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THURSDAY, DECEMBER 11, 1975

SPEAKER: THE HONOURABLE GERALD RYAN OTTENHEIMER

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

Before proceeding with the routine business I would like to give a decision on a point of order which came up yesterday with respect to whether a parliamentary assistant could ask a question of a minister during the Oral Question Period. As hon. members know, Standing Order 1 establishes the order in which we must look to find out what in fact is in order or is not in order: The Standing Orders or Sessional Orders, the precedent of the House and then the practice in the House of Commons as applicable.

In the point of order under consideration, that Standing Orders are silent. The precedent of the House shows that parliamentary assistants have answered questions on behalf of the ministry. It does not, to the best of my knowledge, show instances where parliamentary assistants have asked questions of ministers. One could say that the precedent of the House does not give a definitive guide with respect to the asking of questions but certainly it suggests that it has not been the practice.

Now, in a ruling on November 5, 1974 contained in the Hansard of that date, there is a ruling by Mr. Speaker Jerome which is of guidance in this case. Before giving the ruling he elicited opinions from various sides of the House, and he states: "I have taken this matter under extremely careful consideration for a long time, not only for the short time I have been in the Chair but during the two years I was a parliamentary secretary. It is not a matter I have considered lightly. It is one on which I have taken a clear and definitive decision."

The Speaker referred to the fact that parliamentary assistants answer questions on behalf of a member of the ministry. He ruled that they are therefore not allowed to ask questions of ministers. I will quote his precise words in that regard. "I have taken the position to which I hold that those who are clothed with the responsibility of answering for the government ought not to use the time of the Question Period for the privilege of asking questions of the government." So I

think in that respect the ruling is quite clear.

The matter has an added complication in that although the point of order raised was to the effect of whether a parliamentary assistant might ask a question of a minister, the member who was actually asking the question was what in this House is called a special assistant. This is a new category introduced some years ago for which there was an appropriate amendment to the Legislative Disabilities Act. I therefore have to refer myself to a matter of fact, and that is whether there is any essential parliamentary difference between a parliamentary assistant and a special assistant.

It has come to my attention that there was one instance in which a special assistant answered questions on behalf of a minister. That was in 1974. The hon. Minister of Municipal Affairs was at that time not a parliamentary assistant but a special assistant. He answered questions on behalf of the Premier. No exception was taken to it, no point of order was raised, nobody endeavoured to distinguish between the parliamentary duties of a parliamentary assistant and a special assistant. Although one instance does not necessarily establish a precedent, it is certainly indicative that in the House for practical purposes no distinction has been made.

That being the case one would in consistency have to rule that just as parliamentary assistants may not ask questions because part of their duty may be to answer, the same would apply to special assistants. I would like to add to that that I think it is important to have a look not only at the literal and definite and precise ruling in the House of Commons which we have applied here, but also, to a certain extent, the circumstances or context.

The matter came up at that time in the House of Commons because a member rose on a point of what he called privilege - and I do not think it would be a point of privilege recognized in this House - but the matter he put forward was that for days he had been standing and had not been recognized by the Chair. That is when the point of order came up and was ruled upon.

Now the circumstances I think we should look at are that in the House of Commons where one has 200-plus private members and here where we have thirty-odd - odd in a numerical sense - members, so obviously the ruling is clear. I would think that with the concurrence of the House there could be an application of it. While the ruling is clear, there could be an application of it which would take into account the circumstances of numbers.

What I would suggest - and I would need the concurrence of the House in this matter - what I would suggest is that if an hon. member rises in his place who is an assistant, parliamentary or special, that the Chair will presume he is asking leave to ask a question, and that when he is recognized I will ask, "Does the hon. gentlemen have leave to ask a question?" because obviously

MR. SPEAKER: the House is master of its own rules. Now it is on that - the ruling it is very clear - on its application which is a matter of procedure I am asking whether there is concurrence of the House in that respect. Do hon. members wish to think it over and to let me know at a later date?

MR. ROBERTS: Yes, we would like to consider our ruling and that.

MR. SPEAKER: Certainly.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN:

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

HON. B. PECKFORD: I wish to table answers to questions 454 and 469.

QUESTION NO. 454 BY MR. DAWE (PORT DE GRAVE)
ORDERS OF THE DAY DATED NOVEMBER 24TH 1975

Mr. Dawe (PORT DE GRAVE): To ask the Honourable the Minister of Municipal Affairs and Housing to lay upon the Table of the House the following information:

QUESTION

The number of persons residing in communities in the Province that have no central water, no central sewerage, no central water-and-sewerage systems.

ANSWER

Population without central water and sewer	238,152
Population without central water	213,028
Population without central sewer	235,029

QUESTION NO. 469 BY MR. DAWE (PORT DE GRAVE)
ORDERS OF THE DAY DATED NOVEMBER 24, 1975

Mr. Dawe (Port de Grave) to ask the Honourable Minister of Municipal Affairs and Housing to lay upon the Table of the House the following information:

QUESTION

What City or Town Councils, or other municipal bodies have been helped by the Government to acquire fire-fighting engines in the period since Confederation, stating the year in each case?

ANSWER:

MR. PECKFORD: I table the answers for the hon. gentleman pointing out or qualifying the answers given to No. 469 which was dealing with municipal fire-fighting engines to municipalities and the question asked how many were - what City or Town Councils, or other municipal bodies have been helped by the Government to acquire fire-fighting engines in the period since Confederation, stating the year in each case?

I have not clearly said here, I have just given it from 1971 on because that is when there was a programme. It was only from 1971 on that there was this fifty-fifty municipal fire fighting programme.

Before 1971 the practice was a more ad hoc one where now and then councils did receive monies to help them acquire a fire engine but there was no established policy laid down, so I make that amendment to the answer given on the paper because I did not write it down in the answer.

MR. SMALLWOOD: 469?

MR. PECKFORD: That is 469 and the other one was 454, dealing with central water and sewer and central water and central sewer.

FIRE-FIGHTING

Municipality	Year	Amount
Baine Harbour	1971	\$ 778.50
Belleoram	1971	788.50
Brent's Cove	1971	350.00
Brigus	1971	1,500.00
Burgeo	1971	11,178.00
Burin	1971	3,250.00
Carbonear	1971	5,000.00
Clareville	1971	11,713.00
Comfort Cove-Newstead	1971	5,947.06
Crow Head	1971	750.00
Cupids	1971	10,499.25
Cupids	1971	494.00
Daniel's Harbour	1971	2,000.00
Deer Lake	1971	11,178.00
Dunville	1971	9,356.04
Eastport	1971	10,124.87
Fogo	1971	11,178.00
Gander	1971	9,931.74
Hant's Harbour	1971	986.88
Harbour Breton	1971	10,655.15
Harbour Main	1971	1,557.00
Hare Bay	1971	2,881.53
Heart's Content	1971	5,450.50
Lewisporte	1971	8,994.23
Norman's Cove-Long Cove	1971	5,450.58
Norris Arm	1971	1,551.77
Pasadena	1971	10,000.00
Ramea	1971	11,178.00
St. Alban's	1971	11,178.00
St. Mary's	1971	3,500.00
Seal Cove, W.B.	1971	10,419.12

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FIRE-FIGHTING

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<u>Municipality</u>	<u>Year</u>	<u>Amount</u>
Steady Brook	1971	\$ 5,450.58
Upper Island Cove	1971	11,178.00
Westport	1971	1,216.50
Winterland	1971	1,500.00
Winterton	1971	1,880.10
		<u> </u>
		\$ 211,044.90

FIRE-FIGHTING

Municipality	Year	Amount
Admiral's Beach	1972	\$ 700.00
Bonavista	1972	11,181.50
Buchans	1972	4,557.71
Dark Cove-Middle Brook-Gambo	1972	7,561.30
Deer Lake	1972	68.04
Englee, W.B.	1972	5,450.58
Gallants	1972	1,698.22
Garnish	1972	1,700.00
Hare Bay	1972	2,881.54
Hawke's Bay	1972	4,500.00
Holyrood	1972	11,178.00
Lawn, P.B.	1972	1,000.00
Lawn, P.B.	1972	5,610.78
Meadows	1972	7,918.00
St. Catherine's	1972	6,000.00
Musgrave Harbour	1972	5,450.58
Norris Arm	1972	700.00
Norris Arm	1972	350.00
Norris Arm	1972	1,200.00
Old Perlican	1972	1,700.00
Pool's Cove	1972	1,700.00
Renews	1972	5,450.58
St. George's	1972	10,967.50
St. Jacques-Coomb's Cove	1972	1,700.00
St. Lunaire-Griquet	1972	6,181.92
St. Mary's	1972	1,175.00
St. Vincent's-St. Stephen's- Peter's River	1972	1,598.00
South Brook, Hall's Bay	1972	5,450.58
Summerford	1972	10,456.57
Terrenceville	1972	1,596.37
Whitbourne	1972	11,178.00
		<hr/>
		\$138,860.77

FIRE-FIGHTING

Municipality	Year	Amount
Benton	1973	\$ 1,700.00
Bishop's Falls	1973	10,000.00
Brigus	1973	1,500.00
Brigus	1973	1,500.00
Burin	1973	10,540.57
Campbellton	1973	6,182.00
Carmanville	1973	1,700.00
Catalina	1973	11,901.50
Channel-Port aux Basques	1973	13,375.00
Coachman's Cove	1973	1,700.00
Colliers	1973	6,181.93
Conception Harbour	1973	6,181.93
Conne River	1973	1,085.00
Cow Head	1973	1,826.50
Daniel's Harbour	1973	6,182.00
Embree	1973	3,400.00
Glwnwood	1973	6,571.00
Harbour Main	1973	4,000.00
Leading Tickles West	1973	1,700.00
Lewin's Cove	1973	1,300.00
Little Catalina	1973	6,182.00
Makkovik	1973	6,874.75
Milltown-Head Bay D'espoir	1973	2,600.00
Morrisville	1973	800.00
New Perlican	1973	1,700.00
Nain, Labrador	1973	6,874.75
Norris Arm	1973	13,710.18
Port Blandford	1973	1,698.22
Riverhead	1973	1,757.71
Seal Cove, F.B.	1973	1,700.00
Seal Cove, F.B.	1973	1,850.00
Stephenville Crossing	1973	5,000.00

FIRE-FIGHTING (Cont'd)Page 2

<u>Municipality</u>	<u>Year</u>	<u>Amount</u>
Sunnyside	1973	\$ 6,181.93
Trepassey	1973	3,973.62
Winterland	1973	450.00
Winterton	1973	<u>7,236.94</u>
		\$167,117.53

FIRE-FIGHTING

Municipality	Year	Amount
Brigus	1974	\$ 1,500.00
Cape St. George	1974	8,253.78
Dark Cove-Middle Brook	1974	2,000.00
Fox Cove-Mortier	1974	2,500.00
Grand Le Pierre	1974	2,242.96
Harbour Grace	1974	11,643.10
Hawke's Bay	1974	500.00
Joe Batt's Arm	1974	6,129.00
King's Cove	1974	7,010.00
Lamaline	1974	6,129.00
Newtown	1974	1,909.74
Norman's Cove-Long Cove	1974	2,530.00
Norris Point	1974	500.00
Norris Point	1974	1,500.00
Port Rexton	1974	6,962.10
Port Rexton	1974	665.00
Robert's Arm	1974	6,595.00
Rocky Harbour	1974	500.00
Roddickton	1974	6,239.70
Rushoon	1974	2,780.00
St. Jacques-Coomb's Cove	1974	7,014.60
St. Lawrence	1974	20,266.20
Seal Cove, F.B.	1974	1,005.80
Spaniard's Bay	1974	19,332.00
Terrenceville	1974	6,449.00
Torbay	1974	17,620.74
Trepassey	1974	16,905.40
Trinity	1974	553.30
Trinity (Bonavista Bay)	1974	310.00

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FIRE-FIGHTINGPage 2

Municipality	Year	Amount
Triton-Jim's Cove-Card's Harbour	1974	\$ 6,129.00
Wareham	1974	806.39
Whitbourne	1974	212.00
Windsor	1974	17,550.00
Winterland	1974	500.00
		<u>\$192,743.81</u>

MR. SPEAKER: The hon. Minister of Education.

HON. W. HOUSE: In answer to questions that were asked yesterday and the day before, with regard to the College of Trades and Technology residence complex, the lands have been acquired and monies have been provided to continue with the planning. The preliminary plans are now available and are being presented to the students for their comments and we are looking at alternatives for financing and that has not been arranged as yet.

The other question regarding the Jedore Report on native education: This was received by me yesterday and the Federal and Provincial Committee on Native Education met with the Superintendent of the Integrated School Boards and discussed the report and the report mainly dealt with, of course, the change in curriculum the teaching of the Inuit language in the schools and these were for the communities mainly, Hopedale, Nain, and Makkovik. With respect to the school, there was no mention made of building a school in either one of the communities but we are trying to arrange and the Superintendent is meeting with the people in January about -

AN HON. MEMBER: You have got to build a high school in Nain?

MR. HOUSE: No, they are recommending that there be high school classes in Nain - and all three communities it has been recommended - but the Superintendent is discussing it with the communities and will report back to us in February.

MR. SPEAKER: The hon. Minister of Transportation.

HON. J. MORGAN: Question No. 424 asked by the hon. member for Twillingate to ask the hon. Minister of Transportation and Communications to lay upon the Table of the House the following information:

A definition of the term "Protected Road".

Question No. 425 - Hon. Mr. Smallwood (Twillingate) - To ask the Hon. Minister of Transportation and Communications to lay upon the Table of the House the following information:

How many protected roads there are in the Province, extending in the aggregate a distance of how many miles?

Mr. Speaker, in reply to question no. 424, placed on the Order Paper by the hon. member for Twillingate, and question 425, with regard to the definition of a term "protected road", the number of protected roads in the Province, Mr. Speaker, this is not under the responsibility of my department, therefore the information is unavailable.

MR. DOWE: Get some sense. Answer the questions.

MR. ROBERTS: We know it's available from the government.

MR. MORGAN: Not from my department.

MR. ROJE: The minister thinks he is smart.

MR. MORGAN: They are going to have to ask the correct departments from now on in.

MR. SPEAKER: Are there any further Answers to Questions for which Notice has been Given?

The hon. the Minister of Provincial Affairs.

MR. MURPHY: Mr. Speaker, I have some replies. I do not know if they are answers to questions because - Question No. 581 on the Order Paper Monday, November 24 referring to the trips I took outside of Canada on business - none.

Then we have questions 319, 320, 321, 322, 323, 324 which are questions that were directed to the wrong department. I was trying to find out here in connection with arts and culture centres and this type of thing for the hon. the member for Twillingate (Mr. Smallwood) who - actually that is the Minister of Tourism now - there are a few changes since the hon. member (Mr. Smallwood) was here last. It was Provincial Affairs but it is now Tourism. If it is wished we can direct these questions to the Minister of Tourism.

MR. SMALLWOOD: May I ask the hon. minister if it is the procedure when a question is addressed to the wrong minister that automatically they go on to the correct minister?

MR. SIMMONS: As a courtesy.

MR. SMALLWOOD: As a courtesy or as a -

MR. MURPHY: I really would not know but if we are to follow the precedent established by the previous government we would say directed to the wrong department -

MR. SPEAKER: Order, please!

MR. MURPHY: - and would hope to put them around to the department concerned.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MURPHY: The same way with Question 607 of November 26. What happens, of course, with these you usually pass them on to the staff - the minister does not go researching questions he passes them on to the staff - and only today, actually, I got this sheet to answer the questions

MR. MURPHY:

and there is no answer on it because they do not concern my department. I will definitely find out just what departments are concerned and perhaps there might be an arrangement, Mr. Speaker, that we might arrive at in the House where if a question were asked of the minister of Provincial Affairs or of the department responsible as we had to do in the old sessions so that we would get an answer - that was what we had to use - or the responsible department would give us the answer and then it could be changed around.

MR. SPEAKER: Are there any further answers to questions?

ORAL QUESTIONS

MR. SPEAKER: The hon. the Leader of the Opposition.

MR. ROBERTS: Thank you, Mr. Speaker. I have a question for the gentleman for Bonavista South (Mr. Morgan), the Minister of Transportation and Communications. Could the minister tell the House please, Mr. Speaker, when work will start on the construction of the new airstrip at Cartwright?

MR. SPEAKER: The hon. the Minister of Transportation and Communications.

MR. MORGAN: Mr. Speaker, work will commence on the airstrip at Cartwright as soon as we get a word, a final word, back from the federal level of government indicating what financial participation they will be involved in in the construction of the airstrip.

MR. ROBERTS: A supplementary question, Mr. Speaker, and I thank the hon. gentleman. Obviously there has not as yet been any answer from Ottawa, this is what he said. Is the start of the airstrip contingent upon the assurance by the Government of Canada of financial support?

MR. MORGAN: Mr. Speaker, not necessarily. If the federal government refuses to assist us in the construction of that airstrip we will have to reconsider the situation on our own.

MR. ROBERTS: Mr. Speaker, a further supplementary. The hon. gentleman, Sir, is not answering the question. I cannot debate it and so I shall not, but would the hon. gentleman tell us whether it is intended to construct that airstrip with or without federal government participation?

MR. MORGAN: Mr. Speaker, we are determined to construct an airstrip. The cost is a fairly substantial one - in the vicinity of a half million dollars - we have made a request to the federal government for assistance

on the construction of that airstrip and whether or not the financial participation is forthcoming—at this time we are not fully informed on the situation, there is no reply from them, there is no response from the federal government - if there is no response, if they refuse to participate, again I repeat, we will reconsider the situation and hopefully be in a position to carry on on our own finances.

MR. ROBERTS: Mr. Speaker, I thank the hon. gentleman, and a further supplementary. Are we then to conclude, Sir, that no firm decision has been taken - in the absence of the federal government's answer - that no firm decision has been taken by the administration to proceed with the construction of the airstrip at Cartwright?

MR. MORGAN: Mr. Speaker, there has been no firm decision made with regards to the awarding of tenders. Tenders were called and bids received but there is no firm decision made to date with regards to awarding the tender this Fall. Not as of today's date, no.

MR. ROBERTS: Mr. Speaker, I will put a supplementary, if I might, on this line because I am not getting, and I do not think the House is getting, a clear understanding. The minister is just playing with words. Would the minister tell us, Sir, whether the government intend to proceed with construction of the airstrip at Cartwright with or without federal participation? All I ask, Sir, is a simple yes or no.

MR. MORGAN: Mr. Speaker, surely the hon. gentleman must realize that if I answer these questions today in the House it is going to jeopardize negotiations now ongoing with the federal level of government to obtain funds for the construction of the airstrip.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Before recognizing the Leader of the Opposition I would point out - and not wishing to anticipate supplementary questions he might or might not be asking - but to point out a rule which I am sure he is very familiar with and that is that a question should not multiply with slight variations of a similar question on the same point. I just refer to that now.

MR. ROBERTS: Thank you, Your Honour. I am more interested in dividing than in multiplying on this one. Would the hon. gentleman tell us, Sir, whether he is aware of the statement made by his colleague the Minister without Portfolio last night in Goose Bay that construction of the airstrip was announced yesterday in this House to go ahead without delay?

MR. ROWE: That is a good question.

MR. SIMMONS: Ah ha! Ho, ho! He is not talking now.

MR. ROBERTS: An answer?

MR. MORGAN: Mr. Speaker, whether or not - or what the hon. gentleman, my hon. colleague did say in Goose last night - the situation is that we are determined to have an airstrip in Goose Bay and we are determined at this point to get assistance from the federal -

SOME HON. MEMBERS: Cartwright.

MR. MORGAN: At Cartwright. At this stage we are determined to get some assistance from the federal level of government.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the member for LaPoile.

MR. WELLS: Mr. Speaker, may I -

MR. SPEAKER: Order, please!

I am not sure if the hon. gentleman to my left is rising on a point of order.

MR. WELLS: No, Mr. Speaker, I would like to add a supplementary answer to the many supplementary questions if it is all right.

MR. SPEAKER: The hon. member has leave.

MR. WELLS: The position is, as the minister has made clear, that this government intends that the airstrip will go at Cartwright. Now I think, and this was made clear also to the questioners at the meeting to which the hon. gentleman refers, but I think the hon. gentleman ought to, and I am sure he does understand, that as the minister said, we do not want to prejudice our position in negotiations with the federal government by giving simple yeses or noes to what we will do or what the government will do if federal assistance is forthcoming or not forthcoming.

MR. SIMMONS: That is not what you said last night though.

MR. WELLS: The point is that the airstrip will be built at Cartwright and that is a decision of the government. But we do not propose at this stage to go further and talk about who shall pay what. This is something that has to be worked out but it will be going there.

MR. ROBERTS: Mr. Speaker, I thank the hon. gentleman. If I might ask a supplementary supplementary to his supplementary to the supplementary answer -

MR. SPEAKER: This will be the last supplementary question and answer before recognizing another hon. member.

MR. ROBERTS: I thank Your Honour, Sir. So it is now clear that the minister did say that the strip is going ahead, and it is also clear that there has been no answer from Ottawa. Now what I want to know, Mr. Speaker, is when will this strip go ahead, Sir?

MR. WELLS: That, Mr. Speaker, is impossible to say. When it will go ahead, that is to put a month on it. But it will go ahead obviously within the next twelve months.

MR. ROBERTS: Within the next twelve months.

MR. WELLS: Oh I think there is no question about that.

MR. ROBERTS: Within twelve months.

MR. WELLS: The government is committed, and made it clear and makes it clear in the House here today, as the minister said and as I am saying that it will go ahead. The actual month when construction will commence, that we cannot say.

MR. ROBERTS: But within the next twelve months.

MR. WELLS: I have every belief that that is so.

MR. SPEAKER: The hon. the member for LaPoile - who was previously recognized and yielded - the hon. the member for LaPoile.

MR. NEARY: Mr. Speaker, I would like to put a question to the Minister of Education, Sir. Would the minister inform the House what sort of interference by government caused the Chairman of the Green Bay Integrated School Board to resign his position?

MR. WELLS: Point of Order, Mr. Speaker.

MR. SPEAKER: A point of order has been raised.

MR. WELLS: Mr. Speaker, it seems to me that this is not - the question the hon. member has asked invites argument, and it, in fact, is itself argumentative. It is not a normal nor a straightforward question on a matter of urgent public importance but deals rather more with the actions of particular individuals involved in this thing. I would suggest to Your Honour that it is not a proper question.

MR. NEARY: Mr. Speaker -

MR. SPEAKER: Order, please!

MR. NEARY: On that point of order, Mr. Speaker, I would like to -

MR. SPEAKER: Order, please!

The hon. the member for Trinity-Bay de Verde was in his place and I do not know if it was on a point of order, to make a submission on the point of order.

MR. F.B. ROWE: No, Mr. Speaker, to ask a question.

MR. SPEAKER: I do not think the hon. member can ask a question. The point of order is still before the Chair. The hon. the member for LaPoile is speaking on the point of order.

MR. NEARY: Yes, Your Honour. I would submit to your honour that the reason given by my hon. and learned friend for raising this point of order are not valid reasons, Sir, for raising a point of order. That is not a point of order, Sir, it is a matter of opinion between two members and I would submit to Your Honour that you not allow the point of order to stand, that you reject it, Sir.

MR. SPEAKER: The

point of order has been raised with respect to the question. The question essentially was, as I recall it, would the Minister of Education indicate to the House what reasons he knew of for the resignation of a chairman of a school board.

MR. NEARY: Right, right.

MR. SPEAKER: I am prepared to allow the question and the answer. I would repeat, as the hon. House Leader so correctly pointed out, that there cannot be debate.

MR. NEARY: No, Sir, that is right.

MR. SPEAKER: The question stands as long as there is information being sought and information given without debate in a matter of public importance.

MR. NEARY: I understand, Your Honour. Right! I understand, Your Honour.

MR. SPEAKER: The hon. the Minister of Education.

MR. HOUSE: Mr. Speaker, I heard the newscast this morning that the chairman had resigned and the Federation of School Boards were investigating it and they did state that there was interference by the Department of Education possibly, and the Denominational Educational Committees.

There was intercession because we did try to get both groups together and on November 7 we met with the school boards under the Denominational Educational Committee and the boards asked us to more or less apply the School Attendance Act. We had looked at it and thought that before we could apply that act we would have to make proper representation. We advised them to get the advice of their lawyer and we would get the advice of Justice and then the two get together - Justice and their lawyer - to discuss what could be done. But their lawyer met with them - I do not know if it was the tenth or eleventh of November - and he apparently - now I do not know exactly what he advised them - but the board decided by their own volition that they would open the school from kindergarten to Grade IV and that the V's and VI's would be bused to LaScie with the -

MR. NEARY: The school at Tilt Cove is it?

MR. HOUSE: Yes, the school at Tilt Cove.

MR. HOUSE: - that the V's and VI's would be bused into LaScie with the high school students. That was the extent of the interference at the Committee level. I do not know what happened by telephone or that matter.

MR. NEARY: A supplementary question, Sir, to the hon. minister. I thank the hon. minister for the information, Sir, for his frankness and the information. Would the minister - this is a supplementary question - inform the House now if the school in Tilt Cove is actually reopened and that they are teaching there in that school now?

MR. SPEAKER: The hon. the Minister of Education.

MR. NEARY: Yes, from kindergarten to Grade IV they are teaching in the school.

MR. SPEAKER: The hon. the member for Conception Bay South.

MR. NOLAN: A question for the Minister of Municipal Affairs, Mr. Speaker, regarding an item in today's Daily News, referring to the council of Paradise on a paving contract. The question is, is the minister aware of such a contract and problems with the council? Is his department aware of it? Did the council attempt to get another firm because they were dissatisfied with the firm with which they had the contract? And did the minister or his officials refuse the council permission to engage another firm?

MR. SPEAKER: The hon. the Minister of Municipal Affairs and Housing.

MR. PECKFORD: Mr. Speaker, we met with the town of Paradise a week-and-a-half or two weeks ago, and I was in on the meeting for about twenty minutes. I cannot give you clear answers to the fairly clear questions you have asked. I think the matter is now resolved to the satisfaction of everybody but I cannot give you the details right here off the top of my head because I am afraid I might slip up on one or two of the particulars and because it is such a sensitive matter.

MR. SPEAKER: The hon. the member for Trinity-Bay de Verde.

MR. F.B. ROWE: Mr. Speaker, I thank the Minister of Education for answering the question I asked two or three days ago, but the minister has stated that they have acquired the required land. Would the minister indicate whether this acquisition of land is for the residence only or

for the polytechnical institute only or for both, and how much land is involved?

MR. SPEAKER: The hon. the Minister of Education.

MR. HOUSE: The acquisition of land is for the residence. That is the information I have.

MR. F.B. ROWE: Well a supplementary, Mr. Speaker. Could the minister indicate, Mr. Speaker, what the status of the promised polytechnical institute is at the present time?

MR. SPEAKER: The hon. the Minister of Education.

MR. HOUSE: I thought I answered that a couple of days ago.

MR. F.B. ROWE: No, you did not, Sir.

MR. HOUSE: The status as far as I know, and we are trying to- of course, Intergovernmental Affairs are working to try to get some input from DREE on the matter and again we cannot come up with any financing arrangement until that is cleared up - but the status now is that the plans are going ahead, and we have the schematic plan, and that the preliminary plans for the building or the first phase of the building, I think, will be available by the end of March.

MR. F.B. ROWE: Preliminary plans?

MR. HOUSE: Preliminary plans, yes.

MR. F.B. ROWE: Mr. Speaker, I am getting a little more confused. A supplementary: I had understood that the preliminary plans are in the hands of the students and I was going to ask how long will they be in the hands of the students, when will the detailed plans be made available and when is construction due to start on the residences?

MR. SPEAKER: The hon. the Minister of Education.

MR. HOUSE: I am sort of confused over the question. Were you talking about the preliminary plans just for the residence?

MR. F.B. ROWE: Just for a point of clarification, Mr. Speaker, I am back now to the residences and I am asking are the

Mr. Rowe.

preliminary plans in the hands of the students? How long will they be in the hands of the students? When will the detailed plans become available? When is construction anticipated to start on the residences themselves, all apart from the polytechnical institute? The minister is ready to answer it.

MR. SPEAKER: Order, please!

MR. WELLS: It is probably a question more properly directed to the Minister of Public Works.

MR. ROBERTS: He is not here.

MR. WELLS: No, unfortunately, he is not able to be here today. If the hon. member wishes I would take notice of the question and provide the answers tomorrow.

MR. ROWE: Well, Mr. Speaker, the question comes under the - to that point of order, which I assume it was -

MR. SPEAKER: Order, please! There is no point of order.

MR. ROWE: Well, on a point of order, therefore, Mr. Speaker, the minister was intending to answer the question, and this topic does come under the jurisdiction of the department so I submit that the minister should be allowed to go ahead and answer the question.

MR. SPEAKER: Order, please!

There is no valid point of order. The hon. gentleman asked a question, an hon. minister stated his opinion that it was more in the area of the responsibility of the Minister of Public Works and stated that he would take it as notice on behalf of that minister, and there is no contravention of a breach of order there.

The hon. member for Exploits.

MR. ROWE: Mr. Speaker, if I may. I directed a question to the Minister of Education -

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

MR. ROWE: - and the minister was prepared to answer.

MR. SPEAKER: Order, please!

I had previously recognized the hon. member for Exploits

Mr. Speaker.

(Mr. Mulrooney), and the hon. member for Trinity - Bay de Verde (Mr. Rowe) is coming quite close to it himself, being out of order now. The situation is quite a clear one. A minister may answer. He is not obliged to answer. If he does not desire to answer or takes the question as notice, are all within his prerogative, and it was entirely within the prerogative of the hon. House Leader to take the question as notice on behalf of one of his colleagues who is not here, and the matter is now disposed of, and further comment would be improper.

The hon. member for Exploits.

MR. MULROONEY: Mr. Speaker, a question for the Minister of Provincial Affairs. Would the Minister of Provincial Affairs state the number of complaints he has received in the Consumer Affairs department about the astronomical increase in the electricity rates in Central Newfoundland area and what his department plans to do about these complaints?

HON. A. J. MURPHY (Minister of Provincial Affairs): Mr. Speaker, we do get - I do not say we have had too many written complaints. We had a couple of phone calls about it, but it is a matter that is entirely, I think, in the hands of the Public Utilities Board, Sir. I think this has been referred before to them. Everybody deplores - even today, I looked at my light bill, and I just about dropped. It was up about one-third. But as far as we are concerned, Sir, as Consumer Affairs, we have nothing whatever to do with rolling back the rates. I would suggest, and I think it has been pointed out here in the House only a few days ago, that if you have a group make representation to the Public Utilities Board and ask for a hearing. That is who sets the rates actually.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: My question is to the Minister of Fisheries. To the minister's knowledge, how many bills has the Department of Fisheries refused to pay over the last year or so? If there are any, would the minister indicate if these bills, these bills that the department refuses to pay, are subject to the police investigation?

MR. SPEAKER: The hon. Minister of Fisheries.

HON. W. CARTER (Minister of Fisheries): Mr. Speaker, I wonder would the member be more specific as to what he meant by bills - to the suppliers or to the -

MR. NEARY: Mr. Speaker, like the one that the minister refused to pay to John Leckie for \$35,000, bills of that nature.

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, shortly after the investigation began I issued orders to the department that no further accounts would be settled with gear suppliers pending the outcome of the investigation. I presume that is what the hon. member is referring to, including one, by the way, to Leckie.

MR. SPEAKER: The hon. member for Terra Nova. I was under the impression that the hon. member was trying to catch my eye and that is why I refer to him now.

MR. T. LUSH: Thank you! Relevant to the government's announcement to curtail phase three of the education programme namely as it refers to pupil-teacher ratio, I wonder if the minister is in a position to inform the House whether this is a one year delay, a two year delay or a complete cancellation?

MR. SPEAKER: The hon. Minister of Education.

HON. W. HOUSE: According to the budget speech it said deferment or one year and I do not know what will happen beyond that. A deferment for one year.

MR. SPEAKER: The hon. member for St. George's.

SOME HON. MEMBERS: Hear, hear!

MRS. H. M. ISAAC: A question for the Minister of Education, Mr. Speaker. With respect to Article 27 Superannuation of Teachers, has the government taken any action to amend the Teachers' Pension Act whereby all married teachers are entitled to a one cent extra premium for dependent children and spouse?

MR. SPEAKER: The hon. Minister of Education.

MR. W. HOUSE: I have not got the answer to that question, I will take it under advisement. But I believe it is being worked on by the N.T.A. Committee.

MR. SPEAKER: The hon. member for LaPoile.

MR. S. NEARY: Mr. Speaker, I have a question for the Minister of Transportation and Communications, Sir. Could the minister indicate to the House what action his department has taken to provide guardrails along Windsor Lake, the city's water supply, for the safety and

Mr. Neary:

protection of drivers on the Portugal Cove Road going back and forth to St. John's?

MR. SPEAKER: The hon. Minister of Transportation and Communications.

HON. J. MORGAN: Mr. Speaker, my department is fully aware of the need for guardrails there. Recently there was a very bad accident occurred on that section of road, in the Windsor Lake area. In fact the same weekend of the accident I myself inspected the area where the accident occurred and I recognize the need for guardrails and my department is now in the process of making arrangements for installation of guardrails on that section of road.

MR. SPEAKER: The hon. member from Exploits.

MR. S. MULROONEY: Mr. Speaker, a question to the Minister without Portfolio. Could the minister confirm whether a statement was made by himself publicly last night at Goose Bay-Happy Valley that the hospital in that area would be the first to receive priority as soon as funds are available?

MR. SPEAKER: The hon. Minister without Portfolio.

HON. R. WELLS: Yes, that is correct, Mr. Speaker. What I did was enunciated at that meeting the government's policy as enunciated in the House that all capital expenditures are deferred for the coming year, but the commitment that was made by me and by the Premier at that meeting was that the hospital at Happy Valley-Goose Bay was the number one priority, in a medical sense, the number one priority for capital expenditure in health facilities and that no other capital expenditure would proceed ahead of that one. That was the commitment made last night.

MR. SPEAKER: The hon. member for Conception Bay South who has been trying for some time to get up on his feet.

MR. J. NOLAN: Thank you, Mr. Speaker. Mr. Speaker, a question for the Minister of Tourism, and that is, could he be good enough to tell us the percentages in terms of employment on the Norma and Gladys? How many will be Newfoundlanders on the remainder of her trip?

MR. SPEAKER: The hon. Minister of Tourism.

MR. T. HICKEY: Mr. Speaker, I suppose I should have said something earlier with regards to the rumour that the vessel would be manned by people other than Newfoundlanders. Let me simply say that that is just another rumour of the many that is attached to this project, that the entire crew will be Newfoundlanders and will continue to be.

SOME HON. MEMBERS: Hear, hear!

AN HON. MEMBER: The entire crew will be Newfoundlanders?

MR. SPEAKER: The hon. member from LaPoile.

MR. NEASE: Mr. Speaker, I would like to direct a question to the hon. Premier. Would the hon. Premier inform the House what action if any his government has taken on a recommendation made by the Auditor General to have the government undertake without delay an actuarial evaluation of the government's pension plans and their liability for such pensions, and a complete disclosure by government of the amounts of the employee contributions with interest for which the government is directly liable?

MR. SPEAKER: The hon. Premier.

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Unfortunately, Mr. Speaker, it is such a complex question I will have to take notice of it, and certainly if that information is available, I will gladly make it available to the member.

MR. SPEAKER: The hon. member for Exploits.

MR. MULROONEY: Mr. Speaker, a question to the Minister of Tourism. Could the Minister of Tourism confirm whether or not the salary for Mr. Tom Doyle is \$28,000?

MR. SPEAKER: Order, please!

PREMIER MOORES: Mr. Speaker, if I may? That question has been bandied back and forth here. It has never been asked directly previously. The answer to the subject is, to get it out of the way, the salary for Mr. Doyle is \$18,000, and that is the total obligation of his employment with the government.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I have a question for the hon. the Premier, Sir. Would the hon. Premier inform the House if the government has yet settled a claim made against the old Newfoundland Steel Company by Brussels Steel Corporation? If so, would the Premier indicate the nature and the amount of this settlement? I think it has something to do with a breach of contract.

MR. SPEAKER: Order, please!

If the Premier wishes to answer, certainly I will not preclude him from doing so. It would certainly appear to me that it is the kind of question with a detailed or specific breakdown and cost and that kind of information which one could not expect a person to have in his head, and either that it would be a question for which one would take notice or put on the Order Paper. However, not having interrupted the question, I would not interrupt an answer to it.

The hon. member for Port au Port.

MR. HODDER: Mr. Speaker, I would like to direct a question to the Minister of Education. Would the Minister of Education tell

Mr. Hodder.

the House what is happening with the community college in Stephenville? What is it? What are the programmes? I ask this in light of the fact that there has been a co-ordinator or an official in Stephenville since just prior to the last provincial election.

MR. SPEAKER: The hon. Minister of Education.

MR. HOUSE: Mr. Speaker, I met with some officials from the department who met with the co-ordinator in Stephenville last week, and we discussed a range of plans, and I will be taking it up further with the department and with other officials, and there will be a report made to the House at that time, after that, Sir, after these meetings are over.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I have a question for the hon. Premier. Would the hon. Premier indicate to the House if the government are presently restructuring the Planning and Priorities Committee, and if so, what form of restructuring is taking place?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, the answer to that question is not a yes or a no. The situation is that in all government departments and all government secretariats and all government agencies, there is a continuous change of emphasis. As the emphasis of government now is going to be on resource development, to a very large degree, I think the question is a little bit premature, but certainly whenever any changes happen to be made, there will be due notice and publicity and whatever else is necessary to make people aware of what is happening.

MR. SPEAKER: The hon. member for Conception Bay South.

MR. NOLAN: Mr. Speaker, a question for the Minister of Municipal Affairs and Housing. Has he received any complaints about the rental system and subsidized housing whereby, as he well knows, Mr. Speaker, is based on income, I believe, and what if any representations has he made to attempt to correct this situation? I believe his colleague, the Minister of Fisheries commented on it recently in the press.

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

MR. PECKFORD: Mr. Speaker, there has been some concern expressed by

Mr. Peckford:

people down in Trepassey where there is some subsidized rental housing units for workers who work in the fish plant down there. I think the hon. Minister of Fisheries along with officials from the Newfoundland and Labrador Housing Corporation had a meeting with the people down there several days ago and the Newfoundland and Labrador Housing Corporation are undertaking to study the situation to see if any changes could be made to make the system work a little better than it is presently working. I understand that the time limit of something like January 15, if I am remembering correctly, when we hope to be able to provide that kind of new policy if in fact we can come up with it.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, this is a question for the Minister of Tourism.

MR. SPEAKER: This will be the last question.

MR. NEARY: - long overdue snowmobile regulations? When can we expect to see the regulations brought before the House?

MR. SPEAKER: The hon. Minister of Tourism.

MR. HICKEY: Mr. Speaker, as indicated a few days ago, within a matter of days, I hope, I will be able to table a white paper on them, and then there will be approximately a month or a number of days provided for people to provide the necessary input that they might have.

MR. NEARY: Next week.

MR. HICKEY: I hope. I cannot give an exact date.

ORDERS OF THE DAY:

MR. SPEAKER: Order 11.

Motion second reading of a bill 'An Act Further To Amend The Minimum Wage Act.' (No.11.)

The hon. Minister of Manpower and Industrial Relations.

HON. E. MAYNARD: Mr. Speaker, to give a brief explanation of the purpose of this bill, some months ago the Minimum Wage Board set up under the present Minimum Wage Act made recommendations to government regarding adjustments in the minimum wage and various other factors that come within the ambit of the present act. Cabinet accepted in principle the recommendations, or most of the recommendations of the Minimum Wage Board and decided to implement them. However, on looking at the present Minimum Wage Act we found that there were a couple of things that could not be implemented without amending the act. It was announced in the Budget Speech that the minimum wage itself would be adjusted from \$2.20 per hour to \$2.50 per hour as of January 1, 1976.

MR. NEARY: What about the Federation of Labour?

MR. MAYNARD: Pardon?

MR. NEARY: What is the Federation of Labour's request?

MR. MAYNARD: I think the last request from the Federation of Labour that I saw at least was \$4.00 per hour, but the government does not feel that we can go up to that point at this time. However, we have decided to go up to \$2.50 per hour. I might point out in passing that that is within the ambit of the federal guidelines because the federal people have decided at this point in time that they will not apply guidelines to anything less than \$3.00 per hour, and that as well is 100 per cent increase or more than 100 per cent increase in the minimum wage over the past four years, a fairly substantial rate of increase.

The rate for domestic we decided to adjust from the basic \$25.00 per week to \$30.00 per week minimum. There were some indications that we should try to implement an hourly rate for domestics, but on looking at it we found that it would take a small army of inspectors to try to police that sort of operation and there was just no way

Mr. Maynard:

because the hours of domestics work is impossible to determine in most cases and there will be no way to police the thing and implement the provisions so we stuck with the basic weekly amount and adjusted it to \$30.00 per week.

There were two things that the government desired or felt it was necessary in relation to the Minimum Wage Act. The first one of these was the overtime rate, and in the past the overtime rate as stipulated under the Minimum Wage Act and in the Minimum Wage Orders meant that overtime after forty-eight hours had to be paid at time-and-a-half the minimum wage as opposed to time-and-a-half the amount that the person was earning. In other words, if a person was earning \$3.00 per hour and after forty-eight hours they were required or they elected to work overtime, the employer could pay one-and-a-half times \$2.20 instead of one-and-a-half times \$3.00, which was very unfair in our point of view, the people who worked overtime, if you are normally earning a rate of \$3.00 or \$3.50 or whatever it is, and you work overtime after a certain specified number of hours then the overtime should be one-and-a-half times the prevailing rate.

MR. MAYNARD:

We tried to implement this into the new minimum wage order but again the bill, as it is presently written, does not allow us to do that. The other thing that we wanted to do was to provide a minimum number of hours for call in. We have had quite a bit of representation through the employer representative on the Minimum Wage Board regarding this whereby there are a number of business concerns that call their employees in, or do not notify them that they are not needed for work on any specific day due to storms or some other reason. This especially happens in the Wintertime. The employee reports for work, is told that there is no work that day because the business has been shut down because of a storm condition or whatever, is sent home and does not receive any pay.

I understand that most of the smaller business people, smaller, medium sized business people in Newfoundland, do pay a certain amount whether it is two hours or three hours or four hours or whatever. But a lot of the larger concerns do not. We have decided in cabinet, government has decided that there should be a provision in the Minimum Wage Act that would require employers to pay a certain minimum number of hours for anyone who reports to work as per usual without having been notified that there is no reason to report, or who is called in and sent home after a half an hour or an hour, whatever the case might be. We are talking about a minimum of three hours of pay. We think that this is only fair to the working people.

I might emphasize again that the pressure for this sort of provision emanated ironically enough not from the unions but from the employer representative on the board. So there must be a fair number of abuses of this sort of thing or otherwise that would not have happened.

The other provision which is not applicable to the act but I might mention is that the number of hours worked before overtime applies has been cut from forty-eight to forty-four hours, and hopefully will gradually come down to the normal work week.

So the bill applies to two provisions which we wanted to

MR. MAYNARD:

implement but could not under the old act. That is, number one, the call in time or the minimum of three hours for a call in period, and the fixing of overtime rates at one-and-one-half times the prevailing or regular rate of pay as opposed to one and one half times the minimum wage rate. Mr. Speaker, I move second reading.

MR. SPEAKER: The hon. member for LaPoile (Mr. Neary).

MR. NEARY: Mr. Speaker, first of all I want to congratulate the government for introducing this bill early in this session of the House. It is a good piece of legislation, Sir, and I intend personally to vote for it. Mr. Speaker, before the policy was adopted by the present administration of increasing the minimum wage in this Province occasionally, I am afraid that the attitude and the policy - and I was as much to blame, Sir, as anybody - the attitude of the former administration was rather timid compared to the new attitude of the present administration only in connection with - and I, Mr. Speaker, I said before the House, inside and outside the House, that I would commend the government when I thought they did something that I deemed to be in the interests of the people of this Province, and I would condemn the government when they were not doing things in the interest of the ordinary people of this Province. This particular measure happens to be in the best interests of the ordinary people of this Province. That is why, Sir, I support the bill and I intend to vote for it.

The increase in the minimum wage, Sir, has not gone quite as far as the Newfoundland Federation of Labour would like to see it go. The Newfoundland Federation of Labour asked to have the minimum wage increased to four dollars an hour.

MR. NEAPY:

I doubt very much, Mr. Speaker, when they put that proposition before the government in their annual brief that they were indeed serious, Sir, that they would like to see the minimum wage increased to four dollars an hour. Because, Mr. Speaker, there are large numbers of union members in this Province who are not receiving an hourly rate of four dollars an hour. So the trade union movement, the Newfoundland Federation of Labour would be more or less defeating its own purpose. It would be asking the government to do something that they could not do themselves.

As a matter of fact, Sir, the government as far as I can see are becoming more and more engrossed and involved in regulating the hours of work and the wages of employees in this Province. Without criticizing, Sir, the trade union movement this to my way of thinking is an admission of failure on the part of those who are responsible for organizing workers in this Province. We hear, Sir, we hear from time to time statements made by responsible union leaders, union organizers, statements sympathizing with the low income person. We hear quite a bit of this now during the federal government's wage and price control policy. One of the big arguments the union is putting forward against that policy is that it will do harm to the people in the low income brackets.

But, Sir, the answer to that is, why can not the trade union movement organize these people in the lower income brackets? Most of them are unorganized. There are a large number, Sir, of white-collar workers who are unorganized, who are unable to help themselves. They should belong to trade unions. Now they have to look to the government and the Federation of Labour, which speaks for labour in this Province, has to ask the government to do something that they find it very difficult to do themselves, that is, to organize the unorganized especially in the white-collar field: retail clerks, office workers, and the like - so they have to look to government to try to improve their hours of work, to improve their hourly rates and to improve their working conditions. This is a responsibility of the trade union movement

MR. NEARY:

Sir. In my opinion, Sir, they have failed to a certain degree to live up to this obligation of organizing these kind of workers.

Maybe the government will have to get more involved in the future. Maybe eventually the government will have to step the minimum wage up to four dollars an hour. I have no doubt, Sir, over the next year or two that it will probably come close to four dollars, that they will have to cut the hours of work down to forty hours a week. It is down now to forty-five, the minister tells us. They are bringing it down from forty-eight to forty-four, from forty-eight to forty-four hours a week. Probably the next step will be to bring it down to a forty hour week.

AN HON. MEMBER: That is an increase.

MR. NEARY: Yes, Sir, and I am admitting that. It is an increase. Apart from the minimum wage that in itself, Sir, is an increase. I do not think the government could have gone much further at this time in view of the federal wage and price controls. But, Sir, it does point up, Mr. Speaker, the need, the real need for the trade union movement in this Province to get out and organize the unorganized, get them into a union so they can help themselves. They have not been getting a fair shake, these people.

Mr. Neary.

I remember, Sir, a time in this Province when I was (Acting) Minister of Labour, and I wanted to increase the minimum wage, and the great fear at that time, Sir, was that if we increased the minimum wage that we would put a lot of small industries and small businesses, especially fish plants, that we would put them out of business. I heard howls of complaints, screams from the fish plant owners, especially the smaller ones, and the sawmill operators and other small businessmen, ah! you are going to bankrupt us, you are going to put us out of business. And I said to myself, what nonsense! But, Sir, there were a large number of politicians who fell for that, and we did not increase the minimum wage as much as we should have. I am glad to see now that the administration, the minister, has taken the bold step. I have no doubt that he has done some research, but he is not prepared any longer to pay attention to this myth on the part of certain employers, that if you increase the minimum wage to \$2.50 to \$2.75 to \$3.00 an hour, that you are going to bankrupt all the small businesses in Newfoundland. It has gone up to \$2.50 now. They have survived, have they not? How many of them have gone bankrupt? You hear the odd little complaint, and you hear the odd little fellow squirm about it, but they have survived, Sir. If you put it up to \$2.50 or \$3.00 an hour, they would still survive. We should not have been paying any attention to them all along.

MR. MURPHY: Does the hon. member know how many people approximately or what percentage of the working force get the minimum wage now, any or not?

MR. NEARY: I presume, Sir, that there is nobody working for less than the minimum wage, because that would be against the law.

AN HON. MEMBER: There are a few -

MR. MURPHY: - at the minimum wage?

MR. NEARY: At the minimum wage, I would say that there is a fair number, because the tragic part of this, the unfortunate part of it is that a lot of employers now consider this to be the maximum, not the minimum, and that is where the unions come in, Sir. I can

Mr. Neary.

Speak quite frankly as an old trade union man myself. There should not be one worker in this Province who is unorganized, including the fishermen and the loggers, and the domestics. If the domestics want to get a fair shake, they would get organized themselves. Everybody should be organized. Everybody should be into a union. The only way that you can improve your standard of living, your way of life, and your hours of work, and your working conditions is to get organized and get behind your union, and put up a united front. The minister comes into this House today and has to do a job that should be done, Sir, by the trade union movement, although I congratulate the minister for doing it. It is not this House —

AN HON. MEMBER: It is the right way to go about it.

MR. NEARY: I beg your pardon?

AN HON. MEMBER: It is the right way to go about it.

MR. NEARY: It is not — no, the minister has to do it. The minister is forced to do it, not the right way to go about it, but it is the humanitarian thing to do. I do not know what it is, Sir, why workers at every level — I do not care what kind of work they are doing — I do not understand why they resist organization, why they are not all organized. My God! They should be able to see the benefits that have accrued to other people who are organized, and the people who are organized have to carry along this heavy load. I would say the majority of workers of this Province, Mr. Speaker — I am subject to correction — that the majority are not unionized, ununionized, the majority of workers in this Province.

MR. SMALLWOOD: That is right.

MR. NEARY: Sixty per cent, I am told by the minister, are unorganized sixty per cent. Only forty per cent are organized and carrying the rest of the labour force on their backs, as we used to say, getting a free ride. You got plants in this Province, and you got businesses, Sir, where you have a group of workers who are organized, they go and negotiate for an

Mr. Neary:

increase, and then the management, the employer, would automatically give it to, say, the officer workers. One group has to go out, sometimes walk the picket lines in the cold and in the rain, and in the snow, walk the picket lines for weeks sometimes to fight for what they believe are their rights, and then it is passed along free, gratis and for nothing, to the other

Mr. Neary:

groups that work in the same plant or in the same business like the office workers, because they are too timid to get organized. So, Sir, I hope that my few remarks will go out today to these people. I am appealing in this hon. House, through this House, Sir, I am not an union organizer at the present time, I am not getting paid to tell people to go and join unions. But I am a firm believer in the trade union movement. If I had one wish, Sir, one wish that I could make for the New Year it would be for the 60 per cent of people, of workers in this Province who are unorganized to get together, band themselves together, form themselves into a union and put up a united front and go and bargain in good faith with their employers and try to get better wages and better working conditions. Because all the government can do, Sir, all this House can do is to set minimum standards and the labour movement or the workers of this Province should not allow these figures mentioned by the minister today to become the maximums, Unfortunately that is the way it will be interpreted.

So I do hope, Sir, that the 60 per cent who are unorganized will go out and do something to help themselves. I know you will hear somebody bellyaching now, I dare say the first reaction to the minister's statement is, Aw it is too little and too late. A pet phrase of my hon. former boss, too little and too late. You will probably hear someone - not my hon. former colleague, he is not the one who will say it probably, but you will hear somebody outside the House saying, oh it is too little and it is too late and it is not enough. Well I say to anybody who makes these statements, especially if he is a labour man, that the thing to do is not to complain about whether it is too little or too late, or whether it should be more or whether it should be \$4.00 in line with the recommendation of the Federation of Labour, let them go out and organize these people and then get it up above \$2.50, get it up to \$3.00 an hour if they can. Because all these are, Sir, are minimum standards that are being set by this House. I am sure, Sir, that any true thinking labour man

Mr. Neary:

will agree with what I am saying. It is their duty and their responsibility and the obligation of the trade union movement, and the individuals themselves, to form themselves into unions so that they can bargain for themselves. If they wanted to improve on the minister's recommendations then they should do something to help themselves and not always look to the government to do a job that somebody else should be doing, especially the workers themselves not be so timid.

You know, Mr. Speaker, in this Province - and we had an example lately, Sir, up at the Battery Motel and the case is still before the court, so I am not permitted to comment on it, except, to say, Sir, that here is an example of the long-drawn-out process, the long-drawn-out legal wrangle that takes place when charges of unfair labour practice are laid against an employer, Batteries of lawyers are involved, I do not know but the hon. the Minister without Portfolio (Mr. Wells) was in this one. I do not think he was though, was he?

AN HON. MEMBER: No.

MR. NEARY: No, he was not a lawyer involved in this one. It takes months and months and months, Sir, and sometimes it takes years to get a decision on these unfair labour practices, and this discourages workers from getting organized. There must be some way that we can cut these expensive legal wranglings and long-drawn-out court procedures, and get right to the - go right for the jugular when these things take place. The worker gets shafted, he gets the boots out to him, he is fired, he loses his job, he is humiliated, he has to go into court and it takes months and months and the poor old employees do not have the money to pay expensive lawyers like my hon. friend, and therefore, Sir, they get shafted. In the final analysis they get shafted. In this particular case that I refer to maybe they should have gone to the politicians, some of the politicians, and they would have gotten this matter straightened out in a hurry.

MP. NEARY:

But it is something for the minister to bear in mind in the future because this, in my opinion, is one of the main reasons why employees are discouraged from getting organized and forming themselves into unions.

I was driving down from Gander there some time ago, a couple of months ago. I got stranded out there and a gentleman offered me a drive in. On the way in he was telling me about how his employees were getting organized, and he had hired one of the top lawyers in Newfoundland, he said, to fight against the union. I was sitting there listening to this and I was getting a free ride off the fellow. I did not want to insult him. But when we got near St. John's where I know I could get out, I was getting close to home, where I could get out and hitch-hike the rest of the way if I had to, I told him what a fool I thought he was to be fighting the union.

AN HON. MEMBER: I will wager you were safe first.

MP. NEARY: Yes, I was safe. I think I was this side of Whitbourne before I told him that.

MP. WELLS: You should have done the decent thing and got out and belted him.

MP. NEARY: Pardon?

MP. WELLS: You should have done the decent thing and got out and belted him.

MP. NEARY: No, Sir, I figured before I would get to St. John's I would try to beat some sense into his skull. You know, Mr. Speaker, he fought tooth and nail against the union. He paid expensive fees to lawyers and he won. They did not get the union. He put the gears to them, and I said to him, my dear fellow if you fight against the union and you do not allow them to organize on your plant, you will live to regret it.

Well, he lived to regret it, Sir, because the next thing he knew he had picket lines thrown up around his business. Then, Sir, there were sympathy walkoffs and strikes, sympathy strikes.

AN HON. MEMBER: Not injunctions, ah 'Steve.'

MR. NEARY: Yes, that is right. The injunction is another thing that should go out the window. But, anyway Sir, I met him after and he said, you know, I should have listened to you. My lawyer did not tell me this, the things that were going to happen, the implications of fighting against the union. My lawyer took his \$2,500 or \$3,000 and you gave me a piece of advise, he said, for nothing and I should have listened to you.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: I know, Sir, as far as I am concerned the ride to St. John's was payment enough because the man should have had better sense.

You still have employers in this Province who will even come out and object, I suppose, to \$2.50 an hour. The minister now, his phone in the next day or two will be ringing. They will be calling up the fellows that sell - my hon. friend used to call them rags, was it, they used to call, sold - no, what is it they called -

AN HON. MEMBER: Rags Murphy.

MR. NEARY: No, not raps. No, no I am not -

MR. MURPHY: Rags to riches.

MR. NEARY: Well, they go from rags to riches. These fellows with the little rag tag stores now will be calling up and say, oh, \$2.50. You are going to ruin me. You are going to put me out of business. They will be moaning and groaning and bawling and complaining to the minister.

MR. NOLAN: They used to take in each others washing was the expression as I recall.

MR. NEARY: That is right.

AN HON. MEMBER: Who is that?

MR. NEARY: Little bulls-eye shops, Sir. But they will survive. They will survive, Sir. I only wish, Mr. Speaker, that we had arrived at the time in this Province when the minister would not have to come into this House and increase the minimum wage, that we would have at least ninety or ninety-five per cent of the workers of this Province

MR. NEARY:

organized into unions so that they would go off and bargain for themselves and that all the minister will have to do is to provide the atmosphere. Get rid of the court injunctions and the legalistic wrangles that are involved in unfair labour practices such as the one was brought to our attention recently. These poor employees now are out of a job. Not only that, Sir, they are being discriminated against when they go to look for other jobs because they cannot get a good recommendation. The employer is saying, oh they were troublemakers when they were here. They would not do their work. Now, when they go to look for a job, they call up the former employer; No, do not hire them because the next thing you know you will have a union at your plant.

MR. MARSHALL: Who is the hon. member referring to?

MR. NEARY: I am referring to the case now before the court, Sir.

MR. MARSHALL: Which one?

MR. NEARY: There is only one before the court that I know of at the present time. It involves the Battery Motel, the Signal Hill Battery Motel.

AN HON. MEMBER: Who owns that?

MR. NEARY: I do not know who owns it. I do not care. But it is a classic example, Sir, of how the poor little employee can get shafted.

AN HON. MEMBER: By whom?

MR. NEARY: by the employer.

So, Sir, getting back to this piece of legislation before the House, Sir, it is indeed a step in the right direction. I intend to vote for it, Sir. I only regret that we were so timid in the past and that we paid attention to the moaning and the groaning and the belly aching of the employers and that it took us so long even to get the minimum wage up to \$2.50 an hour and to get the hours of work per week from forty-eight hours now down to forty-four. It is a good move, Sir, and I hope that it will not stop here. That if we have to, that this House have the courage if we have to, to bring it up to \$3.00 an hour and \$4.00 an hour eventually, Sir, as recommended by the Newfoundland Federation of Labour. So, Mr. Speaker, I intend to vote for this bill.

MR. SPEAKER (DR. COLLINS): The hon. member for Twillingate.

MR. SMALLWOOD: Mr. Speaker, I intend to vote also for the bill. I think it is necessary and I think there ought to be a unanimous vote for it. But I do not think that adopting this bill, and passing it into law is enough. I wish that the hon. member who just spoke (Mr. Neary) had said something about a favourite theme of his, the theme of productivity.

Now when he ran for the leadership of the Liberal Party he put forward a programme, and very prominent in it was this theme of greater productivity in this Province and he has on the Order Paper at this moment notice of a resolution that he wishes to move so that it may be debated here, dealing with the same topic, productivity.

Mr. Speaker, from coast to coast in Canada, in the ten provinces, and I assume in the territories as well, but certainly in the ten provinces, you have an unemployment insurance scheme that is common to the whole country. The rates payable are of common application from coast to coast. In the empire Province of Ontario, which has a population that is not far short of half the population of Canada, a very rich Province, a very powerful one, heavily industrialized with a magnificent standard of public service, infrastructure as we call it today, with a very low rate of unemployment, with a very high rate of income, a high standard of

MR. SMALLWOOD: living, in that great Province the rates payable under the unemployment insurance scheme are identical to those payable in Prince Edward Island and Newfoundland. With this result, that there is scarcely a man or woman in Ontario who could contemplate, unless he is sick or just born lazy, who could even contemplate being unemployed. Because if they become unemployed and are driven to accept unemployment insurance the rate to them in Ontario represents poverty compared with the regular rates of pay

Mr. Smallwood.

that they get in almost any occupation in that province. In Newfoundland, unemployment for a carpenter, a plasterer, a bricklayer, a plumber, an electrician, and a few other classifications of workers, is similarly a disaster, because the unemployment insurance rate, which is the same here as in Ontario or any other province of Canada, represents poverty for them compared with the pay they get when they are working. But, Sir, that is a statement that can be made only of a strictly limited number of workers in this Province. I would say - I see the Minister of Forestry and Agriculture look up with interest. I suppose he is thinking of the workers in Labrador City and the City of Wabush. The Minister of Industrial and Rural Development, who is not in his seat at the moment, would perk up at mention of this, because in Grand Falls, as in Corner Brook, as in the papermill at Stephenville, the rates of pay are such, for most workers, as to make unemployment insurance, again, little better than poverty. It is a sort of dole for them. It is a sort of welfare compared, that is, with their normal rates of pay. Sir, if you take all the workers in the three papermills, and in the four or five mines, two in Labrador and Baie Verte, three, and one or two or three others which we have in the Province, and then the construction workers, put them altogether and they amount perhaps to a third of the work force of our Province, which means that two-thirds of our work force, who do not get those rates of pay, are not, when they lose their jobs, are not reduced to so calamitous a level as are the one-third of the work force of the Province.

This means that to become unemployed in Newfoundland today, for a very large number, and a very large proportion, percentage, of the workers, is not, I say, and I say with great satisfaction and great unhappiness both, is not, I say, the calamity that it used to be. With the rates payable under the unemployment insurance plan rising as they have done in the last number of years, they are now at a level

Mr. Smallwood.

which in the cases of perhaps thousands of our people are higher than the rates of pay. There are quite literally thousands of men and women in Newfoundland this afternoon, employed or unemployed, as the case might be, who, working, who, employed, draw less money in wages or salaries than they would draw if they were on unemployment insurance.

Mr. Smallwood,

Now, Sir, inevitably in this Province, or in any other land in the world, this constitutes a terrible temptation. Speaking for myself - thanks be to God I have health, energy, stamina, and I would rather be working than not working. And any good, normal, healthy man, especially if he has been blessed with drive and energy and ambition, would rather be working than not working. But if you have a man who is lacking in personal ambition, he never really does expect to get anywhere in life, he does not expect ever to become Premier or a minister or even a member of the House, or even an employee in Confederation Building; he does not expect to become a teacher or a doctor or a lawyer, and there are tens of thousands of them who have no particular ambition in life - it is sort of, for some at least, at least some, it is "Come day, go day, God send Sunday." Now for a man like that, the difference between having a job at a certain level of pay, and not having a job and having a certain level of unemployment insurance, the difference for him is that in the one case he has to work, and in the other he can stay home while his neighbours are getting up early, going to work, report to work at 7:00 a.m. or 7:30 a.m. or 8:00 a.m. or 8:30 a.m. or 9:00 a.m. He can stay in, he can go troutng, he can stay home and look at television, and the temptation, therefore, for many is almost irresistible, the temptation to loaf.

Now there are two possible cures, solutions for that problem. One is to reduce unemployment insurance, with which nobody but nobody, but nobody alive in Newfoundland or anywhere in Canada would agree. The other is to raise wages, the level of wages, to the point where unemployment insurance is no longer a satisfactory alternative or an acceptable one. But, Sir, to do that, I suggest to you, would be madness in Newfoundland today. My hon. friend and former cabinet colleague (Mr. Neary) who just spoke referred to the hue and cry that used to be raised on earlier occasions when there was the proposal to increase the minimum wage in this Province, the hue and cry

Mr. Smallwood.

that you might put dozens, hundreds, even possibly thousands of small enterprises out of business. I remember that hue and cry, and I shared it, and I still share it. I say that at this moment in our Province we have several thousand - now I do not know how many thousand; 2,000, 3,000 small enterprises - I am not thinking of industrial plants, I am not thinking of fish plants.

MR. NEARY: It used to be fish plants, but not any more.

MR. SMALLWOOD: Well, fish plants, when there was a proposal - my hon. friend refers to fish plants. There was a proposal that came before my administration that the salary rates for women in fish plants ought to be put at the same rate as those for men in the same plant doing the same work. So that whether you were a man or a woman, if you are in a plant doing the same work, you would get the same rate of pay. Now there was an argument used at that time - I remember it so vividly -

Mr. SMALLWOOD:

that this would put fish plants out of business. It would put their cost of production up to the point where they could not recover the cost of purchasing the fish in the first place and processing it in the second place, that they would lose money steadily and be forced out of business. Now, at that particular time the United States market was bad and the price was down and scarcely a fish firm in the Province was making money. Most of them were losing money. We had good reason to know because we had their balance sheets. They all owed us money. We had lent money to virtually every fish plant in the Province to allow them to grow, to expand or just to keep them alive.

We had put out some \$30 million, \$40 million, which was a lot of money at that time, a lot more then than it would be today. So we had their balance sheets and we knew that they were losing money. Now the big fish companies in Newfoundland have made money and they lost it. They have made it and they have lost it. That is the historic picture of the fish industry in Newfoundland.

I remember in the House of Assembly one time listening to Sir William Coaker, who was the great benefactor of the fishermen of Newfoundland, the founder and the leader of the Fishmen's Protective Union which had 25,000 members in a day, at a time when the people working in the fishing industry of Newfoundland constituted some 60 to 70 per cent of the whole work force of Newfoundland. At that time the FPU had a membership in 200 counsels, branches, of 25,000 members. And Coaker was their great leader. I remember hearing him in the House of Assembly when he was speaking to the fishery regulations in the early 1920's. The first attempt ever made in Newfoundland's history by a government to organize the export of salt cod, to Greece and Malta and Italy and Spain in the Mediterranean, and Portugal and Brazil and the Caribbean and the West Indies, the first attempt made to organize the export, to eliminate the accursed selling on consignment, just sending your fish over to market hoping that your agent would sell it for you after it got there. It went over not sold until it got there, and it might often lie there for a month or six

MR. SMALLWOOD:

weeks in a hot climate, with no cold storage, the fish deteriorating and the value falling, to overcome that, the fishery regulations, and he was introducing this speech.

Coaker did the amazing thing, amazing to many of his hearers, of beginning in Maggoty Cove and going almost to River Head in St. John's and naming the famous names of fish firms. He knew them all. He did not miss one. He pointed out that every last one of them had gone bankrupt, every one of them. I think Job's and Bowrings were two that had not. The others had either gone bankrupt or had had to compromise with their creditors or in some form or other were in the deepest of deep trouble.

Mr. Smallwood:

And Coaker said, this was not because those merchants were stupid or incompetent. It was because the industry, the trade, the fish trade, the export trade has been precarious and crazy. In a year or even two years running a little fortune might be run up by a fish exporter and then for the next three, four, five, eight years - losing their shirts, and all of them eventually going bankrupt.

Well now, Sir, in Newfoundland today you have perhaps 10 per cent of your work force that are actively in the fishery, if my hon. friend the Minister of Fisheries (Mr. W. Carter) would take Volume V, around page 30 or 40, and read an article of mine -

MR. NOLAN: For \$30.00?

MR. SMALLWOOD: Well if he cannot, if you cannot, it is \$33.00 because the hon. the Premier wants \$3.00 of it, - around page 25 or 30 he will see there figures I gave pointing out that in the year that I was born, in the span of one man's life - it is not a full span yet - the percentage of our work force engaged in the fisheries was 90 per cent, the year I was born, and all else clergymen, doctors, lawyers, shop clerks, businessmen, merchants, newspapermen, politicians, everything in the whole of Newfoundland amounted to 10 per cent of the work force because 90 per cent were in the fishing industry. Now that is exactly reversed. I give it year by year, every census year in this table that my hon. friend, the minister (Mr. W. Carter) ought to take a look at. Today in Newfoundland you have got several thousands small commercial enterprises employing one person or two or three or four or five and they amount to perhaps 10,000 or 12,000, maybe 15,000 Newfoundlanders.

MR. W. CARTER: 15,300.

MR. SMALLWOOD: Is that the number? 15,300 Newfoundlanders -

MR. W. CARTER: Conservatively.

MR. SMALLWOOD: Now I suspect the minister is

MR. W. CARTER: Is there something wrong with these figures?

MR. SMALLWOOD: Are those the correct figures?

MR. W. CARTER: Yes.

MR. SMALLWOOD: All right.

Mr. Smallwood:

Their employers are not Garfield Weston's, they are not E.P. Taylor's - and I am three-quarters through this amazing new book by Peter Newman, The Canadian Establishment which names and describes every industrial and financial mogul in the whole of Canada, and every corporation and every bank and every financial house, one of the most - it is the only thing that has ever been written in Canada, it has been done, that sort of thing, in the United States - and when you read that book if you can end by not becoming a Communist, you are lucky. If you can end the book without becoming a socialist, there is something wrong with you. There is something the matter with you. And if he did not give names, facts, figures, the whole story it is indisputable. No one alive can dispute it, it is too factual - Peter Newman.

MR. SPEAKER (COLLINS): Order, please! If the hon. member can end without becoming irrelevant the Chair would be happy. I would point out to debate this order the rule of relevance does apply and without getting too much in the side issues the Chair is bound to call an hon. member's attention to that particular rule.

MR. SMALLWOOD: I thank Your Honour for telling me that there is a rule of relevance in debate.

Mr. Smallwood.

I was already aware that that ruled existed. I am very familiar with it Your Honour, extremely familiar, and if I have said one syllable here that is not relevant to the question of a minimum wage, then I should be put out of this House.

MR. SPEAKER (Dr. Collins): I would also point out to the hon. member that he is not permitted to debate the ruling of the Chair. I did not rule him out of order. I just pointed out that this rule was in existence.

MR. SMALLWOOD: Your Honour, either I am out of order, or I am not. If I am out of order, rule me so.

MR. SPEAKER (Dr. Collins): At this point in time, I would not rule the hon. member out of order.

MR. SMALLWOOD: I am not out of order, Your Honour, not by as much as a syllable. It so happens, Your Honour, that I am familiar as any three men in this Chamber, including Your Honour, with the rules of parliamentary debate. I know when I am in and out of order, and I know when I am relevant. I am speaking to the question of minimum wage, and every word I have uttered and shall utter is as relevant as anything could conceivably be. I am going to vote for the motion, for the bill, to raise the minimum wage. But, Sir, in this matter of minimum wage, and this matter that my hon. friend is so found of mentioning, productivity, you raise the most vital question there is in the Province today: it has to do with the budget, it has to do with balancing the budget, it has to do with the stage of the economy, it has to do with the state of Newfoundland financially - wages and productivity. Whatever it is, I do not know, but something, Sir, something has got to be done in Newfoundland to stave off collapse and disaster, something has got to be done about the standard of living, the standard of productivity -

MR. NEARY: Hear, hear!

MR. SMALLWOOD: - in this Province.

Mr. Smallwood.

It is insanity, it is madness, when for thousands of our people they are just as well off to be on unemployment insurance as to be working. That, Sir, is madness. That is the straight direction to collapse.

We have had for twenty-five or twenty-six years in this Province of what must surely be a kind of progress unprecedented in the ten provinces. In the last twenty-five or twenty-six years we have had, Mr. Speaker, over \$500 million spent by our people on furnishings for their homes - \$500 million, and just under \$1,000 million spent on housing, and over \$1,000 million spent on hospitals and clinics and the like, and over \$1,000 million spent on roads and paving, and over \$1,000 million spent on education, and over \$1,000 million spent to buy motor cars and trucks and buses, and over \$1,100 million spent by our people on life insurances, and over \$1,300 million spent to provide electricity.

Mr. SMALLWOOD:

We have had twenty-five, twenty-six, twenty-seven years of a degree of growth and expansion and improvement and rising standards and levels of material living that now that we have had it, it seems crazy. You cannot believe it. We have raised the levels of general and public expectation to such an extent that people without argument, without question, without the raising of an eyebrow people expect that this must go on the same as it always did without any change or without any diminution or without any weakening.

Now, the Minister of Labour, or under his new title Manpower and Industrial Relations, asks the House to raise the minimum wage, and we will do it. I do not think there will be a vote cast against it. But, Sir, in doing it let us not fail to correlate, to integrate this whole subject of wage rates and wage levels and productivity and unemployment, and unemployment insurance and welfare rates. You cannot take either one of these in isolation. They are all part and parcel of the one picture, the one situation.

In voting for this bill today, as we must and as we will, let us do it in the full realization that one of these days, within a year, within two years, maybe three, one of these days, voluntarily or involuntarily, unless we stop it, unless we prevent it, - and to prevent it we have got to have a conscience effort to prevent it - we begin by getting to be scared of how it is now. That is the beginning. Not pooh-poohing it. Not saying, ah - shrugging it off - ah, it will be all right. Oh, it will be all right. The Premier is a smart man, and the Minister of Finance is a smart man. We have a smart cabinet, fine young energetic, young ministers. Ah, we do not really need to worry. They will see us through. They will save the situation.

Now, we could wash our hands and shrug our shoulders of that. I doubt if they will. I doubt if the Premier will shrug it off. He knows too much and too vividly, I suspect, how bad the situation is. The first thing is for all of us here to know clearly how bad the situation is and for that to get out around among the people of the Province so that the people will be ready for the things that must be

MR. SMALLWOOD:

done, so that there will be neither voluntary nor involuntary collapse.

I have in my time formed six or seven trade unions. I have organized more trade unions than I would suspect any other hon. member of the House has ever done. I have organized a number of co-op societies. I have been a lifelong socialist.

AN HON. MEMBER: Hear! Hear!

MR. SMALLWOOD: I am yet to this moment. Now a different kind of socialist from what I was when I was fifteen. I hope in the intervening years I have learned something. I hope I have acquired a little wisdom so that my beliefs are not identical with those of sixty years ago. My heart is wholly on the side of the toiling masses. But sometimes, Sir, the toiling masses can be their own worst enemy. No, there can be a worse enemy than the toiling masses being their own enemy. They can have a worse enemy. This House can be their enemy. We must vote for this bill, and it will raise the minimum wage to what? What is the amount?

MR. NEARY: \$2.50.

MR. SMALLWOOD: \$2.50. Now, there is no member of this House who would like to work for \$2.50 an hour,

MR. SMALLWOOD: or twice \$2.50 an hour. There is no member of this House who would be willing to work for three times \$2.50 an hour. What are we making? If you take an eight hour day -

MR. NEARY: About the minimum wage.

MR. SMALLWOOD: - and a five day week, in the Chamber, but 365 days a year altogether in and out of the Chamber, and how much an hour?

MR. MURPHY: About \$1.80.

MR. SMALLWOOD: About \$1.80, No, the hon. minister is thinking of the dole, He is thinking of the six cents a day.

MR. NEARY: Well that is what he is worth.

MR. MURPHY: I am talking about if we were paid for all the time we put in.

MR. R. MOORES: About \$5.00 an hour.

MR. SMALLWOOD: How much?

MR. R. MOORES: About \$5.00 an hour.

MR. SMALLWOOD: About \$5.00 an hour, here is an hon. member who has got it figured down, \$5.00 and how many cents? - he has got it figured right down to the exact amount. So we have to vote for it but in doing so, Mr. Speaker, I suggest that we do it, you know, gladly and yet think seriously about the immediate future of the next two or three years because insofar as I can do it, Your Honour, and not annoy Your Honour and not put doubt in Your Honour's mind as to whether I am in or out of order, I say that it is my wish, my desire on almost any topic that will be debated in this House from now on, "Carthage must be destroyed," you remember? I am no Demosthenes. We must save this Province from collapse and the word I am using is the word used by the Minister of, whatever he is the minister of, (Mr. Murphy), I wish the Premier would get these names changed back to what they used to be you know. He would be called in my time, Minister of Provincial Affairs, is it?

MR. NEARY: And Environment.

MR. SMALLWOOD: It still is Minister of Provincial Affairs.

MR. NEARY: Yes, and Environment.

MR. SMALLWOOD: Well the Minister of Provincial Affairs, the other day we were

MR. SMALLWOOD: stuck for a word, we were here on both sides of the House, I think it was the member for St. John's East (Mr. Marshall), was speaking, making a magnificent speech and he got stuck for a word and I got stuck for it, I was trying to help him, and the member who gave us the word was the present Minister of Provincial Affairs (Mr. Murphy) when he used the word 'disaster'. That is the word. Let us keep that word in our minds and make sure that there is no disaster and the way to do it is to go easy. It is not a popular speech, and no one is going to like it, you know, around the Province but so what? I am not beginning a political career now.

MR. NOLAN: You can be a statesman.

MR. SMALLWOOD: I am not at the beginning of a political career. You know, I do not care very much whether I serve out the term to which I have been elected. I am not all that anxious and I must say that most of the time since the House has been open I have been bored to tears. I really have. Now the Premier and the Leader of the Opposition spend precious little time in here. Well I am not like that. I have not been out of this for a moment, since the House opened. I cannot. Either I am in or out, and I am here all the time, and I am bored to death.

MR. NEARY: How are your kidneys? How do you manage?

MR. SMALLWOOD: When the hon. gentleman has been at this business as long as I have he will know how that is done. I have heard some glorious speeches here, the speech by the member for St. John's East (Mr. Marshall), the member for somewhere north of St. John's there, behind the Minister of Fisheries, (Mr. Carter), and a speech by the Leader of the House (Mr. Wells), three magnificent speeches, a speech by the Minister of Industrial and Rural Development (Mr. Lundrigan), a speech by the Minister of Municipal Affairs (Mr. Peckford), and over here, I have heard, I must say candidly, that I have never been in a session of this House in twenty-seven years where I heard so many magnificent maiden speeches. The hon. member for Windsor-Buchans (Mr. Flight), the hon. member for Terra Nova (Mr. Lush), the minister next to him, the combated one with the Irish name, and he talks like an elegant Irishman, Exploits (Mr. Mulrooney), and the member for White Bay

MR. SPALLWOOD: there (Mr. Rideout), four of them in a row. The member up there, the far end, from the fish plant -

SOME HON. MEMBERS: Oh, oh!

MR. SMALLWOOD: No, it is not the fish plant he represents but that is -

MR. DOODY: Fortune-Hermitage (Mr. J. Winsor).

MR. SMALLWOOD: Yes, Fortune Bay.

PREMIER MOORES: Fortune-Hermitage (Mr. J. Winsor).

Mr. Smallwood:

The member here from Lewisporte (Mr. White). These are new members, and it must have been a pleasure to all of us, proud to be in a House that produces young Newfoundlanders like these making magnificent speeches. Now except for that I would have been bored to tears. Now if they would only keep on speaking, if they would keep on making speeches -

MR. NEARY: Those of us who have been here for a while would appreciate that remark.

MR. SMALLWOOD: Now the hon. gentleman must not be angry with me because I am only including new men, either new members or older members that I had not heard before. Now I have not heard the Premier yet.

MR. NEARY: The border men!

MR. SMALLWOOD: I want to hear a firew speech from the Premier. I think he must be capable of it and he should not deprive us of that. However, Mr. Speaker, I am going to vote for the motion with mixed feelings.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please! Before I recognize the hon. gentleman I have to call to the attention of the House matters which are due to come up at 5:30. I have received notice of two matters both from the hon. gentleman from LaPoile (Mr. Neary). The first one develops from a question he asked the hon. Minister of Health with reference to whether it should be obligatory for pharmacists to maintain records of drugs and medication used by their clients. Now the second one develops from a question asked to the hon. Minister of Justice and relates to the procedure which is used for taking depositions in extradition proceedings. It has come to my attention that this specific question is now a matter before the Supreme Court of Canada. It is now in my understanding of it a matter being adjudicated by the Supreme Court of Canada, that is, a matter sub judice, and if it is a matter sub judice then I cannot permit it to be debated. Yes, I will hear from the hon. gentleman (Mr. Neary).

MR. NEARY: Remember, Your Honour, and I understand Your Honour has lost my note that I sent -

MR. SPEAKER: Original note.

MR. NEARY: Original note. Your Honour, I reworded the question and Your Honour allowed the question, then I got the answer and then I said I was dissatisfied with the answer. It has nothing to do with the case before the court, it has to do with procedure of the Department of Justice.

MR. SPEAKER: But what I need to be specific on is this. Is it the procedure, not any procedure- there are all kinds of procedures- but is it the procedure used for taking depositions in extradition proceedings. If that is in fact the matter then I cannot allow it to be debated. Now if it is another procedure or if it does not relate to that then I can allow it to be debated.

MR. NEARY: It does not relate to this case or the extradition procedure.

MR. SPEAKER: Do I understand the hon. gentleman correctly in that it does not relate to the matter of taking deposition in extradition proceedings?

MR. NEARY: That is right, Sir. It does not.

MR. SPEAKER: It does not relate to that?

MR. NEARY: Right.

MR. SPEAKER: Well then I suggest to the hon. gentleman that within the next ten or fifteen minutes we confer to obtain the exact wording of what specifically it is.

MR. NEARY: Okay, Sir.

MR. SPEAKER: So those are the two matters. The first one is quite straightforward. The second one I shall wait for a brief conference with the hon. member to see what specifically the wording is because, as I am sure hon. members are all aware, if or when a matter which is specifically sub judice is brought up then I cannot allow it to be debated. It is not a matter of discretion or not. It is a matter which is put forward in which no Speaker has any jurisdiction.

The hon. member for Trinity-Bay de Verde.

MR. F. ROWE: Thank you, Mr. Speaker. Sir, it goes without saying that we on this side will support this particular piece of legislation a bill "An Act Further To Amend The Minimum Wage Act", (Bill No.11). Sir, we think it is a good piece of legislation and we give the government credit where credit is due in this particular case.

MR. ROY: Sir, previous speakers have brought up a very important problem facing this Province at the present time and that is the dilemma that we are facing in this problem in trying to raise the minimum wage to a reasonable level while trying to combat the financial problems that this Province is facing at the present time.

Sir, another point was brought up, this whole business of where in a number, and probably too many cases, the amount of unemployment insurance received by an individual exceeds the amount that he would receive, say, on an hourly basis if that individual had employment. Sir, this strikes at the very fibre, the work ethic of the people of this Province and quite frankly, Sir, the question is, how do we resolve this problem that faces our people? How do we resolve it?

The hon. member for Twillingate suggested two possible alternatives, although I do not think he recommended them, but suggested two possible alternatives; one is to increase the minimum wage, and we have to look at the ability of the Province to do that, and the other was to decrease the rate of unemployment insurance and that is unthinkable and it is a national thing.

MR. SMALLWOOD: It would have to be done all across Canada.

MR. ROY: It would have to be done all across Canada. But in order to resolve this problem that is facing our people which virtually strikes at the very fibre of our society and brings into question this whole business of the work ethic, in order to resolve that one of those two things might have to be done. And I do not think any member here, Sir, would recommend a reduction of the unemployment insurance rate and we would certainly wish and desire to have an increase in the minimum wage but we have to look at the ability of the Province to pay. But this is a reasonable increase, Sir. As a matter of fact, if you work it out it is almost within the guidelines as set down federally. This increase from \$2.20 per hour to \$2.50 per hour comes to about 13.6 per cent, just over the guidelines, and the other one that the minister mentioned going from

MR. ROWE: \$25 per week - I am sorry that the minister stepped out - but he mentioned the figure of \$25 to \$30 per week for a certain class is somewhat in excess of the guidelines but however, when you are looking at that low rate of pay it is certainly justifiable.

But, Sir, the other thing that we have to look at here is this, is there a solution to the problems that face this Province with regard to destroying the work ethic of our people, when we look at the social services available to the people, and we look at the unemployment available to the people, when we compare what money can be made by a unit, a family unit, when we compare that amount of money that can be made through social services and unemployment insurance, with what they could earn if they were on the job, if the jobs were available: What is the answer? Because in fact the jobs are not available in many cases.

Now, Sir, I realize I am stretching, broadening the realm of debate on this particular bill, However, debate up to this point has been very broad and very wide, given great latitude to the two previous speakers and I would expect to have the same latitude in dealing because I want to make what I consider to be a very important point and hopefully a constructive situation to the administration opposite.

Sir, we have various and great needs in this Province, need for public services, and I can list them off but I do not think there is any need except to give a few examples. Just say

Mr. F. Rowe.

in the area of roads, local roads, particularly, provision of water services, snow clearing, breakwaters in areas and what have you. There is no doubt whatsoever, Sir, that the public services need in this Province is great, is great indeed, and in order to have these public services provided we need to employ people. But, Sir, ironically and sadly, we have a very high unemployment rate. Taking the actual figures, Sir, for November and October, in October 1975 of this year, we have 28,000 people, in the labour force, unemployed. In the month of November, we have 29,000 people unemployed. I am not criticizing the government for this, I am stating a fact; 29,000 of our fellows Newfoundlanders were unemployed in the month of November. At the same time, Sir, 55,000 of our people are on social assistance of one kind or another, 17,000 cases, 17,000 provided, Sir, by the minister's office just this afternoon.

MR. BRETT: There are 3,000 on able-bodied relief.

MR. ROWE: Now, Sir, okay. I realize that there are people who are unable to work in this group, who are unable to work, but, Sir, there are some people who are able to work if they had the opportunity to work.

MR. BRETT: Three thousand.

MR. ROWE: Okay, the minister provides the exact figures.

MR. BRETT: 3,017

MR. ROWE: Now, Sir, if I can carry on.

This is costing the Province of Newfoundland and the Government of Canada approximately \$48 million, and, Sir, I am sorry to say that I did not get an opportunity and probably some hon. minister can provide me with the figures, I do not know what it is costing the Government of Canada to pay for these 29,000 people who are unemployed. Can somebody give me a ball-park figure?

MR. MURPHY: They pay half. They pay half.

MR. ROWE: No, I am going back to the unemployment now.

MR. MURPHY: Oh!

MR. ROWE: One-half of that \$48 million is paid by the Government of Canada. What I am trying to find out is approximately how much is coming to this Province annually through unemployment insurance?

MR. SMALLWOOD: It is close to \$200 million.

MR. ROWE: Two hundred million.

AN HON. MEMBER: No, it is not.

MR. SMALLWOOD: Close.

MR. ROWE: Okay.

AN HON. MEMBER: No, no, no!

MR. ROWE: Mr. Speaker, in order to make the point, I do not need the exact figure. But let us assume that when we take the people who are unable to work, or who cannot get work, who are on social services -

MR. BRETT: Three thousand.

MR. ROWE: Just one second, Mr. Speaker. I wish the hon. member would stop interjecting-or the hon. minister.

If we take the number of people who are on social services, who are able to work and cannot get work, and if we take the number of people, the 29,000 who are unemployed and presumably who are able to work, and we assume the ball-park figure of something in the order of \$200 million being provided through social services and through the Unemployment Insurance Commission, if we take that figure, and we look at the public needs, this public service need in this Province, I would like, Sir, to humbly suggest a solution to the problem. We have the need, we have the public service need in this Province, and we got people unemployed and on social services who are able to work, and we are destroying the work ethic of the people in this Province in some cases. There are some needy cases, and Sir, I hope that no hon. member in this House uses the cheap and low way out and suggests that I am embarking upon a theme of forcing people on unemployment or on social services, who are unable to work, to work. That is not the point at all. I am talking about

MP. ROWE:

the provincial government and the federal government getting their heads together. The details may be very hard to implement and obviously it would involve certain ministers. But, Sir, instead of pouring out this unemployment insurance money and instead of pouring out this social service money to people who are willing to work but cannot get work in this Province, instead of doing that, why do we not assess the public service need in this Province? It is staring us right in the face.

There are hundreds of communities that need water. There are hundreds of communities that need improvements to their local roads. There are hundreds of communities that need breakwaters. Why not take a determined effort, a joint effort on the part of the provincial and the federal government to determine these needs and try to get these people off the unemployment insurance payroll, off the Social Services payroll, that is, these people who are able and willing to work. Then we would not have to look at the possibility of lowering the unemployment insurance rate of pay so that we do not destroy the work ethic of our people. This is the point that I am trying to work.

MP. SMALLWOOD: Would the hon. member allow? Why only those who are willing to work.?

MP. F. DOWE: No, I did not say - no.

MP. SMALLWOOD: If work can be given instead of relief then it should be given to all whether they are willing or not.

MP. F. DOWE: Yes. Mr. Speaker, I did not say only those who were willing to work. I said, only those who are willing and able to work. That is the important word.

MP. SMALLWOOD: What about the able who are not willing?

MP. F. DOWE: Well obviously, Sir, we do not condone and I would submit the hon. member for Twillingate (Mr. Smallwood) nor any government member nor any member on this side of the House, Sir, would condone the payment of social services or unemployment insurance to those people who are able but unwilling to work in this Province. Sir, I know that I may make a few political enemies by making that statement. But, Sir,

MP. POWE:

you have to be truthful particularly in this time of crisis, that no member can honestly stand in this House and condone the payment of social services money and unemployment insurance to those who are able but unwilling to work in this Province. I know they are the small minority.

We will have, Sir, whether we are talking about an educational institution, the legal profession, the medical profession or the people who are recipients of social services or recipients of unemployment insurance, we will have our rotten eggs no matter what category of people you are looking at. We have our rotten eggs and we had them and we have them at the present time and we will continue to have them.

But, Sir, if there is any way in this world of helping our people - it is an easy mechanism, Sir, to talk about in theory. I realize it may be very difficult to work out a formula to implement and it would be very difficult to implement it. But I think we have come to the point, Sir, when we talk about the capacity of the Province to raise the minimum wage - and we support it. We think it is a good piece of legislation - but when we know that in raising the minimum wage from \$2.20 to \$2.50 is good but hazardous in terms of the ability of the Province to pay, I think we have to look at the very basis of the problem that exists in this Province and that is that there is simply no work available for too many of our people. Over a period of time when people get used to living on unemployment insurance and social services, however regrettable that may be, when they get used to it I am afraid what the hon. member for Twillingate (Mr. Smallwood) said and we all realize will happen, the people will become accustomed to it and other people who are working in our society who are fortunate enough to get jobs and who may well indeed be earning a rate less than those on unemployment insurance, we will approach a situation, Sir, or a stage where we could easily have a revolution or a revolt on the part of

MR. ROWE: the workers. Who can stand by, Sir, and 'trot to work in the cold of winter and leave their families? Who could stand by and go to work day after day, week after week, month after month and work for a rate less than one's neighbour who is sitting home looking at television, living on unemployment insurance, through no fault of his own, Sir. And I hope that nobody tries to take what I have said and twist it into saying that we are against unemployment insurance or social services. It is no fault of the people, Sir. But I think that the federal and the provincial government jointly have to get together, get their heads together, their best brains together, and assess the needs, now I have qualified, Sir, the public service needs of our Province, and by that I mean you know the need for water, that can generate jobs; the need for improvement of local roads, that will generate jobs; slipways, breakwaters, that will generate jobs. But, Sir, we are getting into the jurisdiction of both the provincial and the federal government and what do we have in this Province? We have the buck going back and forth, back and forth, and it is like watching a tennis game or a ping pong game, Sir, and I submit it is time for us to stop looking at the ping pong game, or playing it, and the federal and the provincial governments get together, not criticize each other, but get their brains together, whatever brains are available, and try to assess our needs in such a way and Sir, I submit that people on unemployment insurance and social services will only be too willing to go to work, the majority of them, -

MR. NEARY: Hear! Hear!

MR. ROWE: - in a dignified fashion, go to work, earn an honest dollar. Sir, there is nothing more degrading in one's life - and thank God I have never had to do it - but there must be nothing more degrading than have to admit and accept the fact that you are a recipient of social service. We even changed the name from welfare to social services in the hope it will at least sound better. But it is still the same. There is still the same sickening feeling. You have got to go to the same officers, you receive the same cheque from the same department. You still have to call the unemployment insurance. So, Sir, that is the point, essentially, that I wish to make in talking in a broad way on this particular bill. For the

MR. ROWE: sake of the people of this Province, the 29,000 who are unemployed, the 17,000 social service cases, I plead with the administration to take the initiative, get together with the federal government, there is in excess, I submit, of \$200 million annually and this is - I do not mean to be held to these figures because it is a ball park guess. Sir, can you imagine what can be done with \$200 million in the provision of public services in this Province and at the same time give people the dignity of getting up in the morning and going to work and have the feeling that they are making an honest dollar, that they are not taking dollars off the taxpayers of this Province, have the dignity of making a dollar and at the same time they are providing a very badly service to their own community?

Sir, what we are talking about, I would submit, is a super alphabet soup programme. Instead of having all those LIPs, OYPs, my friend from Twillingate calls it the alphabet soup programmes of the past and of the present, I would say, Sir, that what we need now is one massive attack jointly by the federal and the provincial government in order to take those 29,000 Newfoundlanders off the unemployment list, those able-bodied people who are sadly on social services, take them out of that situation and give them the dignity of knowing that they are earning dollars and at the same time contributing and upgrading the status of their own particular community, wherever they may live. Sir, God knows that this Province with its restraint

MR. F.B. ROWE: programme, if ever there was a time, Sir, when a concerted attack was needed to provide these services, and at the same time lift our people out of the unemployment insurance and social services ranks, this is the time to do it, Sir. I honestly and humbly plead with the government to get in contact with their federal counterparts - and, Sir, we have two members opposite who worked at the federal level -

MR. NEARY: Three.

MR. F.B. ROWE: I am sorry! Where is the third one?

MR. NEARY: The Premier.

MR. F.B. ROWE: And the Premier, right! The member for LaPoile (Mr. Neary) is absolutely correct. Well, Sir, we have three members who have had some experience at the federal level and I would submit, Sir, that this would be a very good move indeed if the administration could pursue this, what I consider to be a rational suggestion and a positive and constructive suggestion, pursue it and let us see if we cannot get some action. Because Sir, we realize, as former sneakers have said earlier, that the raise in the minimum wage is desirable. It is ridiculous to get up and say, too little too late. We have heard that sort of thing before. We agree with it, we think it is a responsible hike in view of the restraints since it is about 13.6 per cent. And as far as the specifics and the particular of this amendment are concerned, we certainly agree with this business of the fixing of overtime rate of wage at the employee's rate of pay instead of the minimum wage rate, making it one and a-half times the regular pay. We also support the second component of this amendment, Sir, and I am sure I speak on behalf of my colleagues on this side here that we will give this bill our every support in the hope that the government will pursue this suggestion that was put to them over the past few minutes. So, Sir, we will heartily endorse and support this particular amendment - or this bill.

MR. SPEAKER: The hon. the member for Ferryland.

MR. POWER: Mr. Speaker, let me say how pleased I am to be part of a government that cares enough to do everything in its power to make sure that the working men of this Province increase their security

MR. POWER:

through whatever means the government has. Certainly one of the most basic methods, basic requirements of government is to make sure that it does protect our working people. As the member for Ferryland I am pleased to vote for the amendment to the Minimum Wage Act, However, I am very sorry to see that the Minimum Wage Act is still fostering slave labour in this Province. That is right, Mr. Speaker, slave labour in the form of child abuse.

Whom does the Minimum Wage Act neglect? It neglects those people of this Province under the age of sixteen who may be working. Now there is a law which says that they are not supposed to be working, but some of them do work. I will give you an example. In one community in my district a mother sends two sons - or she has two persons who go to the fish plant to apply for a job for the summer months. One is age eighteen - a young man - the other is age fourteen. The young man at age eighteen walks the road for the summer and the young boy of fourteen receives the job. Why? Because the young man of fourteen is the better worker? Or because the young man of fourteen does not come under the Minimum Wage Act and as such the fish plant owner can pay him whatever he bloody well feels?

Let me say that I hope in the very near future to be part of the government that proposes another amendment to the Minimum Wage Act, one that makes \$2.50 an hour payable to anyone who works in this Province in a commercial venture irregardless of that persons age. Any business venture that cannot function properly and make a profit without this kind of slave labour should not be allowed to exist in our Province. Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. Minister of Provincial Affairs and Environment.

MR. MURPHY: Mr. Speaker, we have a few short moments, so I would just like to speak basically on the train of thought established by the member for Trinity - Bay de Verdé (Mr. Rowe), and that is with regard to people on social assistance and unemployment insurance working for their allowances, whatever they may get. This is not new. I have heard it discussed in this House ten, twelve, fourteen, fifteen years. I think we have all spoken about it. But perhaps just to bring it up to date a little, when this government came into power, Sir, the figures for December 1971, we had some 9,800 people on short-term or able-bodied assistance at that time. I am very happy for I just saw the figures today that the minister showed me where there are 4,700, a reduction of some 5,100 people, because of the fact that initiated with social assistance was an Employment Opportunities Programme, Sir, which this took some people off. But I recall a few short months ago in Ottawa, where I crossed swords with the hon. Mr. Andras at the time, who is Minister of Manpower with the federal government, where I brought up the fact that unemployment insurance is paid to those people who are fortunate enough at some time to have had a job, and I said possibly we might change the name of the unemployment insurance fund to the employment insurance fund, where we all pay a premium against the day where through some misfortune or other we do get out of work and instead of staying home and receiving something - God knows, as the minister has pointed out, there is enough to be done in this Province to provide work for these people - and by paying a premium, we establish a fund to provide jobs, not to provide leisure or staying home watching television or anything else.

At that time, I asked him to remember those people who, through no fault of their own, Sir, and there are many hundreds and thousands, who never had a chance even to qualify for unemployment insurance, because they had been on that fringe area of not being able to get jobs at all. It is a very, very worthwhile suggestion, Sir, but as I said it is not new, it is not novel. Anybody who has been in this House or

Mr. Murphy.

any of the Houses know for sure that to work and earn money I think is the basic right of everybody, But there are people today who, unfortunately, through no fault of their own, cannot get these jobs and as a consequence I do not think that they should be looked down upon because they got to get help from the government, and I do not think that was what the hon. gentleman implied either. But it is a tremendous problem, Sir. I hope, in the few words that I will get a chance to speak sometime - unfortunately, we are sort of doing things in reverse in this House. Originally everybody got a chance to speak in the Address in Reply, where he got a chance to get up and deliver his few words and tell who he was and how he came to be here. We may not be able to do that in this session at all, Sir, because we are sort of coming here on the tail end and working back. I do have a few thoughts on the thing myself with regard to employment and that type of thing. I must say that I am very, very pleased indeed, and I am rather surprised, and I am speaking here myself for five minutes, to see that this amendment has taken pretty well all the afternoon, and I am just wondering how long we would have to take to update the labour code that we are all talking about bringing in and all the labour bills, because this is a very simple thing where we have to say yes or no and vote for it, but apparently we all want to get up and bore the member for Twillingate (Mr. Smallwood) to death, which I hate to do, but that is a part of the act.

Again, Sir, I am very much in support of this bill, and to again say that something must be done in little provinces like Newfoundland where the employment opportunities are not there to employ all the people we would like to employ, to make sure that those who do want to work will get a chance to get out and instead of coming home with their unemployment cheque or their social welfare cheque, which has become a way of life, Mr. Speaker, with an awful lot of the people in this Province, tragically. But I say that I support this, and at least those who are working will be able to provide for themselves, at least a very subsistence allowance, if you like, to provide the needs for their homes.

MR. SPEAKER: It now being -

MR. SMALLWOOD: Mr. Speaker -

MR. SPEAKER: The hon. member for Twillingate.

MR. SMALLWOOD: To a point of personal privilege, a very brief one, I wish to offer my apology to the hon. member for Ferryland (Mr. Power) for my inexcusable failure to include his name, when I was talking about the magnificent speeches I have heard in the House this session. Is that a personal privilege, Mr. Speaker?

MR. SPEAKER: The expression has been made.

Mr. Speaker: It now being 5:30 a motion to adjourn is deemed to be before the House and I will call upon the member from LaPoile (Mr. Neary) with reference to a question asked the hon. Minister of Health (Mr. H. Collins) relating to whether it should be obligatory for pharmacies to maintain records of drugs and medication used by clients.

MR. NEARY: Well, Mr. Speaker, since the Minister of Health (Mr. H. Collins) was unable last Friday to give the House a satisfactory reply to my question concerning this Province's intention to follow the example of other provinces across Canada in legislating the compulsory maintenance of a family medication record by all licenced pharmacists in this Province, and since the minister, Sir, did not even acknowledge familiarity with this protective legislation in other provinces, the first thing that I want to do, Sir, is table in the House for the information of hon. members sufficient copies of a widely used format for keeping family records so that members may see individually what we are talking about and the page, Sir, is presently distributing these records. I might point out for benefit of members of the House, Sir, that this format that the members have before them is a computer record. When the programme started off in other provinces, Mr. Speaker, they were using computers, there was a computer in every drug store, for instance, in British Columbia, believe it or not, and when somebody came in and had a prescription filled it was punched into the computer and went into a central agency, went into a central computer that was maintained somewhere in the province. That was found to be too expensive, Sir, and they have now reverted to a different system.

I would submit, Mr. Speaker, that because of the tremendous over-use of drugs, and I am referring here, Sir, to prescription drugs by all ages, and especially by the elderly through the failure of the use of proper family records, that the Minister of Health (Mr. H. Collins), Sir, should immediately and urgently consider legislation aimed at bringing Newfoundland and Labrador into line with practices across Canada aimed at regulating the use of prescription drugs and

MR. NEARY:

the possible abuse, Mr. Speaker, through overdose with all the possible damage that overdoses cause to people's health.

Mr. Speaker, the legal use of drugs in Newfoundland, and in Canada, I suppose, for that matter, is almost as serious a problem as the illegal use of drugs. Therefore, Sir, I do hope that the Minister of Health (Mr. H. Collins) will accept my remarks not as a criticism of the minister or of his department, but will accept my remarks, Sir, in the spirit in which they are given, and as I say this is not necessarily a criticism of the minister, but accept it, Sir, as another positive idea, as another positive suggestion from a very humble member of the opposition a positive step, Mr. Speaker, to deal with a problem that in my opinion is growing out of all proportions.

MR. SPEAKER: The hon. Minister of Health.

MR. H. COLLINS: Mr. Speaker, I am glad that the hon. member chose the occasion in the Late Show to make his points on this, because it gives me the opportunity to respond to him. Before getting into the main idea which he has expressed I think there are two principles involved there. Number one is that we do not want to do anything to interfere with or putting an impediment in the way of the doctor's right to practice medicine, and neither do we want to do anything to detract from the patient's right to receive treatment. However, putting those two principles aside I can appreciate the fact that there always is and always has been - I will not say there always will be, because it might be able to be curbed - but there always has been the possibility that there has been some abuses. Certainly I think there has been some abuses, Mr. Speaker, in terms of our programme which applies to indigents in this Province, and

MR. COLLINS: there has been some records kept on that, but by the time the abuses are found it is probably a year afterwards and not always too late to do anything but sometimes it is too late. I think that the only way which we can deal with that is to feed the information into a computer system and be able to detect the abuses before it gets out of hand.

With regard to the possibility of misuses and overdoses, that is a topic of course which one can debate for a long time, but as I said I appreciate the remarks which the hon. member has made, and while I did not respond to him to the extent that I should have maybe last week, it was for the simple reason that at that particular time meetings were taking place between officials of my department and the Pharmaceutical Association executive and these are some of the things which we are discussing and please goodness we can find some way to improve the situation as it now exists.

MR. SPEAKER: The second matter also brought up by the hon. member for LaPoile (Mr. Neary), relating to a question he asked the Minister of Justice (Mr. Hickman) and deals with the procedures used by the Department of Justice in the preparation of depositions. The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, the question I put to the Minister of Justice during the oral question period I think it was yesterday had to do with the procedures used by the Department of Justice in securing depositions. It is the principle, Sir - and Your Honour was quite right in his ruling - it is the principle that I wish to debate and not any particular matter that is before the courts in Newfoundland or the Supreme Court of Canada.

I was very, very unhappy indeed, Sir, with the evasive, vague, and I do not think I am allowed to use the, I do not think it would be parliamentary for me to say potentially misleading, Sir, I do not know if that is correct or is parliamentary or not but I will not use it anyway, Sir. But the answer was completely unsatisfactory, Sir. It was Wednesday, I think, I put the question to the minister concerning the procedures used in the preparation of depositions.

MR. NEARY: Mr. Speaker, it has come to my attention that instead of following approved and customary procedures in the securing and preparation of depositions in important cases coming before the courts, that the Department of Justice are using what I would term, Sir, boiler plate statements - not broiler, boiler plate statements, that the statements have been prepared in advance and individuals, Sir, are bulldozed into signing these statements, instead, Mr. Speaker, of signing a written version of statements reflecting their own thoughts, their own knowledge, and their own words.

This shoving, Mr. Speaker, into the mouths of witnesses material aimed solely at securing a conviction, Sir, rather than serving the demands of justice, Mr. Speaker, is a reversion to Star Chamber procedures and a complete abrogation, Sir, of every principle upon which the administration of British justice is based. And, Mr. Speaker, the minister by condoning such procedures and such evidence, Sir, is in itself evidence that this minister is incapable of holding the most important portfolio in this government. It would appear, Mr. Speaker, that this procedure has been going on in the Department of Justice for some time and proves to me, Sir, beyond any doubt that this minister is incompetent and incapable of filling this number one job.

The House, Mr. Speaker, at this time should also consider as further evidence of the minister's incompetence the rising wave of crime and vandalism within this Province with no measures even attempted against it by the minister.

MR. SPEAKER: Order, please! In this specific part of the proceedings the rule of relevancy needs to be applied, I think, in a different manner than in general debate. Today there are only

MR. SPEAKER:

two matters on but it could be that there would be three, in which case time would be of the essence. Since the maximum amount of time on both sides is five minutes, and while I, in general, believe in a generous or liberal interpretation of relevancy, in this specific instance I think we should apply it with a certain amount of more strictness.

MR. NEARY: Thank you, Mr. Speaker. I could use several more examples Mr. Speaker, of why I feel that the Minister of Justice is incompetent to hold that position. But, Mr. Speaker, in the interests of justice in this Province it is high time, Sir, in my opinion, that the hon. the Premier removed from office an individual, Sir, who is either negligent in his duties and his responsibilities or incapable of performing his duties to the high degree of excellence, Sir, that is expected of him. Or, Mr. Speaker, is the minister just merely weighed down with the cruel ways of jurisprudence that he has no regard for ethics or morality?

MR. SPEAKER: Order, please!

AN HON. MEMBER: He is out of order now.

MR. SPEAKER: Order, please!

Before I recognize the hon. minister I will have to require the hon. gentleman to apologize and withdraw his last sentence. It was an imputation. It was put in the form of a question but as such, it is an imputation.

MR. NEARY: Mr. Speaker, of course I withdraw if Your Honour wishes me to do so without any strings attached, Sir.

MR. SPEAKER: Thank you.

The hon. Minister without Portfolio.

MR. WELLS: Mr. Speaker, the hon. member unfortunately it seems has brought up a question before this House to be debated which on the face of it is quite a legitimate question to ask. But unfortunately he injected something quite different into his remarks because his remarks very quickly and unfortunately got away from the question of depositions in our courts and got onto the role of the minister and how he feels that the minister carried out his role, which is most unfortunate that

MR. WELLS:

he should have turned the debate in that way. It has no relevancy whatsoever to the matter of depositions. So, if the hon. member has asked the question on depositions in deference to this House I will treat the matter seriously and deal with the taking of depositions, Mr. Speaker, before the courts of our Province.

Now, I think I ought to make it clear that a deposition and an affidavit are two very different things. The way the hon. member was talking about depositions, one would believe or think that it might be affidavits that he was talking about. But a deposition is a very special narrow sort of thing and it is used in criminal cases before our courts when an accused person is either taken by the Crown before the District Court or the Supreme Court as the Attorney General, Minister of Justice, or people acting on his behalf can do; or in the case of an accused person when that person elects, from Magistrates Court, trial before a District Court or a Supreme Court. I do not know if the hon. member knows this because it goes to the fundamentals of what he was saying.

If a person is tried before a Magistrate's Court there are no depositions. The prosecution give their evidence and the defense give their evidence and rebut it if they can and the matter is decided by the court. But when a matter is being heard by the District Court or the Supreme Court, what happens first is that the witnesses are brought into the court by the Crown. They are subpoenaed and brought there. What takes place before the magistrate is called the preliminary enquiry and it is at that preliminary enquiry that depositions are taken.

Now, the Minister of Justice has no jurisdiction before that actual court any more than any lawyer appearing there, except that he appears for the Crown, or people who represent him. It is the magistrate who takes the depositions, who runs his court. He decides how the depositions are going to be taken and the criminal code sets out the ways in which depositions must be taken. So, what happens in this is the witness is brought in, he is sworn. There are two procedures, one

carried on in the Magistrate's Court here in St. John's in which a court reporter sits there and the witness is asked questions. When the witness replies to the question, the court reporter takes down the answer on a typewriter right there. The question and answer both go down, and this procedure, sometimes it may take an hour or two or three hours or a day to examine the witness in an important matter because every word he says is taken down.

MR. WELLS.

When it is taken down under the direction of the magistrate, the magistrate sitting up there, the person says, and it is taken down, and all the lawyer, either for the Crown or for the defence, can do is ask questions, cross-examination, question, examination in chief or cross-examination, and then everything that has been said and taken down is read to the witness. The witness is asked if that is in fact what he said, and if he wants to make a correction, he makes it, If he does not, he says, yes, that is what I said, The magistrate says, will you now swear to this, and the witness then takes the bible, takes his oath and swears to the truth of what he said in the deposition, and he then signs it and makes an oath. That is a very different thing from an affidavit-which the hon. member could make in my office or outside the House or anywhere-which is simply a sworn statement. The Minister of Justice has no say whatsoever over what a witness says when he is making a deposition before a magistrate. Nothing is bulldozed into the witness' mouth, no material is shoved into his mouth. He is there in a witness box. The defence are there, prosecution is there and the magistrate is there and the witness is asked questions which must not be leading questions by the prosecution and can be cross-examined by the defence. So that to say that the Minister of Justice is bulldozing these things through in our courts, forcing things out of the mouths of witnesses to gain convictions is absolutely untrue, Mr. Speaker, and I have had seventeen year's experience in the criminal courts of this Province, and I can say to you that it does not go on that witnesses are bulldozed in this fashion and forced to say something -

MR. NEARY: What about the press coverage of the last -

MR. WELLS: We are not here to discuss what is sub judice, as the Speaker has already ruled in Ottawa. I know from the day to day practice of the courts and from having been an officer of the Crown

Mr. Wells.

in the Attorney General's department, as it was then called, years ago and having practised on the other side since, Mr. Speaker, that the procedure of taking a deposition is always before a magistrate in the criminal courts, always. It must be and the Criminal Code sets out two procedures: (1) where it is actually taken down on a typewriter; and (2) where it is taken down by a recording machine and a court reporter swears an oath properly to transcribe it and produces the deposition that way. So to suggest that the Minister of Justice is behaving improperly in any fashion insofar as the taking of depositions is concerned, is absolutely false and untrue, Mr. Speaker, and I want to make that point very clear and also to have explained to the House how these depositions are taken. They are taken before the presiding magistrate in the courts.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The motion before the Chair is that this House do now adjourn. Those in favour "aye." Contrary "nay." In my opinion the "ayes" have it.

This House stands adjourned until tomorrow
Friday at 3:00 p.m., December 12, 1975.

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