local condition." There they were making a case for someone outside the Province as being the ultimate in terms of being free of what they call the local condition. They go on to say in the editorial, "What we are saying in effect is that this is one office that should not be filled by any ex-politician, either provincial or federal. The success of the office will depend in large measure on the character, integrity, fairness and impartiality of the person appointed. He also should have either legal training or experience. All the Scandanavian

ombudsmen have such a background. The crux of the matter though as Denmark's ombudsman has stated is that the ombudsman must be completely independent. Otherwise, the appointee may only be a straw man." Mr. Speaker, that brings me to our second fear. Our first one is the one that we stated, I think, quite repeatedly, the fear that applies to anybody who has been a politician, an active party politician, the example has been drawn this afternoon of the gentleman in Ontario. The Minister of Fisheries went into his background at some length. He did not bother to point out that it was a full thirteen years since that man last sat as a Member of Parliament.

Our second fear is contained in that closing statement, "Otherwise the appointee may only be a straw man." Whether he becomes a straw man or appears to be one, or appears to be one. The old business of, I think someone has said, justice must not only be done, it must appear to be done. It reinforces what I was saying earlier about the acceptability of the man. If there are those who feel inhibited in approaching him or if he appears to be the tool of the government, if by association over the years the public associates that man as being one who dances a tune of the Premier or the Minister of Fisheries, whether or not he does, Mr. Speaker, whether or not he does, if the public or some segment of the public feels that way, has that impression of him, then they are inhibited in making approaches to him. As I say, not only must justice be done, it must also appear to be done. I heard the Minister of Fisheries this afternoon attacking the appointment of the ex-R.C.M.P. Commissioner out West. Of course, Mr. Speaker, in true form he once again uses the old tactic of if you have not got a good argument, confuse the issue, skirt the issue, drag in the red herring. The minister is good at that. He did it particularly well again this afternoon in talking about the ex-R.C.M.P. Commissioner. That is not the issue at all, of course. The old question of whether

that gentleman out West, the ex-R.C.M.P. Commissioner had the credentials for the job, the confidence to do the job was a matter for decision elsewhere. What we do know is that he had no party affiliation, no active political involvements prior to his appointment and that is how he differs and therefore how he qualifies in a way that the nominee for Newfoundland does not qualify. No matter what may be the other credentials of that Commissioner there is one that he has that is all important and one that the gentleman here in Newfoundland does not have. Because, Mr. Speaker, the ombudsman, the office of ombudsman is in a very real sense the court of last appeal, a court from which there is no other appeal. If you go to Provincial court and you do not like the verdict, you have recourse. If you go to the Supreme Court under the appeal process we have, if you do not like the verdict,

you have a recourse. But, as I understand the role of ombudsman, one would only have occasion to go to him for the most part when all other avenues have been exhausted. So, in that context, Mr. Speaker, I think it is fair to say that the ombudsman is a court from which there is no appeal. It is fundamental, obviously fundamental to the integrity of the office that the ombudsman be above any suspicion, any suspicion of partisan involvement.

Now, the Minister of Fisheries, and perhaps his colleagues, but certainly he would like us to wallow a bit, would certainly like us to get in and fling personal innuendo and all kinds of attacks and that kind of thing, and he predicted we would do that kind of thing. But, of course, he again seeks to confuse the real issue. The issue is not the qualifications of this particular nominee, the competence in terms of ability to deal with the issues. The issue is his overall suitability for the job in view of his overall background. An inescapable part of that background has been his political involvement, an inescapable part. Indeed if you were to ask the average Newfoundlander to tell you what they know about Ambrose Peddle before this subject came up, the subject of ombudsman, if you were to ask almost any Newfoundlander, if they knew him at all - a good many Newfoundlanders did know his name - anybody who did know him, I submit, Mr. Speaker, would have identified him as a politician, would have identified him either as a former member of the House of Assembly or of the House of Commons.

His only claim to public fame in Newfoundland - I have not said his only claim to competence - I am saying his only claim to public fame, his only way of being recognized by the public at large is through his political, his party, his partisan, political involvements. That is his only way of being recognized by the average person in the public.

Now, Mr. Speaker, in view of that, how can he be above suspicion of partisan involvement? Let us assume that the man, if this motion goes through as I think it will - I cannot vote for it, Mr. Speaker, but it will probably receive a majority - Mr. Speaker, if this goes through and this gentleman becomes the ombudsman, let us assume that in every action he is completely above reproach, that he is of independent mind, and that he is not in any way dissuaded from his proper responsibilities by

any political considerations, then let us grant him that, suppose that is the case. In time you and I, Mr. Speaker, and others who have occasion to have a fair amount of contact with him on behalf of constituents and so on, we would come to know that - let us say he is being of independent mind and carrying out his responsibilities properly and without any allowance of interference whatsoever, political interference. Suppose that is the case, suppose we recognize that.

The crux of it is, Mr. Speaker, do all the people who would potentially want to have access to him recognize that as well? Do they all consider him to be above suspicion of partisan involvement? Do they all or will they all consider him to be above reproach insofar as political pressures are concerned? I say, Mr. Speaker, that we are asking the impossible here. We are proposing for the office - there is no office quite like it. They can talk about judgeships and Supreme Courts and all the rest of it, Mr. Speaker. There is no office quite like this one, no office quite like it. Yet we are asking that the man who is going to fill that office, that man should be a fellow whose only public association is a political one.

Now, Mr. Speaker, if like Arthur Maloney, for example, in Ontario who has not been in elected office since 1962, if like that man, the

gentleman we are talking about had also established himself publicly in some other way such as Mr. Maloney who, I understand, is recognized quite widely as a very competent lawyer, criminal lawyer, in Ontario, and has established his recognition in that way so much so that the leaders of the various parties in the House could rise and say, oh yes, Arthur Maloney, no question. Mr. Speaker, we on this side of the House could not do that in the case of Mr. Peddle. Were we the only people saying this, Mr. Speaker, you could treat it as the Minister of Fisheries has chosen to treat it, as so much cheap politicking.

Mr. Speaker, I do not care if the members of the House bare their souls here, Mr. Speaker, before us.

AN HON. MEMBER: (Inaudible).

MR. SIMMONS: Oh, I know, Mr. Speaker, the member for Green Bay must be having a very rough time living with this one because it flies in the face of all he stands for and all that the Minister of Fisheries stands for too, and all that the new Minister of Health, whom I want to congratulate publicly, stands for.

AN HON. MEMBER: He already accepted it.

MR. SIMMONS: He did accept it already. He is a gentleman.

The member for St. John's South, Mr. Speaker, is a real gentleman.

MR. MURPHY: How do you recognize that?

MR. SIMMONS: The member for St. John's Centre told me.

MR. THOMS: Keep quiet now, Ank.

MR. MURPHY: Carry on Roger. It is a pleasure to hear you.

MR. SIMMONS: Thank you, Ank. Thank you.

MR. THOMS: The radio kid.

MR. SIMMONS: Mr. Speaker, you would never know that there was a liquor strike on. You would never know. You would never know.

SOME HON. MEMBERS: (Inaudible).

MR. SIMMONS: Yes, Mr. Speaker, like Caesar's wife, the Ombudsman must be above reproach.

MR. EVANS: So you know her, too?

MR. DOODY: Keep it very clean.

MR. SIMMONS: Eh?

MR. DOODY: More like Marc Anthony.

MR. SIMMONS: Mr. Speaker, the unfortunate fact is that Mr. Peddle is not -

MR. MURPHY: Why does the man's name have to be dragged out?

MR. SIMMONS: Mr. Speaker, the member for St. John's Centre may not realize it, Mr. Speaker -

MR. MURPHY: What? What?

MR. SPEAKER: Order, please!

MR. SIMMONS: - he may not realize it, Mr. Speaker, because he either has not read or cannot read the resolution. The resolution proposes the name of a particular individual. We are not talking about the principle of whether we should have an Ombudsman or not. I earlier said this afternoon that I wish that were the case so we could have some input in terms of what kind of man we would like to have for the job. We are asked to decide one thing only in this matter, Mr. Speaker, whether or not we can vote for a particular individual. I did not put his name there. The Premier put it there. I would not have put it there, Mr. Speaker. And the man we are talking about, it is true, is a particular man who has a surname. And I identify him by that surname. And he is the person that I must oppose in terms of any appointment as Ombudsman. I cannot vote for it because it is that particular man, Mr. Speaker, not because he lacks competence, not because of him particularly but because it is him an ex-politician, a person who because of that, Mr. Speaker, cannot hope to command the respect and the confidence of the Newfoundland people or the people who would seek access to his office. That is what I am talking about, Mr. Speaker. I do not expect the member for St. John's Centre to grasp that. I do not expect. He has been too busy interjecting to listen to what is going on but that is par for the course for him. But my concern whether he buys it or not or whether he even seeks to listen to it, or whether he rather seeks, as he normally does, to interrupt, I am not too concerned about the member for St. John's Centre.

MR. PECKFORD: You spend a lot of time talking to him.

MR. SIMMONS: It would be a very ill-conceived concern indeed. But, Mr. Speaker, I am very concerned that we not make the mistake, the very serious

mistake of passing this resolution and appointing the particular gentleman named therein as the Ombudsman. That would be a mistake, Mr. Speaker, of the first order, and I sincerely hope that it is not done. I hope somehow the Premier will have some second thoughts, will retract the nomination and will go about it either in the way Saskatchewan did where they advertised all across Canada, because as the editorial in the Telegram pointed out five years ago, this man does not have to be a Newfoundlander as such,

not particularly, he has got to be a man who can do the job.

So let us go out, Mr. Speaker, let us go out, let us go all over the country and find the best man possible for the job.

MR. MURPHY: Red China.

MR. SIMMONS: And we have not done that.

MR. EVANS: Bring Joey back.

MR. SIMMONS: Mr. Speaker, I am enjoying this silence immensely and I shall take some precedent from it when I have occasion to be sitting instead of standing when certain other members are speaking.

Let us find the best man possible. Let us do it the way Saskatchewan did it either by advertising all across the country or let us have a small committee of the House, be it only the Premier and the Leader of the Opposition. For that matter, as they did in Nova Scotia, let us consult among the leaders of the parties involved so that when the name comes in here we understand before that it is a name that is acceptable to all concerned. Because, Mr. Speaker, the first requirement of a successful term for this Ombudsman, the first priority, the essential requirement is that he be acceptable to the people he will attempt to serve. And I say that the government in proposing the particular name it has, has destroyed the possibility of that requirement applying. There is no way that this man can be accepted. As I said today even if they thought, even if they were not playing politics with it at all and sincerely felt they were doing the right thing when they named that individual, they must have an answer to the contrary now when they have seen the outcry in the papers and from individuals and groups across the Province, they must now have the message that no matter how wise they thought they were at the time, they obviously made a mistake. Now let them be men enough, Mr. Speaker, to admit the mistake and to start it all over again.

See, Mr. Speaker, there is one thing that you are not suppose to say here, because the minister said I should not say it, that needs to be said and that is that this is first and foremost, and, I suppose only a political appointment, one of the worst examples of political patronage we have had. Now the minister predicted that we would

say that. In doing so he hoped he would discourage us from saying it. But he guessed us, he out-guessed in a way, he predicted because he knows very well what the main problem with this appointment is - it is so obviously partisan, it is so obviously an attempt to look after a political buddy that even he is embarrassed. And, Mr. Speaker, when you can embarrass the Minister of Fisheries you have got some pretty embarrassing stuff on the table. Even he is embarrassed at this one. He knows because he sat on this side, he has the ability to analyze both sides of an argument, and he rightly guessed, he rightly predicted that the main weakness in this resolution is that it is so blatantly partisan in what it attempts to do.

The legislation of Ombudsman, of course, has been on the books since 1970, a year or so before the Liberals left office, and for three years since the Tories took office. And I say, Mr. Speaker, I go so far as to say that the office did not seek the man. I am not suggesting the man personally sought the office, not this particular office, but I would say that the office did not seek the man, but rather some people sought an office for the man. And they decided they had to look after this fellow politically, had to do something for him, and they began looking around. Lo and behold, somebody scratching his head came upon this bit of legislation that was there, and they got it out and dusted it off and said aha this looks like a tidy position. So three years into their term the great defenders of democracy led by the Member for St. John's Centre, as always,

sighed aha there is the job for our boy. I suggest, Mr. Speaker, that is what happened. And I have in front of me a letter which one of the fellows now in the Cabinet wrote a number of years ago which confirms that their way of doing things has not changed very much. They are as opposed to political patronage now as they were then, as opposed but no more. They are just as anxious that good Tory faithfuls be tucked away now as they were then, because I have here a very interesting letter written by one of the present members of Cabinet, a letter which appeared in The Evening Telegram way back in 1966.

MR. DOODY: Okay so far.

MR. SIMMONS: He had just come from a P.C. Convention in Gander, one of those conventions they had out there when the hotel did not burn down, that was back in 1966 and having talked about the need for an Ombudsman and so on, by the way the P.C.'s -

MR. DOODY: Author! Author!

MR. SIMMONS: Let us give credit where credit is due - Mr. Speaker, the junior Member for Harbour Main may have been the author, he did not sign the letter but I will come to that in time. But giving credit where credit is due, the person who signed the letter did point out that the convention, the Tory Convention had just dealt with a resolution on the Ombudsman and it said that a Progressive Conservative Government will bring in the necessary legislation to have such an official appointed by and responsible to the House of Assembly. Well, they were talking about it in 1966. They had an opportunity in 1969 of course and in 1971 it came to the House, it was not until 1975 Mr. Speaker, nine years after they had that resolution at their convention and three and a half years after they came into office, Mr. Speaker, not until then do they get around to appointing anybody.

Now the writer of this particular letter, a member of the Cabinet at present, even had a name in mind back in those days, Oh yes, no shortage of names even then, no shortage of fellows around, Tory politicians whom they wanted to tuck away, you see. So you add another provincial and federal fellow, a fellow who had sat here and sat in the Federal House for some time,

he wanted to see the honourable W. J. Browne appointed as Ombudsman at that particular time and also he said the reason he had the guts to say the reason, "in view of his past political activities," in the letter, Mr. Speaker, in view of his past political activities.

MR. DOODY: At least we are consistent, you know.

MR. SIMMONS: He is not here so I will be kind to him, but who else could have -

MR. DOODY: Are you sure I did not write that?

MR. SIMMONS: I believe the member might have written him, Mr. Speaker, because his colleague from Harbour Main signed it, and I am sure he did not write it. I am sure he did not write it. I am sure he did not write it.

MR. THOMS: I knew it sounded familiar.

MR. SIMMONS: Yes, indeed.

MR. DOODY: I agree with the sentiments one hundred per cent.

MR. SIMMONS: Indeed.

MR. DOODY: W. J. is a good man.

MR. SIMMONS: I agree that W. J. made quite a contribution and I used to enjoy sitting in the gallery and watching him usually get the better, Mr. Speaker, in the exchange that he was involved in, I have some fond memories of watching him from the gallery during his time in this particular House and a man that a lot of us have a lot of respect for, but a man of course who was an ex-politician as the Member for Harbour Main, then Mr. Gordon Dawe of Manuels so well points out and that he should be appointed in view of his past political activities.

Now, Mr. Speaker, that is what is wrong with this particular resolution, of course. That is what is wrong with it. The Premier and his fellows searched around for an office for the man. I say, so there is no misunderstanding, I do not suggest that the nominee particularly came looking for this office, I say the office did not seek the man. Some people sought an office for the man and they came up with this one, and that is the sadness of this, Mr. Speaker, that the office that should

be filled by a person who is completely above any suspicion of political involvement, the one office in the Province above all other, above Supreme Court Judgeships, Mr. Speaker, even, the one office, the one above all other that should be above any suspicion of political involvement or political pressures being applied, is the Ombudsman.

The tradition shows that.

the people who have a lot of experience in it in the Scandinavian countries and somewhat in Western Canada in all cases we see the same thing, We see them avoiding ex-politicians like the plague and Mr. Speaker, for very good reason. Does the Member for St. John's Centre want to say something?

MR. MURPHY: A question I was asked by the minister. Carry on.

MR. SIMMONS: Oh! I thought you wanted me to stop speaking.

MR. SPEAKER: Order, please!

MR. SIMMONS: Mr. Speaker, if he wants to have his little conversation, you know, got to go outside somewhere.

MR. SPEAKER: Order, please!

MR. SIMMONS: I would be a lot happier. He bothers me sometimes, Mr. Speaker.

MR. MURPHY: Want an apology?

MR. SIMMONS: Mr. Speaker, there is a way out, of course, of this entanglement that the Premier has got himself into, so much so that he chose not to be in the House this afternoon when the thing was brought in. My colleague, the Leader of the Opposition, of course, is not here because he cannot be here. He would be here and would be leading off on this one as is tradition. I believe particularly in view of the fact that the motion stands in the Premier's name he should have done the same thing. But I have got a feeling he is taking a beating on this one, Mr. Speaker. I got a feeling that he has had a lot of second thoughts on this one privately. Now, I do hope that he is man enough to admit them and I hope that as a result he will come in here, withdraw this resolution, and then go about this in one of two or three ways. There are all kinds of precedents, Mr. Speaker, for what I am about to suggest. Either the precedent in Saskatchewan of advertising, having a committee select, or the precedent I mentioned in Nova Scotia of having consultation among the party leaders in the House to insure that we come up with someone who is acceptable and above reproach, above any suspicion of political involvement or, Mr. Speaker, why could we not take a page out of the - the way they do things in the United States. I am not an admirer of all they do down there but they certainly have some

procedures that appeal to me. Why do we not recognize this office for what it is. It is an office that is answerable to the House of Assembly, not to the Lieutenant-Governor in Council, not to Cabinet as such. It is therefore the House of Assembly that should appoint rather than just rubber stamp, just rubber stamp a recommendation of Cabinet which is what is going to happen in this particular case, Mr. Speaker. Why could the House not in a very real sense through perhaps the machinery of a select committee or some kind of an interviewing committee, call it what you will, why could the House not directly appoint that person? Why could we not as we see them do in the States in terms of appointing some of the senior people in government, certainly the judges and the Cabinet officers, why could we not submit a name to committee, perhaps not in public, Mr. Speaker? I am not particularly anxious to do that. It has got some overtones if you do it that way. Why could we not have a committee sitting in camera who would interview the nominee and determine beforehand as they do in the case of the appointments to which I referred in the States, determined beforehand whether the man's credentials are such they could be able to carry out the duties of the office of ombudsman. Instead of that, without any effort to find out who is the most competent man to do the job, we get flung at us a political appointee, one of the worst examples of partisanship I know.

My suggestion to the Premier is that he withdraw this one altogether and that instead if he wants to come in and propose a nominee from the Lieutenant-Governor in Council, that is fine, but then submit that name, either publicly or perhaps preferably in camera to a by-partisan committee of the House, a committee which would examine the nominee's credentials, would talk to him and then would make a recommendation to the House. Then, let us have the appointment, the actual appointment of that individual by a decision of majority of both sides of the House. Now, Mr. Speaker, that is a departure from the way we take votes in this House. We normally have a simple majority or a two-thirds majority depending on the item we are dealing with or the nature of it.

But this is an unusual type of appointment. This is an appointment not quite like any other in the public service. This is an appointment that is, one, answerable to the House of Assembly as is the Auditor General, but secondly, an appointment, an office the success of which depends on its acceptability by the largest number of people possible. These particular requirements for this particular office requires if necessary some unusual procedures.

Perhaps we have got to amend the rules. Perhaps we have got to amend the legislation. You can do that pretty quickly as has been demonstrated on other times here when the government wants to get something through in a hurry. That is not a problem in terms of time. My suggestion then is that the Lieutenant-Governor in Council or the cabinet bring in a nominee, not one whose political involvement is going to militate against his chances of ever being a successful ombudsman, bring in a nominee. We might have to advertise first for that matter. I do not know. There are pros and cons there of course. There are arguments for it and arguments against it. But, by whatever process, decide on a nominee, bring in that name, submit it to a by-partisan committee of the House. Let that committee examine his credentials, interview him or her and make a recommendation to the House. Then let the House take a vote with the requirement that a majority of each side of the House would have to support the nominee, the nomination.

In that way, Mr. Speaker, and only in that kind of a way will we find an nominee acceptable to most of the Newfoundland people. Mr. Speaker, on this one I have a very real concern as I look ahead from this point. I presume that at some point this man, if the Premier does not choose to withdraw which would be the wise course of action right now, if he does not choose to withdraw -

AN HONOURABLE MEMBER: Inaudible.

MR. SIMMONS: Mr. Speaker, I feel it is the wise course of action right now for him to withdraw the nominee and go about it, not necessarily in the way I suggest, but to take it under advisement, my suggestion and some others. Whatever procedure he finally comes up with, he and his colleagues, let it be a procedure that will ensure that we do not

have a repeat of what we have had with respect to this nomination. Because, as I was going to say a moment ago, as I look ahead from tonight and presume this takes its course and this motion or resolution gets passed and this man becomes the ombudsman - he must be asking himself in very real terms tonight if he can do the job given what has gone on, the discussion here in the House, the opposition expressed by groups around the Province. I will not remind the Premier of it publicly. He has got letters. We have got copies of some of the letter he has got on the subject. We will let him see our copies if he wants to but I do not think it is a matter that we should parade publicly because the man may well become the ombudsman. I hope he does not in the interest of all concerned, including his own interest by the way. But, if he does let us not make the job any more difficult than it has to be for him.

I would say all right if the job is going to be impossible. In view of the dialogue that has been engendered here in the House, the opposition of the groups that the Premier and others of us have heard from in writing, the expressions in the public media, you know, the open line shows and in the paper, the letters I have seen in the press, certainly the Minister of Fisheries and the Premier are not going to suggest that we in the Opposition have orchestrated all that. Or if they do, they certainly now are giving us credit for a much more effective organization across the Province than they sometimes do.

Yes, Mr. Speaker, let there be no doubt about it, the objections, the opposition to this nominee for ombudsman have been fairly widespread. If one would reflect for a moment on various actions of this government, I do not believe you can call to mind too many actions of this government where there has been a more widespread outcry against a course of action than this one. There have been murmurings and there have been dissatisfactions and everybody has not liked what they have done, but

Here is one where the Opposition has been fairly concerted in terms of, as I say, comments on radio programmes, the editorial columns of the pages, the editorial comment of the newscasters, the letters to the editor and that kind of a thing. A fairly concentrated, a fairly concerted effort to express their opposition to this action of the government.

And as I say, as I look ahead to the day when this gentleman may well become the Ombudsman, I ask myself how is he going to be able to do the job? I never said in terms of competencies, intellectual ability and so on, can he do it, but in terms of the serious handicaps that have been placed on him by virtue of the unacceptability of his nomination, and that by virtue of the fact, of course, he is a politician, a recognized politician by anybody who knows him at all - by everybody who knows him. How can he now do the job? And indeed, Mr. Speaker, I would suggest that if he is an alert and intelligent gentleman as I have known him to be, he is probably having some second thoughts himself these days about whether he should accept the job or not.

Now, Mr. Speaker, there are only two people, only two people in this country, in this Province who can solve this particular dilemma, the dilemma of having before us a name for Ombudsman that is pretty obviously unacceptable to a large number of our people, only two people, first of all, Mr. Speaker, the nominee himself. And I would not be at all surprised - I would not be at all surprised. I certainly appeal to him to do so - I would not be at all surprised if he decided that it would not be in the best interest of the office or of the people of Newfoundland for him to accept the appointment. I would appeal to him now publicly to consider that very seriously and I am sure he is. And I would hope he would see fit to decline the nomination, to say that he recognizes that his appointment is quite obviously unacceptable to a large body of people, for that reason he feels that he cannot do the job that would be entrusted to him. I appeal to him to consider that very seriously. And I would hope he would see fit to decline the nomination for those reasons.

And the second man, Mr. Speaker, the only other person who can solve this situation right now is the Premier himself by withdrawing the nomination. And I am saying to him, to the Premier, and to the nominee for Ombudsman they have a pretty heavy responsibility, because they have now to decide whether they are going to bull ahead with this one over the opposition of all who are opposed, and there is quite a large body of people or whether they are going to take the office of Ombudsman and therefore the interest of the people of Newfoundland to heart and say, this is obviously not the way to do things, let us begin all over, and let us see to it this time that we come up with a man who is not only competent in the ordinary sense of the term but a man who has had no association with partisan politics whatsoever, and is therefore above any suspicion of such involvement, and therefore able beyond a shadow of a doubt to be approachable, accessible to all the people of the Province no matter what their political persuasion may be.

Mr. Speaker, I feel very, very strongly about this. I do hope that the Premier will see fit to alter the course of action to give the motion a six months hoist or to withdraw it altogether and set in motion some machinery to allow us to appoint an Ombudsman acceptable to all the people.

In conclusion the old maxim, of course, still stands: Not only must justice appear to be done, not only must justice be done, not only must justice be done in this context, not only must it be done, not only must we get the man who is obviously capable and above reproach, but we must get also the man who appears in the public mind to be capable to do the job, capable in the political context, Mr. Speaker. I keep covering my ground because I know someone is going to get up and attempt to tear into me that I somehow indicted this man's competence and that kind of thing, the old red herring approach. I would rather, Mr. Speaker, they got up and addressed themselves to the questions that we have raised about can this man perform, can he relate to the people of Newfoundland in view of his

public association with a political party, that is the question and I would like when the speakers speak if they would address themselves, when members speak they would address themselves to that particular question, Not only must justice be done in this context, in this situation it must also seem to be done and I say if we persue this one, if we ram this motion through, this resolution and appoint this gentleman as Ombudsman, justice certainly will not be done. We will be engaged in a game of patronage. But whether it is done or not, you will have an awful job, Mr. Speaker, convincing a lot of people across this Province that you have given them the best possible nominee, appointee as Ombudsman.

MR. SPEAKER: The honourable Member for Labrador North.

MR. WOODWARD: (Ah that water is bad, Mr. Speaker. That water is very bad.) Mr. Speaker, I just want to add a few brief remarks to the resolution. My colleague and friend from Hermitage I feel did some good research and did a good job in his presentation. But the thing that really surprises me is the fact that the Premier introduced the bill that was in the Order Paper but had the Minister of Fisheries, and looking at the Minister of Fisheries doing the present -

AN HON. MEMBER: The House Leader.

MR. WOODWARD: - the House Leader, yes he is the House Leader, the Minister of Fisheries, the House Leader, introduced the bill or the motion into the House and speak on it. Now, Mr. Speaker, we look at the Minister of Fisheries, I felt as a lot of other people in the Province feel, that the minister was not sincere when he was dishing out the bouquets and the platitudes to the appointee to Mr. Peddle.

Now I have the good fortune or the unfortune of living in the district where Mr. Peddle had served as the M.P. for four years and then went about to seek re-election and at that time got defeated. I feel as a number of other people do throughout the federal riding of Grand Falls-White Bay- Labrador, that possibly a lot of the people

in that particular district will not have confidence in Mr. Peddle if he is appointed to this particular post of Ombudsman. A lot of our people will not feel that they should go to a political nominee who has since been defeated. Not because of the fact that I do not have any, I have a very high regard for Mr. Peddle, He is a gentleman in every sense of the word. But then again, I do not think that even the Minister of Fisheries and maybe not even the Premier and not even the members of his Cabinet, had the experience of serving as a constituent under Mr. Peddle when he served in the House of Assembly and served in the House of Commons in Ottawa.

So for this reason, Mr. Speaker, I feel that the Premier himself, not only doing an injustice maybe to Mr. Peddle, or Mr. Peddle will no doubt when he occupies that particular office will come under a considerable criticism from the public throughout this Province. There have been a number of areas where groups and people have displayed their discontent and they do not like the Premier's choice of an Ombudsman in one Mr. Ambrose Peddle. We have no doubt that Mr. Ambrose Peddle himself will come under the gun for some, I would consider to be some great criticism as the Minister of Fisheries has now experienced today possibly after his little set-back going back a few years ago when he thought that he should have the highest office in this Province. I have

no doubt that because of that that the minister has no doubt lost contact with a number of his followers in this respect. But I feel it and maybe it is a thing that is a little bit closer to me. And when I look at the Minister of Fisheries in his opening remarks I felt that he was not sincere. He was saying something but he was not really sincere about what he was saying.

MR. MOORES: Is there a liquor strike on in Labrador?

MR. WOODWARD: There is no liquor strike on in Labrador, Frank, you know. We do not have those problems, you know. But I feel that is the case and for the sake of the Province and the position of Ombudsman and for the sake of a good personal friend of mine in one Ambrose Peddle, you know, who will be ridiculed to some degree for taking this position. I think the Premier knows it, I know it and a lot of the public throughout this Province indeed. So why should we make that charge? Why should we make that charge? If the House of Assembly is going to make an appointment I think it should not be the Premier who is going to. There should be some consultation with the House and the members of the House. You know the Premier may laugh and the member for Bonavista South may grin and squirm a little but there is nothing wrong. We saw fit that that the government could not come to grips with the fishery problems in the Province. They felt fit to set up a Select Committee of this House who went about to hear and for once and for all and to get the real feeling and the gripes of the people in this Province. They did that. They came back. They wrote a report which had the consensus of the members of the House. We are not dealing with a particular minister or his jurisdiction in his department as minister that is given to him by legislation. We are dealing with something that is entirely new, and there is nothing wrong with doing a fair thing.

Now as all governments, and I am sure that the Premier is quite aware, that Ambrose Peddle will be trotting up to the Premier's Office maybe a number of times a day and saying, why did this happen and why did something else happen? And we feel when the Premier, and I think the real crux of the matter, Mr. Speaker, is the fact that when the Premier sits down face to face in negotiations with the ombudsman I am sure that

there is one person who will be at a disadvantage. And I feel the same as the people do in this Province that the Ombudsman, Mr. Peddle, will be at a disadvantage and the Premier of the Province will have the advantage, and that is not the way that the people would like to see the Ombudsman in this Province. I am very sincere about this and although we may pass it off lightly and say, well what can you do? You can vote against it. And I will not vote for it. I have no compunction of Ambrose Peddle being appointed to any Civil Service position in this Province. He may be as equally as capable as a lot of the Civil Servants that we have. But I do not think we should have Mr. Peddle dealing independently with the public through the office of an ombudsman. And I am very sincere. And I say this in all sincerity, Mr. Speaker, and I am sure that the Premier feels the same way and for this, I think, he should withdraw this motion. He should set up a Select Committee of the House and then that committee should no doubt go about to select a nominee as an Ombudsman in this Province.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: Is the House ready for the question? Those in favour of the motion "aye." Those against the motion "nay." I declare the motion carried.

MR. CROSBIE: We have a motion on the select - we have a motion, Mr. Speaker, or we approved the report of the committee that was filed here on May 5, select committee on the - report of the Select Committee on Committees is the motion that that report be approved. It was moved this afternoon. Have you got the motion?

AN HONOURABLE MEMBER: Inaudible.

MR. CROSBIE: I have not got a copy of it here.

AN HONOURABLE MEMBER: Inaudible.

MR. SPEAKER: It is the motion -

MR. CROSBIE: It was the motion that was moved by the Minister of Justice this afternoon. Have you got it? What is your problem?

SOME HONOURABLE MEMBERS: Inaudible.

MR. SPEAKER: That can only be debated by leave of the House. I do not have a copy of it. Does the honourable member have leave to debate the motion? Is leave granted to debate the motion? There is not unanimity so we cannot debate that particular motion.

On motion second reading of a bill, "An Act Further To Amend The Tobacco Tax Act.

MR. SPEAKER: The honourable Minister of Finance.

HON. V. EARLE: Mr. Speaker, this act, "An Act Further To Amend The Tobacco Tax Act," just read from the notes, the explanatory notes in the act. It is quite simple. It says, "This bill would amend the principal Act to update references to The Retail Sales Tax Act (Clause 2); to update references to The Financial Administration Act (Clause 5); to abolish the requirement of retail dealers to file an annual return (Clause 3); to enable the Minister to appoint a person outside the Province as a collector (Clause 4); and concerning the appointment of inspectors and other officials (Clause 6); and to provide for the seizure of tobacco in respect of which tax has not been paid; and to permit the detention of a vehicle, ship or aircraft used to transport such tobacco (Clause 7).

I think, Mr. Speaker, that this tightening up of the act,

the references to which it relates here are quite obvious in themselves. There has been, I suppose, due to the increasing price of tobacco in common with many other things there have been quite a lot of attempts discovered to bring tobacco products into the Province illegally. I think the most serious of these amendments is number (f) here in the explanatory notes which tightens up on that procedure which enables the seizure of tobacco in respect of which a tax has not been paid.

AN HONOURABLE MEMBFR: Inaudible.

MR. EARLE: I said, Mr. Speaker, these are relatively minor amendments which have some importance in the effect of the act. I have not got any explanatory notes here other than these which are in the bill tonight. So, if anybody wishes to debate them, I now move second reading. I now move adoption of the act.

MR. SPEAKER: The honourable Member for Hermitage.

MR. SIMMONS: Mr. Speaker, just a question to the minister relating to the explanatory note (d). What is the real import of that provision, Mr. Speaker, to have a collector outside the Province? Would the minister just elaborate as to how the need arises?

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

AN HONOURABLE MEMBER: Carry on, boy.

MR. EARLE: Yes, as I understand the reason for this, to appoint collectors, a collector outside of the Province is of course all of the major tobacco companies are situated outside the Province.

AN HONOURABLE MEMBER: Inaudible.

MR. EARLE: Pardon!

MR. DOODY: No, I was talking to, "Leo".

MR. EARLE: All of the major, all of the tobacco companies of course are situated outside of the Province, and it is not of convenience and certainly it is a great expense to be sending an inspector from our department to check on the records of these companies all the time. It would be far more sensible to appoint somebody on the Mainland who could visit the companies from time to time and that would be his job to go around because there is considerable amount of revenue involved in the tobacco tax, and certainly such a person would justify his appointment. This is the reason why that is suggested.

AN HONOURABLE MEMBER: Hear! Hear!

On motion a bill, "An Act Further To Amend The Tobacco Tax Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

AN HONOURABLE MEMBER: Tomorrow, tomorrow.

MR. SPEAKER: Presently by leave?

AN HONOURABLE MEMBER: By leave over there and tomorrow over here.

MR. SPEAKER: Well, if we do not have leave, it will have to be tomorrow.

AN HONOURABLE MEMBER: Tomorrow.

MR. SPEAKER: Tomorrow? Those in favour, "Aye". Those against, "Nay".

Carried.

Motion second reading of a bill, "An Act Further To Amend The Retail Sales Tax Act."

The honourable Minister of Finance.

MR. FARLE:

Mr. Speaker, I can only give the House at this stage the explanatory notes which of course anybody can read here. I have not got the reference for these. I will deal with them as best I can. It is mostly to repeal existing sections which are superfluous and as section (b) says here, to include the tax on tobacco within the definition of fair value, to update reference to the following statutes, the Revised Statutes of Newfoundland, clause 2 (c), the Gasoline Tax Act, Clause 5 (a), the Fuel Oil Tax Act, Clause 5 (a), the Financial Administration Act, Clause 8, and the Summary Jurisdiction Act, Clause 11.

To expand the definition of "sales in bulk"; (e) concerning the calculation of tax in department store sales, Clause 3; to clarify the payment of a refund where property is repossessed, Clause 4; (g) to exempt needles and syringes used by diabetics; to permit the Deputy Minister to cancel or suspend a registration certificate. That is a function which only the minister can do at the moment. It is just a routine matter which is now asked for authority for the Deputy Minister of Finance to have the authority to suspend a registration certificate.

(i) concerning the types of books of account to be kept and returns to be made by vendors; (j) to place a time limit for appealing a decision under Section 35, Clause 9; and (k) concerning the definition of words used in the regulations, Clause 11; and to repeal Section 61 which has been unused.

These largely as you will see from the explanatory notes are to delete obsolete clauses with the exception of clarification in such instances as to clarify the payment of a refund where property is repossessed and to exempt needles and syringes used by diabetics. This is an item on which we have had some correspondence with the medical profession. I think it speaks for itself, that it is an item which could well be exempt from tax.

To permit the deputy minister to cancel or suspend a registration certificate, as I said, that is a function which is a routine matter which has been done by the minister previously. But, there is no reason in fact it would be advisable that the deputy minister could also carry out that function. I move the adoption of this bill.

MR. CROSBIE: This is a very forward piece of legislation. It is another example of the great reforms that the Minister of Finance is instituting in his department. I notice that he is going to exempt needles and syringes used by diabetics from the sales tax. I believe that is the effect of it. Now that is something that has not been noted by the diabetic voting public of the Province, Mr. Speaker, and that should be brought to their attention, that the needles and syringes they use are now going to be exempted.

Imagine, Mr. Speaker, that the previous government, actually the hardheartedness, who imposed the sales tax on syringes and needles of diabetics. Do the diabetics of the Province realize that? I want to congratulate the present Minister of Finance for finding this anomaly in the law and for taking steps immediately to see that this exemption is given. I also want to thank him for clarifying the payment of refunds for properties repossessed. That has been a matter much on the minds of the public over these past several years and there has been a great deal of agitation about it, particularly those who had their property repossessed and could not get it clarified.

As I say I do not want to go on too long here, Mr. Speaker, because I know that many honourable members will want to speak to the provisions of this bill, but I could not resist just saying a few words of praise for this large hearted, generous Minister of Finance we now have.

On motion a bill, "An Act Further To Amend The Retail Sales Tax Act," read a second time ordered referred to a Committee of the Whole House on tomorrow.

MR. SPEAKER: Order 11, Bill No. 50, it is moved and seconded that Bill No. 50 entitled "An Act Respecting The Transfer Of Certain Lands From Reid Newfoundland Limited and Mines and Forests (Newfoundland) Limited To Her Majesty In Right Of Newfoundland," be now read a second time.

The honourable Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, this is the final legal step, legislative step that must be taken to conclude what has to be one of the more progressive

and I think more noteworthy actions that have been taken in the past several decades I would submit, Mr. Speaker, maybe the past several centuries for that matter, in repatriating, getting back under the control of the people of our Province, the resources of this Province. In this case this bill will ensure that the lands known as the Reid lands which were acquired by the Crown on July 23 of last year, 1974, that they will now be put into the category of Crown Lands and this step was necessary because the purchase itself, Mr. Speaker, while this got the lands, the Reid lands back within the control of government, that in itself did not give them the status of Crown Lands within the meaning of The Crown Lands Act and this bill is necessary in order to carry out that objective.

The bill would enable the lands to be administered, leased, granted or otherwise disposed of or dealt with in the same manner as other lands to which The Crown Lands Act applies. And the bill will have retroactive effect and be deemed to have come into force on July 23, 1974.

Now, Mr. Speaker, we have had

certain criticism about the action of the government in this case. We have heard statements by the Opposition to the affect that this government was making a deal paying money to -

AN HON. MEMBER: Inaudible.

MR. BARRY: - I have heard several members opposite - there is one right there.

AN HON. MEMBER: Inaudible.

MR. BARRY: He admits his error, Mr. Speaker.

MR. THOMS: Indeed I do not. It was no -

MR. BARRY: We have had the Opposition take the position and I assume it is the official position of the Opposition that this arrangement should not have been made, that this government should not have arranged to obtain control and to pay compensation to the owner -

MR. THOMS: That is what I said here this morning.

MR. BARRY: - for these lands. Now -

AN HON. MEMBER: Tell the truth now, "Leo".

MR. SPEAKER: Order, please.

MR. BARRY: - Mr. Speaker, right from 1972, from the time that this administration took office it was clearly set forth, as a matter of fact it was the main election plank that this Moores P.C. Government believe that the future of this Province lay in the development of its resources - that the future of this Province lay in the people of the Province -

AN HON. MEMBER: Not one thing. Not one -

MR. SPEAKER: Order, please!

MR. BARRY: - in the people of the Province, Mr. Speaker, being given the opportunity to develop their resources. Now, Mr. Speaker, when this government came into office what did we find? We found that scandalous quantities of mineral lands had been alienated, given away, I will not say sold, Mr. Speaker, I will say given away, tied up beyond the control of government, beyond the control of the people of the Province. We saw in the area of forestry, Mr. Speaker, we saw - and this is not just the previous Liberal Administration, although it had its hand in the pie, it had its hand in the pie, Mr. Speaker. We did not see that crowd take any action to correct the matter in any event. But, Mr. Speaker, we saw in the area of the forestry resources

of our Province where the same thing had happened. Where unbelievably large -

HON. MEMBERS: Inaudible.

MR. SPEAKER: Order, please!

MR. BARRY: - unbelievably large segments -

MR. SPEAKER: Order, please! On two or three occasions now the honourable Member for Bonavista North have seen fit to interrupt when he did not have the procedural right to do so. The Chair feels that the honourable Member for Bonavista North will have an opportunity to speak to the principle of this bill and shall be given the opportunity in due course.

MR. BARRY: We saw, Mr. Speaker, in the area of forestry resources where large segments of our forest lands had been passed beyond the control of the people of this Province, beyond the control of the government of this Province.

We saw, Mr. Speaker, that large areas of land that is suitable for recreational development had been tied up by previous governments, by previous administrations. In just about every potential resource area that you want to look around, everywhere government looked it found that there were large portions of this Province's resources beyond the control of government, could not be affected by the objectives of government, by the policies of government because they had been given away in the past, Mr. Speaker.

So in order to permit the people of the Province to develop our resources for the benefit of all of us, to provide employment, to ensure a viable future for our Province the first step that had to be taken, Mr. Speaker, in all of these areas was to obtain back control of the resource.

Now we saw earlier last year the enlightened forestry legislation that was brought in that in one fell swoop, Mr. Speaker, brought back control from the paper companies, from the private companies and brought back control in the hands of government where government could influence the way this particular resource is developed.

MR. MURPHY: The Opposition did not agree with that, did they?

MR. BARRY: Now if I recall correctly the Opposition gave somewhat less than wholehearted support for that particular piece of legislation as well. We now have here, Mr. Speaker, an act to finalize an arrangement that was made to get back control again of a significantly large portion of our Province where various resources were in effect lying dormant, where there were indications that the owner, and it is not just one person who is the owner but there are a number of shareholders, some of whom are presumably great corporate executives, some of them are absentee landlords, others are not absentees, a fair number of them are absentees. But this transfer really commenced in 1972, the action to effect this transfer and government started but it really came to a head, it really came to a crunch, if honourable members recall, when -

AN HON. MEMBER: (Inaudible).

MR. BARRY: That is right.

- the people of the Clarendville area brought government's attention to the fact that a very attractive recreational area was about to be disposed of, was about to be lost as a recreational area for the people of the Province. Now this was not the only reason, Mr. Speaker, that this move was taken to buy back very considerable resources, to buy back the timber rights, the recreational rights.

MR. WOODWARD: Mr. Speaker, if this legislation is so important I suggest we should have a quorum in the House.

MR. SPEAKER: Call in the members.

MR. SPEAKER: Would the clerk count the House please?

There is a quorum.

The Hon. Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, as I

was saying this arrangement between Reid Limited and the Newfoundland Government came to a head when it appeared that a very significant recreational area, near Clarenville, was about to be lost to the people of the Province. And the people of the Clarenville area became aware of this and brought it to the attention of government. And government acted very swiftly to ensure that this property, this valuable asset, this resource would not be lost to the people of the Province, and it concluded an arrangement whereby not only that area but the Reid lands generally were purchased and by this piece of legislation these lands will now be available to every citizen of this Province who wishes and is interested in taking action under the Crown Lands Act to acquire titles. And the normal procedures, of course, will have to be followed.

But if a person now wants to build a house, wants to develop a farm, wants to obtain a summer cabin, wants to develop a ski trail, a fishing lodge, it can be done. It could not, Mr. Speaker, be done before this land was purchased by our government and before this legislation was introduced. Of course it will not be able to be done until the House passes this legislation. But once this legislation has been passed, then we have a very considerable resource back within the control of government available to the people of this Province.

That is not an insignificant step, Mr. Speaker. That is not an insignificant policy to repurchase these resources of the Province that had been so stupidly given away.

AN HON. MEMBER: Hear! Hear!

MR. NEARY: By whom?

MR. EVANS: Dagwood.

MR. BARRY: By governments in the past. We should hang our heads in shame when we see some of the things that our ancestors did. Let us hope that our children with hindsight can look back at what we are doing in this House today and not be able to point to us with the same scorn.

MR. EVANS: Burgeo's -

MR. BARRY: But I believe we can point back to some of the

activities carried out in this honourable House in the past. But in any event, Mr. Speaker, this is a very significant bill. It is not a bill that should go unnoticed. It is not a bill that should pass without debate, without long, detailed, specific debate. And on behalf of the Minister of Forestry and Agriculture, it gives me great pleasure, Mr. Speaker, to move second reading of this bill.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: The honourable the Member for Bonavista North.

MR. THOMS: Mr. Speaker, the honourable minister on behalf of the Minister of Forestry and Agriculture failed, I believe, in presenting this bill to the honourable House to answer some of the questions many of our people are asking today in respect to this deal between Reid Newfoundland Limited and the Government of Newfoundland.

Mr. Speaker, way back in, I believe it was 1896, when the government of the day was building a railway across Newfoundland, or attempting to build a railway across Newfoundland, they found themselves during that period of time somewhat short on cash. And of course they looked to other means to build the railway and they came up with this company of Reid Interests - Reid Newfoundland Interests it was later known as - and Reid Newfoundland Interests agreed in writing, signed documents - I have them on file here and I can get them if the honourable minister would like to look at them - that they would build the railway. I am not sure of the approximate area they started in, it was East of Goobies. They took the

railway from that point right on through and in return not only would they build the railway but they would operate it. In return for building and operating this railway Reid Newfoundland Limited received certain parcels of land, mostly along the track, not all along the track but most of them were along the track. For example, the two in Indian Bay were not close to the track. But, Mr. Speaker, Reid Newfoundland Company failed to fulfill their obligation to the government and to the people of this Province and they abandoned the railway in 1921. By abandoning the railway, I claim and my colleagues claim that they forfeited all rights to the said parcels of land that they had previously received from the Government of Newfoundland. Now, these were large, huge tracts of land. Most of them were a mile wide and they varied in depth, anywhere from five to ten miles, maybe some of them even further. They were prime areas of timber all throughout Central Newfoundland. Some of them were the best recreational areas we have in our Province and I cite two, one in Indian Bay and of course the one in Clarenville.

Mr. Speaker, what I said at the time when the government made this deal with Reid Newfoundland, and I believe the price that the government quoted at that time was something like \$4.5 million that they would compensate Reid Newfoundland for, I stated at that time that we owed Reid Newfoundland nothing because if we fought this battle legally we could have reclaimed this land for a minimum of cost and therefore -

MR. CROSBIE: Why did you not do it in the last - Do not be so foolish!

MR. THOMS: I must be touching a sore point, Mr. Speaker, because I got a rise from the Minister of Fisheries. I claim, Mr. Speaker, that we could have retrieved these parcels of land with a minimum of cost. But the government, Mr. Speaker, in its blundering haste went ahead full speed and as far as I am concerned wasted \$4.5 million of the taxpayers' money. I note that in the estimates of 1974-75 we spent \$1,255,000 or at least we donated it to Reid Newfoundland Limited and now again in the present estimates we are donating another \$1,210,000. I

would like to ask the minister how much more money we will owe Reid Newfoundland Company and whether or not we are receiving these parcels of land or are they just surface rights? Are we also receiving the mineral rights with these parcels of land and are we acquiring all the Reid lots in Newfoundland? Because if we are going to do this job, let us do it right and proper and let us take it all back from Reid. If it has got to cost us money, and it appears like every move this administration makes, Mr. Speaker, it costs us millions and millions of dollars, and I would say this is over \$4 million which we should not have had to spend.

MR. DOODY: How could we do it?

MR. THOMS: This could certainly have been spent in other areas of the Province which need it very badly.

MR. DOODY: How would you do it?

MR. THOMS: Mr. Speaker, the Minister of Industrial Development says, how would I do it. How can I tell him how I would do it when I am not in his boots. He has the power. They are the administration. Are they not competent enough to perform the task of the day or do they have to blunder like they have blundered over this project and

wasted \$4.5 million. Mr. Speaker, again I reiterate. I asked the minister have we purchased all the Reid lots that were owned by Reid at that time. I know all the Reid lots we cannot buy because some of them have been previously sold, I think, to two of the paper companies and maybe others to other interests, but all the Reid lots that were owned by Reid at, say, June or July of 1974, have we purchased all of them? And do we also have the mineral rights, not just the surface rights, of these lands?

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

MR. CROSBIE: If the honourable gentleman is finished, I would like to say a few words on this, Mr. Speaker -

MR. SPEAKER: The Hon. Minister of Fisheries.

MR. CROSBIE: - because of all the footling nonsense that I have heard in the House in a long time the honourable gentleman is the footlingest.

AN HON. MEMBER: (Inaudible).

MR. CROSBIE: The footlingest.

MR. WOODWARD: (Inaudible).

MR. CROSBIE: Yes. It is a new word I just coined.

Mr. Speaker, the honourable gentleman gets up and he says, you know, that it is his opinion, and anybody can have an opinion, it does not matter if it is an informed one or not and the honourable gentleman opposite we certainly cannot class him in the ranks of informed opinion on this, but in his opinion, he says, and makes a broad general statement of the Reid Companies about forty or fifty years ago defaulted in the contract they had of the Newfoundland government and in his opinion they do not own any of this land in the Province and that, therefore, the government of the Province should not have paid anything for the land. Well now if that were the case then the Reids would not have had this land for the last thirty or forty or fifty years, were that the case. Were that the case surely, you know, the government that was in Newfoundland, that reigned in Newfoundland from 1949 to 1972 would

have taken these steps that he is now describing. He should have passed this information on to them so that they could have taken this great step of just taking over all the Reid lands that were left in the Province without paying them a cent of compensation, if that were the case. If Reids did not own the land, and if we had the legal right to the land, does anybody in this House or in the Province think that we would have paid Reids a cent for the land? They are only paid for the land because our lawyers are satisfied, as have been the lawyers of the Newfoundland Government, presumably, for the last fifty years or whatever it dates back to, that Reids had title to the land.

Now I cannot remember all the history of the past Reid transactions but there were various contracts made with previous Newfoundland governments in the old days of Responsible Government, and they could not be carried out by the government, or they could not be carried out by Reids, or circumstances changed or contracts were changed and what not. But I can assure honourable gentlemen of one thing that the lands that the government purchased from Reid had to be purchased and paid for because the Reids had good title to them, and we were not going to expropriate some of these lands without compensation, without having some very, very excellent reason to do it. In fact it would be unheard of. So, therefore, the government of Newfoundland had to bargain with Reids and the price that was come up with was the best price that could be achieved in the view of the government. But for the honourable gentleman to suggest, you know, that the whole matter was very, very simple, that the Newfoundland government just had to say to Reids, you do not own the land, forget what the lawyers say, and so on and so forth, we say that fifty years ago you violated a contract you had or you did not carry it out and now the land is ours, you know. To suggest that that is the case and that this money could have been saved is just, you know, it cannot be left to stand unrepudiated. Not only that, Mr. Speaker, but one

of the honourable gentleman going most berserk last year when this was a current issue - I think it started down in the Clarenville area - when this became a current issue I think it was about an area down in Clarenville where Reids were going to sell or lease the land to some developer who was going to interfere with some area they had been using to ski on or for recreational purposes, there became a great furor down there and around the Province and one of the honourable gentleman or the honourable gentlemen opposite were leaders of a furor that action must be taken that this must be stopped, that the government must get control of the land. The government felt the same way. And the member for Trinity North felt the same way and the government did take action and the government has had to paid Reids the value of the Reid's interest in that land. Now any other suggestion such as the honourable gentleman makes really means that he is suggesting that land should be expropriated from private owners in this Province and they should be paid nothing for it if we decide that it is in the public interest to do it. Well that has got a certain amount of attractiveness, you know. I can think of lots of people here I would like to expropriate and not give them a cent and lots of good reasons for doing it but we have not come to that stage in this Province yet and I do not think we are likely to for another couple of days. So,

you know, I would love to be able to say that the honourable gentleman - you know, I would like to be mad at the honourable gentleman and say, my God if he had only told us last year that Reid's did not own that land, we could have saved for the Province \$4.5 million. If he had only just written us a letter, Mr. Speaker, and said that this was the case, that in his opinion they did not know that we would have saved \$4.5 million. Well unfortunately all the lawyers whoever looked at the situation have unanimously found that Reids do have title and the only way we could get it, unless we expropriate it and give them no compensation, was by buying it which is what the government did, and which is what the people of Newfoundland want, and which is fair to the people who own Reids. Reids by the way is not just someone individual. It always sounds more dramatic if you say Reid. This ogre, Mr. Reid whoever he is, owns all this land in Newfoundland, and, you know, it just should not be permitted. Well it happens that it is a company, and it has - I do not know how many shareholders, I think a couple of hundred shareholders who live just not in Newfoundland but all over the world and in the U.K and so on. So it is not even just taking land from some one individual, some one great land barron, one great robber barron that owns it. It would be taking it from several hundred shareholders and their families. So -

MR. THOMS: What about the mineral rights?

MR. CROSBIE: Pardon?

MR. THOMS: Did we get the mineral rights?

MR. CROSBIE: I do not know, We did not take the mineral rights, We have the surface rights, and we have certain timber rights but not the mineral rights.

So, Mr. Speaker, the answer is that we paid because Reids had the title and our lawyers assured us that they had title, and our lawyers approved the title we got from them, and this is what the people of the Province wanted and this kind of quibbling therefore has to repudiated.

MR. SPEAKER (AYLWARD): Is it the pleasure of the House that this bill be now read a second time?

MR. BARRY: Mr. Speaker. I am sorry, Mr. Speaker, I was not here when the honourable gentleman opposite, the Hon. House Leader cut short his speech, I expected him to rage on much longer.

Well we have lots of legislation, Mr. Speaker, I would not want to hold up the progress of this House. I just want to reply to a couple of matters raised by the Hon. Member for Bonavista North. First of all, the fact that in his opinion the land should have been forfeited in 1921 when they did not complete the railway, I might agree with him on that. But unfortunately the action was not taken, do not ask me why, but I would imagine there were some curious arrangements made for even more curious reasons back in those days, but in any event the land was not forfeited. There was an arrangement made, as I understand it, whereby the government took back, and took upon itself the responsibility for seeing that the railroad was completed, but it did not take back the land at that time. It did not take back the rights that had been given to the Reid Company, Again do not ask me why. In my opinion, as the honourable members opposite, I think it probably should have been. But that was not done.

Since then there have been other companies that have purchased land from Reids, who obviously would not have paid good cold hard cash if there was not some title there in Reids. There is nothing to indicate as far as government is concerned that title was not in Reids. If you talk about \$4.5 million as being too much to spend for these thousands of acres just think, just as comparison, you know, just to compare what this \$4.5 million is or how much land you can acquire for that, apparently there is a fair degree of belief in the Province that the \$7 million a year that could be derived from the energy sale of the Llyods River diversion should be foregoing, foregone, I am sorry, given up in order to avoid flooding five square miles of land in the George The Fourth Lake area and to avoid certain interference with the downstream Red Indian Lake-Exploits River area. So if you

think in terms of the actual resources on the ground, included in this vast territory that is being reclaimed by government -

AN HON. MEMBER: Inaudible.

MR. BARRY: I have not got the, unfortunately, the specific amount of acreage, Sir. We can get it at the Committee stage we will get that information.

MR. MURPHY: What is it 500 -

MR. BARRY: What is it?

MR. MAYNARD: 500,000 acres.

MR. BARRY: 500,000 acres, that is almost 1,000 square miles -

AN HON. MEMBER: Inaudible.

MR. BARRY: Almost 1,000 square miles. 1,000 square miles maybe what 640,000 acres. 900 square miles of territory, and what did that work out to an acre, so many cents an acre was it not? I am sorry I should have, we were sort of caught -

MR. MURPHY: Inaudible.

MR. BARRY: I was caught unexpectedly. You divide the -

MR. CROSBIE: About eight cents an acre..

MR. BARRY: About eight cents an acre. Now I do not think that there are too many people in this Province who would say that that was a bad bargain. I think most people in this Province, I have to say the people that I have spoken to on this, are wholeheartedly in favour of government getting back control of this land. Now what the honourable member opposite suggests government should have done, I would suspect that if government had done what he recommended he would have a different tune to sing, but what he is recommending is that we engage in expropriation without compensation, that we behave like a banana republic, that we take the land from Reids and not give them anything. Now if government engages in this, takes the land from Reids for what may be some good reason in our minds or in the honourable members opposite minds, then what is to keep us from doing that to our next door neighbour tomorrow, to the man down the street the day after? What protection does any citizen in the Province have? What assurance does any

investor who is thinking about putting money into the Province have, that we will not do the same thing to him tomorrow?

AN HON. MEMBER: Inaudible.

MR. BARRY: No, Mr. Speaker, responsible government cannot engage in this sort of activity. So we negotiated and we paid a price that resulted in my opinion, in a good bargain for the Province and I think most citizens of the Province have agreed with.

Now the honourable member asked whether mineral rights were included. The honourable member knows that mineral rights were not included in the arrangement. That does not mean that the mineral rights, and there is a large territory for mineral rights to be held by any one company, that does not mean that they are going beyond the control of government for all time because this government has already steps in motion to ensure that control is obtained of not just the mineral rights with respect to the Reid lands, but the mineral rights of this Province that have been alienated or granted in long-term concessions to any company and there is a bill on the Order Paper, if I could put my hand on it here now, Mr. Speaker, I think it is number seven if I am correct, let me see, is it number seven, an "Act To Impose A Tax Upon The Land In Respect Of Which Persons Have The Right To Mine," And what we are proposing, Mr. Speaker, and what we hope to have legislation, the legislative draftsmen permitting, for this session of the House, is legislation that will impose an annual acreage tax on land where people have the mineral rights. And they will have the option of paying the tax of exploring and spending money in looking - we do not care who holds mineral rights if the property is being explored properly and thoroughly and money is being spent. But this act will ensure that either the territory is thoroughly explored annually, sufficient quantities of dollars are spent on exploring the land to develop the mineral rights, or the holder of the mineral rights will pay an annual rental or tax to government or the

lands will revert back to the Crown. Now, with this type of policy which has already been enunciated - I have made a statement on this and on which I have not received, I do not think I have received any flak - there has been some concern raised by one or two companies but generally it appears to be a principle that is accepted nationally and I suspect internationally by mining companies. I have gotten no indication that this is likely to cause anybody to take their money elsewhere. Companies, modern companies, progressive companies are prepared to operate under these terms. They agree that unless a company is prepared to get out and spend money in looking for mineral deposits which can be developed in to mines, then they should give up their mineral rights. So, it is not necessary for government. That would be a case of where we would be spending money unnecessarily, as the honourable members just recommended we not do, if we had purchased the mineral rights because there would have had to be an increased amount and it would have been an unbelievably complex matter to try and evaluate. What are the mineral rights of those lands worth? There is nobody who could tell me. We were engaged in that process at one time. If you recall, at one stage an offer had been made by the Reid Company to sell the lands to government for - how many millions?

AN HONOURABLE MEMBER: Thirty-six.

MR. BARRY: \$36 million. That included -

AN HONOURABLE MEMBER: Forty-two.

MR. BARRY: Forty-two, sorry, that included rabbits and moose and caribou and partridge and ptarmigan and trees and rocks and flowers and mineral rights.

AN HONOURABLE MEMBER: One bear every five acres.

SOME HON. MEMBERS: Inaudible.

MR. BARRY: But anyhow, Mr. Speaker, it was decided that it is not necessary to repurchase the mineral rights because there are going to be policies applicable not just to Reid but to everybody holding mineral rights in the Province that will insure that these mineral rights are

not held indefinitely, that they will either be developed or revert back to the Crown or the Crown will get significant rentals from them.

So, Mr. Speaker, I think that that answers the - the other specific questions can be brought up in committee and particularly the one on the specific number of acres. There is approximately 500,000.

MR. THOMS: Did we get all the Reid lots?

MR. BARRY: All the Reid lots, as far as I am aware except the ones that had been alienated previously -

MR. MAYNARD: All that they still owned. They had sold some previously.

MR. BARRY: It is my recollection that is the case. Again, that is something that we will determine specifically at the committee stage when the minister is available. But, Mr. Speaker, I do not think there is any question that this is a good bargain that has gotten back, not for government, not just to lie stagnant or dormant, but a resource that has come back and that is now by this legislation being put out for the use of all the people of the Province. I think that all the people of the Province are aware of the value of this very significant resource and support this proposal. I would ask all members of this honourable House to support the proposal.

On motion second reading of a bill, "An Act Respecting The Transfer Of Certain Lands From Reid Newfoundland Limited In Mines And Forests Newfoundland Limited to Her Majesty In Right Of Newfoundland," read a second time, referred to a Committee of the whole House on tomorrow.

On motion second reading of a bill, "An Act Further To Amend The Wild Life Act."

MR. SPEAKER: The honourable Minister of Tourism.

HON. R. HICKEY: Mr. Speaker, this is a bill to widen the powers of wildlife officers, to give them the power of arrest,

to give them authority to search certain properties and to seize firearms without a warrant. It also provides the minister with authority to appoint wardens, deputy wardens in various parts of the Province wherever necessary. The bill when passed would automatically mean that the field officers of Forestry and Agriculture would be termed wildlife officers and have all the powers of such officers with the exception of the power of arrest. It would also make it mandatory for a convicting magistrate to order forfeiture of wildlife which is the subject of the charge and to authorize forfeiture in his discretion of anything else that might be seized. It would increase the penalty. And in certain areas, Mr. Speaker, which have posed a problem, where there are offences which are repeated by individuals, it would make it mandatory for the magistrate to cancel the licence, the hunting licence of that person if convicted for a period of three years. It defines the word 'possession'. And it would provide for and give the authority to the wildlife officer to seize and, if necessary, to arrest a person without having clear-cut proof if the person is in company with another person or two that that person has or intends to commit an offence under the Wildlife Act.

In other words on occasion my field staff have experienced great difficulty in establishing the identity of a person who has poached or who in fact is caught just prior to committing the offence, because the individual would give a false name and the officer had no authority to arrest that person and to ask for proof of identity. In this particular instance if proof of identity is not produced the officer has the authority to arrest the person. It also, of course, provides for the R.C.M.P. officers, the Newfoundland Constabulary officers would also have the authority to act and have the same powers under this Act.

So really, Mr. Speaker, in a nutshell, the bill increases the authority of the wildlife officers, increases the staff that may be used as wildlife officers, and given all the authority and powers conferred upon the wildlife officer with the exception of the arresting

authority. and it provides for stiffer penalties and eliminates or hopefully eliminates the repetition of offences wherever necessary.

I move second reading.

MR. SPEAKER: The Hon. Member for Bonavista North.

MR. P. S. THOMS: Mr. Speaker, there seems to be quite a gulf between the Minister of Mines and Energy and the Minister of Tourism these days. When one just spoke there he would not take from Reids the lands that they as far as I am concerned, so unrightly possessed and then he talked about a Banana Republic. And then the Minister of Tourism turns right around and says in effect we are a banana republic, that we should walk into anyone's home at any hour of the day and do what we like. This is what this piece of legislation is saying. This breaks all the laws of common sense in the world. Do you know that if my neighbour takes up the phone and says, Paul Thoms got a moose, that a game warden, an Agricultural Officer or a Forestry Officer can walk into my house and search without any warrant whatsoever? That is the authority that this legislation is giving to these people. And, Mr. Speaker, this is bad legislation, this is legislation that was only dreamed up by a kangaroo court.

MR. DOODY: Would you repeat that?

AN HON. MEMBER: Have you got either one?

MR. SPEAKER: Order, please!

MR. THOMS: Mr. Speaker, there is no way -

MR. SPEAKER: Order, please! The Chair is asking the honourable Member for Bonavista North to withdraw the phrase kangaroo court. It is certainly unparliamentary.

MR. THOMS: Yes, Mr. Speaker, I withdraw the remark. I do, however, say that, Mr. Speaker, this is a very unreasonably, unrealistic and unfair piece of legislation the way the present administration is treating or is considering the wildlife of this Province. They have seasons now licensed which only tend to destroy the wildlife of our Province, our caribou herds, our moose herds because of the irresponsible dates that we have for harvesting our wildlife is adding an adverse effect. It is depleting our wildlife stocks as rapidly as time goes by and if this continues we will not need wildlife officers in another five or six years because we will have nothing in the wilderness of this Province to protect. We here in this legislature, Mr. Speaker, if this goes through and I presume it will, are giving, just imagine, Mr. Speaker, we are giving forestry officers, people in the agriculture department the right to enter anyone's home whatsoever without any search warrant whatsoever, an anonymous phone call can give him the authority to walk in my home or anyone's home in Newfoundland and to search what he likes, where and when he likes without any justification whatsoever.

SOME HON. MEMBERS: (Inaudible).

MR. THOMS: This explanatory note gives him that authority. The minister just said so. A policeman must have a search warrant. The only other officers that I know are the fisheries officers.

AN HONOURABLE MEMBER: Insudible.

MR. THOMS: I am not talking about suspecting. I am under suspicion all the time. But given an ordinary person which the Tourist Department may hire on during the summer months, say, they may be a student, for the summer months, the most, a lot of - I would not say the most but a lot of the people in the Department of Tourism, the Department

of Forestry and Agriculture are hired on for a three or four month period during the summer months. Do you mean to say that we are giving these people the right to enter my home and your home at any hour of the day and night and to do exactly what they like, to search without a search warrant? The administration must be crazy. Mr. Speaker, no, we cannot support such a piece of legislation. Well, I agree that we need rigid controls over the wildlife herds of our Province and over the harvesting of them but we also need sensible controls. This legislation will only fight the people of this Province. It will not co-operate with them. It will not try to persuade them to exercise proper and right harvesting techniques. It will only challenge it and it will brutally invade the privacy of many innocent people because I do not care how good a wildlife officer you are, an agricultural forestry officer, you are bound to make mistakes, and if you have people who are not necessarily incompetent but they do not have the training as police officers do that upon any anonymous phone call, letter, that they can enter into private buildings and to search without search warrants. You do not get such action.

I am sure the Member for St. John's South must understand that such actions do not occur in democracy such as we have. If a person is under suspicion, and there is every right to suspect that he is poaching, then I say, yes, the letter of the law should take its course but

it should be done right and properly and if a person's dwelling house is to be searched it should be searched under a warrant not by every Tom, Dick and Harry in these two departments -

MR. HICKEY: There is nobody by that name.

MR. THOMS: You got no one by Tom in the Department of Tourism? He is the head of it.

MR. MURPHY: Tom is a wildlife officer.

MR. THOMS: It says that any officers - I know several of them called Tom. There is one of them called Richard. But, Mr. Speaker, no way can we agree with this legislation when we are giving these people the authority - I cannot use that word - when we are giving these people the authority to act in such a manner and to encroach, maybe not every time, Mr. Speaker, but I think you will find that we will have many encroachments upon innocent people, upon the privacy of innocent people, upon on their dwellings which is certainly unnecessary. There is a better way to do it. There is a more sensible, logical way to do it. There is a way to do it within the law that exists now. There is no need for us to act as the Gestapo or to use Gestapo-like tactics. We must, in all cases, work in co-operation with the public and to raid a person's house with no warrant is really giving the different wildlife officers or the temporary officers in the summertime this supreme authority which I do not believe is warranted. Now we have had many cases of poaching in Newfoundland. I suppose we, possibly, over the years have had thousands. Some of them have been brought to trial, some of them have been brought to justice. Maybe some of them have not. That is quite possible.

But, Mr. Speaker, I believe the minister and the officials of his department are taking this thing just a little too far. There is not as much poaching done as one is led to believe, while I admit there is some done, most definitely. But it is not done to any large degree. And there is no justification that the minister can present to this House to bring such drastic legislation and try to pass this tragic legislation which can only act in a dictatorial way against the innocent citizens of our Province. Mr. Speaker, while some of the sections of this proposed legislation I agree with, in whole I cannot

agree with it because they are indeed offensive, very offensive and, Mr. Speaker, I would ask the minister if he would withdraw this legislation. And, Mr. Speaker, with that in mind I would like to ask the minister to withdraw and reconsider and if necessary to revamp this legislation. And I would like to move, Mr. Speaker, an amendment seconded by the member for Fogo to amend the motion so that it reads that this bill will be read a second time this day six months hence.

MR. CROSBIE: I would like to speak to the amendment, Mr. Speaker. Now if honourable gentleman opposite can show us that this bill permits, you know, what the honourable gentleman opposite says it permits, wildlife officers to run berserk through the Province arresting the peaceful citizen in his home anywhere in this Province, just to run into their house without a warrant, arrest them or search the house, if he can show any clause in this bill which gives anyone the power to do that, we will certainly have that amended out of the bill at second reading, or at committee stage. You can count on that Mr. Speaker.

MR. THOMS: Read the explanatory note.

MR. CROSBIE: Never mind the explanatory note. I mean, what kind of legal interpretation is this, Mr. Speaker? The explanatory note means nothing. You know, it is not the explanatory note. Judges do not interpret the explanatory notes. They read

MR. CROSBIE: the provisions of the bill passed by the House. Now there is only one section of the bill that the honourable gentleman can be referring to and that is clause (8) which amends section 12 of the Act, and that says, the new suggested section says, a wildlife officer may without a warrant, enter and search any (a) logging camp, mining camp or construction camp, (b) trapping camp, hunting camp, fishing camp or other camp, (c) summer cottage or other structure erected in an area frequented by wildlife and (d) any vehicle in or near an area frequented by wildlife.

MR. THOMS: They do not need that right.

MR. CROSBIE: Now just listen! If the honourable gentleman listens he might learn something and not get up in this House and try to frighten to death half the people of the Province that the Gestapo are going to storm in tomorrow if this bill is passed.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: Now - in which he has reasonable cause to suspect any gun or other firearm is being kept or had contrary to this act or the regulation and may on view seize the gun or other firearm and upon conviction of any person and so on the gun is forfeited. That is what the section says.

MR. WOODWARD: Read section 6 (10A).

MR. SPEAKER: Order, please!

MR. CROSBIE: Mr. Speaker, you know honourable gentlemen when they debate the bill they can refer to other sections, that is what that section says. Those are the circumstances on which a wildlife officer can do it, Number one, it has to be in an area, this has to be a structure erected in an area frequented by wildlife. Now for example St. John's, Corner Brook, Grand Falls, Grand Bank, Gambo, or practically any other settlement you can mention is not an area frequented by wildlife, except for the honourable gentleman opposite. That is one bit of wildlife that frequents Gambo.

MR. THOMS: We have seen more in the Town of Gander.

MR. CROSBIE: Yes, but it is not an area frequented by - an area frequented by wildlife is an area out in the countryside where the moose and the caribou and, what is it? the Pine Marten - you know, they are all

and the caribou and what is it the Pine Marten -

MR THOMS: Inaudible.

MR. CROSBIE: They are all wondering now about the Pine Marten, cripes I never saw a Pine Marten before. I have never seen one. But anyway that is where the Pine Marten operate in areas frequented by wildlife and the rabbits and all the other little wild things. Now if there is a hunting camp in a wildlife area or a summer cottage or a trapping camp or a hunting camp or a logging camp or a mining or construction camp, this gives the wildlife officer the power to go in without a warrant if he has reasonable cause to believe there is a firearm being kept there illegally, and search the place. Now I think that is something different, Mr. Speaker, than the suggestion that this bill permits wildlife officers to go and search any private home or dwelling in this Province or in any part of the Province.

Now let us just be sensible. They would be given the power to do that in a wildlife area and structures located in a wildlife area. Now I can see an argument, everybody hesitates about this, so I can see an argument that could be argued: This is too big a power to give them. Well it depends on how severe and how much damage you think is being done now because our wildlife officers right now have not got sufficient power to try to stop the illegal hunting and so on and so forth that is being done. But as long as that clause, it is clear in that clause that they only have that power in an area frequented by wildlife, I would be prepared to try it. I do not think it is very offensive.

Now if that was a clause that they could come into my house here in St. John's and search it anytime they wished that would be different. Then I would agree with the honourable gentleman. But that is not the power given in that clause at all. And I do not know any other clause in here where any power such as the honourable gentleman describes is given. But if on the Committee stage when we look at these clauses, honourable gentlemen opposite are genuinely worried and it seems that this might be too broad or too wide, well we will amend it. We will agree with you and amend it or delete it if that is the way it appears to be. Now it would not be the first time.

I remember being in the House about four years ago, the last government -

MR. WOODWARD: The wording "other structure" -

MR. CROSBIE: Yes I do not know what the wording "other structure" is there for. It is a summer cottage or other structure, so other structure could be somebody's what do you call it, little wooden thingumbobber you know, it could be anything. But I remember about four years ago we had amendments to The Wildlife Act -

SOME HON. MEMBERS: Inaudible.

MR. SPEAKER: Order, please!

MR. CROSBIE: About four years ago, Mr. Speaker, in 1970 we had amendments I think it was to The Wildlife Act that proposed some changes. The Opposition at that time, and I was in the Opposition, pointed out the dangers there were in those clauses and the government amended them. If honourable gentlemen opposite persuade us that anything in here is offensive or dangerous when this goes through Committee then we will do the same. But I do not think that what the honourable gentleman is saying is borne out by a close look at this bill or any legal interpretation of it. But if any of his worries are borne out when we look at this in Committee then we are prepared to listen to changes or even deletions. But the minister has already made claim, Mr. Speaker, and there it is - action has to be taken to try to preserve our wildlife, the caribou and the moose, the partridge

and the other forms of wildlife in this Province which are being slaughtered illegally, which are being chased in the Winter by skidoos and snow machines of all kinds. This kind of thing has got to be put a stop to if we are going to have any wildlife in the Province to hunt or any wildlife even to look at. So, what the honourable gentleman raises is a serious problem. I do not think his fears are justified by what is in here, but if they are and it turns out that there is any justification for what he is saying, well then we will change it in committee.

MR. SPEAKER: The honourable Minister of Finance.

MR. EARLE: Mr. Speaker, I would like to have a few words to say on this particular amendment. First may I say on the general principle of the protection of our wildlife, I do not think that there can possibly be any regulations or any law brought into this Province which is too stringent. I say that in all truthfulness. In Newfoundland one has only to go back a comparatively few years to know the abundance of wildlife that was in this Province. Go back a little further and there are hundreds and thousands of carcasses or caribou stacked up on the railway tracks to rot and now we cannot find caribou without the aid of a helicopter or a skidoo.

It seems to me that in a lot of our Province that anything that can crawl, creep, run, jump, fly or swim is fair game for the residents. I traveled a great deal of the rural areas of this Province, and you find evidence of poaching and illegal shooting all over the Province. Only last Sunday I was discussing it in an area quite close to St. John's where one of the old residents of the place, a very senior citizen, very law-respecting, law-abiding man was telling me of at least five or six moose carcasses that were brought into that settlement out of season. This is going on all over the Province. It is not only moose and caribou. It is every kind of creeping, crawling, running creature.

The advent of the skidoo in Newfoundland has made the whole Island, the whole Province an area where anyone with the equipment can get around almost any part of the Province. It opens it wide up for anybody who has the inclination to kill anything. The only protection that the game have is the use of the helicopter. Fortunately the law enforcement officers in the R.C.M.P. and people through the use of a helicopter can spot these fellows out slaughtering game in any kind of a place. Last Winter we heard

on the radio or read in the newspapers about a bunch of characters out on some lake chasing around pregnant cow caribou until they dropped dead. I think behavior of that sort is so despicable, so disgraceful that those fellows should have been jailed without question for ten years. I do not see that you can treat animals like that. They are far worse animals than the game they hunt. There is no way that you can treat animals like that other than to give them very severe punishment.

Our game, our source of game in Newfoundland is pitifully small. It is a strange thing, but you can go to almost any part of the world, you can go to an overcrowded continent like Europe, you can go to Scotland, you can go to England and as you drive around as a tourist in sections of that country you will see far more game in the course of a day than you would see in all of Newfoundland if you went around for a whole year. The most heavily populated parts of North America and Canada, quite close then, there is far better stock again than we have in Newfoundland. We advertise ourselves as a sportsman's paradise. We are a sportsman's joke in Newfoundland. The genuine sportsman does not stand a chance.

I would say without any hesitation whatsoever that the laws of our country need to be stiffened up and enforced with every means at our command or very soon this small Province, or comparatively small Province of Newfoundland will not be able to boast of any fishing or hunting worthwhile. So, I think that any objection to these relatively mild clauses in this bill which I think have been completely misinterpreted by members of the Opposition is just absolute foolish discussion. We have not entered into the stage and we will not enter into the stage in this Province where persons' private homes can be invaded and the residents carried off to the gas chambers and all this sort of nonsense. That is only

dramatizing something which is not the truth.

What it is it gives the opportunity for law enforcement officers who have very good reason to suspect that there is some honky-tonky going on to go in and really prove it for themselves. And if any person is innocent and has no reason to be afraid of these officers if he has nothing suspect in his home. I think anyone who is innocent would not protest any clause in this bill, because he would have no reason to protest. But there are a great many people in this Province that have every need to be afraid of this legislation, and those are the people who are needed to be cracked down on. I support the bill, and I object to the amendment completely.

MR. SPEAKER: The Hon. Member for Fogo.

CAPT. WINSOR: Mr. Speaker, I agree and I think everyone in this honourable House will agree that more stringent laws have to be applied to the poachers and there seems to be more and more of them every other day. Some people, of course, will kill whatever crosses their path or comes within sight of their eyes. However what I am concerned about in this explanatory note is the point that my honourable colleague from Bonavista North explained. Are we putting too much power and encroaching too much on the privacy of a private citizen? Surely there is nothing to -- no objection to a wildlife officer going into as stated here, a Summer cottage or other structure, and I do not think that those two words should be there. 'Other structure' could mean anything, and that would be a very good alibi to get a wildlife officer out of some precarious position or situation that he might find himself in. But in all fairness to the wildlife officer he should be protected, and the only way to protect them is by having a warrant. Now I do not know where there is such a law where any person can go on a private person's property or in a dwelling without a warrant and say, I am sorry I have suspicion that you have a gun here or you have a quarter of a moose in your deep freeze. I would not like to be that wildlife officer, Mr. Speaker. I think I would be in great

danger myself.

So that is the only objectionable part of the bill as I can see, although this bill has not been circulated all that time, we only had it this morning, and really it has not given us much time to go through it as thorough as we would. But certainly in Section 8 there - Clause 8, Section (12) that is a pretty open area there, 'Summer cottages and other structures.' When the minister closes the debate he could probably give us an explanation on what are the intent of the action and the meaning of those two words there, 'other structure' in Clause 8, Section (12), item (c).

As I said before, Mr. Speaker, I do not think there is any objection on this side of the House that we need more stringent laws toward poachers. Because if it continues the way it has been and is we will certainly have nothing wild to hunt. And we will certainly not be able to go around this nation of ours and boast about our good hunting to try and attract tourists, They will not come because there will be nothing there for them to hunt. Now the little pleasure they used to get out of jigging the cod fish that is almost gone. Rabbits are getting scarcer and scarcer every year. And, you know, a lot of it is caused by poaching.

MR. THOMS: The partridge is gone.

CAPT. WINSOR: Yes, the partridge is gone.

So if the honourable minister could assure me that, you know, this thing will be looked at again, and something to take the place of the explanation there where a wildlife officer can enter private property without a warrant, and that is the vital, important word there, is a warrant. You know, he should have a warrant for his own protection. Because, as I said, I would not want to be a wildlife officer to go in some people's homes even though under strong suspicion

and try to search his property. So, if that can be explained to my satisfaction, then, Mr. Speaker, I would certainly have a different attitude.

MR. SPEAKER: The honourable Member for Placentia East.

MR. F. ALYWARD: Mr. Speaker, I just had a moment to look at that particular section and I can certainly see how that particular section is repugnant to a lot of people. I do not question at all the right of the minister and the desire of everybody to enforce the wildlife laws of the Province but to give any wildlife officer a blanket authority to enter into a private home is certainly a very, very serious matter and deserves a great deal of consideration because under our system a person's home is his castle and his property really. We all go to bed in the night feeling quite safe that no one can come into our private homes without the real authority of the law and of course, there are certain cases, even in narcotic cases where the writs of assistance are issued and these are on a very, very restricted basis for the simple reason that every British subject when he goes to bed, he turns the key in his lock at night and bolts his door or even if he leaves it open he can realize that there is no one coming in there unless they are invited. That is into the private dwelling. It certainly can, you know, this other structure and even, you know, myself, I have some misgivings about the summer cottage bit because you have men there with their families and everything else. Now, I can certainly see the intent of it and I support the idea of giving the wildlife officers what is reasonable authority but to have them enter private dwellings and even summer cottages, if there are hunting cabins where I suppose it is reasonable to expect you would find firearms but that is really far, far too wide as it is and I think it deserves reconsideration because it would be really going, in my opinion, a bit too far to give any officer that authority, Mr. Speaker.

MR. SPEAKER: The honourable Member for Labrador North.

MR. WOODWARD: Mr. Speaker, just to add a few words. I feel as the

Member for Bonavista North does that it is a bad bill and no doubt will cause a lot of inconvenience for the citizens throughout this Province. I have to disagree with the Minister of Finance when he mentioned the fact that the wildlife frequenting inhabited areas throughout this Province and more specially in the remote areas and indeed in Labrador where people have the habit of using summer homes and winter homes and there are a number of communities that during the wintertime in both North and South, on the North and South Coast of Labrador, people usually move back from their summer homes into a sheltered area and this would be considered as a hunting area or a place that is frequented by wildlife. Those people that are indeed living in shelters or structures but these are their homes, their private homes for a period of a year. The same thing applies when they move out to the headlands to fish. When you get there there is a considerable amount of game.

Now, when those move out during that time of the year they take their personal possessions with them. Included in their personal possessions is no doubt their firearms and all the other things that they have that go with them in this respect. Now if a wildlife officer is going into a community like Spotted Island or indeed a community like Square Island where you have a family or fifteen, twenty or thirty families, under this law or this act that permits that wildlife officer to go in and make an arrest or he can go into a home and he can confiscate guns or he can do anything he damn well pleases to do. I mean this is indeed something that was not taken into consideration or the people that or whoever the draftsmen that had the legislation drawn up did not inform or the minister was not aware of those problems. It is a bad bill. Those problems will come up.

I do not think that we should indeed when we have seasonal people on temporary employment, people are not well versed in the act and I suspect a lot of our senior wildlife officers indeed are not as well versed in the act as one might think they are. Under those conditions where you do not have law enforcement officers maybe within a distance of

June 5, 1975.

Tape 2148

RH - 3

100 miles such as a R.C.M.P. officer or someone that they can get advice from to interpret the law for them, you hire a summer student and indeed he looks at this act and he goes around the whole community and confiscates all the firearms.

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I think this can quite conceivably happen if this act is put into law. I object to the act, Mr. Speaker. I think it should be looked at again and it should be amended. And I support the member for Fogo when he says that there should be a six month hoist on this bill and then it should be reintroduced into the House.

MR. SPEAKER: The Hon. Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, I can understand the concern that some honourable members have, and in fact I would imagine most honourable members have in any provision that would possibly interfere with the enjoyment by any private citizen of his home, that may endanger his freedom, the liberty of the subject. And, Mr. Speaker, I am sure that we will take another hard look at the wording of this particular section and see if as worded it is necessary. The honourable minister I am sure will have some comments to make on that. But, Mr. Speaker, that can be looked at in committee. The principle of the bill, Mr. Speaker, is to tighten up the act, to give more effective control to the wildlife officers to prevent what is now a very serious problem in this Province, what is a disgrace as far as I am concerned in the Province. We talk about vandalism and usually this implies activity in an urban area. Well with respect to the poaching that is being done around this Province, we have a good example of vandalism, wildlife vandals who somehow believe that they are on some sort of ego trip. They are big shots. Actually there is something sick about it to my mind when you hear the stories of how an individual will go in and bring down thirty caribou and bring out a hind quarter and leave the rest to rot there.

We have a number of things in our history that we should not be all that proud of, starting with the elimination of the Beothucks, I suppose. You have got other species of wildlife - is it the great auk that we ended up doing away with?

SOME HON. MEMBERS: (Inaudible).

MR. BARRY: Well, I know that there are one or two. The names escape me now but there are one or two in the Guinness book of records -

MR. DOODY: Leo, he is campaigning down in Clearwater.

MR. BARRY: - the Guinness book of records, Mr. Speaker, points to Newfoundland for the elimination of certain species and unfortunately the same irresponsible behaviour that led to the destruction of species in the past is now putting considerable strain on the wildlife that still remain in this Province, the Pine Marten is an example of that. Has anybody ever seen a Pine Marten by the way?

AN HON. MEMBER: The American Eagle -

MR. BARRY: I saw an American Eagle down in Paradise Sound.

MR. DOODY: What about the Dodo?

MR. BARRY: Well, Mr. Speaker, -

MR. DOODY: How about the Dodo?

MR. BARRY: Mr. Speaker, it is something that we should be concerned about. It is something, I believe, that a lot of people in the Province are concerned about. But what bothers me is that you hear even some of our most respectable people, even some of our bona fide sportsmen - our environmentalists - when they talk about poaching it is as if they talk about it with tongue in cheek. It is almost as if they get a chuckle out of it, you know, about the - instead of spitting out the words with scorn, just having anybody who does it being so ashamed to come into a community and admit to have done it, we have a situation where the guy will come in and stick out his chest and boast around to his buddies that he shot fifteen or twenty or thirty caribou, A great lark, And his buddies, I suppose, will pat him on the back and he is a great white hunter. Mr. Speaker, this is the sort of thing that should not be allowed to go on. There are a lot of people in this Province,

particularly along the Coast of Labrador, up in other areas of the Province as well, who rely to a great extent on our wildlife and our caribou and our moose to supplement their larder. I had a fantastic experience, this is one of the things that I remember from the trip I made to the Coast of Labrador, of going to just about every community, and every house or every second house, has their caribou stacked out in their natural deep freeze on the roof and I do not think anybody ever gets tired of eating caribou, it is a very substantial part of the -

MR. WOODWARD: What is the condition of the meat?

MR. BARRY: - of the menu. I enjoy it.

MR. WOODWARD: None of us had that experience.

AN HON. MEMBER: Brother to polar bears.

MR. BARRY: No. No. I had very good experiences with caribou, many meals, loved it, and Mr. Speaker, it is a very important source of protein to a considerable number of our citizens. Now this is a renewable resource that should be protected, that should not be permitted to be destroyed by these wildlife vandals that unfortunately we have around the Province and I like to think that there is not too many of them. I hope there is not too many of them. But I hope that the attitude grows in the Province, it is not there yet, that anybody who does this sort of thing, who engages in poaching and it is not just going out and shooting fifteen or twenty caribou, it is going out and netting our salmon river or dynamiting the salmon rivers or lining the salmon rivers.

AN HON. MEMBER: How do you know?

MR. BARRY: Mr. Speaker, anybody who has grown up in the outport, again, as I say, unfortunately, people are not ashamed to talk about their so called exploits in this regard. The honourable member has heard about all that as well, has he not? No he has never, he has never heard about any of that, Mr. Speaker. But that unfortunately I think is an attitude that has to change in our Province. The attitude has to develop -

SOME HON. MEMBERS: (Inaudible).

MR. BARRY: - whereby anybody who engaged in poaching should not be able to hold his head up high, should not be able to, he should be ashamed to mention it to his mother. But we have not arrived at that stage, Mr. Speaker, but we have to see that that attitude is created.

Now there are provisions in this act which will improve the situation, which will improve the enforcement capability of our wildlife officers. Again as I say I have to confess that I do not recall specifically, I have not had the opportunity to check my notes as to the reasons for this specific clause (12). I am sure the honourable minister will enlighten us, but I will say that I support very strongly getting improved enforcement, improved protection for our wildlife and anything that we can do to eliminate these wildlife vandals I think should be done.

MR. SPEAKER: The honourable Minister of Tourism.

MR. HICKEY: Mr. Speaker, just a couple of points of clarification here, I say first of all that the honourable gentleman from Bonavista North, so far as I am concerned, jumped the gun. He overreacted to something without reading through the section that he found most offensive. The most important section or the most important phrase in the whole bill which places a different connotation on the clauses that he refers to is 'areas frequented by wildlife.'

Now, Mr. Speaker, you know we can all get carried away, as the honourable gentleman did. I can equally get carried away for the next half hour and describe in vivid terms, as my colleague has done to some degree, but I can give more detail, more interesting cases with the details, which would make the hair stand on the honourable gentleman's head about

some people who set themselves up and brag about what great poachers they are. Now, this bill is bad news for those people. I will say that they are a minority. They are a minority of poachers in terms of numbers of poachers, but they are not, Mr. Speaker, they do not represent a minority of the moose and caribou that is taken.

Let me give one example of what this legislation or who this legislation is directed to. A gentleman who comes before court with clear-cut evidence against him of having poached a moose is subsequently fined by the magistrate \$100 who says -

AN HONOURABLE MEMBER: Inaudible.

MR. HICKEY: Oh, yes. This was not yesterday - who says, as he is walking out of the court, I will have to go get myself another moose to pay this fine, and proceeds to do just that, except he gets two moose. And he is back in court within one month on a similar charge, but this time it is two moose. This is not an isolated incident, Mr. Speaker. Like I said, it is not a majority, but there are too many people who have done this and who continue to do this and who have evaded the wildlife officers because those officers have not had the authority, indeed have not had the opportunity to catch those people and to have them dealt with.

Surely the honourable gentlemen will acknowledge this fact, that moose and caribou are not known to be roaming around everybody's yard even in an outport. There are some areas, I will acknowledge there are some areas, the honourable gentleman is from an area where it is not unusual to see wildlife. But on a person's property, in their yard, in their barn or something like that? In reacting to this legislation as he has, he is saying, and I know he does not mean to say, but his comments imply that the people we have in the field are nitwits, that they use absolutely no discretion.

Now, let me remind him, Mr. Speaker, that this might well have had some foundation in past years when the minister responsible for wildlife had the authority and had no other choice but to appoint at random wardens and deputy wardens who had very little insight into the Wild Game Act, had very little insight indeed of what was expected of them, but, for the prime seasons of the year, the hunting seasons, found themselves in a position of authority. That day, Mr. Speaker, has passed. We have increased

our wildlife officers almost three times. Now we are giving the authority to forestry and agriculture people, field officers of that department who too are most familiar with the Wild Life Act, who are most familiar with the Province and the wilderness and certainly who are most familiar in terms of what this administration expects of them in terms of protection of wildlife.

So, you see, Mr. Speaker, there is not the same threat, there is not the same opportunity, there is certainly nothing really to fear in the authority that we place into the hands of those people because it also says, Mr. Speaker, right underneath, right below, at the bottom of page 7 wherein it describes the areas or a description of properties that may be searched without warrant, it also says, "in which he has reasonable cause to suspect," reasonable cause.

Now, Mr. Speaker, if we are going to assume that our wildlife officers are going to just force themselves on people because John Jones down the road told him that Mr. So-and-So had a moose in his possession, does the honourable gentleman think that our people are like that? I can assure him they are not. It has happened in the past and I will concede it. But it has happened for the most part by wardens and deputy wardens who had been appointed, not really wildlife officers, not people that were trained in their job. They are trained today, Mr. Speaker, much more emphasis on training. The other thing, Mr. Speaker, is that before this becomes law in terms of being acted upon, each and every wildlife officer and each and every field officer of the Department of Forestry and Agriculture will be more than well versed in just what this administration means by this section.

Really, there is really no reason to be upset about this. The other thing is, of course, is that the honourable gentleman must be aware of the fact that this legislation greatly improves and certainly takes into consideration or at least takes a humane approach to even the person who poaches and who has equipment and property seized from him. For example, a man's pick-up truck might be seized. Before he might well be without it until his case was heard. But this act, this bill provides for the return of that equipment upon receipt of the deposit and the only thing under the law which is kept in custody or which is retained is wildlife, firearms and ammunition.

Mr. Speaker, this is a good piece of legislation and as my colleague, the Minister of Finance, in fact all of my colleagues who have spoken, as they have pointed out in a very vivid way, if we are going to retain and to manage and conserve our wildlife, this step is absolutely necessary. Mr. Speaker, any watering down of this bill will defeat the purpose and we might as well, in fact, not even have it. Mr. Speaker, I move second reading.

MR. SPEAKER: Those in favour of the amendment "aye". Those against "nay". The amendment is defeated.

On motion, second reading of a bill, "An Act Further To Amend The Wild Life Act," read a second time, referred to a Committee of the Whole House on tomorrow.

On motion, second reading of a bill, "An Act Respecting The Provision Of Funeral Services."

MR. SPEAKER: The honourable Minister of Health.

HON. R. WELLS: Mr. Speaker, this is an act to incorporate embalmers and funeral directors and to provide a board and to govern this whole line of work. Now, this, I think, very properly comes under the Department of Health. In the past this work has not been regulated in Newfoundland, at least not regulated directly and of course in dealing with corpses naturally there are health considerations. Perhaps we have been lucky in Newfoundland that the standard of work in this regard has been high generally speaking and there is no evidence so far as I have ever heard of the spread of disease or anything like that involved in the work of the

the funeral director. However, Mr. Speaker, you have funeral directors operating now in various parts of the Province. You have people embalming and it is time and it is felt by the government that it is time that this whole matter was regulated and consequently we have this act before the House now.

Very briefly, Mr. Speaker, the act provides for a board and the board has on it two embalmers, or will have on it two embalmers, two funeral directors and three others, neither of whom shall be a funeral director or embalmer and not more than one of whom shall be an official of the Department of Health. This really means that you can get in addition to people who practice this particular trade or vocation or profession, you have people chosen from the membership of the general public and also an official of the Department of Health. To give the board a fairly broad scope, you have to give it some public input.

Now, it may be argued and perhaps will be argued by some that the members of the public should outnumber members of the trade or profession. I do not think that is necessarily so. I think that with the official from the Department of Health, with two members of the, or three members of the public and two embalmers and two funeral directors, I think you have got a broad enough spectrum to be able to administer this thing properly.

The board - there is no need for me to deal with all the details - the board is set up in the usual way and it has meetings and a chairman elected from among the membership, a vice-chairman, a registrar and a deputy registrar can be appointed and will be selected from the group. The board then goes about the business of regulating the profession. In order to assist in doing that, the board is allowed to make certain regulations. They are all set out in section 10 of the act, the power to make regulations. To fix fees for applicants for licenses is really - the regulations deal really with the getting of applicants, the examining of applicants and the passing on the qualifications of applicants so that they can become licensed funeral directors or licensed embalmers.

The act then goes on and deals with matters of examinations. You

will have to be nineteen years old, of course, to be a member of this profession. You will have to have a license and be regulated and controlled and then you carry on with your work. Now, if the board fails to license you, and you apply and you have some grievance and you feel that you are not being properly dealt with, then of course you can appeal to a judge of the Supreme Court and the judge of the Supreme Court can decide and will decide whether you have been properly dealt with or not. So that the board under these regulations does not have the final say if a person feels that he is aggrieved. Likewise, disciplinary action can be taken by an embalmer, or against a licensed embalmer or a funeral director if he breaches the canons and ethics of the particular profession. But in that case also he has a right to appeal if he wishes. If he is found to be guilty under this there are various things that can happen to him. His permit can be revoked, the license or permit can be suspended for a period, a monetary penalty can be imposed or other conditions can be imposed upon him and he can carry on with his work.

If he does not like the way he has been treated, he can appear by counsel, barrister or solicitor or other person of his choice and he has a right to appeal there. So that this is basically what happens if a person contravenes any of the sections of this act or any of the regulations that are set out, there is a general penalty clause and a person is liable on summary conviction to a fine of not more than \$500.

There is nothing in this I might say, Mr. Speaker, that prevents funeral societies or memorial societies from operating. There is nothing in this that sets the fees or that will cause the fees to be set which embalmers and funeral directors can charge. So, there is no built in protection of any society in that section. Really the purpose of the act, Mr. Speaker, is to provide, to set rules and regulations for these professions to operate precisely the same as a great many professions and semi-professions that have been given acts under the statutes of Newfoundland in the past twenty-five years. Really the government control their operation.

The basic tenet behind all of this, Mr. Speaker, is the protection of the public so that when they are dealing with people in professions and semi-professions or vocations at least they can be assured that there is a certain standard of qualification, and that is the basic purpose of the Act.

MR. SPEAKER: The Hon. Member for Fogo.

CAPT. WINSOR: Mr. Speaker, we on this side I do not think have any objection to this bill. And perhaps the question I would pose to the honourable minister is not a fair question because having just taken over the Portfolio of Health for but a few hours I am sure he is not familiar with all of the Acts and legislation that will come his way. However does the minister or is the minister familiar with what system embalmers have now. Are they all, you know, do they all have to have a licence? Because I can think of in the larger areas St. John's, Grand Falls, Corner Brook and other large centres where most people or most funeral directors do have a licence to embalm, but we are living now in a more modern age and there are a few more funeral homes cropping up around the Province of Newfoundland, and very often their operation do not embalm. Is there any regulations or will there be any regulation to compel that director that he must embalm as well as other functions of a funeral parlour? That would be the only concern.

MR. SPEAKER: The Hon. Member for Bonavista South.

MR. MORGAN: Just a little note, Mr. Speaker, on this. I notice that the Embalmers and Funeral Director Board consist of seven persons. I notice that out of the seven, four of them will be - well two embalmers and two funeral directors. The fact that they will have control over their own situation, if you wish, and the fact that the Board itself is going to have some very strong powers, for example, they will be able to decide on who gets a licence, and I would assume also with regards to the rates being charged by the people in the business. All regulations, for example, will be made by the Board, and the fact that the Board will consist of, the majority of them, the people involved in that trade, at least four of the seven, I have some reservations that this should be. We see it in the medical with regards to Dental Boards and the Medical Association

We also see it in the Province in the Legal Association. And I am not in favour of that situation. I think that more laymen should be involved in having a say on these boards, more so than having these people in complete control of their own situation. I recall protesting it before with regards to the Medical Association and the Dental Association and also a Dental Board. I opposed it then and I do not like it now with regards to that one point. I would like to see, for example, seven - out of the seven that four of these should be laymen, in other words four from outside of the profession or comparable profession or the trade of being funeral directors or embalmers. Thank you, Mr. Speaker.

MR. SPEAKER: The Hon. Member for Bonavista North.

MR. THOMS: Mr. Speaker, first of all I would agree with the point raised by the honourable Member from Bonavista South as I have had some correspondence from some of the clergy in my area who were aware that this bill was coming up. And they were very concerned about a couple of things that may have been in the bill - and we just got this bill just then and I have not had a chance to really go through it. But I would like to ask the minister just a couple of things. Is there anything in this bill which would say eliminate the ordinary funeral that exist now in widespread areas of our Province where - is there anything in here to give this Board powers to control all the funerals, that is say, in the outport areas, the individuals perform family funerals, you know, they do not go through any boards or embalmers or anything and there is no controls on them whatsoever. The clergy were very concerned about this.

As long as there is nothing to take any of this right away from the individual family, well then I have no objection.

MR. SPEAKER: The honourable Member for Twillingate.

MR. GILLET: Mr. Speaker, my colleague from Bonavista North asked a question I was about to ask because we all know that there are literally dozens of small communities in which Uncle So-and-So or Skipper So-and-So acts as what we would call perhaps a funeral director.

AN HON. MEMBER: Inaudible.

MR. GILLET: Well sort of an undertaker or director, whatever you want to call that. So I was glad to know that it does not apply there. I am just wondering in the case of, say, Twillingate, we do have a firm there, one now, we did have two, firms in Twillingate which do supply the public with services. They supply the whole funeral, the equipment, the casket and what not and they also supply the hearse and undertaker. I would assume that perhaps a company such as that might have to be licenced as a director. Thank you.

MR. WELLS: Yes.

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

MR. WELLS: Mr. Speaker, I agree with the points that were made by honourable members were well taken. I think, and my understanding is that there are regulations now in the Department of Health which govern the operation of funeral parlours, the details of these of course I am not acquainted with.

The question of people in, as the act says, sparsely settled areas, that is dealt with in the act, where the services of a licenced funeral director are not available the board may, subject to the regulations, issue permits to perform the services of a funeral director to persons who are not licenced as funeral directors under this act but who in the opinion of the board hold qualifications similar to those required by the act and regulations for the licencing of persons as funeral directors. This is section seventeen.

So I interpret that in a, well as they say, a sparsely settled area where a licenced funeral director probably could not operate in

the normal course of things but as the honourable Member for Twillingate said, people act almost as funeral directors in some of these places and a licence will be given -

AN HON. MEMBER: Inaudible.

MR. WELLS: - to such persons. But as I understand this, the old fashioned outport funeral, for want of a better word, would still take place with people because, there is no question about it, the embalming services and that are not going to be brought to all parts of Newfoundland and I do not think that it is contemplated that they ever perhaps would be -

MR. THOMS: Under this section (17), is it possible that we would be forcing say a funeral parlour upon an individual whether he wants it or not?

MR. WELLS: No.

MR. THOMS: There is no possibility of that is it?

MR. WELLS: No, absolutely not. In this case this would be a person in a sparsely settled area who acted in this capacity and was accustomed to act in this capacity but who perhaps was not in the way a business big enough to be licenced or skilled enough perhaps to be licenced as it might in Corner Brook, Gander, Grand Falls, but he then could ask for one of these permits but this does not prevent a family from dealing with a deceased person, you know, the clergy as in the past.

It is really, of course, that if you are going to hold yourself up as a funeral director, particularly in the urban area and as an embalmer, that you have got to be trained for that, but it does not prohibit people from handling this matter as they have always handled it in the past.

Now on the composition of the board, this is something that people have differing opinions on. A lot of professional boards, semi-professional boards, a very great number of people perhaps think that members of the public should outweigh members of the profession concerned.

Quite honestly I do not think it will make a great deal of difference. I think that in this case, I think it could well be tried like this if there was any, if a year or two of operation of this act showed that it was that there was need or it was desirable to put -

MR. GILLET: Are you going to be swayed by the professionals then?

MR. WELLS: - to put a greater number on well then I cannot see any problem. I might say that regulations do not set the fees. They set the fees that a person must pay in order to become an embalmer or a licenced funeral director, but they do not set, and the board is not allowed to set the fees which a person can charge after he is licenced. So that is not the board's function at all.

So all in all, Mr. Speaker, I think I have no hesitation in recommending this. I think it will work. I think it will be good. If it has to be changed or if it needs to be changed, of course the House can do it. But in the meantime, I think this is a good start to licence, to regulate and to provide a degree of protection for the public which has not really been there in the past. So, Mr. Speaker, I would move second reading of this bill.

SOME HON. MEMBERS: Hear! Hear!

On motion, a bill, "An Act Respecting The Provision Of Funeral Services," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. SPEAKER: The Hon. Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, I move that the remaining Orders of the Day do stand deferred and that the House at its rising do adjourn until tomorrow Friday June 6 at three o'clock in the afternoon and that this House do now adjourn.

MR. SPEAKER: It is moved and seconded that the House do now adjourn until tomorrow Friday at three o'clock. Those in favour "aye." Those against "nay." Carried.

CONTENTS

June 5, 1975	Page
Presenting Petitions	
By Capt. Winsor on behalf of the Carmanville Local Education Committee asking that the Provincial Government separately or in co-operation with the Federal Government provide the Terra Nova Integrated School Board with the necessary finances to provide the operational and capital expenditure for the Carmanville school system as outlined in an accompanying brief.	6257
By Mr. Evans on behalf of the Local Improvement District of Isle aux Morts asking that a high school be constructed at that community to accommodate local students. Supported by Mr. Neary and Mr. Ottenheimer.	6259
By Mr. Morgan on behalf of the Queen Crab fishermen of the Bonavista area asking that Government make financial assistance available to the industry to enable the fishermen and the processing plant to resume operations. Supported by Capt. Winsor, Mr. Crosbie and Mr. Neary.	6263
Reports of Standing and Special Committees	
Mr. Aylward tabled the report of the Select Committee on the inshore fishery.	6272
Notice of Motion	
Mr. Hickman gave notice that on tomorrow he would ask leave to introduce the following bills:	
"An Act To Amend The Newfoundland Engineering Profession Act;"	
"An Act To Amend The Fire Prevention Act;"	
On behalf of the Minister of Transportation and Communications a bill, "An Act Further To Amend The Motorized Snow Vehicles And All Terrain Vehicles Act."	6273
Mr. Crosbie gave notice that on tomorrow he would ask leave to introduce a bill, "An Act To Ratify, Confirm And Adopt A Guarantee Agreement Made Between RoyMarine Leasing Limited And The Government And Fishery Products Limited."	6274
Mr. Crosbie gave notice that on tomorrow he would move the following resolution, "That this Honourable House doth concur in the Report of the Committee appointed pursuant to Standing Order 84 (a) presented on May 5, 1975." (The report deals with appointment of Members of the House to various Committees.)	6274
Mr. Collins gave notice that on tomorrow he would ask leave to introduce the following bills:	
"An Act Further To Amend The Agreement Approved And Confirmed And Set Forth In The Schedule To The Bowaters Newfoundland Act, 1938, And To Make Certain Statutory Provisions Relating To That Agreement;"	
"An Act To Provide For Livestock Insurance And To Create A Livestock Owners Compensation Board;"	
"An Act Respecting The Keeping Of Dogs."	6274
Mr. Earle gave notice that he would on tomorrow ask leave to introduce a bill, "An Act Further To Amend The Increase Of Pensions Act, 1974."	6274

CONTENTS - 2

Notice of Motion (continued)	Page
Mr. Doody gave notice that he would on tomorrow ask leave to introduce a bill, "An Act To Provide For The Establishment Of The Labrador Coastal Development Corporation."	6274
Mr. Barry gave notice that on tomorrow he would ask leave to introduce a bill, "An Act To Limit The Financial Responsibility Which May Be Incurred By The Province In Respect Of Newfoundland And Labrador Hydro Without Further Reference To The Legislature."	6274
Mr. Peckford gave notice that on tomorrow he would ask leave to introduce the following bills:	
"An Act Further To Amend The Department Of Municipal Affairs And Housing Act, 1973;"	
"An Act Further To Amend The Local Government Act, 1972."	6275
Mr. Murphy gave notice that on tomorrow he would ask leave to introduce the following bills:	
"An Act To Amend The Welfare Institutions Licensing Act;"	
"An Act Respecting Day Care And Homemaker Services."	6276
Oral Questions	
Government plans to combat unemployment. Mr. Neary, Premier Moores.	6276
Mr. Neary stated dissatisfaction with the answer and gave notice he wished to debate it on the adjournment.	6276
Specifics requested. Mr. Neary, Premier Moores.	6277
Statement sought on the state of the economy in Western Newfoundland. Mr. Neary, Premier Moores.	6277
Damage caused by recent storm and ice conditions along the Northeast Coast. Capt. Winsor, Mr. Crosbie.	6277
Query as to whether financial assistance sought from the Federal Government. Capt. Winsor, Mr. Crosbie.	6279
Query as to the possibility that fishermen who received Government payment for lost gear would have to make repayment. Mr. Neary, Mr. Crosbie.	6281
Status of the Lloyds River diversion. Mr. Simmons, Mr. Barry.	6283
Decision with respect to rental space for government offices. Mr. Simmons, Premier Moores.	6285
Query as to the start of construction on a correctional institution for native people in Labrador. Mr. Woodward, Mr. Hickman.	6286
Query as to whether the road from Churchill Falls to Goose Bay is a public road. Mr. Woodward, Mr. Barry.	6288
Information sought on the number of people to be employed on the Gull Island hydro-electric development, and the central location of the employment office. Mr. Woodward, Mr. Barry.	6289
Query as to whether the Minister of Justice has instructed his officials to undertake an investigation into the movement of liquor in the Province to determine if it is being done legally or illegally. Mr. Neary, Mr. Hickman.	6290

CONTENTS - 3

Oral Questions (continued)	Page
Mr. Neary stated his dissatisfaction with the answer and gave notice that he wished to debate the issue on the debate on the adjournment.	6290
Confirmation or denial sought on a statement allegedly made by the President of the Newfoundland Hydro Corporation that preliminary work on the Straits of Belle Isle tunnel is not progressing satisfactorily. Mr. Neary, Mr. Barry.	6290
Query as to whether the President of Newfoundland Hydro submitted a text of his speech for clearance. Mr. Neary, Mr. Barry.	6291
Orders of the Day	
Premier Moores to move: That this House hereby recommend to the Lieutenant-Governor in Council the appointment of Ambrose Hubert Peddle to be the Parliamentary Commissioner pursuant to the Parliamentary Commissioner (Ombudsman) Act.	
Mr. Crosbie moved the resolution in Premier Moores' absence and led off debate.	6292
Mr. Simmons	6304
Adjourned the debate	6331
Debate on the adjournment	
Government action to reduce unemployment.	
Mr. Neary	6331
Premier Moores	6334
Distribution of liquor since the start of the strike of Newfoundland Liquor Corporation employees.	
Mr. Neary	6337
Mr. Hickman	6340
By leave Mr. Ottenheimer informed the House that upon receipt of the preliminary audit findings by the staff of the Auditor General at the Burin District Vocational School he today requested the Minister of Justice to initiate an investigation into the possibility of misuse of public funds at the school.	6343
The House rose at 6:00 p.m.	6345
The House resumed at 8:00 p.m.	6346
That this House hereby recommends to the Lieutenant-Governor in Council that the appointment of Ambrose Hubert Peddle to be the Parliamentary Commissioner pursuant to the Parliamentary Commissioner (Ombudsman) Act. (continued)	
Mr. Simmons (continues the debate).	6346
Mr. Woodward	6365
The motion was carried.	6368
Second reading of a bill, "An Act Further To Amend The Tobacco Tax Act."	6369
Mr. Earle	6369
Mr. Simmons	6370
Mr. Earle	6371
Read a second time, ordered referred to a Committee of the Whole House presently by leave.	6371

CONTENTS - 4

Orders of the Day (continued)	Page
Second reading of a bill, "An Act Further To Amend The Retail Sales Tax Act."	6371
Mr. Earle	6372
Mr. Crosbie	6373
Read a second time, ordered referred to a Committee of the Whole House presently by leave.	6373
Second reading of a bill, "An Act Respecting The Transfer Of Certain Lands From Reid Newfoundland Limited And Mines And Forests (Newfoundland) Limited To Her Majesty In Right Of Newfoundland."	6373
Mr. Barry	6373
Mr. Thoms	6380
Mr. Crosbie	6383
Mr. Barry	6387
Read a second time, ordered referred to a Committee of the Whole House on tomorrow.	6391
On motion, second reading of a bill, "An Act Further To Amend The Wild Life Act."	6391
Mr. Hickey	6391
Mr. Thoms	6393
Mr. Crosbie	6397
Mr. Earle	6401
Capt. Winsor	6403
Mr. Aylward	6405
Mr. Woodward	6405
Mr. Barry	6408
Mr. Hickey	6411
Read a second time, ordered referred to a Committee of the Whole House on tomorrow.	6415
On motion, second reading of a bill, "An Act Respecting The Provision Of Funeral Services."	6415
Mr. Wells	6415
Capt. Winsor	6418
Mr. Morgan	6418
Mr. Thoms	6419
Mr. Gillett	6420
Mr. Wells	6420
Read a second time, ordered referred to a Committee of the Whole House on tomorrow.	6423
Adjournment	6423