



PROVINCE OF NEWFOUNDLAND

THIRTY-SEVENTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND

Volume 1

1st. Session

Number 75

VERBATIM REPORT

TUESDAY, JUNE 1, 1976

SPEAKER; THE HONOURABLE GERALD RYAN OTTENHEIMER

The House met at 2:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

STATEMENTS BY MINISTERS

PREMIER MOORES: Mr. Speaker, just under two weeks ago on Thursday, May 20th, I informed the members of this House that I had written to Premier Bourassa and advised him that unless this Province received a favourable response by May 31st, 1976, to its request for an additional 800 megawatts of power from Churchill Falls, we would have no alternative but to terminate all work on the transmission lines and tunnel and to announce institution of the necessary steps to seek clarification of our legal rights.

Mr. Speaker, it is my unpleasant duty today to advise members of this House and the people of Newfoundland that I have not received the necessary assurances from Premier Bourassa and that therefore we have no option but to take those actions which I stated would be necessary in my letter of May 18th.

Mr. Speaker, I deeply regret that the government of the Province of Quebec has placed us in this position. We are now faced with the task of pursuing our legitimate rights and the people of this Province will meanwhile be denied the benefits of access to the low cost Churchill Falls power and the employment opportunities which would have resulted from the construction of the transmission lines and tunnel. We will also be denied the opportunities for the industry which this Province so badly needs and which this power would allow us to develop.

With the future development of this Province in danger of being stifled, because we do not have access to adequate quantities of reasonably priced power, and with the Province desperately in need of the stimulation which would result from the construction of the lines and the tunnel, it is indeed unfortunate that this position should have been reached. It is not the sort of outcome one would expect between friends and neighbours. It is certainly not

PREMIER MOORES: in the spirit of Confederation as the mutual development of our hydro resources in an energy-short country is surely in the interest of the nation as a whole. Obviously, Quebec is thinking of itself alone.

Mr. Speaker, I read into the records of this House on May 22nd, the contents of my letter to Premier Bourassa of May 18th. In view of the importance of this matter, I propose also to read into the records the contents of a short telex I received from Premier Bourassa on May 25th, and the contents of a letter which I sent to Premier Bourassa on May 26th, in response to his telex. I should add that apart from Premier Bourassa's short telex of May 26th, and a brief telephone conversation between Mr. C.W.Doody (Acting Minister of Mines and Energy) with Mr. Cloutier, Quebec's Minister of Intergovernmental Affairs, there has been no further official communication from the Government of Quebec. As Premier of Newfoundland I am terribly disappointed in the discourtesy shown to Newfoundland by Quebec in the past week in not contacting me directly on a matter of such great significance to both our Provinces.

Mr. Speaker, a translation of the French text of Premier Bourassa's telex of May 25th to me reads as follows:

"I have taken notice of your letter of May 18th regarding the provision of energy from Churchill Falls.

"I should tell you that from the legal point of view, the claim that you are submitting does not appear to us to be well-founded, according to the legal advice we have received on this matter. Moreover, I notice from reading your letter that you envisage the possibility that an agreement may be found between your Government and mine in order to solve this dispute by means other than recourse to the courts.

"I wish to inform you that the Government of Quebec is ready to consider any reasonable suggestion that you wish to make, with the understanding that such a suggestion will serve the best interests of our two respective Provinces".

PREMIER MOORES: My reply to Premier Bourassa of May 20th reads as follows:

"I wish to acknowledge receipt of the contents of your letter of recent date which I understand were telephoned to my office by Mr. Benoit Morin, Executive Assistant to yourself. I presume that the letter is currently in the mail to come to me, as it has not yet been received by my office.

"It is deeply regrettable that you did not address yourself to the main point of my letter of May 18th, 1976, in which I indicated that the Government of Newfoundland and Labrador needed your decision by Monday, May 31st, 1976, on our request for an additional 800 megawatts of power by 1982 at the same price as paid by Quebec Hydro.

"Your reply did not direct itself to what we consider to be a reasonable request.

"As I mentioned in my previous letter, the Government of Newfoundland and Labrador considers a favourable decision on the request for an additional 800 megawatts to be essential to further discussions. In our opinion, the request is most reasonable. In addition, we hold fast in our resolve that our advice on the lease agreement is legally sound and we will stand on the strength of its arguments in presenting our case to the courts.

"It is still my hope that both Provinces can agree on the joint development of the rivers which are common to both Labrador and Quebec, and that we can agree on a co-operative arrangement for the general development of hydro resources in Labrador. However, I am sure you can appreciate the need for a commitment from you on the 800 megawatts before further negotiations can take place.

"I look forward to a positive response from you and an agreement as to when it would be mutually convenient for us to meet on the issues which are so important to both the Province of Quebec and the Province of Newfoundland and Labrador."

PREMIER MOORES: Mr. Speaker, lest it be wondered why my reply to Premier Bourassa's telex was so uncompromising, let me say that while we have not and will not close the door on a negotiated settlement of this matter, we are unwilling to be deviated from our reasonable and legitimate request for access to an additional 800 megawatts of power from Churchill Falls. Further discussions with the Province of Quebec, when they have already made totally unreasonable and unrealistic demands, will only be possible after they have acceded to the request contained in my letter of May 18th and repeated again in my letter of May 26th.

Mr. Speaker, the immediate consequence of the lack of a favourable response from the Province of Quebec is that we will have to terminate all work on the construction of the transmission lines and tunnel. At a time when the Province desperately needs the employment which would have resulted from the construction work, it is very regrettable that this decision has to be taken. However, my Government would be acting irresponsibly if it proceeded with the construction of the lines and tunnel in the absence of any assurances regarding the availability of power from Churchill Falls. The management of Newfoundland and Labrador Hydro has therefore been instructed to terminate all work as quickly as possible, in an orderly manner, consistent with minimizing costs and maximizing the Province's investment in the work which has already been undertaken. The estimated total cost of work on the Gull Island project to May 31st, 1976 is \$63 million. Costs to December 31st, 1976, including owners costs, interest, cancellation charges and construction costs are expected to total a further \$14 million, for a total incurred expenditure of \$77 million by December 31st, 1976.

Mr. Speaker, I wish to reassure the Honourable Members of this House that all but a very small fraction of the funds which will have been spent on the Gull Island project can be regarded as a sound investment. The vast bulk of the funds has been invested in engineering, design and other work which will

PREMIER MOORES: retain its value and be of benefit when the decision to proceed with the Gull Island project is eventually taken. Some small part of the expenditure will, however, be lost as it represents items such as cancellation costs and money spent on items which are subject to deterioration, for example, roads.

Mr. Speaker, I feel I must stress that today's announcement in no way indicates a lessening in my Government's determination to build the transmission lines and tunnel connecting the Island portion of this Province to the hydro resources in Labrador and to the Eastern Canadian grid. Nor, Mr. Speaker, will I or Members of my Government rest until a formula is found for harnessing the hydro-electric potential of the Churchill River available at the Gull Island site and other locations in Labrador. The development of these hydro resources is of national importance. The Federal Government and all other Provinces would agree with this - all, that is, except Quebec.

Mr. Speaker, just for the information of the House as well I will give a few of the facts that surround what is happening to Churchill Falls power today as it regards Quebec.

First of all, 33 per cent of all Quebec's total energy resources come from the Churchill Falls resource in Labrador.

Secondly, that power is presently being paid for at 3.37 mils. The power development at Bay James is today costing between 25 and 30 mils at the bus bar. Mr. Speaker, just for information purposes, if we were getting 25 mils, the cost that developing power is costing in Quebec today, the revenue to Churchill Falls would be \$787 million more than is presently the case. Equally, Mr. Speaker, that amount would be more than the present revenue from all tax revenues of this Province. Double the amount, is what it would be. It would mean that this would be a have Province and not a have not Province.

PREMIER MOORES: Mr. Speaker, we are not asking for the increase, we are just asking for power to come back, a minimal amount of power, so that this Province can survive. Last year Quebec Hydro, after allowing for all the subsidization to attract industry into its Province, still showed a profit of \$426 million. And that, Mr. Speaker, I say, was based on the Upper Churchill power at such a low rate. And these are the same people, Mr. Speaker, who will not allow us now to get this power back for our survival in this Province.

PREMIER MOORES: Mr. Speaker, an immediate consequence of the decision to stop work on the transmission lines and tunnel is the need to decide on some alternative means of providing the power required to meet the energy needs of this Province. The management of Newfoundland and Labrador hydro have studied the available options and have concluded that if Labrador power is going to be delayed beyond 1982, the preferred method of meeting the interim requirements is with a further 150 megawatt oil-fired generating unit at Holyrood. In other words, Mr. Speaker, we are being forced into very expensive oil burning facilities rather than having the use of our own less expensive resources. This is a national disgrace which very nearly tempted this Province to take drastic action rather than go through the necessary legal steps.

Unfortunately, Mr. Speaker, a time may come, and I hope it does not, when emotion overrides reason but this is a temptation which we will attempt to resist and I hope all elected members would. But, Mr. Speaker, the temptation is great when dealing with people whom we consider to be unreasonable.

The fact is, Mr. Speaker, the cost of producing energy from oil-fired thermal resources in 1982, and the best estimate we have will cost 36 mils per megawatt. The other thing, Mr. Speaker, that I find almost unbelievable is that at a time when we have requested 800 megawatts from Quebec for use in this Province, Quebec has also at the same moment filed with the National Energy Board to export 800 megawatts to the United States. This, Sir, in my opinion, is not in the spirit of Confederation.

MR. ROBERTS: What price will they get?

PREMIER MOORES: I am not sure, but it is -

MR. ROBERTS: More than three and-a-half mils.

PREMIER MOORES: It is more than three but it is less than ten.

MR. ROBERTS: So they are giving away our power.

PREMIER MOORES: They are giving away our power to the U.S. at the same time as we cannot get it back.

MR. SMALLWOOD: They are not giving it away.

PREMIER MOORES: They are not giving it away but -

MR. SMALLWOOD: They are selling it at a high price.

PREMIER MOORES: Well, they are selling it under ten mils, but the fact is they are making a big profit on our power at a time when we cannot get it back.

Mr. Speaker, my Government has no doubt that this Province has the right to request access to power from Churchill Falls and it very much regrets the failure of the Government of Quebec to recognize this right. While recent events should not have given me any cause for optimism, it is still my hope that this matter can be resolved in an equitable and fair manner without the necessity of lengthy litigation. Meanwhile, the Province now has no option but to take the necessary legal steps, and we will, on the advice of our Attorney General, commence today with the necessary demands upon appropriate parties. These demands are a prerequisite to court action and Government will be proceeding with them as quickly as possible.

I seek the support of this Honourable House and the support of all of the people of this Province, and for that matter the people of Canada, to support us in this particular action.

ALL HON. MEMBERS: Hear, hear!

MR. SMALLWOOD: All Newfoundland is going to do it!
Everybody!

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

MR. ROBERTS: Mr. Speaker, let me say first of all, Sir, that the action, the quite spontaneous action of my colleagues and of all on this side, and of all who sit on the other side of the House I think says more than any words that will be uttered by any member of this House. That action, Sir, shows where we stand and what we feel and what we believe in this matter.

Mr. Speaker, the Premier's announcement, or statement, comes as no surprise to us, just as Quebec's reaction or reply to the letter which the Premier sent the Premier of Quebec ten or eleven days ago comes as no surprise. And I do not say that with any happiness or with any joy, I say that with a very great deal of regret because I do not think anybody can take joy or happiness from what has happened in this matter.

It is very much a matter of regret, Sir, that a sister province of ours, that happens to be our neighbouring province, has refused to negotiate in a reasonable and straightforward and open-minded manner. I must say that I find it particularly galling, that refusal particularly galling, in the light of the information that Quebec is exporting this power. It is not even a matter of their being short or having to do without in their own province. They have surplus power that they can export and yet they will not negotiate with us.

Mr. Speaker, I can only say that the action of the Government of Quebec is not only disappointing in the extreme, it is going to be disappointing to every citizen of this Province, but equally disappointing to every citizen of Canada. I think it is short-sighted of the Government of Quebec. I am sure they do not speak for the people of their province. The Government of Quebec have time and time again looked to all the people of Canada for support for what they believed to be their just and proper and legitimate expectations and aspirations within

MR. ROBERTS: Confederation. And the Government of this Province, Sir, whether it be the administration that now holds office or their predecessors in office, have time and time again supported the Government of Quebec both in advancing and enhancing those legitimate and proper aspirations. Now, Sir, when the shoe is on the other foot the Government of Quebec have revealed themselves to be selfish, short-sighted, stubborn, and I would almost go so far as to say, apparently determined to hurt this Province. There can be no legitimate explanation, as I can see or that anybody has been able to suggest to me, for the refusal of the Government of Quebec to respond in a positive manner to the proposition, the proposals which the Premier put to them in the letter which he sent to Mr. Bourassa two weeks past.

Mr. Speaker, the government must now pursue action. The Premier has told us that the Minister of Justice will today begin the necessary proceedings. I assume eventually this will lead to an action against the Churchill Falls Corporation because as I understand it it is them we must sue because it is to them that we must look for satisfaction because we are relying, of course, on the statute passed by this House. The principal lease, I believe it is called, the principal agreement. But whatever the form it must take, Sir, I assure the Premier and the House that all members of this House will support the government in acting vigorously, strongly in pursuing this matter to its ultimate conclusion, right to the ultimate conclusion, and pursuing it actively and strongly and relentlessly. We have no option. We are now fighting our last option and we are fighting it with every resource we can command.

Mr. Speaker, I know the government will have the support of every citizen of this Province, and I can assure the Premier that - and I think I speak for a large body of people - politics stand aside in this matter. It is not a

MR. ROBERTS: matter that should or must become partisan.

It should be all party support, all parties in this House and outside, because this, Mr. Speaker, is something that goes well beyond, way beyond any bounds of any partisan matter. We may differ over what has gone on in the past with respect to power policy. Indeed we do differ. Mr. Speaker,

MR. ROBERTS:

we do not differ on this matter. We do not differ, first of all, on denouncing Quebec for their actions and secondly, in saying to the government, "Full steam ahead. Damn the torpedos and push this thing through because we shall fight and we must win."

Mr. Speaker, I would like to ask the unanimous consent of the House to move a motion which I believe represents the sense of the House, and if somebody on the government side would like to move it I would be delighted to have them do it. I did not have a chance to consult with gentlemen opposite but let me read the motion and ask if we may have consent and we, for our part, would put it through without debate. I cannot speak for the other parties but I can speak for my own, Sir.

BE IT RESOLVED that this House condemn the refusal of the Government of Quebec to cause Hydro-Quebec to allow Newfoundland and Labrador Hydro to recapture from the output of the Upper Churchill a quantity of power sufficient to justify the construction of a transmission line across Labrador and the Straits of Belle Isle to the Island of Newfoundland paying therefor the same price paid for that power by Hydro-Quebec to Churchill Falls-Labrador Corporation, and
BE IT FURTHER RESOLVED that the government take all actions necessary and appropriate to ensure that the best interests of this Province are protected and enhanced in this matter.

I would ask consent, Sir, to move this motion. I believe it represents the feeling of every single member of this House. I believe it represents the feeling of every single person, every single citizen of this Province. Mr. Speaker, the Premier's announcement, as I said, comes as a matter of no surprise but a matter of very deep regret. I believe the government are doing the only thing they can do and I believe, Sir, they must have our support. I can say they do have ours. Thank you very much, Sir.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: May I have a word? I asked leave to move this motion

MR. ROBERTS:

but I am quite prepared, if the Premier would prefer to have it in his name, you know, infinitely prefer to have it in his name perhaps I could be allowed to second it, and indeed any improvements in wording I would be delighted to have that happen. I think, Sir, it is time, Sir, this House recorded its view and I suggest we do it with a standing vote if that is in order. I believe every single member feels as strongly as does the Premier and as do I. Thank you, Sir.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for Twillingate.

MR. SMALLWOOD: Mr. Speaker, with regard to the suggestion made by the Leader of the Opposition, I say that, of course, we welcome the suggestion especially as it implements a proposal that I made in the House here myself for this party when the matter first came up. The House may recall that I suggested that a resolution should be adopted by a standing vote and that we might show our earnestness by singing The Ode To Newfoundland. That appeared at the time to receive some degree of welcome but because of some rather acrimonious debate that took place later that same day the House Leader declined to have it proposed. Now it is proposed, I for one welcome it and I for one will vote for it.

I do not believe that ever before in Newfoundland's history did any Premier have so universal and so unanimous support from the people of Newfoundland and the people of this Province as the Premier has today. I do not believe that there is a Newfoundlander living in Newfoundland or Labrador who is not with the Premier and with the administration in this matter. This is not a party matter. It is not a government matter. It is not an administration matter. It is not an Opposition matter. This is a matter that touches the very life of all the people of our Province. So all our people are back of the government and if there was never a Premier in our history who had universal and unanimous support before, then there is one today and he can feel absolutely assured that he can go to almost any length,

MR. SMALLWOOD:

legal length, lawful length, without forfeiting the support of the people, the entire population of Newfoundland.

I am rather pleased that I introduced legislation into this House in the year 1953 giving to Brinco, British Newfoundland Corporation, the rights that they have. They have no rights other than those conferred upon them in a bill that I brought before this House and this House adopted and passed it into law after it received the royal assent. In that, which is still the law of this Province, at this moment it is the law of Newfoundland, and in clause 9 of it, sub-section 5, it still says to this moment, this is now at this moment the law of this land, "In the event of the exercise of the water power rights hereby granted the corporation, Brinco, shall not export any electrical power from the Province without the previous consent of the government which consent shall not be unreasonably withheld having regard to the most economical and efficient means of utilizing such electrical power and to the requirements of consumers or potential consumers within Newfoundland and Labrador."

I am proud today that I piloted that clause through this House and that this House adopted it. I am also proud of the fact that in 1962 when this House conferred upon Churchill Falls (Labrador) Corporation such rights as they have to this moment - and they could have only the rights that this act conferred upon them in 1962 - and it is upon this clause that the Premier through the Attorney General will enter action in the court. That clause says that the first priority of the power developed on the Upper Churchill shall be for the people of Newfoundland. Now if the corporation went ahead and made a contract - they were a private corporation, they were not the government, they were not a department of the government, that were not a division of the government, they were just a private company known as British Newfoundland Corporation and known as Churchill Falls (Labrador) Corporation - if that private company choose to make a private contract with people in Quebec and in so doing ignored the law of this land, I would venture to say that they are in an unfortunate position today.

MP. SMALLWOOD:

and that the court should so find. I am proud that I am the author of that clause as well. In short, Mr. Speaker, the government in going into court are limited to the laws that I introduced into this chamber and that this chamber passed into law and that is the law today. I am very proud of that fact.

Never, I think, never were the people of this Province so united before, even in World War II, even in World War I, even in the infamous IWA dispute, in no matter were the people of Newfoundland so united as they are today and so united in support of their government. It is the government of the whole population and perhaps that was never the case before. The Premier can feel quite proud of that and I am sure that the last thing in the world that would occur to him is making any partisan use of that fact. It would be a foul insult to the love and loyalty and patriotism of the Newfoundland people who are as one person, their hearts beating as one heart in this. I envy the Premier the fantastic Newfoundland support that he is getting now in this.

And may I say to him that that support and that affection and that loyalty are not to be found only within the borders of this Province. They are to be found across Canada, from coast to coast. All Canada will approve what the government are doing.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. Minister without Portfolio.

MR. WELLS: Mr. Speaker, in the past two or three minutes we have had an opportunity to look at the resolution proposed by the Leader of the Opposition, and I should imagine supported by the hon. member for Twillingate (Mr. Smallwood). I would like to add for the sake of complete clarity one small paragraph to it. And if I may I will read the whole thing so that the members of the House can see how it reads:

BE IT RESOLVED that this House condemns the refusal of the Government of Quebec to cause Hydro-Quebec to allow Newfoundland and Labrador Hydro to recapture from the output of the Upper Churchill a quantity of power sufficient to justify the construction of a transmission line across Labrador and the Strait of Belle Isle to the Island of Newfoundland, paying therefor the same price paid for that power by Hydro Quebec to Churchill Falls Labrador Corporation;

AND BE IT FURTHER RESOLVED that the government take all actions necessary and appropriate to ensure that the best interests of this Province are protected and enhanced in this matter.

AND - this is the addition - that this House unanimously endorses and supports the stand of the government on the matter of the recapture of power from Churchill Falls to the Province of Newfoundland and Labrador.

MR. SMALLWOOD: That is the heart of it.

MR. WELLS: That is the heart of it.

So the end would be, "And that this House unanimously endorses and supports the stand of the government on the matter of the recapture of power from Churchill Falls to the Province of Newfoundland and Labrador."

MR. SMALLWOOD: I wonder if the Leader of the Opposition would be willing to limit it to that? That is the heart of it all.

MR. WELLS: Well, that was the one I drafted myself when this matter was brought up, that last bit. And I think that is the guts of it, if I may say so.

MR. SMALLWOOD: If the Leader of the Opposition would move it that way -

MR. ROBERTS: Mr. Speaker, I would prefer the whole thing to stand because I think it is important as well that we condemn the stand of the Government of Quebec. I think that is important as well as affirming, and we for our part are quite willing and indeed anxious to affirm the support of the House for the government in this matter, and I think the second clause is good. I think it is necessary, because it gives the government, in effect, our endorsement to take all steps that they may deem appropriate in the future. There may be things that we have not discussed or come to yet. I think all three clauses.

MR. WELLS: Certainly that would be very agreeable to the government, and I may say that the government deeply appreciates the expression on the part of the House in this matter, and I would ask that this resolution stand in the Premier's name. I move it.

MR. ROBERTS: Well, that is certainly fine by me. I would like to be allowed, if I might, to second it. I think that may be appropriate in the circumstances. And if that is so, if it is agreeable, we will put it through without a debate, Mr. Speaker.

MR. SMALLWOOD: By standing vote?

MR. WELLS: By standing vote.

MR. ROBERTS: Yes, by standing vote.

MR. SPEAKER: Does the House wish to proceed with the vote on this resolution now? All those in favour of the resolution please say, "aye." Contrary minded, "nay." The motion is carried. unanimously.

Is it the wish of the House to divide?

SOME HON. MEMBERS: Yes, divide.

MR. SPEAKER: Then we will take a standing vote of each name.

DIVISION:

The hon. the Premier, the hon. Minister of Municipal Affairs and Housing, the hon. Minister of Transportation and Communications, the hon. Minister of Tourism, the hon. Minister of Manpower and Industrial Relations, the hon. Minister of Health, the hon. Minister of Social Services, the hon. Minister of Provincial Affairs and Environment, the hon. Minister of Justice, the hon. Mr. Wells, the hon. Minister of Finance, the hon. Minister of Industrial and Rural Development, the hon. Minister of Fisheries, the hon. Minister of Public Works and Services, the hon. Minister of Forestry and Agriculture, the hon. Minister of Education, Mr. Young, Mr. Goudie, Mr. N. Windsor, Mr. Dinn, Mr. Patterson, Mr. Woodrow, Dr. Winsor, Mr. Marshall, the hon. Leader of the Opposition, Mr. Hodder, Mrs. McIsaac, Mr. Strachan, Mr. Rowe, Mr. Simmons, Mr. Winsor, Mr. Flight, Mr. Lush, Mr. Rideout, Mr. Nolan, Mr. McNeil, the hon. Mr. Smallwood, Mr. Dawe, Mr. Moores.

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MR. ROBERTS: Mr. Speaker, before we go on may I raise another matter - and I am only half facetiously suggesting Your Honour might wire to the Speaker of the National Assembly of Quebec in a collect telegram -

SOME HON. MEMBERS: In English?

MR. ROBERTS: I would say send it in English and in French, Sir, so there is no possibility of any misunderstanding.

Mr. Speaker, I think the House might wish to take note of the fact in the usual way that one of the last of our seamen, Captain Clarence Williams, a man who would be well-known to the Attorney General, died earlier this day, I regret to say. He was quite an elderly man. He was seventy-eight years of age, and I would like to move, or if the Minister of Justice wishes to move it, I would be quite happy to second it in the appropriate way. The House, I am sure, is familiar with Captain William's career. He was awarded an honorary degree by Memorial last Summer, the convocation, in recognition of it.

Mr. Roberts.

He was the last, I would think it fair to say, and if not the last, certainly among the greatest of the deep-sea banking skippers in this country of ours. He had his first command at the age of twenty, Sir, a schooner called the, Lilliam M. Richards, and over the years he commanded many of the schooners which fished on the Grand Banks and which carried our fish to the foreign going markets in what was called the foreign trade. He was a Fortune Bay man, Sir, born in Pool's Cove in May of 1898 and came of a seafaring family and carried on that tradition and added on to it. He commanded among other ships one of the famous general ships, the General Bing, owned by the Harris family of the Burin Peninsula, the L. A. Dunton which is now fitted out, I am told, as a museum in a seaport in Connecticut, and most recently Captain Williams served on the staff of the College of Fisheries, Navigation, Marine Engineering and Electronics. He served there for four or five years. Indeed, I believe he is one of the original instructors there. Before that, Sir, he served as a member of the Royal Commission on the Fisheries, the one which was set up a year or so after Confederation under the chairmanship of the late Sir Albert Walsh who was then the Chief Justice of Newfoundland. Captain Williams retired from active public life in 1969 and, as I am told, he died earlier today.

But I think it is appropriate, Sir, that the House should note the passing of a man who made such great contributions, not simply to the public life of this Province, although he did there, but also to the commercial life and to the cultural life of this Province, the deep-sea fishery, the Banks fishery that is very much a part of what we are in this Province today. I think we should recognize, Sir, the contributions of those such as Captain Williams who made a lasting contribution to it. I would ask, Sir, that we move the usual and appropriate message be sent forward to those who are left to mourn, Sir.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: I had not heard until this very minute of the passing of Captain Clarence Williams and it comes to me as a very great shock indeed. All my years growing up in Grand Bank, Captain Williams was then sailing out of that port. Indeed his oldest son and I were classmates, and we spent many a fond hour playing in Captain Williams' backyard. As the hon. Leader of the Opposition has said, "He is one of the great master mariners of this century." Indeed several of the Williamses from Pool's Cove were outstanding master mariners, and I believe Captain Williams is not the last, but one of the last of the Williams family.

The story of Captain Williams' command, I think it was, of the General Bing when as a very young man in the foreign trade he was severely injured at sea and managed to endure excruciating pain for several weeks until he eventually arrived in the port of St. John's, something that has never been told in detail and it should.

The mention of Captain Williams' name brings back very fond memories to me. I can recall around about 1937 or thereabouts, Captain Williams, after he had finished a successful Bank fishing season as master of the L. A. Dunton,

MR. HICKMAN:

took command of the banking schooner, Freda M in November and for his owners set sail for the port of Leith in Scotland in late November or early December with a cargo of salt fish as an experiment to see if the Scottish market would show any interest in that product. This was the time of the year when most Newfoundland sailing captains tied up their ships. But that was not the way Clar Williams worked. If there was a challenge he took it. Fourteen days later the Freda M dropped anchor in the port of Leith in Scotland. I think it was fourteen days and they did not know over there in Scotland what they beheld or what they were beholding. They had never seen a banking schooner of that type before. Before the end of January he was back in Grand Bank again with a load of coal, I think, that he picked up in Wales. That is very typical of the type of man he was.

His first banking vessel, as I recall, was the L.A. Dunton. I can remember when he brought her down from Gloucester in the mid 1930's. She was an American built vessel, low in the water, not a good sailer but it had some power. She was the first schooner that came down with any auxiliary power. He was highliner on more than one occasion during the years that he mastered that fine schooner, L.A. Dunton.

Too the contribution that Captain Williams made to the Walsh Commission on the fishery is well-known, as is the contribution he made during his years as a member of the staff of the College of Fisheries. To his widow, Mrs. Williams, his son, Gordon, his son, Captain Gerald Williams, his daughter, Mary and his son, Carl I join with other hon. members of this House in extending my sincere sympathy in the loss of a great Newfoundland fishing and foreign going captain.

MR. SPEAKER: The hon. member for Twillingate.

MR. SMALLWOOD: Mr. Speaker, I hear with deep regret of the death of Captain Clar Williams. I knew him very well. I had profound

MR. SMALLWOOD:

respect for him. I chose him as one of the members of the royal commission, headed by Sir Albert Walsh, to investigate the fisheries. He representing, of course, the deep-sea side of the fisheries. He was an extremely valuable member of that royal commission. I had something to do too in choosing him as a member of the staff, the teaching staff of the Fisheries College. He was an outstanding Newfoundlander. I am afraid that there will not be too many more like him. There may be some but there will not be many. He was a great man, a great son of Newfoundland, a great fisherman and a great public man.

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: Mr. Speaker, I have a statement that I think is appropriate to make at the present time. The Province of Newfoundland today successfully raised a \$30 million bond issue on the Canadian market. The issue has a ten and three quarter per cent coupon and it is priced at ninety-nine and a half to yield ten point eight one per cent. The issue matures on June 29, 1997 and it has a one and a half per cent annual sinking fund. The market reaction, Sir, to the issue was very favourable and indications are that the issue will be quickly sold out and indeed it is trading at a small premium over the issue price. This is the first borrowing, Sir, by the Province in the fiscal year, 1976-1977 and it was co-managed by Burns-Fry Limited and A.E. Ames. I am particularly pleased to be able to make this announcement in the light of the current situation with regard to Hydro Quebec and the Province of Quebec. So it appears that the Canadian financial community feels that the Province of Newfoundland has legitimate interests and a good case. There are copies here for anybody who is interested.

SOME HON. MEMBERS: Hear, hear!

NOTICES OF MOTION:

MR. SPEAKER: The hon. Minister of Health.

MR. H. COLLINS: I give notice that I will on tomorrow ask leave to

MR. H. COLLINS:

introduce a bill, "An Act To Amend The Hospitals Act, 1971."

(Bill No. 82)

MR. ROBERTS: Is that the ombudsman?

MR. H. COLLINS: No.

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

MR. PECKFORD: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act To Amend The City Of St. John's Act," (Bill No. 84) and a bill, "An Act To Amend The Assessment Act." (Bill No. 81).

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

MR. MURPHY: Mr. Speaker, I will on tomorrow ask leave to present a bill, "An Act To Amend The Co-operative Societies Act." (Bill No. 83).

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills, a bill, "An Act To Repeal And Replace The District Courts Act" (Bill No. 80); a bill, "An Act Respecting The Sheriff Of Newfoundland And His Officials". (Bill No. 85).

ORAL QUESTIONS:

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

MR. ROBERTS: Mr. Speaker, a question for the Premier, one which I am sure he has anticipated. In the light of his announcement at the start of the day's session, will the government make it possible for the House in this session to debate the Lower Churchill and the Upper Churchill, well to debate the Churchill and the power policy of the administration by first of all, allocating necessary time

MR. ROBERTS:

and secondly, in assuring that the House has available to it the necessary information.

MP. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, the other day we did debate this issue and there were other items brought up in it. What I would like to do is meet with the Leader of the Opposition and the hon. member for Twillingate (Mr. Smallwood) and review what the legal position and strategy of the Province is to ensure that we do not overlap what could be, in fact, damaging to the court case or to divulge stuff that we should not be at this time. But certainly if it is agreeable with the two gentlemen mentioned I would certainly like to sit down and talk to them about the validity of which way we go about it.

MR. ROBERTS: A supplementary, Mr. Speaker. I think the Premier's position is a reasonable one. While I am not sure if there is a room in this building big enough to hold the gentleman from Twillingate (Mr. Smallwood), the Premier and myself all at once, I am certainly available and I am sure the gentleman from Twillingate (Mr. Smallwood) is. The question though is, granting and accepting that nothing will be said to prejudice our case, will we be given the opportunity to debate it in the House?

PREMIER MOORES: The situation is, Mr. Speaker, I would certainly assume "yes" is the answer. But I would like to review, as I said, the legal position of what the strategy is going to be and talk it over with these gentlemen to see if we basically, mutually agree on what should be done.

MR. ROBERTS: That is fair enough.

MR. SPEAKER: The hon. member for Burgeo-Bay D'Espoir.

MR. SIMMONS: Mr. Speaker -

MR. SPEAKER: A supplementary?

MR. SIMMONS: Yes, I think it is certainly on the same subject, Mr. Speaker, the subject of the Premier's announcement. The Premier made reference during his statement to the application presently before the National Energy Board from Hydro Quebec to export 800 megawatts of

MR. SIMMONS:

power to the United States. Could the Premier indicate whether this government has either intervened to the National Energy Board concerning that application, either registered an intervention or does it intend to do so?

MR. SMALLWOOD: Mr. Speaker, to a point of order.

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

MR. SMALLWOOD: I wished to ask a supplementary question of the Premier on the question asked by the Leader of the Opposition. I do not know if Your Honour is going to rule if this late question by the hon. member for Burgeo-Bay D'Espoir (Mr. Simmons) is allowed and answered. Am I then out of order in asking a supplementary question to the previous one?

MR. SPEAKER: No, the hon. gentleman would not be out of order in asking a question relating to the first question after.

MR. ROBERTS: Has Your Honour disposed of the point of order or does Your Honour want further -

MR. SPEAKER: I have disposed of it.

The hon. the Premier.

PREMIER MOORES: Mr. Speaker, to answer the question. We have not as yet filed an intervention. But the likelihood is that we will. Ontario have, for obvious reasons. The detail on it we just found out recently and we are presently finding out all the information we can before we take the necessary steps.

MR. SIMMONS: A supplementary to my question, Mr. Speaker. Can the Premier indicate what the timing is on this application or at what point will it be heard? Is he in command of this information at the present time?

PREMIER MOORES: No.

MR. SIMMONS: No. Thank you.

MR. SPEAKER: The hon. member for Twillingate.

MR. SMALLWOOD: Mr. Speaker, a supplementary question on the answer of the Premier to the hon. the Leader of the Opposition. The debate on

MR. SMALLWOOD:

Churchill Falls is I believe on the Order Paper, is it not? And I believe that -

AN HON. MEMBER: No, it was on adjournment, you see.

MR. SMALLWOOD: - the debate has actually begun, has it not?

MR. PECKFORD: No, it was on the adjournment.

MR. SMALLWOOD: And that some hon. members have actually participated in that debate. Am I wrong in that?

MR. PECKFORD: The debate on the adjournment.

MR. ROBERTS: I can help the hon. gentleman on the point because the man who moved the motion is not in the House. The debate the other day on Churchill was on Standing Order 23, an adjournment motion and the debate ceased at eleven o'clock when the House adjourned that night. So to have a further opportunity to debate the matter either - I could tell you the way it can be done, Mr. Speaker. In my opinion it can be done either by the government putting a substantive motion down, which is the way it should be done if it is to be done. It can also be done by an amendment to the Throne Speech. But the motion the other day was disposed of when His Honour left the Chair at eleven at night.

MR. SIMMONS: And under Standing Order 23.

MR. ROBERTS: Oh, and under Standing Order 23, if His Honour were to find that in order.

MR. WELLS: I think the hon. Leader of the Opposition is correct, Mr. Speaker, and when the debate concluded that evening that concluded that debate.

MR. ROBERTS: Debate then ceased.

MR. WELLS: Yes.

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

MR. ROWE: Mr. Speaker, again in

Mr. Rowe.

reference to the Premier's announcement with regard to the 150 megawatt oil generating unit at Holyrood. The Premier indicated that this would be a very expensive undertaking. Could the Premier indicate to the House, Sir, approximately how much this is likely to cost? And whether or not Newfoundland and Labrador Hydro have looked at hydro resources within the Province itself, the Island part of the Province itself and made a comparison between the cost of hydro developed electricity and thermo developed electricity?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, the study on the hydro, first of all to answer that question, the study on the hydro potential in the Province has been looked at, and it is being relooked at. The fact is that it is very expensive, not just in terms of cost of power, but it is also very expensive in the terms of the cost to the ecology, and at the present time there is no suggestion that any of this be developed. It is not the recommended course of action. The answer to the first part of the question is that for a 150 megawatt generating unit the cost is between approximately \$70 million to \$75 million.

MR. SPEAKER: The hon. member for Bellevue.

MR. CALLAN: Mr. Speaker, my question is for the Minister of Municipal Affairs and Housing. It relates to a matter that was mentioned in last Fall's budget, I think it was last Fall's budget, several months ago at least. In view of the fact that many people throughout the Province are wondering when they can see implementation of the government's proposal to give a \$500 grant, that, of course, goes along with a loan, to repair existing dwellings - this is something separate from new homes and so on - can the minister tell us what is the status of that? And what time we can expect something definite on it?

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

MR. PECKFORD: Mr. Speaker, the hon. member is somewhat confused in what was indicated at that time. There is presently in effect a \$600 grant for new homeowners, owners of existing new homes that are constructed

Mr. Peckford.

that is into effect. That was put into effect when the federal government decided to get out of the field altogether on their \$500 grant. So we came in and took over. The government went on to say that they were hoping to get involved in the rehabilitation of existing housing stock. Towards that end the Newfoundland and Labrador Housing Corporation have been negotiating with Central Mortgage and Housing Corporation, and I have had meetings with the president of Central Mortgage and Housing Corporation, Mr. William Theron and other vice presidents of that corporation in Ottawa, and we are pursuing our negotiations with them for two particular programmes dealing with existing housing stock. However, there has been a number of complications in the negotiations because we are looking for more than they are willing to give. So negotiations are still ongoing, both locally and in Ottawa to try to successfully complete a programme of rehabilitation of existing housing stock. But up to this present moment we have not got final agreements on those programmes. So until such time as we do we will not be making any statement. I can though, Mr. Speaker, indicate that it looks that we will be signing a number of agreements with CMHC on the best terms possible that we can get, they are not what we want. But we have negotiated ever since last Fall for better terms and conditions but have been somewhat unsuccessful from what we actually wanted. But we will be in a position, I would say, within the next two or three weeks to indicate the kind of programme that we are successful in signing with them.

MR. SPEAKER: The hon. member for Terra Nova.

MR. LUSH: Mr. Speaker, I have a question for the hon. Minister of Education. A couple of days ago we were informed by the Premier of a new appointment for the present assistant deputy minister of Education. I wonder if the minister is in a position today to tell the House how that position, the assistant deputy minister of Education of Vocational Division, will be filled and when?

MR. SPEAKER: The hon. Minister of Education.

MR. HOUSE: I will take notice. That is the prerogative of the Premier. Of course, I can only take notice of that question.

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

MR. ROWE: Mr. Speaker, I appreciate the Premier coming back for the question. I wonder if the Premier could indicate to the House, Sir, what the lead time is on the 150 megawatt unit, thermal unit, at Holyrood; Number one. And what then, you know, what comes after it; What would be our needs then; And could he relate our needs to the time frame with respect to the court case? In other words, how long is the court case likely to take and what do we do once that 150 megawatt thermal unit is in there? What are we going to do about our electrical needs at that point?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker,

Premier Moores:

as far as the length of time of the court case itself that is impossible for me to forecast. As far as the lead time is concerned the order for the equipment at Holyrood, the 150 megawatts would have to be exercised by this Fall in order to have it by 1982 which is the time the Churchill Falls power would have come on or the transmission line would have been built.

So in other words, the order for it would have to be placed no later than this Fall for the generating unit. And, Sir, as amazing as it may sound that would only give us approximately a year, to a year and-a-half's grace before we would either have to do it again or come up with other alternate arrangements.

MR. ROBERTS: We are using about 100 megawatts a year.

MR. SPEAKER: The hon. member for St. Georges followed by the hon. member for Burgeo-Bay d'Espoir.

MRS. H. MACISAAC: Mr. Speaker, I have a question for the Minister of Manpower and Industrial Relations. I would like to ask the minister what the situation is right now with respect to the strike at Flintkote in Flat Bay in St. Georges. And whether or not the government has been approached with respect to assisting in bringing about a settlement?

MR. SPEAKER: The hon. Minister of Manpower and Industrial Relations.

HON. E. MAYNARD: Mr. Speaker, the situation is that the strike is still continuing. As far as being approached by anyone to provide assistance, yes we have, and we have had a conciliation officer assigned to the case for some months now, and that conciliation officer is still working with both the parties to try to bring about a settlement to the dispute. I understand he is not having a great deal of success up to this point in time, but he will certainly keep working at it with a view to trying to get the dispute settled within the shortest possible period.

MR. SPEAKER: The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: A question for the Minister of Finance in his capacity as President of Treasury Board. I wonder would the minister indicate

Mr. Simmons:

what steps may be on-going to avoid a strike on the part of the NAPE workers, the general service unit. I understand, Mr. Speaker, and I think it is public, that the vote to strike was almost unanimous. And would the minister indicate first of all whether this information has been communicated to him officially, the result of the strike vote now? And also whether he would indicate what steps may be on-going to reach a settlement?

MR. SPEAKER: The hon. Minister of Finance.

HON. W. DOODY: Yes. The general service people, through their negotiator Mr. Locking, notified us yesterday officially that the strike ballot was in. I think the terminology was an overwhelming majority rather than - but anyway the point is that there was a majority in favour of strike action if an agreement is not negotiated in the intervening weeks.

We have indicated, as I said yesterday, publicly on many occasions that we are prepared to go upward from our position as it is presently on the table. We would hope that the general service people will come down to meet us somewhere in that area.

Whether we have officially contacted the NAPE general service to that effect or not I do not know. I think a letter is being drafted today. But in any event, the information is certainly public knowledge. We have said many times that we are ready, willing and able to sit down. And the same indication was expressed in the letter that we received from NAPE yesterday that they are anxious to get back to the table. So I would be very surprised if negotiations do not resume within a day or so.

MR. SIMMONS: A supplementary, Mr. Speaker.

MR. SPEAKER: The hon. member - a supplementary?

MR. SIMMONS: Mr. Speaker, I certainly hope the minister is right that negotiations will resume and can be brought to a successful conclusion. In the event, Mr. Speaker, that that is not the case and the union exercises its option within the law to strike as of next Monday, can the minister indicate whether any steps are being

Mr. Simmons:

taken to deal with the situation, you know, presuming this strike does become a reality? When I say the situation, I am thinking in terms of expediting the necessary functions of government and the payment of salaries and that kind of thing? Can he indicate whether any emergency plan is being contemplated to go into action if the strike does take effect as of next Monday?

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: No. Of course we are working on the optimistic theory that a strike will not take place, but certainly we are not ruling out the possibility that a strike may occur. To that end the permanent heads of the various departments and divisions have been meeting, and I understand there is a further meeting this afternoon to lay contingency plans to handle the essential services of government in the event that such an unfortunate situation should occur. I think

MR. DOODY:

particularly in areas such as the Social Services Division where welfare officers have got to be available to make emergency payments and so on. There will be senior staff, hopefully, available to fill these emergency positions. These are, as I say, simply emergency plans, contingency plans, that are being formulated, and we are certainly not looking forward to a strike. As a matter of fact we are looking forward to a very peaceful and, hopefully, a very quick settlement to the situation.

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

MR. ROBERTS: Mr. Speaker, a question for the Minister of Justice. Is the Province represented as an intervenor before the Supreme Court of Canada in the action now being heard, the reference with respect to the constitutional validity of the anti-inflation legislation?

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, not in a formal way. Notice was served upon all provinces, and it was agreed that certain provinces who have precisely the same position as we have, particularly Ontario, would intervene. But Mr. Keith Mercer of my department is in Ottawa sitting in on the hearings, but not participating.

MR. SPEAKER: The hon. member for Windsor - Buchans followed by the hon. gentleman from Conception Bay South.

MR. FLIGHT: Mr. Speaker, I just noticed, after being recognized, that the minister to whom I was to direct this question is not seated so I will cede the floor with the hope that I will be recognized if he returns during the question period.

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

MR. NOLAN: Thank you, Mr. Speaker.

A question for the Minister of Justice that I posed in his absence yesterday during the question period to the House Leader, that is on the opening of the new fire hall, I believe, on O'Leary Avenue: (1) When will it open? (2) How many will be employed there?

Mr. Nolan.

And thirdly, if I may add another portion to the question, is the minister giving any consideration to augmenting the volunteer fire brigades who are doing a very fine job, as I am sure he knows, with some permanent staff other than in St. John's?

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, if the hon. gentleman will put a string around his finger to remind himself to ask me that question again on tomorrow, I will have the answer in more detail.

MR. NOLAN: That will be the third time.

MR. HICKMAN: Well, I was not in the House yesterday so this morning bright and early I asked for a definitive date so that I could reply to the question of the hon. gentleman for Conception Bay South (Mr. Nolan) and the Fire Chief, Cecil Sooley, will give me this information tomorrow, and I will be able to enlighten the House with all the clarity that the House demands and is entitled to on that very issue.

MR. NOLAN: How about the volunteer fire bridges?

MR. SPEAKER: The hon. member for Baie Verte - White Bay followed by the hon. gentleman for Eagle River.

MR. RIDEOUT: Mr. Speaker, I have a question for the Minister of Health. Could the minister tell the House whether or not he has received a copy of the report released, I think it was May 21, by the asbestos working group of the subcommittee on environmental health?

MR. SPEAKER: The hon. Minister of Health.

MR. COLLINS: Yes, Mr. Speaker, we received the report yesterday.

MR. RIDEOUT: I will leave the supplementary for another couple of days.

MR. SPEAKER: The hon. member for Eagle River.

MR. STRACHAN: Mr. Speaker, I am caught in the dilemma, too, because my question was for the Minister of Tourism who is not in the House. He promised me a statement he would give the House today, but did not give it. In his absence then I would like to ask the Minister of Finance a question, in a lighter vein. Could the minister

Mr. Strachan.

assure us that he will in future instruct the graphic artists who do stylized drawings of the Province on the cover of the estimates to show the Province in its correct relationship as far as shape and size is concerned? I was particularly interested because area wise it shows that Churchill Falls lies ^{in fact} out with the boundaries of this Province as though we had already conceded Quebec territory?

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: I have already anticipated the question from the hon. member for Eagle River (Mr. Strachan) and I have so instructed the graphic artist, who did the design. I congratulated them on their imagination, but I am afraid I was not quite as complimentary with regard to the actual dimensions of the cover. Yes, I am quite aware of the cover. It looks like a codfish gone ape.

MR. SPEAKER: The hon. member for Terra Nova.

MR. LUSH: A question for the Minister of Education, Mr. Speaker. The president of the university said recently that in two years he envisaged a crisis in the supply of trained school teachers for this Province. I wonder if the minister is in a position to tell the House how accurately this forecast compares with his own department's projections for the same time period?

MR. SPEAKER: The hon. Minister of Education

MR. HOUSE: Mr. Speaker, we have not got a projection on that - we have got a projection, we do not think there is going to be a shortage. But we have not done a detailed study of it. I think this stemmed from a statement I made a couple of days ago before the president made the statement. I was asked about the number of teachers in the Province. There are a number of teachers, I do not know how large. but there are a number of teachers who are presently qualified who cannot get positions. I qualified that also by saying that there are a lot of school boards in the Province that say that they cannot get qualified teachers to go to certain areas.

Well as it stands there is an oversupply of teachers now at the present time. Now a few years ago the department was encouraging a supply of teachers by providing grants to go in for teacher training. But when we did not need so many teachers we cut that down. So I do not know. They are saying at university we need 300 per year. I do not know how accurate that is. There was a report done five or six years ago which stated that we would have a shortage teachers now, at the present time. That projection, of course, is not true. We have 7,700 teachers in the field and the school population is levelling off and it seems to us that even though we improve the pupil-teacher ratio the number of teachers will not appreciably exceed that number, 7,700, in the foreseeable future.

So, while I cannot say it is wrong or that the facts that they are presenting at the university are wrong, I can say that we do not think we are going to have a shortage of teachers in the next two years.

MR. SPEAKER: The hon. member for Burgeo-Bay D'Espoir followed by the hon. member for Stephenville.

MR. SIMMONS: Mr. Speaker, it is very difficult to ask a question because all the fellows you want to ask them of are not in the House. But I do have - oh, the Minister of Tourism is back again. Over the weekend, Mr. Speaker, the minister got his hot little hands on

MR. SIMMONS:

\$500,000 over in Port Aux Basques. I wonder would he indicate as a result of the presentation from the Minister of Industry, Trade and Commerce on behalf of the federal government, would he indicate now what the status of the center is for Channel-Port Aux Basques? Whether a new design has been agreed on? And whether or not the work will actually go ahead this year?

MR. SPEAKER: The hon. Minister of Tourism.

MR. HICKEY: Mr. Speaker, I am not in a position to say anything with regards to the design. I confronted the Chamber of Commerce and the town of Port Aux Basques on Saturday when I received the check, with two problems: One, the design, and two, the location. I am waiting to hear back from the town council, of course, which is really the prime spokesman for the people of that town. I have informed the Chamber of Commerce who are very, very active and very interested in this project that as far as we are concerned there are a couple of problems with regards to the location of the building inasmuch as the on again, off again project of Grand Bay has caused some concern over the past. It is one of the reasons why we could not pin down a location, we were waiting. Finally Canadian National made up it's mind on that. Now there is some indication that the CN must address itself to rerouting the traffic flow.

Now, before we spend \$500,000, nevertheless or notwithstanding the fact that it is federal money, before we spend this money to complete this project, of course, one would have to be sure as to where the traffic flow was going to go and what rerouting is going to take place. Because it would indeed be rather crazy to put the kind of an establishment that we have in mind on the site of, let us say, where the Annie Coady is located only to find that the traffic is bypassing it and then you get a traffic jam of people having to turn around or come back, indeed some of them missing it altogether. So that is really where the situation is. As soon as those two items are resolved we are ready to call tenders.

MR. SIMMONS: A supplementary. Has the Minister had any recent discussions with CN or is he in a position to say or to know when CN might give him or his department some firm decision as it affects his project?

MR. SPEAKER: The hon. Minister of Tourism.

MR. HICKEY: I have made an official request - I should not say I have - but, Mr. Speaker, I have instructed my staff, immediately on returning from the weekend at Port Aux Basques, I have instructed my staff to make contact with Canadian National and also to prepare a letter for my signature, make it official, asking them

Mr. Hickey:

to tell us very clearly by map what they propose to do by way of rerouting traffic, if anything, and pointing out to them the importance of it, and that our project must go ahead as soon as possible. And, of course it is very critical to us that they tell us now whatever changes they are going to make, or if they are not going to make any and that before making any in the future they take into account that this establishment that we hope to put in Port aux Basques is very vital to the travelling public and especially visitors who are coming to the Province for the first time.

SOME HON. MEMBER: Hear, hear!

MR. SPEAKER: The hon. member for Stephenville followed by the hon. member for Windsor-Buchans.

MR. W. MCNEIL: Mr. Speaker, a question to the hon. Minister of Justice. When will tenders be called for the proposed Community Correctional Centre in Stephenville? When does he expect the work to begin on the necessary renovations?

MR. SPEAKER: The hon. Minister of Justice.

HON. T. A. HICKMAN: Mr. Speaker, what I have to say now is subject to my checking with the Department of Public Works and Services. But immediately we obtained about three weeks ago as the hon. gentleman is aware, enthusiastic approval in principle from the Stephenville Town Council, the Department of Public Works and Services through their minister were asked to prepare the necessary detailed specifications to enable the minister to call for tenders. As of last week the specifications and plans had not been completed to that extent but it has been impressed upon the Department of Public Works, by government, as a matter of policy, that this is to be treated as a matter of great urgency. So I would hope that tenders will be called within the next two or three weeks. And as soon as the tenders close, assuming that there are tenders and that they are at all satisfactory, a contract will be let forthwith.

MR. SPEAKER: The hon. member for Windsor-Buchans.

MR. SPEAKER: The hon. member for Windsor-Buchans. - I will allow one supplementary.

MR. MCNEIL: When does the minister expect to have the Centre open for occupancy?

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, that depends on when tenders are called, and when a contract is let. And it is always a very hazardous thing, I suggest, for anyone to predict when a construction project is going to end. That new phrase, that delightful phrase, time frame, our time frame, which is a thing that covers a multitude of sins, and tenders and specifications is by the Fall. But please do not hold me to that date if the tender calls indicate that it is later. But I want to reassure the hon. gentleman in this House that this is number one priority in the Department of Justice and the government has given us absolute endorsement, the Town Council of Stephenville have enthusiastically approved the proposal and offered to serve with us, to serve on any community committee, which is so vital to a Community Correctional Centre, and there will be no time lost at all in bringing this to a successful conclusion.

MR. SPEAKER: The hon. member for Windsor-Buchans:

MR. G. FLIGHT: Mr. Speaker, my question is to the Minister of Municipal Affairs. He will recall a question some time last Fall about the government's attitude to the Patterson Report which recommended the amalgamation of Grand Falls-Windsor, and the minister's commitments to the House are on record. In view of those commitments what is now the government's attitude of councils, both councils have pre-used the report, they have made public statements, what now is the government's attitude with regards to the Patterson recommendation that the towns of Windsor and Grand Falls be amalgamated?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! A question has been asked if anybody wishes to answer, then he may. If not we will proceed on.

The hon. Minister of Municipal Affairs and Housing.

HON. A. B. PECKFORD: Mr. Speaker, the position is the same as it always has been in that the government through the department waited to hear the views of the two councils in the region, and that I intend, as minister, to meet with both councils, either together or separately or both to further discuss it. In the first instance it must be initiative from the local area. The department does not feel that we should, as a result of any study or any recommendations made out of a study, that we should automatically implement those because they could be against the majority of the citizens in a given area. But I want to sit down and discuss the report in detail with the councils in the area, and to see whether they are interested in pursuing either the specific recommendations or modifications thereof towards some kind of regional authority in the Grand Falls-Windsor area.

MR. SPEAKER: The time is up.

ORDERS OF THE DAY

MR. SPEAKER: Order 21.

Motion, second reading of a bill, "An Act To Amend The Qu~~at~~ting Of Titles Act", (Bill No. 20).

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, this bill really has to be examined in conjunction with the Crown Lands Amendment Act which passed second reading, and which was so fully debated in this hon. House yesterday. This bill simply extends, confers upon the Court the jurisdiction to award a certificate of title against Her Majesty when twenty years possession has been established prior to January 1, 1977. And as I say the bill was debated quite fully yesterday and this is only complimentary to the Crown Lands Amendment Act. I move second reading.

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

MR. E. M. ROBERTS: I thank you, Mr. Speaker, and as the minister says this bill really was debated in principle, and quite thoroughly, by the House yesterday. I suppose the only affect of this bill really is to implement the principle to which the House quite readily gave its

MR. ROBERTS:

assent yesterday. I do not think much more need to be said to The Quieting of Titles Act. I see it is being used more and more and it is certainly one way under which a, one means by which a citizen can have his title to a piece of land confirmed. I suppose it is really the only way we are going to have for a long time, at least by court order. Many titles are quieted by treaty between private individuals and disclaimers and affidavits and so forth and titles in effect have quieted all of the time. But we have to have a procedure whereby an individual or a corporation, for that matter, can go to court and get a title quieted in a legal sense. This act merely speeds it up a little bit or makes it a little clearer with respect to the Crown.

I realize the Minister of Justice is having trouble hearing, and I realize it is not his fault. But his colleagues outside are being vociferous and perhaps they can be either less vociferous or more distant. It is truly very difficult in the House - I owe the gentleman from Bellevue (Mr. Callan) an apology because yesterday I took a flick or two at him because I thought he had interrupted me, and it turned out he had not interrupted me. He had in fact said shut up quite audibly, but it was not to me, it was to one of his other colleagues. I said to him outside of the House that I apologize, and I would like to make it clear to the House that it was not him any more than it is not the Minister of Justice who is offending this time. But all I need say, Sir, if the House was as quiet Sir, as The Quieting Of Titles Act then we would do very well indeed. And I would say to the Minister of Justice, Sir, in closing the debate for my part on second reading of this magnificent reform he has introduced, that what we need, Sir, is not just The Quieting Of Titles Act, what we need, Sir, is a quieting of members act and that should get unanimous support as well, Sir.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the hon. member speaks now he closes the debate. The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, only for the sake of standing I have nothing else to say.

MR. SPEAKER: I will move the question I presume. Is it the pleasure of the House that the bill be now read a second time. Those in favour "Aye", contrary "Nay" , carried.

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

MR. SPEAKER: Order 22.

Motion second reading of a bill, "An Act Further To Amend The Child Welfare Act, 1972." (Bill No. 17)

MR. SPEAKER: The hon. Minister of Social Services.

MR. BRETT: Mr. Speaker, this is a very minor piece of legislation, housekeeping legislation. The first clause or the first part of the amendment corresponds with the proposed amendment to the Employment of Children Act which, of course, comes under the - or is administered by the Department of Manpower and Industrial Relations? And clause no. 3 will permit any regulations under this act to have effect prior to the date of publication in the Newfoundland Gazette, if the regulations so state. This was brought about because of some concern expressed in the cost-shared programmes between the federal and provincial government, some concern as to whether or not the allowances could be paid before they were actually published in the Newfoundland Gazette.

MR. SPEAKER: The hon. member for Port au Port.

MR. HODDER: Mr. Speaker, as the minister has said, this is more or less housekeeping legislation, and brings this act in conjunction with the Employment of Children Act, and will also permit the regulations to have effect prior to publication. I do not think it is a very important thing, but at the same time perhaps necessary.

On motion a bill, "An Act Further To Amend The Child Welfare Act, 1972," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 17).

MR. SPEAKER: Order 23.

Motion second reading of a bill, "An Act Further To Amend The Medical Act." (Bill No. 18)

MR. SPEAKER: The hon. Minister without Portfolio.

MR. WELLS: Mr. Speaker, I will move second reading of this act. This is an amendment to the Medical Act which would permit the practise of acupuncture. At the moment the practise of acupuncture in the Province of Newfoundland and Labrador is not regulated. It is carried on by medical practitioners, but there is nothing to prevent

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me, if I wanted to, for example, from treating Your Honour by way of acupuncture . Of course, it is obvious now that acupuncture has become a respectable part of the practise of medicine in this part of the world. It is necessary that it be brought under some control so that it is done by properly qualified medical people and not quacks or people who might take a three day course somewhere and carry on with the practise of acupuncture. So this bill will amend the Medical Act, Mr. Speaker, to permit the practise of acupuncture to be carried on by registered medical practitioners and dentists, except in circumstances, and by persons approved by the Lieutenant-Governor in Council, and approval would only be considered if the Newfoundland Medical Board recommends such action. So the purpose of this amendment, Mr. Speaker, is to make sure that those who carry on the practise of acupuncture carry it on in a safe manner so that there can be no harm come to the public who receive this treatment, and accordingly I move second reading.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Mr. Young): The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Mr. Speaker, I think while this looks like a very small piece of legislation, I think it is a very important one as the minister suggested. Acupuncture has certainly become accepted by medical practitioners in the Western World, in this part of the world over the past number of years. And in that respect I think it is right and proper that the use of acupuncture should certainly be properly regulated by the laws of this Province. I am a little concerned about the exceptions stated in the explanatory notes to the bill, and maybe the minister could have a word to say on that when he winds up the debate. It says to be used by medical practitioners and dentists except in circumstances and by persons approved by the Lieutenant-Governor in Council. I suppose that is by the cabinet. That is what it means to me anyway. Who are we talking about approving? What are the exceptions? Who will those people be? And for what purpose does the minister or the government intend that these people

Mr. Rideout.

would practise acupuncture? To me the only people who should practise acupuncture are qualified medical practitioners under proper medical use. So I am a little bit concerned about the exception. Maybe the minister would allay that fear when he replies to the few words I have said.

MR. SPEAKER (Mr. Young): When the minister now speaks he closes the debate.

MR. WELLS: On that point, Mr. Speaker, it was felt in drafting now I might say that the government of Newfoundland has the view that only people who are qualified in medicine or dentistry should carry on the practise of acupuncture. It may be, however, that as the whole practise of acupuncture is advanced in North America and in Canada and in Newfoundland, it may be that it might be found that a person who is not, some time in the future, not a fully qualified medical practitioner, but none the less had perhaps a three or four year university course, almost like a paramedic, such a person conceivably could be licenced to practise. Something like that, a paramedical person. But at the moment certainly it is our feeling in government that only a properly qualified doctor or dentist should do this treatment. And so, Mr. Speaker, I think this is a good amendment to the Medical Act, and hope that it works out well, and accordingly I move second reading.

On motion, a bill, "An Act Further To Amend The Medical Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 18)

MR. SPEAKER (Mr. Young): Order 24.

Motion second reading of a bill, "An Act To Amend The Pharmaceutical Association Act." (Bill No. 22)

MR. WELLS: In the absence of the Minister of Health, Mr. Speaker, I will move second reading of this bill. It is an Act to amend the Pharmaceutical Association Act and is to be cited as the amendment act of this year. As the explanatory note says, "The Parliament of

Mr. Wells.

Canada has repealed the Proprietary or Patent Medicine Act with effect from July 1, 1976. Such medicines will now be governed by regulations under the Food And Drug Act (Canada). The amendment, therefore, is made necessary by that change in federal regulation and will permit the continued sale of the medications in the non-pharmacy outlets. So basically as I understand it, it is patent medicines. This is what the bill is designed to allow. And as I say it arises simply and only because of the change in the Federal Act, and accordingly I would move second reading, Mr. Speaker.

MR. SPEAKER (Mr. Woung): The hon. Leader of the Opposition.

MR. ROBERTS: Thank you, Mr. Speaker, And with the concurrence of my colleague, the member for Baie Verte - White Bay (Mr. Rideout) who is our spokesman on health matters, I would like to say a word or two with respect to the bill, but also to the act which it amends, and the word or two with respect to the bill itself I can dispose off quite simply. The bill as the minister says is a very minor consequential amendment, consequential to some action which was taken earlier by the Parliament of Canada, by the Government of Canada. Of course, we support the bill for the reasons which the minister has enumerated.

I would like to touch briefly though on another matter arising under the Pharmaceutical Act and it is too bad the Minister of Health is not here, but I would like very briefly to bring to the attention of the Minister without Portfolio the situation in respect to the so-called free drug plan which is administered under the Pharmaceutical Act and under the supervision of his colleague, the Minister of Health. By that I mean the scheme or plan under which a person receiving social assistance is also entitled to receive drugs which are paid for by the government, and in turn the government, Sir, receives from the Government of Canada, under the Canada Assistance Plan,

Mr. Roberts.

fifty per cent of the cost of meeting those prescriptions.

Mr. Speaker, my concern is this. I think that plan is being widely abused. I think it is being abused, not necessarily by recipients, I think it is being abused by druggists and by pharmacists practising under the authority of the Pharmaceutical Act. I would merely bring it to the attention of the minister.

I do not believe in trotting out names or specifics, although I could give some if he wishes. I believe the Pharmaceutical Association, who have taken a very responsible position in this matter, the professional association, have brought the matter to the attention of the Minister of Health on a number of occasions and have had a less than satisfactory response. Well I find that disquieting, Sir, because the sums involved are relatively large and the principle involved is a very great one. And I think the government's response should be much more positive and much more encouraging. What is happening, Sir, is that on occasion - and I think the pattern shows that it is confined to relatively few pharmacists, relatively few drug stores - drugs are being dispensed in greater quantities than they are prescribed or at much higher prices. There seem to be some drug stores who have two levels of prices, and what actually happens is in you go, and you say, "Here is my prescription, here is my drug card, I would like my hundred aspirin," or whatever to take a generic, and to take a non-prescription item for the discussion,

MR. ROBERTS:

and the druggist says, "Very well, that is going to be \$1.23", or whatever the price is. This he says, "Oh, you are on the government, you are on the welfare plan." "Yes", you say, "I am". "Well," he says, "in that case the price is \$173", a higher price, the second price and the higher one. As I say I do not believe this is the place to bring out specific names and specific examples of what are, after all, only allegations. There may be defences, there may be explanations but I do want to bring to the attention of the minister and of the House the fact that this is happening, I understand. I do want to bring to the attention of the minister and the House that the pharmaceutical board or the association, whatever the governing body of the pharmaceutical profession is, has brought it to the attention of the Minister of Health and for one reason or another the Minister of Health has done, as far as anybody knows, little or nothing about it. There has not been a vigorous investigation. There has not been a ruthless rooting out of any abuses that may exist.

The matter is quite serious. The amounts of money involved under this free drug programme are staggering and have grown almost beyond belief. I do not have the estimates in front of me, Sir, we have finished debating them, but I would venture that the amount of money, Sir, is now several millions of dollars in total, possibly of the order of \$3 million or \$4 million. I will wager, Sir, that that amount has increased by fivefold in the last four or five years. So, you know, it is a matter to which a minister's attention as the Minister of Health should be directed. It is an important matter.

We must have a programme under which people can get access to drugs when they need them, but I think we have got to make sure that programme is not abused. And my concern now, Sir, is that it is being abused. My concern, let me clarify it, is that it is being

MR. ROBERTS:

abused, not by recipients. In this case the welfare recipient is an innocent party. He goes to his doctor. He needs a prescription. The doctor writes the prescription and the man carries it up to his druggist and he gives it in.

MR. RIDEOUT: The vote is \$3.7 million.

MR. ROBERTS: My colleague from Baie Verte-White Bay (Mr. Rideout) tells me that the vote this year is estimated to be \$3.7 million. That would be a gross figure and as I say, I would wager that is four or five times what it was four or five years ago. It has gone up astronomically. In fact, Mr. Speaker, in many cases people on social assistance are receiving the very best in drugs, far better than the people who are paying taxes, people who are working and who are not able to qualify for social assistance, and this is so often true.

You know, the guy who gets it right in the neck or in another part of his anatomy in these matters is the guy who is just not on welfare. He is just above that line, usually with a struggle. Often he does not qualify for subsidized rental housing programmes. He does not qualify for these special drug programmes and so forth. I have many examples, we all do. Every member of the House has examples of people who are just staying off welfare, just above the line and not qualifying for social assistance because they have a job and, you know, it is barely paying but enough to keep them above the line where they can qualify for help. Of course it infuriates these people to see other people going up and getting apparently unlimited supplies of drugs.

I also think it would be worth checking into the patterns of drugs. I have seen some studies, perhaps quick ones and not thorough ones, but studies nonetheless which indicate that the per capita consumption of drugs on the social assistance programmes is far higher than the per capita consumption of drugs in the Province as a whole. I do not think -

MR. MURPHY: Particularly where we have to send them out to districts like yours, from Corner Brook and places like that.

MR. ROBERTS: Well, no. The Minister of Provincial Affairs mentions sending things to districts like mine, from Corner Brook. I said no only with respect to the fact there is a hospital at St. Anthony which dispenses drugs. But I do not believe people on social assistance by and large are any less healthy than the average citizen of this Province and by and large they should not use any greater drugs.

But also this plan that is administered by the Health Department is being used as well to prescribe drugs which by no standard are medical drugs. And it pays for many drugs that in the ordinary course, you know, are not medically necessary although they, true, are prescribed by doctors. But you know, weight reduction pills and this sort of thing.

AN HON. MEMBER: Birth control.

MR. ROBERTS: The hon. minister mentions birth control pills and so forth. But, you know, I think these are things which we should look into because the costs are large. I do not want to deny any person in this Province who needs assistance and who qualifies for it, I do not want them to be denied that assistance. That would be close to criminal. But, Sir, we have gone too far the other way. I do not think it is the welfare clients, to use that term, the correct term, who are really benefiting. I think it is some druggists, one or two applies in the barrel, Sir, are perhaps not all they should be.

Now, I do not want to give examples but I will gladly let the minister have outside the House, such information as I have I will tell him from whence my information comes. But I can tell him that it comes from members of the profession who are concerned because they feel that, you know, the whole plan will come into disrepute because of this and they also feel, as citizens, and they are concerned, that the government are being ripped off. I do not want to use that - that is the sort of term people use trying to make cheap headlines.

MR. ROBERTS:

But the government are paying more than they need to pay to get the service that should be gotten and it is because of these unscrupulous people who are abusing the plan.

I may add I have spoken to one or two people in the insurance business, the medical insurance business, and they find out the same thing. Indeed I know of one or two firms around town, Sir, which have refused and are refusing as a matter of policy to accept claims from certain drug stores because they feel those claims are inflated. The mechanism is simple and I mentioned it earlier, Mr. Speaker, the mechanism is one price for the guy who is having somebody else pay for it and another price for the guy who is paying for it himself. The first price is much, much higher than the second price. That is unfair. It is not the place to go into the whole problem, Mr. Speaker, but it is the place to go into the government programme. All I want to do is to bring it to the attention of the ministry publicly because, as I say, my information is that the pharmacists association, the pharmaceutical association have raised the matter with the Minister of Health on occasion and have not had a meaningful response.

Let me just mention one other thing, Sir, on this subject, the age old topic of generic drugs. Is there anything new on this? The arguments are well known. But is the Province prepared or contemplating introducing legislation allowing generic drugs to be substituted for prescription drugs where a pharmacist feels it necessary? A doctor now can prescribe a generic drug if he wishes. But we all know the reasons why, and there are proper reasons why, understandable reasons as well as proper, why many doctors prescribe brand name rather than generic drugs. But the fact remains that the generic drugs by and large are much, much cheaper and as far as I know every bit as efficacious. Take aspirin which is a very common drug, not a prescription drug, but you can buy a brand name of aspirin at say, one dollar for 100 tablets and you can buy a generic brand,

MR. ROBERTS:

a non brand aspirin for say one quarter of that cost. The same sort of things are true. You know the drug companies have done great things. They do some strange things. I believe it is still true that they are giving the Province, the Health Department, free tranquilizers, valium and librium.

When I was Health Minister I was shocked to discover we were being given several million tranquilizers, pills, a year, valium and librium the two most widely prescribed ones. The reason for this, of course, was to drive out that manufacturer - Roache, I believe, make them - was to drive out all other comparable products to get a monopoly. We took some appropriate steps then. But without going into the never never world of prescription drugs and everything else I do want just to raise the question - it has been debated many times, there are arguments pro and con - I am asking whether the government have any intention of amending the pharmaceutical act, this bill now, or the act which is now being amended, to allow a druggist who is a qualified person, man or woman to prescribe, to substitute a generic for a brand where that is desirable and necessary? It could be a substantial saving. I do not think there are any medical reasons against it. As far as I know the profession has now settled that question. Some provinces, I believe, do in fact do that.

But I want to raise these two points, Mr. Speaker, because I believe they are relevant. I think they are important and I think they are ones which the ministry might wish to look into which I believe they should look into. I would ask the minister if he could let us have an indication, in the absence of his colleague, where we stand now.

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

MR. WELLS: I thank the hon. gentleman, Mr. Speaker, for raising these points. When I was Minister of Health, for a period, one of the things that surprised me, I think, more than anything else in the Health

MR. WELLS:

Department was when I went down to the government drug store - I do not know if that is the proper name for it or not, down in Fort Pepperrell, Pleasantville area, Central Pharmacy - I was astonished, not being familiar with these things, astonished at the variety and range of drugs, both prescription and non-prescription that were there and were shipped and sold all over - not sold but shipped all over Newfoundland to supply the indigent. Then, of course, in addition to what comes out of that central pharmacy there is also, as the hon. member says, the drug cards which are presented and the prescriptions supplied to indigent persons by the regular drug store. I mean, it is astounding the scope and volume of this business.

The other thing that surprised me, of course, were items that are not in the normal thinking of all of us, prescription drugs. They might be birth control pills. They might be aspirins, all sorts of things, librium, valium, every conceivable kind of substance down there which were supplied in large quantities to indigent persons.

Mr. Wells.

You know any government is pleased and glad to be able to supply drugs and other necessities of life, in the proper form and under prescription etc., to people who cannot afford to pay for them. I mean this is an excellent thing, but it is like everything else, sometimes abuses can creep in. There is no doubt about it that \$3.5 odd million, whatever it is that is being spent on this, is a considerable sum of money. Now there is not one taxpayer in Newfoundland who would begrudge it provided that it is properly spent and the best value is obtained and drugs are not dished out in greater quantities than are necessary. So I commend the hon. member for raising the matter, and it is something that I shall recommend to my colleague, the Minister of Health. Certainly government is concerned and wishes to ensure that money is not being wasted by oversupply, unnecessarily large amounts of these various drugs, which are quite costly, supplied when it is not necessary and it is something well worth looking into.

On the question of generic drugs as distinct from proprietary names this has always seemed to me to be something which would be of benefit to both the ordinary citizen and also, of course, benefit to government, financially, in the supply of drugs to indigent persons. And I might say that it is not the intention of the government, nor is there a bill going to be presented to the Legislature in this session to deal with that matter, but it is something, I think, we could well and ought to take a look at, because what the hon. member says, according to my information, is quite correct. And the generic named drugs are invariably it seems, much, much cheaper than the proprietary or brand names, and I think it is something that is deserving a look at. Because as always, with these various social welfare schemes, Mr. Speaker, it is a question of supplying legitimate needs but it also, where government is involved, is a question of supplying these needs without spending more money than is necessary to do it. So, as I say, I think

Mr. Wells.

the hon. member for these references, and accordingly I move second reading, Mr. Speaker.

On motion, a bill, "An Act To Amend The Pharmaceutical Association Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No.19).

MR. SPEAKER: Order 25.

Motion second reading of a bill, "An Act To Amend The Development Areas (Lands) Act."

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

MR. ROUSSEAU: Up she comes, Mr. Speaker.

Before I start off the bill I might say that this is the technical term for the words 'land freeze', the designation of development land. And in essence this bill proposes that the administration of the Development Areas (Land) Act be transferred to the Minister of Forestry and Agriculture and that the act be amended to provide authority for regulating the use of land for agricultural and other purposes. Presently the act is administered by the Minister of Industrial Development and it applies only to the control of land for new industrial or commercial purposes. The bill proposes that the act be used to extend the control of land beyond that of industrial speculation and provide a basis for implementing a provincial land use policy. It is essentially enabling legislation by which specific development areas could be established by Order in Council as and when appropriate. The establishment of these areas would facilitate a systematic and orderly approach to provincial land use and permit sufficient flexibility for the progressive investigation and solution of particular problems. In essence, Mr. Speaker, what it does is enables the Lieutenant-Governor in Council, through the Minister of Forestry and Agriculture, to designate lands in the Province for the optimum or most practical use that government would deem fit for that particular tract of land.

Mr. Rousseau.

Now it was under this Act that the designation and development land on the Avalon Peninsula, or the so-called land freeze, took place. I will not address myself to that now, I think I have talked about it before, unless any members raise it, of course, now then I will attempt to answer it when I move second reading of the bill.

MR. SPEAKER (Mr. Young): The hon. member for Trinity - Bay de Verde.

MR. ROWE: Mr. Speaker, we support certain aspects of this particular bill, but there are a number of questions we would like to raise in the meantime. Essentially this amendment or this bill changes the title, "an act to provide for the orderly development and use of designated areas in the Province and to prevent speculation in land in those areas." Now, Sir, the two operative and probably most important phrases or words in that particular title are "the orderly development." Obviously that is motherhood, and we do indeed support it. It is greatly needed in this Province, although as I suggested yesterday, in speaking to another bill, sometimes this causes hardship with respect to gaining building permits in certain rural parts of our Province. Sir, I think, anything that would prevent the speculation in land in these particular areas is commendable, but I would just like for the minister to elaborate somewhat on, you know, functionally, in what particular ways will this bill in fact decrease or prevent, as the title of the acts says, prevent, actually prevent speculation in land in these particular areas? And while I am speaking the minister could acknowledge negatively or positively am I now to understand that the development of land under the jurisdiction of the minister besides industrial land, hydro electric purpose, will include agricultural, commercial, industrial, recreational and residential or other purposes?

Well, Sir, the point that I would like to make here, if that is the case, is that the development of land in this Province practically wholly and solely appears now to come under the

Mr. Rowe.

jurisdiction of the Minister of Forestry and Agriculture or Crown Lands, looking at it from the Crown Lands point of view. Now, Sir, therefore, one is moved to ask the simple question: Where then comes the function of the Provincial Planning Division? Does this include municipal land or all other land outside of municipal land? Because what I am trying to get at, Mr. Speaker, is this; that now that we apparently have control of the orderly development of all land and the prevention of speculation of land in the Province now under the jurisdiction of one minister it seems to me that all of these other areas in government to which the Crown Lands Division and the minister have to go to for referrals before proving lands for commercial development, recreational development or residential development, it seems to me that if these divisions, or what have you, can be brought under the jurisdiction of the minister's department then some formal and functional division or committee within the minister's department should be established in order to have a smooth liaison with the Department of Municipal Affairs and Housing, for example, with the Department of Health, for example, with the Urban Control Division and the Provincial Planning Division. Because, as the minister well knows, one of the problems encountered by many of our citizens now with respect to agricultural, commercial, industrial or residential or, you know, the development of land for any other purpose, is awaiting these referrals. And we have staff changes in these other divisions, and I do not think there is any real smooth liaison between the Crown Lands Division, which finally puts the stamp on the approval or disapproval of these applications. That is all they do. They finally put the stamp, because their approval or disapproval is based upon the referrals gotten from other departments. And I think the most important referral is the one that is gotten from the Provincial Planning Division, if I remember correctly.

MR. ROWE:

So I would like to hear from the minister if any steps are being taken to have a smoother liaison in order that these applications may be more readily dealt with, more readily processed and more readily approved, if at all possible, because it is a real problem in the Province at the present time? And the last point I guess I would want to make is that I would for the minister to indicate specifically in what way this act will prevent speculation, because

MR. ROWE: speculation is something that is very difficult to prevent and I cannot see anything that the government has come up with in recent years that will end speculation except to stick a freeze on everything. If you have that kind of a situation you cannot have speculation but you can certainly have - you have your freeze and you can have the very opposite - you may well end speculation but you may well end development whether it is industrial or commercial or recreational or residential, at the same time. So freezing certainly does not end speculation it ends everything. It just freezes everything. So I do not think that is the answer. So I will certainly appreciate it when the minister closes the debate, some of my colleagues may have some comments they may wish to make, but I would like the minister to try and answer these couple of questions and problems that I have indicated to the minister.

MR. NOLAN: Mr. Speaker in reference to this bill, a couple of observations: One is we are seeing more and more of the Crown becoming involved in the alleged orderly development and hopefully to avoid speculation or unnecessary commercial speculation and so on. But we also find a situation where if you talk to the man in the street they are now looking towards the Crown in a somewhat skeptical manner because they feel now that it is going into the political arena, and those that can build, develop and so on must have the right friends in the right places.

MR. ROUSSEAU: That is not so.

MR. NOLAN: That may not be so. I am not saying it is. But the fact is it does not make any difference if enough people believe that this is so. As an example, on the farm land freeze, I mean. on the farm land freeze where you have had instances of people, developers and so on going to people and making them an offer provided they can get a permit to build. No one is arguing that we need to retain farm land in this Province.

MR. NOLAN: No one is arguing that at all. But this to me is imposing an unjust and a very severe penalty on people who have no recourse. No recourse. And it is no good looking to the Crown because they are not getting any help, and it is most unfair. This is expropriation without compensation. And if you are going to take that land, as you have done, you should pay the people the going price. Otherwise, come up with some other solution that will be satisfactory to them. But the way it stands at this moment, it is going to get the minister, eventually, in trouble and in some cases unfairly, I think, because from my own private discussion with him I know that he is trying to do a good job to the best of his ability and the advice he is getting. But the fact is now that with the freeze the way it is, that you have said to these people, "This is your land for farming. you cannot use it for any other purpose, but you are not doing anything else, you are doing nothing."

The case, for example, that comes to mind of a widow with, I believe, fifteen acres of land who was offered a substantial amount of money by a developer only to be told no that he I guess or she could not get the necessary permit so that lady is now living in almost abject poverty all because of the Crown. That is expropriation without compensation and surely to God there is something within the Human Rights of this country or the Province that forbids this. Because if there is not it looks like a coverup racket of some kind.

Now the minister really has a situation here that he has to - I know he has had representation from various groups in some areas. As a matter of fact I believe he has unfrozen, if that is the word, some land perhaps even in my own area. So I am certainly not criticizing him for that. But the point is that it is being looked upon now, and perhaps unfairly - because I had certainly not said so neither privately nor publicly - as having gone into the political

MR. NOLAN: arena, and you must be on the right side, so to speak, in order to develop. And as long as this is sufficiently widespread and enough people believe it, eventually it becomes a fact.

If you take, for example, the land belonging to say, the member for Twillingate (Mr. Smallwood) tomorrow and say, "We are freezing that land for farm land," and supposing he is living in almost or near abject poverty, and supposing he has sixteen or twenty acres of land, and let us assume that someone comes and offers him a substantial amount of money so that he can develop that land but he cannot do it all because of a law that is brought in here. We all need more and more farm land. No one is going to argue with that. But if you have this expropriation without compensation it is absolutely criminal, it is wrong, and I hope the minister will address himself to it.

MR. SPEAKER: The hon. the member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, in the few words that I have to say I want to endorse the stand taken by my colleague from Trinity-Bay de Verde (Mr. Rowe) and my hon. friend from Conception Bay South (Mr. Nolan).

Now, Sir, the Department of Forestry and Agriculture, the Crown Lands Division, must be the most bureaucratic division of government today. Bureaucratic, painstaking, frustrating for anybody who has to deal with it. There may be reasons. They may be understaffed. But I suspect it is not all understaffed. As the minister well knows there are applications sitting down in Crown Lands today that were sitting there for six months before they were registered. Now the problems come. After they are registered they have to go out for referrals and it is when they get into the referral stage that the time starts to be consumed.

Now if this Act or this amendment is going to change or going to make it easier for people of this Province to deal with Crown Lands, then certainly it is about time

MR. FLIGHT: it was brought in. It is a good Act. But when the minister is closing the debate I would like for him to take a minute and tell this House why it is that it takes anywhere up to two or three years to get a grant, a lease or a deed for a piece of Crown land in Newfoundland. And that is what it is taking. I have handled cases since I have been elected. After I was elected I started to move them, but they were sitting in desks in Crown Lands for six months prior to that. And some of those applications were developments, commercial developments, livelihoods and jobs were depending on the approval of that land, I cannot conceive any excuse for it. I just cannot conceive anything that would require holding up this land application approval to the extent that we have proof that it is being held up.

I have the same grave concern, Sir, for the freezing of land in this Province as my hon. friend from Conception Bay South (Mr. Nolan) just indicated. There is land frozen in this Province today that I would presume was frozen in the name of saving agricultural land, that is rock. You could not grow a blueberry bush on it unless you spread sod on it, but it is frozen. It seems to me that there is a very grave danger of the government of the day, the government who extends these freezes, and insists on these freezes, being accused of manipulating land in this Province. I think the onus is on the minister to find out just what justification there is for the extensive land freeze we have and if indeed it is, as was referred to by the hon. member, expropriation without compensation, and just what purpose is being served by this. I think it is a very dangerous way for us to go with regards to land development in this Province. I think the whole idea of land freeze in this Province should be reconsidered and reconsidered very carefully.

SOME HON. MEMBERS: Hear, hear!

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

MR. SMALLWOOD: Mr. Speaker, I am a little unsure of

MR. SMALLWOOD: myself, a little uncertain in what rights I have in this present debate or what rights any hon. member has. This is merely an amending bill to amend in a few relatively minor respects an Act of the Legislature enacted some time ago, known as the, "The Development Areas (Lands) Act, 1971." Now what I am a bit unsure about is, what right has a member got when an amendment is brought in, proposed by the government to an existing Act, what right has a member of the House got to deal with the Act that is amended? Is he confined, is he limited to the amendments? And if he is limited to the amendments may he not also debate the thing that is being amended? In short, let me give the House an example of what I mean. "Section 4, Clause 4, Paragraph (c) of Section 5(1) of the said Act is repealed and the following is substituted therefor:" Then it goes on and gives the proposed substitution namely: "(c) the application of such lands for agricultural, commercial, industrial, recreational, residential or other purposes." Now that is all. It stops there.

MR. SMALLWOOD:

I must confess, I am a bit ashamed to confess it, I do not know whether the minister introduced this bill with a speech. If he did not, if he proposes merely to answer points, close the debate by answering points that have been raised, then it would mean that there has not been an explanation of this amending bill.

MP. DOODY: Mr. Speaker, there was an explanation.

MR. SMALLWOOD: There was. Oh you mean a printed one.

MP. DOODY: No, no. The minister made a speech.

MR. SMALLWOOD: Oh, the minister did give one. I had to go out to serve the public in another capacity, an electronic capacity and so I was absent from the Chamber and therefore did not have the pleasure of hearing the explanation. But certainly to take this amending bill as it is with such explanatory notes as appear on the right hand side is absolutely not enough explanation, not enough to make us understand what it is all about.

Now to what extent I could go on in, as the hon. member for Windsor-Buchans (Mr. Flight) did, I believe the hon. member for Conception Bay South (Mr. Nolan) did, to deal with the general overall question of land, land freezing, land use, frankly I am in doubt. I do not think I have that right. I do not think that any hon. member has the right to debate the big basic act when the government are proposing merely a number of relatively minor amendments.

But I have to say this - and I hope, Mr. Speaker, that you will bear with me - I have to say that I am absolutely convinced, I do not know of anything I am more convinced about than I am convinced that the state, the central authority of Newfoundland which is this state, the government, must control the Queen's land. They are the Queen's ministers and all the land of this Province except insofar as some of it has been leased - well not insofar as it has been leased because it may well be leased and still belong to the Queen - but except insofar as freehold land has been put in possession of some individuals or some companies, the Queen owns all

MR. SMALLWOOD:

the land there is. I do not know, the lawyers may tell me that even after some fee simple is put into the hands of someone, a company or an organization or an individual it may still be the case that the Queen owns that land but in another sense, I do not know.

But certainly what has not been granted does belong to the Queen. That is what we mean when we say the public land. The public land is the land that belongs to the Queen and the Queen cannot personally administer the land so Her ministers do it for Her. In other words, the government. It is absolutely right and proper that the government shall administer the Queen's land and come into the House here and ask the House to make certain rules to govern the government, rules by which the government will carry out their function of administering the Queen's land. I take it that that is what the Development Areas (Lands) Act is about and that is what this amendment is about now.

Now, the right of the government to freeze land is surely as basic a right as the government could possibly have. If the government administer the Queen's land for the Queen, then the government must have the right to give, to withhold, to lease, to sell, to freeze, to permit and not to permit the use and the kind of use that shall be made by people of the Queen's land. Surely that is as basic a right and as basic a duty as a government could have except the most basic of all which is to protect people against a foreign foe, against a foreign army. The control of the Queen's land is so basic, it is so fundamental to everything else that it would be silly to question the right of the government to administer that land in the Queen's interests, which means in the public interest.

Now I do not see that this bill touches on that or impinges on it at all. I do not see that that principle is involved here. The principle of the bill itself, that this is to amend, is established and accepted and is now the law of this Province, a law made by this

MR. SMALLWOOD:

House. And long before that law was made by this House, the principle was there anyhow, the Queen was the owner of all the land. It was the Queen of England who gave Newfoundlanders the right to have elections. It was the Queen of England, or Her parliament in England, that gave Newfoundlanders the right to have courts of justice. It was the Queen of England that gave some individuals land or gave Her agent, the Governor, Her representative, the right to grant land and subsequently gave Her Government the right to grant land. I hope nobody is calling that into question. That would indeed be loves labour lost. If a government have not got the right under law to regulate the Queen's land, then they have got no rights at all. They are not a government.

Now, what all that has to do with this bill I am not sure.

MR. NOLAN: How about if it is not Queen's land? How about if it is private land?

MR. SMALLWOOD: If it is private land the right of them in a domain is again one of the oldest principles and one of the most firmly established principles of British jurisprudence, British law, British parliamentary principle, British government, the right of the government to control all land, whether privately owned, publicly owned or what. The right, the basic, underlying, underpinning right of a government to regulate the use of all land surely cannot be disputed. All land, no matter where the title may rest, whether it be with the Queen or whether it be with an individual or whether it be with a company, the actual overall control of it must be with the government, with the public authority. It cannot remain exclusively with private authority, can it? If a man owns a piece of land and he has fee simple to it because it has been granted to him by the Queen or the Queen's ministers or because he has bought it and paid for it, he now has it in fee simple, does that mean that he can do what he likes with that land?

MR. FLIGHT: Would the hon. member permit a question?

MR. SMALLWOOD: Of course, yes.

MR. FLIGHT: I have no argument with the theory he has espoused this past few minutes but, would not he agree that after the government of any Province have frozen land for a period of two years, and with no indication that they have any reason for freezing it, that they should justify continuing that freeze?

MR. SMALLWOOD: I could not agree more with anyone than I agree with the hon. gentleman in the implication of his question. I agree. He does not doubt the government's right to freeze land but he does doubt the government's wisdom in having frozen it to leave it frozen.

MR. ROUSSEAU: Let me answer it for him.

MR. SMALLWOOD: Well the hon. minister will answer it and he is itching to do it.

MR. ROUSSEAU: Yes, Sir.

MR. SMALLWOOD: But in the meantime I have to answer a question which has been directed to me by an old friend of mine and an hon. member of this House. He has asked me a question. The government has a right to freeze. If it has not got that right, it has got no right. And the right of eminent domain means that the government can move in on any piece of privately owned land, if it is for public purpose, and the right of eminent domain is above the right of any individual. But having frozen it the government might be quite stupid if they just left it frozen and did nothing else about it. In freezing it they must have had a reason. They must have had a purpose and the purpose undoubtedly was a good purpose.

I think it was under the present Minister - no -

MR. DOODY: No, manpower.

MR. SMALLWOOD: - the present Minister of Manpower as Minister of Agriculture or whatever it was he was minister of, it was under his regime as the minister that that whole idea was put into practice, freezing land. No doubt the purpose, the idea was good but the execution of it could be very bad. You could freeze a piece of land

MR. SMALLWOOD:

with good reason and the reason might disappear. Well then you should unfreeze it. You should not leave it there just permanently frozen. That would not make much sense. But the hon. member I hope does not question the right of the government to freeze it in the first place. He would question the government's wisdom in the way they do it or the way they fail to undo it.

Now let us all listen to the minister after the debate is over, let us listen to the minister's explanation because he is over there, he cannot hold himself, he is itching, he is twitching, he just wants to get up and answer all these questions.

MR. SPEAKER (MR. YOUNG): If the hon. minister speaks now he closes the debate.

MR. J. ROUSSEAU: Mr. Speaker, the first thing I would like to say, and I would like to say it unequivocally, unambiguously and any other possible way that I can that if the hon. member for Conception Bay South (Mr. Nolan), or in supporting him, the hon. member for Windsor-Buchans (Mr. Flight) can give me any specific name or instance where there has been political patronage I will personally -

MR. FLIGHT: Who said that?

MR. ROUSSEAU: One second now, just one second. Somebody said that you have to have political friends, you have got to be on the right side. I will make a challenge to you now, to both the hon. gentlemen; give me the name, give me the specific instance where somebody has benefited from the land freeze because he had political friends and I will personally guarantee to this House an investigation of it. I say to you it has not happened since I have been there and to my knowledge not previously.

Now there was originally, after the land freeze was imposed, some people who built a residence which is against the regulations. That was done in that instance because people had progressed so far in respect to getting their mortgages, getting their materials and so on and so forth that it would be an injustice, it would be immoral to stop them, and they were given permission to go ahead with something that was in principle against the concept of the designation of agriculture land or the land freeze as we call it. That is the only instance to which it occurs. Some changes were made to it in 1975 to take some areas out of the land freeze. But I can assure hon. gentlemen that I have not wilted nor do I intend to wilt, in the face of a hell of a lot of pressure, a hell of a lot of pressure from people on both sides, in respect to changing this until the policy is established. And I will talk to that later in a few minutes. But I want to make that point quite clear, that I throw that offer to both hon. gentlemen to give me the name, give me the specific instance, I will investigate it, and I will also undertake to give you a copy, both gentlemen, of the investigation without any editing, not edited, a non-edited copy of the report because it has not happened, and I assure hon.

Mr. Rousseau:

gentlemen of that it is not a political thing. As a matter of fact my son has a very bad allergy, and a very nice gentleman somehow or other while he was in Oshawa, or some place in Ontario where the drugs were available happened to see my name and brought it down to me, and I said, "Thank you very much." Because we were quite worried about it, and if he does not get this medicine it can be a little difficult for him. I said, you know, "If there is anything I can do for you to repay you sometime let me know." So the gentleman happened to write me a letter not too long after about an area that he wanted a permit for land, within the land freeze. And I said, "No I am sorry," you know, "ask me something I can do." I would not change it for my mother, I will not change it for my brother, nor my wife, nor anybody else, because if it happened once hon. gentlemen in this House or people outside of this House, would not take too long to find out, and then the floodgates would be open, so if only for self-preservation, and that is the lowest in basis of reason. But I can assure hon. gentlemen that there is no politics involved in this whatsoever, I can say that unequivocally without any ambiguity and undeniably. But I throw that challenge to them and so on.

MR. SMALLWOOD: Could this be done without the minister's knowledge?

MR. ROUSSEAU: No.

AN HON. MEMBER: Behind your back.

MR. ROUSSEAU: No, as a matter of fact the Metro Board are the ones in the larger areas who do it. I do not even look at it until the Metro Board make their recommendations. You know, they wanted our recommendation first, whether yes or no, and we said, "You make your recommendation and we will take a look at it and we will see." The Metro Board is involved in this and the Town Councils as well.

MR. SMALLWOOD: Might there be a little bit of something there?

MR. ROUSSEAU: No. No. Our people then check it out.

Mr. Rousseau:

Now let us go on for one second here; it is very bureaucratic, and I agree it is very bureaucratic, but you know bureaucracy is not always meant to be a negative thing, it is meant to be a positive thing. Now I said in this House, and I firmly believe, and I will take anybody on in this Province who disagrees, that that little piece of paper that may be insignificant, that lease or that grant is the most important thing right now that anybody can have. Gold, silver, you do not know what is going to happen to it, money you do not know what is going to happen to it, but land is important. And if we hurry through an application for a piece of crown land--now hon. members will recall yesterday afternoon I said we have problems. We do not even know who owns some of the crown land in the Province. We do not know. That is what we are trying to do with almost upwards of \$2 million worth of mapping and control surveying this year to try and find out and to try and straighten up the Province so we can say, "Yes, John Jones that is crown land, and you can go ahead and apply for it." We do not know that now unless there is something registered in the Registry of Deeds or Titles, whatever you call it. We do not know that. But it is very important.

I have more people - it is unfortunate that hon. members cannot spend a month or so down in the department, maybe in thirty or forty years time some hon. members will, but to spend an hour, spend some time down there and find out what happens when a gentleman comes in -

MR. SMALLWOOD: What does the minister mean by this thirty or forty years? He means two or three years does he not?

MR. ROUSSEAU: Not two or three, thirty or forty.

MR. SMALLWOOD: Not thirty or forty?

MR. ROUSSEAU: Yes, I am very positive man.

SOME HON. MEMBERS: Oh, oh!

MR. ROUBSEAU: But any way put joking aside, if hon. members could see people come in when they have something wrong with their crown land application, something has gone wrong, something was done that should not have been done, or you have got to take it back or you have got to say no to something, that is a very traumatic experience. I do not like to face that situation, and I have faced it a number of times. The bureaucracy is there. And I might say another thing bureaucracy is not always there only because of the Department of Forestry and Agriculture, by the way, it has got to go to the various departments for referral.

Now yesterday I tried to sit down quickly you know - but I am going to say today as I said to hon. members before, right now we have our field organization set up. We would hope then instead of it coming in to St. John's to the Forestry and Agriculture head office, down to each of the departmental offices here in the Confederation Building, out to the field staff, back to the Department of Forestry and Agriculture then for the meeting, we are hoping now that the actual work can be done on site with the appointment we have made now of Regional Supervisors for Crown Lands, that they can check with their representative in Municipal Affairs and Housing or with their representative of Transportation and Communications or with their representative of Environment on the spot. And that hopefully will cut it down. We are hoping somewhere between eight and sixteen months instead of eighteen to twenty-four right now.

But there are times as well when the survey- for example, if somebody gets an approval for the application they have one year for the survey. Now the person may wait eight, nine, ten, eleven months to get a survey done. You know, that cannot be blamed on us, a survey is not done the day after. As soon as they have application approval they can have their survey.

Now let us put it another way, and let us put it, quite frankly, politically. If I just took one off everytime I was asked to expedite one, if I took one off the bottom and put it on the top, by-and-by, it would not take very long without - if there was one with

Mr. Rousseau:

real priority as the hon. member for Windsor-Buchans (Mr. Flight) says, who really needs it because of financing or something or commercial or some other reason, a legitimate reason, and by the time you start putting them on top there would be about thirty-five or fifty or a hundred.

MR. SIMMONS: Stacked on the bottom, of course.

MR. ROUSSEAU: On the bottom. So that is done. But I will tell the hon. member this that whenever we have and the departments who have been involved with us, whenever we have one that needs it for commercial development we will expedite that because we do not want to see a man who has his financing and his mortgaging, or whatever it is arranged, held up because of that. We will help a business or an individual. We do not want to see anybody suffer. But again if you start pulling them off the bottom for everybody the next thing you know you have got none, and if you put them on the top the priorities are gone, that one is probably on the bottom before a month is out, and that is not the way to run the system.

In relation to the land freeze which the hon. member has brought up, I agree with him, it is appropriation without compensation, it is expropriation without compensation. It is a very difficult situation. When this was done originally in 1973 it was done on a kind of an overview that this might be good agricultural land. Since that time a detailed inventory has been done by the Federal and Provincial Governments. We have received that detailed inventory three or four months ago, and the question is now before government as to just how we are going to proceed, which is a logical step after freezing land. I could not agree more with hon. members that it is not fair to leave that there and just say it is good for agriculture and that is all. The reason it is taking a little longer than I anticipated is because it is now tied in sort of indirectly with my colleague's, the Minister of Municipal Affairs and Housing, Urban Region Plan, it cannot be done in disassociation, it has to be done with some togetherness in respect of the Urban Region

Mr. Rousseau:

Renewal Plan and the designation of development land or the land freeze in St. John's. We have to get together and we have to try and determine the whole question. Instead if the Department of Forestry and Agriculture handles its own designation of crown land and the Minister of Municipal Affairs and Housing handles his own urban region plan, then we are going to have chaos. We have to get together and make sure that we both know where we are going and we both advise government the right way to go. I think that is eminently logical. I can say to hon. members of this House as a result of the reports that we have now, which are detailed reports, which I have Federal and Provincial government employees statistics on, that the only part of crown land that would not be entirely useful, is in one area of the land freeze. Land goes one, two, three, four, five, six, seven, and eight, One and two is excellent agricultural land, Three, four and five is good agricultural land, acceptable agricultural land, Seven and eight - or six and seven is no good, there is no eight I am sorry, six and seven. We have no one and two land in the land freeze area, but we do have three, four and five, and that is acceptable agricultural land. Now maybe in the middle of ten acres there might be two acres of non-agricultural land. I would hope that hon. members, if this land remains in agricultural do not expect us to take two acres out of the middle of ten acres of agricultural land and let it go for some other development

Mr. Rousseau,

I feel that if land is taken and the land is frozen that government has to make a decision and government will make the decision, number one, whether to continue with the designation of development land for agricultural purposes or whether not to. If government does then the next logical step is what are they going to do about it. Remember what has been done up to now has been done on the basis of trying to determine exactly what was good agricultural land. We have now determined that. Now we have to decide whether we are going to continue with that designation. If we do then we have to decide the next logical step which is, are we going to do anything beyond designating it as agricultural land. I agree with the member from Conception Bay South (Mr. Nolan). That is ridiculous by itself. Something has to be done, whether you buy the land and lease it or rent or whether you do something to assist people who want to sell their land and want to get rid of it. Right now it is frozen. They can sell it, but it can only be used for agricultural land again, and people do not know whether it is going to continue that way or not. But I would hope, and I had hoped a couple of weeks ago, but because we have been tied up, of course, in cabinet for awhile with the Quebec question and the Lower Churchill question, that things of this nature have not been able to have been done, which would have normally been done, and it is before government, and government will make a decision on it.

The other question I would like to answer I would just like to read here, I got a report on just what we mean by this act, and I will read it into the record so non-members will have it. "In respect to provincial land use policy," which this really is what we are looking at, "emphasis should be placed on development, management and conservation of land in the public interest. Measures which appear to prohibit, restrict or penalize the use of land, for example,

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building controls, land freeze, land taxes, etc., should be applied in the manner which stresses the positive or developmental aspects of land use rather than those which are negative, which are restrictive and punitive. Nobody intends it to be that way. We are suggesting that the development of a proper land use policy and the solution of associated problems should be approached through the concept of the land development area. Since it is virtually impossible at present to consider the entire Province as a land development area, selection must be made on the basis of most urgent priority. The following phases, for example, would be a suggested way in which we could attack the designation of land, identify and designate the geographical areas of the Province each to be known as a land development area. Next within each land development area carry out intensive land use studies using existing material such as Canada land inventory and the resource atlas supplemented by air photo and field investigations.

MR. SMALLWOOD: What is the minister quoting from?

MR. ROUSSEAU: What am I--

MR. SMALLWOOD: I am sorry. A departmental statement?

MR. ROUSSEAU: Yes, this is departmental. This is our policy which we would use for land use.

"Identify within each land development area the major recommended land use, for example, agriculture, forestry, residential, industrial, commercial, recreational, wildlife, whatever it may be. Prepare a cadastral record for each land development authority, so as far as available information permits use existing maps and plans as an interim measure pending the extension and completion of the large scale mapping programme. And use the land development area for the systematic management of land, including the acquisition by the Crown of title to abandoned or unimproved land where it is desirable, disposal of public land for development purposes,

Mr. Rousseau.

surveying and mapping programmes, introduction of an improved land registration system, land data bank with computerized information and the imposition of a land development incentive system." So we are attempting to do that and attempting to find out what is the best way to use the land in this Province, and this is merely a vehicle, this bill is merely a vehicle by which we are attempting to come to grips with that. The hon. gentleman criticized the Crown Lands Division. I uphold them. I think they are doing a fantastic job, under very difficult and trying circumstances, and I am certainly very proud of the efforts they made in the past few months, when I have been there, and I am sure previously, and I am sure that they will do everything they can within the next three or four months to try and clear up the backlog down there. But gentlemen they are not always to blame, and I can assure you they are doing the best they can. They look for the co-operation of hon. members and people in the Province, and I am sure they will do the job satisfactory to all.

SOME HON. MEMBERS: Hear, hear!

MR. ROUSSEAU: I move second reading.

On motion, a bill, "An Act To Amend The Development Areas (Lands) Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill no. 19).

MR. SPEAKER: Order 27.

Motion second reading of a bill, "An Act To Amend The Local Government (Election) Act." (Bill no. 34).

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

MR. PECKFORD: Mr. Speaker, in moving second reading to this bill, this is a minor amendment to the Local Government (Elections) Act, bringing the age limit down to eighteen from nineteen for elections in municipalities that are governed under the act, which are the

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town councils and the rural district councils and local improvement districts. There is a separate amendment coming under the Community Councils Act which also makes a change as it relates to community councils.

MR. NOLAN: Do we still have community councils?

MR. PECKFORD: Oh, yes.

MR. NOLAN: Do we not have a freeze on them?

MR. PECKFORD: There is a freeze on all incorporations, but you are talking about the general policy of- we are not against community councils given the right circumstances, and the right circumstances are that a community of anywhere from one soul to five or six hundred souls would be best served by a community council. When you get up around 1,000 people or 800 or 900 people and so on, where the community is growing quite quickly, where they are looking for increased municipal services involving high capital costs, then they must change their status to a town or rural district council in order to be in a position to be better able to raise sufficient revenues to make those kinds of services available to their citizens.

MR. NEARY: Why not local improvement districts?

MR. PECKFORD: Local improvement district is undemocratic and it involves the appointment of people to a board of trustees. We do not wish to continue incorporating places as local improvement districts, for that reason.

So this amendment, Mr. Speaker, is just a housekeeping one, bringing the age down to eighteen for municipalities that are governed under this act in line with the other age limits now for other elections.

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

MR. ROWE: Mr. Speaker, I was about to make the shortest speech I ever made and say we simply agree with this amendment, but the minister did get into something that I suppose, was just a little bit irrelevant with respect to the bill.

MR. PECKFORD: What was that?

MR. ROWE: And I would like the same latitude, Mr. Speaker, if I could, just to make a few comments in that respect. I was given to understand in some period during the Oral Question period that there had been a virtual freeze on the incorporation of communities within this Province.

MR. PECKFORD: And there is.

MR. ROWE: And the reasons stated by the minister were two, Sir, one,

MR. PECKFORD: Do not be getting things confused, boy.

MR. ROWE: Mr. Speaker, if I am confused I can assure the hon. minister that it is partly because of the confusing answers I am getting from the hon. minister to Oral Questions put to him during the Oral Question period. Now if the minister could bear with me for just two or three minutes he can straighten out my confusion. But during the Oral Question period several weeks ago the minister gave me, at least, every indication that there was somewhat of a freeze on the further incorporation of communities in this Province for two reasons; (1) was a long standing reason, awaiting, you know, a full study of the Whelan Royal Commission, but the real reason that finally came to the surface, Sir, was that the minister indicated that the Province was in no financial condition to set up further community councils because they would become eligible for the various grants and so forth and so on. Now I do not know whether I misheard the minister a few moments ago, but I thought he indicated in answer to a question from my colleague, from Conception Bay South (Mr. Nolan) that there is and will be further incorporation of community councils. Did I mishear that?

MR. NOLAN: No, a continuance of community councils, but not necessarily right away.

MR. ROWE: Right.

MR. PECKFORD: There are going to be incorporations in the

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Province of Newfoundland in the foreseeable future, and they are going to fall under the headings of the town councils, rural councils and community councils.

MR. ROWE: Oh well, Sir, I mean that is like saying there will be, you know, further developments of community councils by the year 2001, you know.

MR. PECKFORD: I was not arguing.

MR. ROWE: But anyway probably, if I am so confused, the minister could probably straighten me out, without becoming political, of course, Mr. Speaker. But getting back to the actual amendment, Sir, we do wholeheartedly support the lowering of the voting age to eighteen years of age.

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

MR. NOLAN: Mr. Speaker, if I could just touch on one matter that the hon. minister mentioned, that is in reference to local improvement districts. He says they are undemocratic. Well local improvement districts have had people elected by the community at a meeting just as they do with community councils and have made representation to the Cabinet who have appointed the people that they have recommended. That has been done. The minister might term it undemocratic and if he does think it is undemocratic, is it the minister's intention then within the immediate future, for example, to order the local improvement district of Hogans Pond to hold elections under the Town Council Act or something?

MR. PECKFORD: It is more democratic than -

MR. NOLAN: Well, I mean, if that is the way it is going to be let us have it.

MR. SPEAKER: The hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, these few words are prompted by the minister's answer to the question from the hon. member for Conception Bay South (Mr. Nolan). He has indicated that he believes that local improvement districts are undemocratic. I agree with him as a member of and part of a local improvement district for eight years. I was the first chairman of that local improvement district. I agree that it is undemocratic and certainly should not go any longer than when the town, that is being set up under a local improvement district, is in a position to elect it's own council and that would mean a period of five or six months.

But what I have to ask - and I have to ask the minister to reconcile the fact that he feels that local improvement districts are undemocratic, when in a ministerial statement less than three or four days ago he indicated that he was prepared to set up a board of trustees and a local improvement district in the town of Buchans which has a population of approximately 3,000 people. Now I cannot reconcile that act. As a matter of fact I can see the advantages of

MR. FLIGHT:

a local improvement district if there is going to be incorporation at all under the circumstances. But then again it is not inconceivable to me that we could go directly into a council. In view of the minister's admission that local improvement districts are, in a sense, undemocratic I would like to see him reconcile that belief with his statement a few minutes ago and I would tell the minister that I would hope, rather than delay this, I would hope that I would have a chance to say more on the incorporation of Buchans shortly.

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

Before recognizing him I would like to point out that we are, not only strictly speaking but really speaking with any relevance to the language in this bill, considering a number of matters which are irrelevant. Some bills have a very quite wide principle and one can consider a bill on municipal government in general. Some have a very wide principle where the application of relevance, obviously, would have a breadth somewhat commensurate with the bill. The principle here, whether one is for or against it, it is very definite and localized and that is whether or not people to be eligible in these elections need be eighteen years old. Strictly speaking that is what the principle of the bill is.

Now the irrelevance happened, I suppose almost imperceptively where the hon. minister yielded to questions from a gentleman at my right and then answered them and these questions and answers became the subject matter then of speeches by two other hon. members. It would be improper not to allow the minister, the same brief latitude in replying to these questions, and I certainly will. But I made the point so that the House would not think that it had unconsciously or imperceptively changed the rules of relevance. The rules on relevance are there and the House is the master of its own rules. If it wishes to change the rules on relevance it may do so but I think it should only do so consciously, not unconsciously. So I wanted to make it clear that the - fortunately I must, well fortunately perhaps for me, unfortunately for the hon. member for

MR. SPEAKER:

Conception Bay South (Mr. Nolan) - I am not sure if the forty-five minute time limit applies or not but I have no intention of going anywhere near that.

But it is important, I think, that hon. members not think that one or even a few abuses do, in fact, change the rules, because that would be quite improper.

The hon. Minister of Municipal Affairs and Housing.

SOME HON. MEMBERS: Hear, hear!

MR. PECKFORD: After that ruling, Mr. Speaker, one will view with some interest the climb in the verbosity that I shall espouse compared with Your Hon. Self. In any case let me move on.

MP. SMALLWOOD: Yes, please!

MP. PECKFORD: Mr. Speaker, to comment upon the remarks made by the hon. member for Trinity-Bay De Verde (Mr. Powe). I hope that the whole position is clarified. Right at the present time there is a freeze on further incorporations. The policy of incorporating settlements in this Province remains the way it has been except for a reduction in the number of local improvement districts. To continue on, when monies become available, with incorporations and community councils, where that is appropriate in the opinion of government and town council and rural district councils, that still remains a policy of government.

The policy has now to be delayed in its implementation because of the restrictions on money in this present fiscal year. But it is hoped that further incorporations can take place in the next few years. A full review of the present freeze will be undertaken, is now being undertaken by the department and the executive council will also be discussing that issue in the next few weeks. So that is the point for clarification on incorporations.

The hon. member for Conception Bay South (Mr. Nolan) expressed some views relating to local improvement districts. It is true that in a number of cases in the Province people have had

MR. PECKFORD:

a local improvement district and on their own initiative got together and said, "We elect or we are voting for these people to be on the board of trustees." But in the Local Government Act there is no provision for such elections and it is entirely up to executive council to approve or reject any names that come to them from citizens or meetings held in that local improvement district to be. So that is the point that has to be recognized.

So that therefore the principle of appointment is still clearly established as opposed to any normal democratic procedures that you are advocating or that the hon. member is advocating.

MR. SMALLWOOD: Spoken like a true Liberal.

MR. PECKFORD: Yes, and in ninety-five per cent -

MR. SMALLWOOD: I am not trying to be insulting.

MR. DOODY: With a very small "L"

MR. PECKFORD: - ninety-five per cent or ninety-eight per cent of the local improvement districts that have been established over the years have been established through the appointment process without any kind of election procedure being held in those places. It is also felt, I think, and it would be felt by most hon. members, that we have reached a time, if we are going to progress at all, where the principle of a local improvement district is not as valid as it was ten or fifteen years ago when people, because of lack of transportation and communications etc. etc., were not fully versed in what constitutes a municipality or how they should operate within it. Now today we would like to think that interim step is unnecessary in most places. Now changing them is something else. We wait for them to request it, as has happened in Summerford and has happened in some other places, now - we have three or four on the go at the present moment, - for them to suggest or recommend, as a board of trustees, to change their status.

In the particular cases of Hogans Pond, you know, they are not in great consequence and I am more concerned with some of the other places.

MR. PECKFORD:

The hon. member for Windsor-Buchans (Mr. Flight) brings up a very valid point, in theory, that you are advocating no more local improvement districts and to try to encourage those that do exist to transfer their status as quickly as possible and in almost the same breath you are saying, "We are going to establish a local improvement district in Buchans in the very near future." The reason for that; imperfections persist in this world and everything is relative and in the particular case of Buchans it is felt that we have to make an exception here in order to expedite some kind of local authority being established to get on with the business of getting the town on its feet, municipally, if and when the mines do close down but to insist, as I did in the ministerial statement, that this local improvement district change its status to a town and amalgamate with the nearby one as quickly as possible, say, within a year to eighteen months. That is the reason for it. It is done to expedite the situation, to get on with it instead of trying to delay it further. That is the only reason, and because of its special case, hence the task force in the first instance. Otherwise we would have task forces in every community. There must be something special about Buchans. There is. So therefore special remedies are needed and one of those special, unusual remedies is a local improvement district. I move second reading.

On motion a bill, "An Act To Amend The Local Government (Election) Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 34)

MR. SPEAKER: Order 28.

Motion second reading of a bill, "An Act To Amend
The Community Councils Act." (Bill No.35)

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

MR. PECKFORD: This is a little more detailed than the previous bill, Mr. Speaker, in the amendments that are being proposed under this bill. One is exactly the same as the previous one where you reduce the age to eighteen years, and we are trying to be consistent in all our acts so that we have that eighteen years established. If one reads the explanatory notes, you will notice that there are some other amendments to it, that I should try to elaborate on.

Now one which could give hon. members some trouble, and it is rather confusing is, if hon. members who were interested would note on the explanatory notes, half way down in clause 1 where it says, "and to remove the eligibility of nationals of the Republic of Ireland from inclusion with Canadian citizens and British subjects as eligible voters."

MR. NEARY: Do you mean the IRA?

MR. PECKFORD: Many years ago there was an act or an amendment put through this hon. House which permitted certain groups, nationalities, to be eligible to vote in council elections. I think people from Australia, and a number of countries, were mentioned. Then later on an amendment was brought in to remove their eligibility, but that amendment was in error in the sense that it did not cover everybody. Now the nationality it did not cover was people from the Republic of Ireland. So it is really, in essence, a housekeeping measure due to some mistake -

MR. WELLS: Would it not be removing the ineligibility rather than the eligibility?

MR. PECKFORD: We are removing the eligibility.

DR. FARRELL: Prejudice ! Pure prejudice !

MR. WELLS: If they are in you remove the eligibility.

MR. PECKFORD: Yes, they will not be eligible to vote in community council elections. Is that not right?

MR. NOLAN: Is that what you are asking, not to let them vote?
Why the discrimination against Ireland?

SOME HON. MEMBERS: Hear, hear!

MR. PECKFORD: That is the whole point I am trying to get to
that there is no discrimination. There is discrimination there now
if you leave that there. Right, if you do not want to talk about
Northern Ireland?

As I was trying to explain so that everybody would
understand, apparently some years ago a number of nationalities
were - had

MR. DOODY: Northern Ireland is now a voter.

MR. PECKFORD: eligibility to vote in community councils. And
then an amendment was made to eliminate that eligibility for these
nationalities. Okay? But they did not eliminate all the nationalities
that had been eligible earlier. One, they left out and which the
officials of the department have picked up. You know, it is just
a housekeeping measure. It should also be in the same boat as
the rest that were years ago, the Republic of Ireland. That is the
reason I know for this amendment relating to the Republic of Ireland.

MR. NOLAN: May I ask a question? Maybe I am not reading this right.
Maybe the minister could enlighten me. As I read clause 1 here
it says, "To reduce the qualifying age and to remove the eligibility
of nationals of the Republic of Ireland." Now just reading that
part I would, therefore, assume that they are not eligible, and
we are now in the process of making it ineligible. Is that correct?

MR. PECKFORD: That is right.

MR. NOLAN: We are stopping them from voting.

MR. PECKFORD: Yes in community councils.

MR. HICKMAN: Right, because only Canadians or British subjects are
eligible to vote-

MR. NOLAN: But why point out just the citizens of the Republic of
Ireland? Why not of Germany, why not -

MR. PECKFORD: Because they are not eligible. Mr. Speaker, that is
what I was trying to explain to the hon. member for Conception Bay
South (Mr. Nolan) They are all gone.

MR. PECKFORD:

Nobody is eligible, only Canadian and British subjects. But a flaw in this act that has been on the books for some time, which was not removed by the amendment removing all the other nationalities when they were eligible, was the people from the Republic of Ireland.

MR. DOODY: Is there any danger of the Government in Ireland toppling on this?

MR. PECKFORD: I have the sneaking suspicion that I should play this down.

MR. NOLAN: That is right. I suggest you do.

MR. PECKFORD: Because I was just being facetious.

But it is a housekeeping measure to make the Community Councils Act consistent with all the other election acts of the Province which says that a person is eligible to vote in this election if he is a Canadian or a British subject.

MR. NOLAN: The Northern Irish can vote here, right?

MR. PECKFORD: They are British subjects.

MR. NOLAN: Right. Southern Irish cannot.

MR. PECKFORD: Right.

MR. DOODY: That is the worst kind of discrimination.

MR. PECKFORD: Another amendment in the act here, Mr. Speaker, provides authority for the minister to permit councillors in a community council to continue to function even though they do not have a quorum. From time to time, invariably, we are into a position where you have a community council of five people, there are two or three people who have resigned off the council, it makes no quorum available, the operation and maintenance of the town are stopped, ceased, and in order to provide for the smooth running of the town, until such time as a by-election can be held or a public meeting held to fill the vacancies, we are suggesting that the minister be given the authority to declare that these people have the authority to continue operating the town even though a quorum is not there. That is the point of it. Because very often small community council areas

Mr. Peckford.

in the Province are wiring the minister saying, "We do not have a quorum any more, Two of our councillors resigned last night, the garbage is supposed to be picked up this afternoon, we are supposed to pay the community clerk or whatever, and we do not have the authority to do so, because we do not have a quorum to decide upon the expenditures in the community, and there is nothing we can do. What we are asking for is for authority to be vested in the minister to declare that the two councillors left to be able to conduct the business of the town as if there was a quorum until such time as there is one." Clear?

MR. J. CARTER: Oh, yes.

MR. PECKFORD: Another amendment to the act here, Mr. Speaker, is in Clause 2 which I overlooked when I was going through it here. "The qualification for election as a councillor will be made to conform with that of a voter as altered by Clause 1 above and the spouse of a person liable to pay the business tax or community service fee will become eligible to be a councillor." Up until this point in time that is not true, and that is a crazy situation so we have to make it so that the spouse of that person is eligible and can also qualify to run in an election.

There is also a very important one here which relates to conflict of interest. There have been problems over the years with citizens of various community councils coming to the Department of Municipal Affairs and saying that councillor So-and-So yesterday voted on a matter which he has an interest in, and he should have absented himself or not voted on it. There is conflict of interest there. We have to put this into the act so that we will force, if you will, or oblige councillors who are in a community, who have a vested interest, and something comes up at that council meetings, in which that councillor has a very particular interest, that he would not be able to vote thereby eliminating the potential conflict of interest that could arise. So that takes care of that one. Then

Mr. Peckford.

in Clause 5: "At the present time the minimum business tax that may be imposed is \$5.00. This minimum would be removed by this amendment." So we are not putting in any minimum business tax. Hopefully this will encourage it to go up higher.

Clause 6: This amendment would (a) increase the minimum community service fee from \$5.00 to \$20.00." This could be controversial, but if you look at a small community where there is no property tax or anything else - there are still quite a few community councils that are charging \$6.00 and \$7.00 a year, and then applying to the Department of Municipal Affairs for special grants. There is no way a community of 200 or 300 people or whatever can hope to provide, even the basic services like garbage disposal, and some work on their roads, with such a small service fee. So we are recommending an amendment to say that the minimum service fee, which will come into effect on January 1977, is \$20.00. So that by January 1977 all community councils in the Province will have to have at least a \$20.00 service fee, and to increase the maximum from \$20.00, which now becomes a minimum, to \$40.00 to give them some flexibility. There are some community councils that are hamstrung now. One is Steady Brook, for example, over near Corner Brook. They are still a community council, because they have a small population, and they have a service fee of \$20.00 and right now the maximum is \$20.00, and they want to increase it. We could not allow them to increase it under the act so now we are making it possible, where you have community councils that want to really improve, it will give them the opportunity to do so. And as it goes on to say, this will all come in to effect on January 1977.

Mr. Peckford:

There are some other minor amendments dealing with making regulations for the licencing and registering of dogs, which is straightforward I think. I think I have covered the major amendments in the act and will try to answer any questions that the hon. members might have relative to these amendments.

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

MR. F. ROWE: Mr. Speaker, I will try to deal with each one of these clauses relating to the amendments to the act in the same order as the minister did. That first clause there is obviously, the first part of it, is enabling legislation, you know, to conform with the lowering of the voting age to eighteen. And, of course, we totally agree with that. And we can see the reason also for removing the eligibility of the nationals of the Republic of Ireland from inclusion with Canadian citizens and British subjects as eligible voters. As the minister indicated this was an obvious oversight. One, I would just like to speculate where one hon. member of this House, who was here at one stage of the game, might be at this time, namely Tom Burgess, whether he is in the Republic of Ireland, and the minister has some fear that he may return to the Province or not.

The second clause, Sir, simply falls in line with the second clause. Obviously if a person can vote at the age of eighteen this same person would be liable for taxes and would also be able to serve or run for election on the council and, of course, vote.

The third clause is a very necessary clause, Sir, because many of our councils are coming under extreme pressure because they are serving, using their own free time. They are suffering financially, and they find it very difficult to take the pressure from their own constituents, and in this case a council, and with the monetary restrictions now the pressure is great, and we are having more and more councillors leaving council or resigning from council for personal reasons, and pressure reasons. And under the act as it

Mr. Rowe:

exists now this council will simply cease to exist. So I think this is absolutely a necessary amendment to bring this in here in order to allow a council to function, although they may in fact be without a quorum. They have to do so with the permission of the Minister.

The fourth principle embodied in the amendment we also support, Sir. This business of - really it is a conflict of interest legislation at the local level. We supposedly have it at the Provincial level here now, and it is nice to see it also at the local level.

Now, Sir, Clauses (5) and (6). One could become very political about this, and say that, you know, the government is indirectly socking it to the people or to the councils here by asking them basically to take greater responsibility for running their own affairs, And I think it would be politically cheap for us to get up and accuse the government of asking local authorities to do their own job. Obviously, I do not know whether this is the motive or not. If I think politically, I think so. If I think rationally, I tend to think this is a situation where indeed a local government could have more local autonomy, and have more -

MR. PECKFORD: However many more dollars they earn, of course, we give them more anyway.

MR. ROWE: That is right. That is the very point. The formula exists whereby the more money that the council can raise there is an equivalent increase in the grant under various formulas for local roads and what have you. But I would not smile too broadly if I were the minister, Sir, because although the formula may allow for that in the act, the estimates indicate that the amount of monies made available to local governments throughout the Province have not increased substantially, that is, throughout the year. So the barrel will go dry during the year if all of the councils in this Province raised - supposing they raised the maximum amount of money, therefore, qualifying

Mr. Rowe:

for the maximum amount of grant from the government, I would suggest that the government vote would be dried up within a very few months.

MR. PECKFORD: Oh, no, no.

MR. ROWE: Oh, no, no.

MR. PECKFORD: Are you just talking about community councils?

MR. ROWE: Yes. I know what I am talking about, Mr. Speaker, and I still contend that that could very well be the case. But the fact of the matter is, Sir, I would suggest, a departure, Or let us put it this way, it is an indication of a new direction in government policy with respect to the responsibility of local government. I think the government is now saying to the community councils that if they want more services in the way of roads, water and sewerage, garbage collection, street lights, paving and what have you that they are expected to share a greater responsibility if they are going to have these amenities provided to them. I think this is basically what this clause in the amendment, this explanatory note relating to the amending act is saying, that the government is passing some of the Department of Municipal Affairs and Housing's responsibility down to the local level. Now, Sir, if this is so, and if it is desirable, obviously we should have further incorporation of communities throughout the Province. Because what we have now is a situation where we do have established community councils, and they are through this legislation enabled to increase the business tax above the minimum of \$5 -

MR. PECKFORD: For what purposes? Oh, yes!

MR. ROWE: - the business tax, and they can increase the minimum community service fee from \$5 to \$20, and increase the maximum from \$20 to \$40. So they are enabling these community councils to raise a greater amount of revenue locally. And also, of course, the fact that you can now tax that additional year from nineteen down to eighteen. This will also give an additional source of revenue.

Now what I am saying, Sir, is that, okay, an additional burden, an additional responsibility at the local level. That may

Mr. Rowe:

be desirable, if it is desirable, therefore it is incumbent upon this government, this administration, to see to it that other communities in this Province, who desire local government or a community council, get a community council or a local government as quickly as possible. And I need only mention a couple of examples, you have Dildo and New Harbour. As a matter of fact, they are in two different electoral districts, but they are, you know, fitted together like this, why the boundary goes through the two communities I do not know. But you do have two communities meshed together Dildo - is it Dildo?

MR. PECKFORD: Dildo.

MR. ROWE: Yes, Dildo and New Harbour, and along with that Greens Harbour just North, three very large communities that do not have local government, and they are dependent upon the usual ad hoc ways of getting monies for artesian wells, and the Department of Highways to try and do a little bit of work on the local roads and this sort of a thing. They are at a distinct disadvantage by not being incorporated at this point in the game.

So rather than being politically partisan and trying to take cheap political shots at the minister and at the administration for, you know, handing down some of the burden, some of the responsibility of raising money for the local level, I would rather commend the minister for allowing councils to raise additional monies, through this legislation, and, therefore, increasing the degree or the amount of local autonomy.

But I would like to point out in closing, Sir, that I think the minister should really get moving on this whole business of incorporation. I find it of extreme concern that we have so many large communities in this Province who cannot avail themselves of this legislation which will allow them to bring into the community and to the people of that community the amenities that the community councils can get as a result of this legislation.

MR. ROWE:

Now, Sir, probably some of my colleagues, who have experience with local government, may have a different point of view on this. I do not know. But that is my feeling on it. Basically it is very easy to become cheap and political about this, but I think it is a step in the right direction. It is not a popular one. I do not think it is very popular. As a matter of fact it is rather a neat way because it is not the government, in effect, or the administration, that is raising the tax. It is the poor old council out there in Old Perlican or any other community council. It is the poor old council and councillors and the mayor who are going to be the ones who are going to have to say, "Boys, I am jacking up your business tax or your community service tax." So they are the ones who are going to catch the full brunt of any criticism from the people. So it is rather a neat dodge on the part of the minister to bring in this piece of legislation.

But I think the advantages outweigh the disadvantages in that it -

AN HON. MEMBER: Carried.

MR. ROWE: Carried? I would love to be carried, Mr. Speaker. Where was I? I think the advantages far outweigh the disadvantages in that you have this local autonomy and the councillors and the people can decide to what degree they are going to increase their taxes, and to what degree they are going to improve their amenities in that particular community. So generally speaking, Sir, we do support the principle of the bill.

MR. SPEAKER: The hon. member for Baie Verte-White Bay.

MR. RIDEOUT: Mr. Speaker, I find it difficult to disagree with the words that the minister had to say in the principle of this bill. Although there are a few things about it that make me concerned. For example in clause 5 the minimum business tax that may be imposed at the present time is five dollars. This minimum would be removed

MR. RIDEOUT:

by the amendment. Now if I am reading it properly or understanding it properly that would mean that there would be no business if the council so decided. If the community council so decided there could be no such thing as a business tax at all.

MR. PECKFORD: They would have to have -

MR. RIDEOUT: Well, okay, but under the Act if they did impose one - it would have to be at least five dollars at the present time - is that right? Under this Act or under the present amendment, if they choose to impose one - it could be one dollar. I suppose it could not be anything less than that if they wanted to impose it.

Anyway it can be less than five dollars whereas provision is made for to set the minimum service fee at twenty dollars per resident of that community. I find that a little bit contradictory to say the least.

I think there should also be a minimum business tax. The businessmen, I think, in most of those small communities can well afford to contribute something towards the revenue of the community, something a little bit above and beyond what their ordinary service fee is. Their ordinary service fee would be twenty dollars, I suppose, under this act as an individual. But as a business they might not be forced to contribute anything towards the revenue base of that community. I think that principle, Sir, is wrong. I think there should be something laid down in this Act to force businesses in the communities to contribute something towards the tax base of that particular community. The five dollar one might have been reasonable, I do not know, but to take away that minimum and to have it conceivably cut back less than that, I think, does not jibe in my opinion with the increase of the minimum on the particular individuals.

Now to say a word, too, about the increases in the minimum fee, our community council fee. I agree with the principle of it. There is no doubt about that. I think many of our community

MR. RIDEOUT:

councils are paying - you know the people in those communities for the services they are receiving are paying precious little, and I think it is time that the minimum fees be upped. Of course that also means that the minimum subsidies or the minimum grants coming in from government are based on the revenue that the community collects itself. Therefore the council, the community, is in effect better off because of the increase in the minimum.

The only thing I am concerned about with that though is what will happen in cases for example, where the fee is at the minimum, let us say, forty dollars? I do not know if any community will go that far. I do not see it happening in the next couple of years. But let us say they have the maximum fee of forty dollars. On top of that we know that a number of community councils also impose water taxes. That might be another five dollars a month.

MR. PECKFORD: I hope so if they have water.

MR. RIDEOUT: That is right. Okay so that might be another five or ten dollars a month. That is on top of the forty. A number I know of impose a special street lighting fee. That again will be on top of the other taxes. They might have a number of others that I am not aware of. So I say in this matter we have to be careful. I think the maximum is a little bit high to tell you the truth although I am in favour of increasing it. I think the communities have to be taught that if they are going to demand services they certainly have to pay for them. But I think the maximum is a little bit high.

I am also concerned of what will happen to community councils now on budget nights. Community councils, as all members are probably aware, before their budget can be sent in to the department, they have to have a public meeting. It has to be approved by the public. Their budget has to be approved. Can you see the people in a lot of communities approving their tax rate to go suddenly from maybe now it could be ten, twelve or even twenty dollars up to forty? I

MR. RIDEOUT:

am afraid that in communities where the local leadership has not matured to the extent that it might have in some other communities, that -

MR. PECKFORD: To forty from twenty dollars.

MR. RIDEOUT: From twenty to forty

MR. PECKFORD: It does not have to go from twenty to forty.

MR. RIDEOUT: It could though is what I am saying. I am thinking in terms of maximums.

MR. PECKFORD: It would have to be discretionary though.

MR. RIDEOUT: Yes it could be. I agree with you. But on the other hand I am thinking also in communities where the level of local leadership has not matured properly, where they have not been able to cope, where they have problems coping with community councils now. What is going to happen to community councils in those areas? I do not know. I know of a number of communities in my district where community councils are in trouble now. If they suddenly decide that they can solve their problems by doubling their municipal service fee, then I am afraid their community councils are going to be in more trouble in those particular communities. Maybe the officials of the department might be able to help the local people involved in that respect. I just throw it out as a suggestion and as a fear that I see of those couple of clauses.

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

MRS. MACISAAC: Mr. Speaker, I would just like to make one point that may be of some benefit. With respect to the increase or the decrease, I should say, or the elimination of the business tax is what it really is, it would appear that the person who can most afford an increase in tax is more or less being exempt. If not exempt, he is certainly going to be considered for exemption. Whereas by reducing the age eligibility for voting to eighteen it also imposes, I understand, on the individual the liability for the community service fee. As I am sure everybody is aware, today all

MRS. MACISAAC:

of our young people at the age of eighteen years are still in school. This to my way of thinking would impose a lot of financial burden on parents who would probably have to pay the service fee for their teenage sons and daughters. I wonder if this has been given any consideration. I think it is a concern of all individuals in the Province and certainly those associated with community councils, if the same laws apply to town council as community council.

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

The hon. Minister of Municipal Affairs and Housing.

MR. PECKFORD: Mr. Speaker, it has been a very interesting debate on some of these amendments and some very valid points raised. To deal with the hon. member for St. George's (Mrs. Macisaac) in what she has just said, the hon. member has just indicated there has to be income before you are eligible to pay your service fee. If a young gentleman is eighteen years old and he is going to take Grade XI because he is eighteen, and he lives in a community council area, he does not automatically pay the service fee. There is an income requirement before -

MR. NEAPY: Six hundred dollars.

MR. PECKFORD: Six hundred dollars, right, a year.

MR. PECKFORD: So this therefore gives that protection that the hon. member was worried about where mothers, you know, where they would have to pay a service fee.

MRS. MACISAAC: Would the minister permit a question?.

MR. PECKFORD: Yes.

MRS. MACISAAC: It is my understanding that these community council regulations are not the same as town council regulations. I believe in the town councils, in the Local Government Act, it states that females of the age of nineteen - at that time it was nineteen - would have the income of \$600. I believe this applies only to females, this \$600 bit. As I read the Local Government Act, it applies only to females. It states very clearly, if my memory serves me right, that male residents of the age of nineteen years or over are eligible. Females of the age of nineteen who have earned \$600 within that year.

MR. PECKFORD: Yes. I will have to check that out. I am sort of confused on it myself now because, in other words, Mr. Speaker, if the amendments are as we indicated here in the Community Councils Act, an individual eighteen years old - I do not think they would have to pay if they did not have income though. I think there is an income -

AN HON. MEMBER: He has to have some income.

MR. PECKFORD: Yes. Right! Right! There is some income requirement. In other words, an individual eighteen years old going to school in Grade XI, does not have to pay the service fee. I think there is provision in the Act to cover that particular case. I can discuss that with the hon. member afterwards.

The business of the increase in the service fee from minimum \$20 and maximum \$40, of course is very necessary and government appreciates that we are going to burden the citizens and community council areas for additional taxation but in order for them to really operate effectively there is just no way they can do it with the present minimums in effect. We

MR. PECKFORD: just have to try to have more autonomy on the local level. We have the lowest municipal tax in Canada, number one. Number two we have the highest arrears of municipal taxes in Canada and number three we have the least number of properties assessed of any province in Canada. There is just no way that the Province can continue to support such basic services as garbage disposal, road improvements and this kind of thing, when simultaneously the government is going to be asked to subsidize new capital works like water and sewers and so on in these same communities. Somewhere a line has to be drawn. Even with these increases in service fees, even with reasonable water and sewer rates, the subsidy will still have to be paid by the Province to these municipalities in order for them to afford water and sewer systems.

On the business of the minimum being eliminated on the business tax - I am having difficulty here, Mr. Speaker. - the minimum is being reduced, in theory it would seem - and I am trying to read some notes here that I just had passed to me on it - but if I remember, when we were discussing it in the department some months ago, it is a silly minimum to have in. Remembering that if a council institutes a business tax it is usually one-tenth of one per cent, for example, in community councils. Some have it up to one-fifth and they are getting it up a bit higher, and it is based on the gross revenue that the business takes in for the year and the businessman can go to council and show his records to indicate that they are not taxing him too high. So what has really happened is that this is not going to mean that there is suddenly going to be a reduction in business taxes in the community council areas. In fact, by some strange and weird logic, it is supposed to improve the situation by councils who now know the minimum is there will only put in a rate that will keep it down as low. So that by eliminating the minimum altogether where the standard practice is to begin with one-tenth of one per cent, you will get the movement

MR. PECKFORD: upwards rather than downwards, if you see what I mean. It is a strange and wonderful thing. It is ridiculous and really has no ill-meaning in the Act, and it is not because we want to eliminate it, but the intent is to be in line with the increases on the service fee side. That is the intent of it. But superficially and even in theory, by looking at it here, it would seem that one was contradicting the other, but in actual fact it is our hope that both are going to help move the business tax up rather than down.

SOME HON. MEMBERS: Hear, hear!

MR. PECKFORD: But I can talk to the hon. member about it after, okay?

On motion, a bill, "An Act To Amend The Community Councils Act, 1972," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 35).

Motion, second reading of a bill, "An Act To Register Mortgage Brokers And To Control The Amount Of Bonuses To Be Charged By Mortgage Brokers And Mortgage Lenders." (Bill No. 55)

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

MR. HICKMAN: Mr. Speaker, in moving second reading of this bill, which is a good piece of legislation, a piece of legislation that I think is very necessary, government feels is very necessary, and I am sure hon. members of this House will feel is very necessary to control the operation of mortgage brokers in this Province.

We have had some debate in this House already on mortgage brokers and it is felt necessary to bring legislation in to regulate their activities.

One or two provinces in Canada have similar legislation. British Columbia, I am quite certain, and Ontario and Nova Scotia. This bill goes a bit further, I understand, than the legislation enforced in other provinces, certainly further than the Nova Scotian Act. What it provides for is, apart from the

MR. HICKMAN: definition section of defining a mortgage broker as a person who holds himself out as being able to provide a service usually provided by mortgage brokers in obtaining money, and I repeat what I said in this House before, I do not understand why people who need money for the purchase or repair of homes or money period, that they wish to secure by way of mortgage, do not go straight to the accredited mortgage lending institutions without availing of the service of a mortgage broker.

But I am told that mortgage brokers do provide a service in an area where a person is probably not the best risk in the world, where it is difficult to find mortgage funds. This Act provides and will confer upon the Lieutenant Governor-in-Council the right to make regulations to fix the bonuses to be charged by a mortgage broker or a mortgage lender. And that is- as I said earlier, where we have gone further, say, than the Nova Scotian Act. They simply provide for the disclosure of the cost of borrowing, the registration of the mortgage borrowers, but they do not attempt in any way to limit the bonus being charged by these people.

Now, Mr. Speaker, I direct hon. members' attention to the disclosure of the cost of borrowing provisions commencing with Section 8. This provides that a mortgage lender must disclose to any prospective borrower the amount of money to be borrowed, the amount of any bonus, the legal fees and disbursements, the cost of borrowing expressed in terms set out in the regulations and any other matters. And there is a provision in the Act that there must be a 48 hour waiting period prior to the completion of the mortgage. There is no way this House can pass legislation to protect the person who does not want to be protected. But what this bill is designed to do is to impose an obligation upon a lender to make total disclosure of what the actual cost of the money is. Then the borrower having agreed to that and having had all that explained to him has 48 hours in which to decide whether or not he wants to go ahead with the deal he has agreed to go ahead with.

MP. HICKMAN:

There are also provisions which will give the registrar of mortgage brokers the right to monitor the kind of advertising that is used by mortgage brokers. If he comes to the conclusion that it is false or misleading or deceptive, he may order that that type of advertising cease. The Lieutenant-Governor in Council has the right to make regulations respecting advertising and respecting and imposing upon mortgage brokers and lenders the right to set up properly regulated and properly inspected trusts accounts, and also to provide, as I said earlier, for the amount of the bonuses. And the registrar has the right to hold any enquiries if he receives any kind of complaint or has reason to believe that there should be an enquiry.

The penalty sections in this bill are quite severe and in my opinion realistic, and it provides that a person who contravenes this act or a director of a corporation who knowingly concurs in the contravention of this Act and is convicted can be liable on summary conviction to a fine of not more than \$2,000 or to an imprisonment of nine months. It is also very relevant to note, Mr. Speaker, that there is provision that the court may order the repayment of any bonus in excess of that set out in the regulations and that would be in addition to any fine which is imposed or any term of imprisonment.

This, in my opinion, Mr. Speaker, is a piece of legislation which goes certainly as far as any province in Canada has gone to date, and as far as we can reasonably foresee that we can go at this time to protect the consumer and to regulate mortgage borrowers without at the same time choking off commercial transactions. But I repeat, Mr. Speaker, two things. One, we can only provide that all this information be made available to the borrower. We hope the borrower will very seriously consider it and realize what he or she is doing and what it is going to cost, and at the same time, Mr. Speaker, we do have the right to limit the bonuses that can be charged.

MR. HICKMAN:

Again I wish people would avail more of the services of the accredited lending institutions because I do not for the life of me see where, except in circumstances where the risk is not good, where the services of a mortgage broker are required. I move second reading.

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

MR. NOLAN: Mr. Speaker, I was hoping that some others possibly would be on their feet to comment on this, what could be a controversial bill. God knows it created some stir earlier. There are a few points that I would like to mention. One is that it is a matter of some regret to me personally that this bill has been distributed and brought up so quickly because there are a number of people who brought information to my hands and at some risk to themselves I might say, in prominent positions in this town, both in the legal trade and in the business of finance. I would very much have liked to sit down with them outside of this House to discuss this bill since they obviously have far more expertise in it than I do. And I do not for one minute feel that I am qualified necessarily or perhaps as any other member here to get into this in the kind of detail that should be done here. If we do not, we will not be doing justice to it.

MR. ROBERTS: Would the hon. gentleman permit a question?

My question, Mr. Speaker, is whether - I think the hon. gentleman makes a good point - but whether this would be done by the House which is giving this bill second reading today and then letting committee stage stand over for a day or so. No, I think my hon. friend has a point. The bill has only been distributed this afternoon. We are very much, I think, in favour of it. As I understand my friend, he is very much in favour with the principle of the bill, very much in favour.

MR. NOLAN: No question.

MR. ROBERTS: And if that is adopted, then we would like the chance to look at it and consult some people to see if there might be some

MR. ROBERTS:

points we should make on details at Committee stage. Would that meet my hon. friend's needs?

MR. NOLAN: Of course.

MR. ROBERTS: Well then the question is whether the government would be willing -

MR. HICKMAN: By all means 'John' go on.

MR. ROBERTS: Okay.

MR. NOLAN: My only reason for bringing this - it is certainly not a personal matter or anything like that - but I mean I am obligated; I feel, to at least consult with some people who have brought information to me on this matter at I believe some risk to themselves. It is a matter, as far as I am concerned, of at least having the courtesy of going and sitting down with them again in their offices and their homes or wherever and at least going over this bill to benefit from their advice, from their experience, from their knowledge, from their background, which I do not claim to possess. Unless we have this kind of input here in this House then all we are doing is carrying on a kind of a charade perhaps unintentionally, but we must of necessity give those who know the whole story a chance to talk, and not only to me, but to other hon. members and hon. ministers on the other side of the House who very well I am sure have information and changes perhaps that they might like to bring about.

For example, one of the things we are faced with and which this bill cannot cure obviously, is this bill will provide for the disclosure, at least on paper, of the amount, say, of bonuses or whatever you might call them, charged. So the person then might have, say, forty-eight hours before he signs his or her name. Is that correct Mr. House Leader? Forty-eight hours? This is a common practice I understand, I believe, in possibly Ontario.

MR. MURPHY: A cooling off period.

MR. NOLAN: A cooling off period. I have mentioned this before.

The Minister of Provincial Affairs has mentioned it before.

MR. MURPHY: This type of thing today, you know, where someone buys on impulse and cannot afford it.

MR. NOLAN: Exactly. I certainly support the minister wholeheartedly on that provision. However, I am concerned about one thing which I have mentioned in this House before. I wish I could mention something other than a lawyer but I have to. I have to mention the fact -

MR. ROBERTS: Are not some of your best friends lawyers?

MR. NOLAN: Yes. I have to mention the fact again that information has come to me, and I have relayed it in the House without getting into names and companies and so on which I have not done in the past and which I will not do now -

MR. ROBERTS: Hear, hear!

MR. NOLAN: -where a law firm in question was providing funds for another company. From conversations I have had with the other company, they told me that one, they do not deal with people who are involved in bonusing. It went on for some time before they were aware of it even though they were eventually providing the money. Once they discovered what was going on - not only one company, I know of two at least of my personal knowledge who immediately discontinued any business association with the person or persons involved.

I mean the information that I have that has been documented and which I have mentioned in this House, seems to me that there could possibly be a conflict of interest. For example if the Minister of Justice is practicing downtown -

MR. HICKMAN: I wish I was.

MR. NOLAN: You wish you were. Well maybe we can arrange it the next election. But if he were practicing downtown and if he has available, as a client, someone who has any God's amount of money available, and he is making the money available to me at a substantial interest rate and perhaps even bonusing, all I am wondering is who is he representing, me, as his client, or the one with all the money?

Now this is not an attack on the minister. You know that. I only used him as an example.

MR. HICKMAN: Never use me as an example again.

MR. NOLAN: Well all right.

MR. ROBERTS: Everybody else uses the minister.

MR. HICKMAN: Sure, why not.

MR. NOLAN: No, but surely the minister knows what I mean.

MR. HICKMAN: I know what you mean.

MR. NOLAN: Surely-you know what I mean.

MR. ROBERTS: Sure he does.

MR. NOLAN: I mean who comes first in that case? It is all right to say that you are impartial and fair and all the rest of it. I have no doubt that the minister is. But there is something wrong there. We have heard an awful lot handied about here about conflict of interest and so on. Well now you cannot go pointing the finger at one without taking a good look at your own housekeeping. Not only that. I am saying what I am saying here on the advice of good lawyers, good people in this community, who have voiced privately - because apparently some places where they should be heard they are not listened to. And this is sad to me, very sad.

So on the bonuses, apparently they may be charged by mortgage brokers and lenders while again-I guess depending on what is involved, as I mentioned before in the House of Assembly, it would depend on the kind of risk involved as to what amount, I would suppose, of interest or bonus or whatever.

MR. DOODY: As long as the client knows.

MR. NOLAN: As long as the client knows is perfectly right. But here is the thing that concerns me very, very much. The minister mentioned a little while ago, why do not people go to the proper people to get the money?

DR. FARRELL: There is nowhere to go, boy.

MR. NOLAN: Well now that is a very, very naive remark for the minister to make.

MR. MURPHY: No, no, that is a very clear remark.

MR. NOLAN: Sure, I thought you would say that.

MR. MURPHY: Instead of going around the bunker why not go directly?

MR. NOLAN: Go directly? All right, fine.

Let us just examine now what the minister has just said. Supposing a family had had a lawyer representing them and their family for the last thirty years, and supposing that that family or a member of that family go to that lawyer, telling him that they require some money rather than going to Traders or Household or wherever, and the lawyer says to them "I can arrange it for you." Now what does the minister say to that?

MR. MURPHY: I would say, arrange it for him,

MR. NOLAN: Arrange it for him.

MR. MURPHY: Yes.

MR. NOLAN: It is all right then, eh? But that is not the one he was referring to a moment ago.

MR. MURPHY: I know, my son.

MR. NOLAN: So the fact is that there are certain people in trusted positions in our community, and people are paying them for their advice, and their advice, in this instance, is to get the money that they need at the best possible price, and under the best conditions, that is available to them. Now if the lawyer in question will say, "Look here, I am not in this business. You go up the street to Traders Finance or whatever." That is another matter. But when he says, "Now, oh, just a minute, I represent a company who have monies available." What does the minister say to that? That is all right then, eh?

MR. MURPHY: As long as they are not paying six or ten per cent extra.

MR. NOLAN: But they have been paying six per cent and ten per cent extra.

MR. MURPHY: That is their own fault.

MR. NOLAN: It is their own fault? Well why do we not close up the House of Assembly then? It is their own fault. What are we here for?

MR. MURPHY: Why do they go out and pay twenty-seven per cent to a finance company, why?

MR. NOLAN: There are companies on second mortgages who do not charge more than eighteen per cent, and will not deal in bonuses, and if the minister does not know that, then he should not be Minister of Consumer Affairs.

SOME HON. MEMBERS: Hear, hear!

MR. MURPHY: Oh come on 'John' do not be so nasty. For God's sake I know as much or more about it than you do.

MR. ROBERTS: Just speak about it.

MR. ROWE: The minister is jabbering on.

MR. NOLAN: The minister is off the track on this. I am telling the minister now that there are companies who charge a maximum of eighteen per cent, and that they do not deal in bonusing. It is as simple as that. And I can prove it if I have to.

MR. MORGAN: That is not cute.

MR. NOLAN: That is why I will not argue that point.

MR. ROWE: Morgan is for that.

MR. NOLAN: No, but the minister has a point.

MR. NOLAN: Now on the disclosure, this is something that I have mentioned in the House before, and I certainly support it, and that is the cooling off period that the minister referred to where you see on paper exactly what the situation is, what you are getting yourself into, having it all laid out there so you will know exactly what the situation is. Now I also have - and I am sure in fact it is not covered by this act - information that has been available to me that indicates that a company or companies in some instances have offered or suggested that perhaps some of the bonuses that we referred to earlier in this House may be refunded. I do not know if there have been any discussions on that. You may say that legally we cannot

Mr. Nolan.

do that. But nevertheless there are people who are in the business who have looked at it, and feel that perhaps in some cases it should be done on some of the excessive amounts that have been charged. So I do hope that in this that we will - it is not enough to just to bring an act before the House of Assembly. We have to (1) have everyone who has any interest in this at all, who is aware of it, either through their own business associations, their families or whatever, have as much input into this as possible. Because what I find more and more is that, for example, if you talk about the Unconscionable Transactions Act, if you look at that, you will find that bonuses are provided for in there, and incidentally so are they right here. Bonuses are still there. Bonusing has been going on for fifty years or more, perhaps under a different term or different name, but it is still the same thing. What we have to do is to find a way to bring in legislation to assure people that insofar as it is possible for us to protect them from unscrupulous behaviour by certain skinflints who have been operating within our society and getting away with it.

MR. DOODY: Shylocks.

MR. NOLAN: Shylocks the Minister of Finance says. He is perfectly right. And not only that we have to with this bill as well as with so many other laws in this House, as I have mentioned before, tell the people that it is in existence, and tell them in a language that they will understand, not in the legal jargon for which you pay \$50.00 a word or whatever you are charging, or is it more now?

MR. ROBERTS: It is fair, and reasonable rate.

MR. NOLAN: He should be back practising law.

MR. ROWE: Why did you tell him that?

MR. NOLAN: I doubt very much if I would have to tell the hon. minister as to how much he gets per word downtown.

MR. DOODY: One hundred dollars is not too bad.

MR. NOLAN: Right.

MR. NOLAN: But the thing is that we have to. Surely it is incumbent upon us to make sure that people understand exactly what the situation is because if we do not do that all we are doing - and any input, for example, any of the hon. ministers, whether they be lawyers or not have had on the other side, is all for naught. We have so many rules, laws, regulations in this Province that people know nothing about for the simple reason that we either have not the ability or we lack the desire to use the mechanisms that are available to us, either in our district work, through the media or whatever to focus on these things so people will understand. There is a heck of a job to be done there, a fantastic job that we have to do. Now I want very, very much without going into any more detail on this, because I am sure that there are other people who will want to speak on it, at least, I hope so, to have an opportunity to talk to some people who have, at least, brought to my attention certain things that have happened in the past, and these are reputable people. They are in business. They are lawyers. They are in financing business. They are into second mortgaging business, and all the rest. I want them to have a look at this act. As a matter of fact some of them did visit us in our office not too long ago and asked just that. So all I am saying is that I will hope that before this is all over in the House that I will have that opportunity, that little leeway perhaps to sit down and talk to them as will ministers or members on the other side so that if there is something that is very obvious there that perhaps should be corrected or amended, that we will have an opportunity to do so. I am not criticizing the Minister of Provincial Affairs for bringing this bill in. I am complimenting him.

MR. DOODY: It is Consumer Affairs.

MR. NOLAN: No, it is still legally the Department of Provincial Affairs. There is no legal Department of Consumer Affairs as yet that I know of.

So on the disclosure this is one of the most important things you could possibly bring in. There is no question about it.

Mr. Nolan.

You have that cooling off period where people, at least, will have an opportunity to sleep on the decision they are going to make as to whether or not they are going to put themselves in hoc, for how much and for -

SOME HON. MEMBERS: Oh, oh!

MR. NOLAN: Oh, yes, no question, no question.

And I hope that this disclosure will work. I hope that people will be aware of it, and I hope that the news media will give it as much coverage as possible to see that people understand, and also I certainly agree with the minister. I certainly agree with the minister that people should shop around not only for mortgage money, but for anything else. All I am saying is that if you go to a man, who has been representing you all your life, and he tells you, "Ah, my son, I can get you the money at such and such a cost and so on. I will look after you and so on." You are hardly going to leave his office, and go up the street to one of the finance companies or anywhere else. It is a matter of trust that has been built up over the years. Whether it is merited or not that is another question. So it is as simple as that. I notice, too, that advertising by mortgage brokers and lenders, I pointed out some ads that I have looked up that had been used here in the past where you phone the company, they will not tell you anything, they will not tell you who they are or what they are. They have great banners saying, lowest interest rates, consolidate your debts and so on, so I would like to hear the minister talk about exactly how that is going to be handled, and I look forward to any other members who have other observations on this bill, because it is a very, very important one, and one that we cannot take lightly. So thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: If the minister would allow? I mean either way he is not closing the debate.

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

MR. ROBERTS: Thank you. I will only be a few moments, because I think my friend and colleague, the member for Conception Bay South (Mr. Nolan), has said most of what I feel needs to be said by us in this debate. We certainly support the bill. We think it is a considerable step forward, and we welcome it. I understand that this is a uniform bill.

MR. WELLS: It goes further than anywhere else in Canada.

MR. ROBERTS: I am sorry. The Minister without Portfolio tells me it goes further than anywhere else in Canada. That is pleasant, but the point is that most of the provisions in it

Mr. Roberts:

or many of the provisions are uniform in that they have been adopted, I believe, in Nova Scotia and in Ontario. And I do not say that in any censorious sense, I say that because I think that is a matter of assurance to the House that if other jurisdictions have adopted a piece of legislation and it seems to be working there, then we may, with some confidence, adopt it here.

I understand the particular way in which this bill differs from the law in other jurisdictions is that it deals with the question of bonuses. And I would think that is very welcome because, as I say, my friend from Conception Bay South (Mr. Nolan) has said on many occasions, it is the bonus that often is the area of abuse. And so we welcome that.

I only want to make one or two very brief comments, Mr. Speaker, with reference to the bill. I would hope that either the gentleman from Kilbride (Mr. Wells) or the Minister of Justice, when he speaks, will deal with this question of uniformity and let us know just what parts are uniform, and thus, you know, are relied upon, and what parts are new and accordingly should be looked at in that light. I think the House would find that to be of value.

I wanted to make a couple of minor points though, Mr. Speaker, which are not so minor perhaps but which are relevant to specific—if the hon. gentleman from Bonavista South (Mr. Morgan) could please keep his voice down it would make life easier. I am sorry the hon. gentleman has a very penetrating voice, to put it at a neutral term, and it is hard not to hear him.

Mr. Speaker, first of all, I would ask the ministry to consider removing the section that says, this act can be proclaimed in part or in force. And I think that is a very important point to make. It is not unusual for us to be asked in this House to pass acts subject to proclamation, and it is not unusual to be asked to pass bills and acts subject to proclamation in whole or in part. But I think this particular bill is of one piece. And I would suggest

Mr. Roberts:

to the ministry that they should amend Section (19) so that the bill either comes into force in toto on a day to be chosen by the Governor-in-Council or that it does not come into force at all. But otherwise the possibility is there that only part of the section could be - I am sorry - part of the bill could be proclaimed, and for example, the most important sections could be left out. I am not saying the ministry will do it, but unless there is some specific reason why this act would want to come into force part by part or section by section, I do not like to see - what I am saying is that I do not like to see the ministry have a greater grant of power than they need. And in this case, unless they have some reason, I think the bill, as it now stands before the House, is a greater grant of authority by the House to the ministry than is required. So I raise the point.

I would also raise very seriously the two questions of provisions in the act, the Governor is given, the Governor-in-Council, the Cabinet, the ministry is given the power to exempt classes of mortgage brokers from requirement of registration under the act. Section (4) and Section 12 (1)(k) refer to this, Mr. Speaker. I would question this, I am not objecting to it at this point, but I would like to know why that is there. I can think of no reason why a mortgage broker should be exempted. I think this act should apply to all mortgage brokers as defined in the act. And, you know, the definition is quite comprehensive with the - and the only exception that I could see being necessary is the exception relating to large amounts of money, I think the figure is \$25,000, I do not have the section at hand.

MR. WELLS: That is only in the case of corporations.

MR. ROBERTS: Yes, I mean that makes good sense. I mean in the normal business dealing back and forth of corporate entities, I do not think they need to be affected by this. I would like to know why the ministry have asked for a power to exempt certain mortgage

Mr. Roberts:

brokers, and unless there is a good reason I would suggest we take it out.

I think the ministry should add the name of a minister who is responsible for administration of this act. It is all very well to have the Cabinet appoint the Registrar of Brokers but no where in this act that I can see is the normal section that the minister or the Minister of, I assume in this case, Justice is responsible for its administration. Every act must be administered by a minister, and I would like to see it spelled out as to whom is responsible, to whom we should look for action under this act.

Finally, Mr. Speaker, and perhaps most substantially I would like to touch very briefly on the question of bonuses. I am delighted the government are moving to limit bonuses, but I would raise a question of procedure and a question of substance, neither which I hasten to say I raise in objection. The question of procedure is that I do not think the Cabinet should have the power to set the amount of a bonus, I think that should be, or at least a maximum amount of a bonus, specified in the legislation. And I think it should be specified obviously as a percentage of the principal amount of the loan, and the Cabinet is given power - if Your Honour will wait I can find the - yes, Section 10, Subsection (2) refers to the Cabinet - I am sorry, Subsection (1), not Subsection (2), Subsection (1) gives the Cabinet the power to set the amount of the bonus. I think that the House should specify an amount that the bonus is not to exceed such and such a per cent.

My second question is more substantial, and I would like to hear one of the learned gentlemen opposite address themselves to this. I have always understood that we, as a Legislature, do not have the power to regulate interest or bonus. Now interest is specifically reserved to the Government of Canada, or the Parliament of Canada, under the British North America Act. I would merely raise the question, is a bonus different in nature than interest, and if so, on what authority do we say so? I very much hope it

Mr. Roberts:

is because I would very much like to see bonuses limited. But let us be clear on one thing. What a lender does not get on zigs, Mr. Speaker, he will get on the zags, because a lender requires a certain price in return for lending his money, and that price is largely set by market factors, by competitive factors, and it does not really matter whether he gets it in the form of a bonus or whether he gets it in the form of interest because he gets it either way. There are obviously differences between the two, the bonus comes in immediately, the interest you have to wait and take your chance on collecting it.

But, you know, I do not argue against this House having the power to regulate bonuses, although I think that power should be reserved to the House and not delegated to the ministry. But I would ask one of the learned gentlemen opposite simply to tell me, you know, from whence we get this power, because I would have said that since we are limited, prescribed from limiting the rate of interest, only the Parliament of Canada may do that, you know, what gives us the authority, as a Legislature, to pass a piece of law, a statute, that regulates the amount of bonus? Because I would have thought that the bonus is merely the interest by another name, it is the consideration for the loan. And I do not know whether there is any case law in it, I do not know whether there is any authority or maybe the ministry - there is no argument against this, its a fair enough tactic - maybe the ministry are going to pass a law and let the courts decide in due course if ever it is challenged whether it is intra vires this House or not.

Mr. Speaker, these are irrelevantly minor points compared to the principle of the bill. I think they have some merit, and I would hope and ask that the points be considered on their merit. I think the bill itself is a considerable step forward. We have had a lot of nonsense and falderal talk by one hon. gentleman about this particular subject. And my friend from Conception Bay South (Mr. Nolan)

Mr. Roberts:

has made an exceptional amount of sense. There are abuses. And insofar as we can correct them we should. The abuses let it be said are not so much in the - or the correctable abuses-are not so much in the amounts of loans, because, Mr. Speaker, the problem there is that if you want money as a borrower you essentially have to pay what the lender charges. And the gentleman from Conception Bay, I am sorry, from St. John's Centre (Mr. Murphy) makes a good point when he says that one should look elsewhere. But for many people, you know, there are few elsewheres for whence to look. You know, the credit source is available and to some people it is very, very limited indeed. And in essence if they need the money, they must pay.

MR. MURPHY: They are the ones who have to pay the most.

MR. ROBERTS: Well my friend from St. John's Centre is right, They are the ones who have to pay most and they are the ones who can least afford it, and they are also the ones least equipped to bargain in the market place, and that is particularly true often with second mortgages. Because a second mortgage is usually, you know, a fellow wants to borrow, his wife wants to buy the house, they have not got the money. They can get the first mortgage, but they are short just a few thousand dollars so he does not really bargain, somebody says, "All right, I will get it for you," and he does not really question the interest rate. I would suggest he is not very interested, although he may be when he gets a statement as he will under this legislation showing the amount of the bonus and the amount of the principal. But, you know, we cannot stop that. We cannot stop the lenders charging what the market will bear, and I am not so sure in our economic system we should do that. We could -

MR. MURPHY: We can advice them but we cannot prevent it.

MR. ROBERTS: My friend is right. Our duty is to ensure that a borrower knows what he is paying and for what and how much.

MR. NOLAN: Would the member give way for a moment?

MR. ROBERTS: Sure.

MR. NOLAN: I just want to make an observation here on the point that he made. Let me give you an example. I know of people who have money who have provided in this town to a company, through a certain agent, and they borrowed \$100,000 and within sixty days they pay back \$160,000. That happened in this town. Now my first reaction is, well the heck with him, they can afford it. But my second reaction on reflection is, well who is going to pay for it but the consumer.[?] It has to be passed on to him. That happened in this town and I know. But they knew what they were doing.

MR. ROBERTS: Well, Mr. Speaker, in the long run, of course, Cape St. Mary's pays for all and it all comes out of the market place. And since we are all consumers we all pay for it. You can do some amazing things. I understand that the going rate on consumer credit now is twenty-six per cent. That is -

MR. WFLIS: Twenty-five point seven two.

MR. ROBERTS: Well twenty-five point seven two my friend from Kilbride (Mr. Wells) says. You know my twenty-six is rounded off to the nearest per cent. Yet people borrow. I would assume that these companies downtown are lashing it out as fast as they can. Never borrow money needlessly but they leave it to the individual borrower to decide what is needless and what is not. You know, you see the retail credit figures and they are staggering. We are now required under legislation, which we brought in years ago, the borrower is told the amount of his interest, the amount and the interest rate. And I will bet it has not stopped a soul borrowing. He goes in and he wants his television set and he does not care what the interest rate is. He is told it is twenty-five point seven two per cent and really it might as well be twelve point one two per cent for all the difference it makes. He wants his television set and he is going to have it if he can find the weekly payment or the monthly payment or whatever the payment is.

MR. DOODY: How much are the payments?

MR. ROBERTS: That is it. My friend, the Minister of Finance who has a not dissimilar problem in his ministerial responsibility - what counts is the annual payment or the monthly payment. If we can stagger that we keep her going. The whole economy of North America is built on that principle now. My heavens what would happen if we ever paid off the national debt? She would collapse. You know the Americans are up to \$200 billion or \$300 billion and still going strong on their national debt.

But anyway the point is, Mr. Speaker, our duty must be to ensure as I see it that a borrower knows what he is getting into

MR. ROBERTS:

and that he has the opportunity to compare and that he has the cooling off period and that insofar as we can regulate bonuses, let us do it. I do not think we can go beyond that. And as angry as I get sometimes at the rates which I am charged in my loans or which people pay, the fact remains if you want money, you have to take it essentially on the lender's terms and that means paying his rate of interest. The only choice you have is to shop elsewhere. And people I hope more and more will shop - a very useful thing would be if we had a consumer education programme. We should teach it in our schools.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: We teach kids all sorts of things in our schools, but we do not teach them the most important thing of all, in many ways one of the most important things, which is how to handle their own money. We should maybe drop something or put something out, do less of it, and give people a course in credit and how to manage their own money.

Mr. Speaker, I could go on but I think I have said what I need say. I was going to deal with my friend from LaPoile (Mr. Neary) but he is away and I do not need to defend either my father's reputation against the likes of that or the reputation of - what is it called? - the Building and Loan Company which has been doing business properly and lawfully for forty years downtown and has never I discovered put out money on a second mortgage. It is in the first mortgage business and legitimately so and I do not need to get into a hassle on it and I will not. But I do -

MR. NOLAN: There is nothing wrong with second mortgages.

MR. ROBERTS: No, I agree there is nothing wrong. It just so happens that that company has never put out money on second mortgages. Indeed they mainly lend money on older buildings here in town, and it helped many people to get houses in the older portions of town, and I think in every way are a reputable company, and I am proud to have

MR. ROBERTS:

the few shares in it and I only wish the dividends were larger. The dividends are very small indeed and the shares have been paid for and the dividends would be useful to help to pay for the pay for the shares.

I think this bill, Sir, is a step forward. I think it will help people and I think it should be recorded that the initiative came mainly not from those who sought publicity but from my friend from Conception Bay South (Mr. Nolan) who I think first raised the matter here and I believe the government quietly were already working on it although the first public reference was I believe my friend from Conception Bay South (Mr. Nolan).

MR. WELLS: It was in the Throne Speech.

MR. ROBERTS: It was in the Throne Speech. But nobody pays any attention to the Throne Speeches because, Mr. Speaker, quite simply if we were to have everything that was in the Throne Speech we would be here 1,000 years. The member from Kilbride (Mr. Wells) should not tempt me because I am good for at least an hour and a half on things that are in Throne Speeches that have never come to light. But anyway if it was in the Throne Speech I congratulate the minister. It is a good bill. It is a step forward and one which I hope the House will give second reading to and then we will deal with the Committee stage as quickly as we can.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. Minister without Portfolio.

MR. WELLS: I will say a word or two about this. As I said a little earlier, when speaking across the floor as it were to the Leader of the Opposition, the government's intention was clear and firm at the time of the Throne Speech when there is a sentence in the Throne Speech to the effect that a Mortgage Brokers Act would be introduced.

This whole thing has sort of created, at times, an attitude of hysteria which I think is sad. You see the national companies

MR. WELLS:

that operate in Canada and operate in Newfoundland charge as one of the hon. member's said, at the moment they are charging twenty-five point seven two per cent on loans over \$1,500. On loans below \$1,500 the Small Loans Act of Canada requires them to charge twenty-four per cent.

Now historically this is in conflict with what has happened in private lending in Newfoundland where the interest rate, as stated on the mortgage, has been twelve, fourteen, sixteen per cent but a bonus has been charged. But when you add in bonus and expressed rate of interest and have they calculated very often the effective rate of interest, which may be eighteen or twenty per cent, is considerably below the percentage which is charged by national companies. The bonus, as somebody said, I think the hon. member for Conception Bay South (Mr. Nolan), that for fifty years or more bonusing has been the practice in Newfoundland. Some incredible bonuses have been charged. I remember hearing twenty years ago of bonuses being charged by a builder who selling a house to a person and the person probably had two mortgages and had to take a third mortgage from the builder and a bonus of say 100 per cent being charged. I mean so there is nothing new in the bonusing. This has been going on, well, certainly as long as I have been around and watching the scene in the practice of law.

But the point really I think is that this business was never thought much about until we got into the age where it became desirable or fashionable or necessary to protect the consumer and then people began looking at this sort of thing as at other things. So that I think we have taken a good and excellent step here, Mr. Speaker, that, as I say, I think leads the way in Canada. I think the thing only came into focus with the operation of brokers because to my knowledge it is only in the last three years or so that there have been any brokers operating in Newfoundland, mortgage brokers. Before that people went all over the place and they scrounged around

MR. WELLS:

to get money and the better their credit the better the interest rate they got. If their credit was bad, they had to pay the earth. This is the rule of the market place.

MR. ROBERTS: Either it was a lawyer spending his own dollars or -
MR. WELLS: Or a client's as trustee. You know, this was the way it was and the better your credit, the better your rate. The worse your credit the higher rate. It was the rule of the market place. If your credit was beyond a certain point it did not matter what you were prepared to pay you cannot get a loan. That applies anywhere in Canada or anywhere in the world today. Nobody is going to lend money and take the risk unless he thinks that he can get it back.

But when the brokers came in the brokers began to charge essentially for their services of finding a mortgage. I think this is where people take objection. This is where many people feel that the charges which the brokers made for going out and finding a mortgage for somebody were in fact excessive and this is really along with the other provisions like disclosure - and as my friend says we cannot regulate interest rates. So it is all the same if somebody wanted to charge fifty per cent, a hundred per cent. If they are prepared to disclose it, then that is all there is to it. So I think disclosure is excellent and I think that the limitation on the bonus is excellent. And I think what is even more important -

MR. ROBERTS: Have we got the power? Could the minister tell me if we got the power?

MR. WELLS: The power, I believe we have. I do not think it comes -

MR. ROBERTS: We do have the power then?

MR. WELLS: Yes I think so. This is my understanding anyway. It is not like the actual interest rate thing which is purely a federal matter.

MR. ROBERTS: We are certainly willing to try it.

MR. WELLS: A curious thing, of course, is like all these things you set out or a government or a House as ourselves set out to do a good

MR. WELLS:

thing. In a sense this will cost people money. Not all mortgages were lent with bonuses. But of course once you bring in an Act and you set the amount of bonuses and everything I suspect there will be precious few mortgages lent the maximum will become the minimum. There is the figure and it will become uniform and everybody will lend at that rate or people may not bonus at all. They may just say, well I will adopt the federal rate that the finance companies are charging which at the moment happens to be twenty-five point seven two per cent and that is going to be it. But at least with disclosure it will not be above that, and it will not be above the regulations. The disclosure thing will be there. I think it is, as I say, breaking new ground in Newfoundland and in some respects in Canada, and I believe it is going to be in its operation, Mr. Speaker, an excellent piece of legislation.

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

The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, if I may very briefly deal with one of two issues raised by the hon. Leader of the Opposition. One there is a decision of the Supreme Court of Canada in a case called the Barfield Investments Company Case -

MR. ROBERTS: Barfields?

MR. HICKMAN: Barfield, which decided that it is within the jurisdiction of provincial legislatures, under the Property and Civil Rights Provision, the PNA Act, to legislate with respect to bonuses.

I can assure the hon. gentleman for Conception Bay South (Mr. Nolan) that within reason, at least, because I share his view that these laws, these consumer protection laws should be made known to the people so that the public are aware of the provisions of the act. Just one thing in closing -

MR. MURPHY: This did not conflict with the act, I mean?

MR. HICKMAN: No, no.

MR. MURPHY: I could speak but I do not want to.

MR. HICKMAN: Right.

MR. MURPHY: This act has been on the go nearly -

MR. HICKMAN: Oh, this Act - we started to draft this legislation, I think, as my hon. friend points out, around August of last year. I think it is good legislation. I am told it is uniform in the provinces where they have it. And some provinces do not have it, Mr. Speaker, as yet except where we now have the right to pass regulations with respect to bonusing. I say amen to any suggestion that this consumer protection and the consumer buying should be on the programmes of our schools. Some good teachers already give the course. But it is not compulsory.

I realize it is six o'clock, Mr. Speaker, and I thank hon. gentlemen and ladies for their attention.

On motion a bill, "An Act To Register Mortgage Brokers And To Control The Amount Of Bonuses To Be Charged By Mortgage Brokers And Mortgage Lenders", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 55)

MR. SPEAKER: It now being six of the clock I do now leave the Chair until eight this evening.

The House met at 8:00 P.M.

MR. SPEAKER in the Chair.

MR. SPEAKER: Order 29.

Motion second reading of a bill, "An Act To Amend
The Registration Of Deeds Act." (Bill No. 40)

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, the explanatory notes in this bill sets forth completely and entirely what the bill encompasses and unless some hon. gentlemen have some questions, I move second reading.

MR. SPEAKER: The hon. member for Burgeo - Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, my colleague, the Leader of the Opposition - I am trying to get an indication as to whether he is near the Chamber - he would like to speak to the principle of this bill, Mr. Speaker. I do not know if, unless another hon. member wants, but I have nothing I want to add to it, but I would not want it to pass second reading until he has had an opportunity to do so. I would certainly yield for someone else who may want to say something. He will be in momentarily.

MR. ROWE: He is on the phone.

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

MR. ROWE: Probably, Mr. Speaker, if I - I do not know on a point of order.

MR. SPEAKER: On a point of order.

MR. ROWE: A point of anything.

MR. SIMMONS: I will yield.

MR. ROWE: If the member would yield for a question, probably in order to settle a situation we now have.

SOME HON. MEMBERS: Hear, hear!

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

MR. ROBERTS: Mr. Speaker, I thank hon. gentlemen.

MR. HICKMAN: What is your point of order?

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: I was merely informing some people on the Northern Peninsula that the Minister of Highway's announcement last night about the port project was wrong in that it was not complete. He left out six miles.

MR. MORGAN: It was not wrong. There is more to come.

MR. ROBERTS: Well it was not complete, and I am told that the one in paper will not be the one the minister told me about. It will include six miles at St. Anthony, and I am very pleased about that, because I think it is very relevant, Sir, to the Registration of Deeds Act. If the truth were known, if it had been left to the Minister of Transportation I venture to say that there would have been nothing in the St. Anthony area or the Flower's Cove area either, but that is another debate, Sir.

MR. MORGAN: It hurts! It hurts!

MR. SPEAKER: Order, please! Order!

I think we should return or start off with the Registration of Deeds Act.

MR. ROBERTS: I agree, Mr. Speaker. I do not know what hurts. What hurts me is that the Minister of Transportation is not allowed by his own colleagues to go to Ottawa and negotiate these things, because he has made such a cod of it.

MR. SIMMONS: Ottawa will not let him up there.

MR. ROBERTS: No, Ottawa will not let him.

Mr. Speaker, the Registration of Deeds Act amendment is a very straightforward amendment, and as the minister said, the explanatory notes explain it quite well. Again it is another of these acts that I suppose we lawyers get excited about, and it may not seem important to ordinary people, but the Registration of Deeds Act, of course, is one of the basic protections which people have in property dealings in this country. I do not think very much need be added to it except I could take it a step further and raise the question of whether we are going to have a separate registry in this

Mr. Roberts.

Province for the West Coast, and I believe we should have. I think it is downright archaic that the only place in this Province where titles are registered is here in St. John's. I think given the fact that a large legal community has grown up in Corner Brook, and indeed one in Grand Falls, and lawyers are setting up at other points throughout the Province, there are lawyers in Labrador City and in Marystown, and in Gander, and in Grand Falls, and in Harbour Grace, Carbonear, all on a permanent basis now, in addition to Corner Brook and St. John's. I think the time has come when we should look at the possibility of setting up a registry of deeds in Corner Brook and we could cover perhaps the area West, say of a line drawn from Baie Verte to Burgeo, and what one would do over a period of time, as conveyances came up, as property transactions came up and the title was looked at by the solicitors involved and the necessary certificates were issued, they could then be transferred to the new registry in Western Newfoundland. It would give us a duplicate for awhile. It would be a little cumbersome in that sense, but nowhere near as cumbersome as the present system under which a lawyer practising in Corner Brook, dealing with a title in Corner Brook or in Stephenville, where there are lawyers in Port aux Basques or anywhere else, has either to come to St. John's himself, which is difficult and expensive and not worth the while, unless it is a very large transaction involved, or he has to get a lawyer in St. John's to do the work for him which, of course, is an additional cost, because lawyers do not come for free or alternately he retains a searching service. They do excellent work but, of course, a lawyer is personally responsible, and so he should be, for certificates of title.

MR. MURPHY: Does the hon. member mean that there would be duplicates, you know, one in St. John's and one in Corner Brook and more wherever they would be at this time or not?

MR. ROBERTS: Well I say to the Minister of Provincial Affairs there would be some duplication to start with. We would say that as of a given date all titles affecting a given geographic area would be resigered in Corner Brook, and it would mean possibly for awhile you would have to search both areas, but only until all the transactions were done, and it is the lesser of the two evils. It still has an evil degree to it. But what it would mean is when a title came up you would search it.

MR. MURPHY: Mr. Wells, as you know, has been talking about this for awhile.

MR. ROBERTS: Mr. Clyde Wells, and he makes a lot of sense. And I believe the Law Society are looking into it. I do not know if they have taken a position on this matter of a separate registry for Western Newfoundland. I mean I think it should come, and additionally, of course, although I will not go into this now, but if we really wanted to have an extensive debate, we should get into a land title system, and end this archaic system of looking at photostatic copies of deeds. The state should assume their responsibility, and in return for a modest fee, on an insurance principle, certify the titles. So we do not need to get into the Torrens system or anything else. The land title system has been brought in now in the municipality of Metropolitan Toronto. It has taken them about twenty years to do it as they go, but they now have it in effect, and it is an immense step forward over the present rather archaic and outdated system which essentially dates about, as so much of our law does, to - what? - about 1850, 1860. And indeed in England, I am told, you still do not have to register transactions in property. There is no requirement as such as we have in our Conveyancing Act. There is no requirement.

MR. WELLS: They do not have to register them here.

MR. ROBERTS: To be valid against third parties you have to register them here, but I am told in England they do not have to register them to have them valid against third parties or bona fide purchasers without notice. I am told in England there is not, although I do not profess

MR. ROBERTS:

to be an expert on English law . I do not even to profess to be an expert on Canadian and Newfoundland law, but the fact remains that our system is essentially an outgrowth of an English system going back to the day when, if you wanted to convey property, you took literally your title deeds, a bundle of them and gave them up to your solicitor and he in turn passed them over to the purchaser's solicitor and great examinations were held. But I do not particularly want to get into that now. I would like, however, to ask on the Registration of Deeds Act, when the day will come when we can register deeds in Western Newfoundland? I think it will be a great benefit to people living on the West Coast, and I think it is a benefit they should have. It may be a little cumbersome, it may be difficult to work it in over a period of time, but it is by far the lesser of the two evils. There are so many more transactions.

And while I am at it let me raise one other question for the Minister of Justice. What is going to happen to the Registry of Deeds? It is going to grow out of its physical place very quickly. I have not looked up the figures, but in, say, the first 100 years of property transactions in this Province we might have used 150 volumes, and in the last year, I will say, we have been using 150 volumes a year. You know the number of transactions is increasing very rapidly and the number of deeds being registered is increasing proportionately and the amount of space necessary to house these deeds has grown and indeed the registry down there, they moved out the Registry of Companies a couple of months ago, and moved it across the hall, the Registry of Deeds has now expanded, and it is just about filling the space that is now allocated to it down in the vault. What plans are there? What is going to be done? What

Mr. Roberts.

can be done? And I will end with the further question of whatever happened to the computerized project, the project to put them all on computer tapes and give us our land titles that way? That had a lot to commend it as well. In any event the bill itself, Sir, is of some importance but it is inconsequential and I gladly will support it.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the Minister of Justice speaks now he closes the debate. The hon. the Minister of Justice.

MR. HICKMAN: Mr. Speaker, number one; with respect to the computerization of the Registry of Deeds or the - yes, computerization is a good word - we had Kodak, I think it was Kodak, in and did a very complete survey. The costs were just astounding and we felt that we just did not have the money to implement it.

With the removal of the Registry of Crown Lands over to the new building, the new Crown Lands building on the Higgins Line, this has given the Registry of Deeds considerably more space than they had before. But again it will only last for a few years, and we are going to need more and more vault space. Undoubtedly the microfilming - well, computerization was the word, microfilm the hon. the Leader of the Opposition was referring to - we are going to have to go into microfilming in the future.

The question of Registries of Deeds in other parts of the Province is again a very substantial cost item but one for which a very good case can be made.

Unfortunately for us as compared to other Canadian Provinces, the other provinces, when they first became provinces or self-governing areas, started off immediately with the county system, with the result that every county assumed responsibility for the Registry of Deeds and Companies, and that sort of thing, and they have had it from the very beginning. There would be real problems in searching titles for the first thirty or forty years after its implementation. But again, it is not beyond the wit of man, I hope, to find a solution to that problem. But right now I would be misleading the House if I said we planned to do it this year because the monies are not available nor could the plans or studies be completed in a year.

MR. HICKMAN: The Torrens system involves, as I understand it, the survey of every square inch of this -

MR. ROBERTS: Nobody would advocate the Torrens system.

MR. HICKMAN: Well, the Torrens system is again not realistic in a province such as ours. The provinces where they have it, the Prairie Provinces, again they implemented it at the time that the Provinces were first created as separate states. I think that is all.

On motion, a bill, "An Act To Amend The Registration Of Deeds Act," read a second time ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 40).

MR. WELLS: Order 43, Mr. Speaker.

Motion, second reading of a bill, "An Act Further To Amend The Newfoundland Medical Care Insurance Act." (Bill #58)

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

MR. COLLINS: Mr. Speaker, this is a relatively minor piece of legislation. It has been decided to make those modifications as a result of deliberations between the department, the Medical Association and the Medicare Commission. It will permit the Newfoundland Medicare Commission to deal more effectively with doctors who have high volume practices, more especially where they differ from the normal established practices.

It is felt that the present wording of the Act does not allow the Commission to adequately deal with different categories of physicians. The amendment would also enable the Commission to compare doctors of a certain class or specialty in the whole of the Province, or in any part of the Province. It would also provide for the issue of regulations defining the term "pattern of practice," and for describing a formula for the determination of the average "pattern of practice" etc.

MR. COLLINS: There are one or two other minor amendments or it will have one or two other minor effects. Both the Commission and the Newfoundland Medical Association feel that there is a need for more clear-cut procedures and this amendment, Mr. Speaker, will make that possible.

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

MR. ROBERTS: Mr. Speaker, my colleague from Baie Verte-White Bay (Mr. Rideout), a man with a mind of his own, has told me I may go ahead and speak on this bill. I am delighted to do so and the amendments will, of course, get our support. Indeed, if I am not mistaken the amendments which these amend were originally put on the Statute Books at the request of the administration in which I was the Minister of Health. These amendments, at least the ones in Section 2,3 and 4 of the bill now before the House, deal with the measures which we brought in, we as a government brought in, in 1971 to give the Medicare Commission the power to deal with certain actual or potential abuses. And there were some abuses in those days. Very few, statistically speaking or even in dollars, but there were some. I had acted, as I recall it, as Minister of Health and had properly but arbitrarily reduced a number of payments and withheld others. There was some thought that I could have been sued and made to deliver up the money. My response was, "Well get your writs out and if the gentlemen concerned wish to sue me, as the Minister of Health to get their money, sue away and we will see you in court." Of course it never came.

The amendments are, I think, housekeeping. Obviously in the administration of this particular piece of legislation the minister and his associates, his officials have discovered that the wording of the Act as it now exists is not adequate. That does not surprise me because we had a great amount of difficulty working out these amendments, The new section 39(a,b and c) - large A,B, and C, - Mr. George Macaulay did the drafting, an excellent draftsman, and that must have gone through thirty or

MR. ROBERTS: forty drafts, back at that time.

Mr. Speaker, I want to go a step further since we are talking about reducing the amounts payable to physicians or participating physicians. This, let me say for the benefit of the House, as I understand it is not the proration scheme that we brought in at that time but rather is a case where the doctors, or the Medical Care Insurance Plan is in effect disciplining itself.

MR. DOODY: Hear, hear!

MR. ROBERTS: The Minister of Finance says. "Hear, hear!" I do not know where he is saying that as a citizen or as the man who pays the shot.

MR. DOODY: Both.

MR. ROBERTS: Well I agree with him on both counts. The record under Medicare has not been very bad at all. There have been some abuses. There has been the occasional doctor who has - I do not think any has ever submitted a bill for work he did not do - but there has certainly been some rows over whether they were acting within the spirit of it. I have heard of several, I know of several when I was minister and I have heard of several since and they have all been settled. The mechanism is quite straightforward. The Commission have the first duty - the Medical Care Commission - then there is, as I recall it, a Review Committee which is made up of members of the profession and on which the Medical Care Commission is represented and it has a certain power. Then of course there is the Medical Board which is the body charged with disciplining the medical profession and forcing their professional ethics.

My question for the minister is this: Could he let us know whether there have been very many of these instances the last three or four years? The "pattern of practice", a very technical term - the minister might wish to explain it for the benefit of the House - is the means of determining whether any given doctor's way of practicing medicine is adequate and sufficient and not over adequate. Of course the test for that is if he is

MR. ROBERTS: doing what everybody else is doing, or what his peers in the same geographic area and the same types of medical practice, the same specialties are practicing. I suppose the best example would be the one that came in my time of a doctor who had an unusual number of - he was a general practitioner who did a lot of obstetrical work and he had an unusual number of what were called general examinations which are very much more profitable. I do not know what they are now, they were fifteen dollars each, I think, in those halcyon days and it turned out that his "pattern of practice" was significantly different, and he was seeing his patients infinitely more often than the average general practitioner was for the average confinement, for the average pregnancy, significantly more often, say ten times as often. Whereas the normal woman would see her doctor say three times over the course of a nine month or an eight month, whatever it is, pregnancy period - nine months but eight months in the doctor's care - he was seeing his patients twenty or thirty times. And he was seeing them. And he was submitting the bills but the computer quickly said his "pattern of practice" was different and on looking into it he, I think, withdrew the claims and the matter was settled.

 But my point is this, or my question is this; have there been many such instances since? The Medical Care Plan is working well. It involves large amounts of money. It involves every single citizen of the Province because every one of us at some point is a consumer of medical services, and I think it seems to be working admirably well but I wonder if there have been any instances and whether the minister could tell us about that? Other than that, Sir, the bill is housekeeping legislation. The minister says it is necessary. I do not doubt him and we are quite prepared to support it. It is not often I have the privilege of supporting amendments to amendments that I brought in because most of the amendments I brought in either have been junked as policy, like the famous proration scheme which

MR. ROBERTS: should still be in effect, or have
stood the test of time and do not need further amendment.

 Anyway, Sir, as far as I am concerned
we on this side can support this but I would like the minister
to deal with the points that I raised.

Mr. Roberts:

Now is that what the member for Baie Verte-White Bay (Mr. Fideout) told me to say?

MR. RIDEOUT: You said it exactly as you were told.

MR. ROBERTS: I said it exactly as he told me to say it, Sir, and I am grateful -

MR. NOLAN: You said it exactly the way he wrote it.

MR. ROBERTS: The way he wrote it: Well, Mr. Speaker, I am even more grateful. In that case will the real author please stand? Thank you very much, Sir.

MR. ROWE: Hear, hear!

MR. SPEAKER: If the hon. minister speaks now he closes the debate. The hon. Minister of Health.

MR. H. COLLINS: Mr. Speaker, in response to the point raised by the Leader of the Opposition with regard to whether there had been some cases of where it looked like somebody might have been making -

MR. NOLAN: Flogging it.

MR. H. COLLINS: Yes, a little too much.

MR. NOLAN: That is typical of our civilization.

MR. H. COLLINS: There were a few cases, as hon. members might remember, from the last Medicare Commission report which was tabled in this House at the beginning of the session. But the difficulty - it is one thing to say that the amounts, the income of a doctor is too high. We have to be sure of that. And under the present legislation the Medicare Commission has found it very difficult to be able to determine just what is taking place, and this amendment will make it possible for them to be able to determine if indeed the high costs are justified as it pertains to any practice or any area of the Province. I might add, Mr. Speaker, there is also an appeal procedure in the Medicare Insurance Act and that will certainly protect any physician who might be investigated.

MR. SPEAKER: Is it the pleasure of the House that the bill be now read a second time? Those in favour "Aye", contrary "Nay", carried.

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

MR. SPEAKER: Order 41.

Motion, second reading of a bill, "An Act To Amend The Solemnization Of Marriage Act, 1974." (Bill No. 54).

The hon. Minister of Health.

MR. H. COLLINS: Mr. Speaker, this is an amendment to The Solemnization Of Marriage Act, 1974. There are several amendments proposed here which I am moving. It is a result of many meetings with the various church organizations both in the city and across the Province. And the explanatory notes in the bill, Mr. Speaker, explain what we propose to do, as well as I can, I think. Section 12 of the act would be amended for the following purposes, as well as being revised to assist clarity. It will permit a marriage without a licence if one of the parties is dying commonly referred to as a deathbed arrangement. It will clarify the responsibility of the person officiating at the marriage when one of the parties is indulged in alcoholic liquor. That was brought about by a suggestion from the churches. To permit the extension, without a fee, for the period a licence is valid from thirty days to ninety days. To enable a judge or a magistrate to issue a marriage licence to a person under sixteen years old when he determines that because of pregnancy the marriage would be in the interest of the parties.

Clause (2) is amended to delete the reference to exact date, which is again, to accommodate the churches. In fact, Mr. Speaker, all of those sections are agreed to by the churches, and it is my pleasure to introduce the bill for a second reading.

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

MR. ROBERTS: Mr. Speaker, the minister's eloquence has quite overwhelmed our doubts on this point. I rarely heard the explanatory notes read as well or as carefully. And let me begin by saying that obviously these amendments are designed to deal with points

Mr. Roberts:

that have arisen in consideration - the minister mentioned that the representatives of the churches have been consulted, and that is right and proper. Because although this act-the Marriage Act itself makes marriage a civil matter for the first time in this Province essentially. We never had a Civil Marriage Act before.

MR. DOODY: We never had a civil marriage.

MR. ROBERTS: I am sorry?

MR. DOODY: Is any marriage civil?

MR. ROWE: That does not guarantee -

MR. ROBERTS: The hon. gentleman has been married, Sir, for much longer than have I, so he would have to speak to that point. The hon. gentleman cannot plead the Fifth Amendment because we do not have a Fifth Amendment in this country, Mr. Speaker. You know, one could have a lot of fun, poking fun at this, you know, the deathbed marriage situation. Sure that allegedly could be funny. But I can see circumstances where two people might very well wish to contract a marriage, and one of them would be you know, in imminent anticipation of death and it might not be possible to have a licence issued and all that sort of thing. Why should those people not be able to be married to each other, and then on we go from there.

MR. ROWE: They do not go on a honeymoon.

MR. ROBERTS: They do go. My colleague from Trinity-Bay de Verde (Mr. Rowe), Sir, is sitting here taking about duration of honeymoons. I do not know what my colleague has in mind, Sir.

MR. ROWE: This is no provision for dying in sadness.

MR. NOLAN: Well the question comes up though, when you talk about someone who is dying and say "On they go from there"

MR. ROWE: Yes.

MR. ROBERTS: Well I do not know what religious beliefs the hon. gentleman from Conception Bay South (Mr. Nolan) has.

MR. DOODY: But marriages are made in heaven.

MR. ROBERTS: That is right.

MR. NOLAN: And there they go.

MR. ROBERTS: The Minister of Finance, Sir, says, they are made in heaven. The problem, of course, is that they have to be ratified here by this Legislature.

The concern which I have though, we are putting a very heavy burden on the marriage licence issuer or the marriage commissioner and clergymen. I think it is fair enough that he has the right to opt out given the apprehension that one or both the parties to the marriage is under the influence of alcoholic liquor or a narcotic drug, and thus unable fully to comprehend her/his actions. I suppose that is necessary, although I would not have thought that there is any way you could make a clergyman marry two people, if the clergyman did not want to do it.

Similarly I would ask the minister why we have in 12 (1) a very wide open grant of power, much wider than the specific exceptions of deathbed marriages, and a person under the age of sixteen, and the alcoholic disbarment. I want to know, really, why it is necessary to extend limiting the licences. I assume they are to extend the time period from thirty days on. I want to know whether - I assume that is for the same two people - you just cannot get a blank licence and go shopping, and if you do not strike home in thirty days you have got an extra sixty days to sort of use up the licence or you will lose your fee.

But most importantly of all, Mr. Speaker, most importantly of all what I do want to know is when the Marriage Act is going to be proclaimed, because this legislation has been on the books now for about two years. It was introduced at the time, and hailed as a great step forward, and I believe so it was, but it has not been proclaimed. I do not know why it has not been proclaimed. I have heard some talk that the government are having difficulty in locating people to issue certificates.

MR. H. COLLINS: This is the reason here.

MR. ROBERTS: Well, Mr. Speaker, the minister says, this is the reason here. I find that difficult to understand, because the whole bill, Sir, deals with Section (1), the main section of it, deals with matters that I would not have thought for a moment required the act not to be proclaimed, and (2), (3), and (4) and (5) are the most minor sort of housekeeping amendments. So I do not see why we have been waiting two years for this amendment to come in. I am prepared to believe that all of the provisions in this, the new Section (12) or the amended Section (12), the new one which will be inserted in the act by this bill here, but I do not see why that has prevented the act being proclaimed, and I am unable to understand. The minister perhaps can enlighten us and I hope he would.

MR. ROBERTS:

But I am not so much concerned why it has not been proclaimed. The fact is it has not. I am interested in why not or into the question of why, only to find out whether those barriers can be removed so that the Act can be proclaimed. You know, there are people in this Province who wish to be married in a civil ceremony. They should have the right to be married in a civil ceremony. We do not have any opportunity now, as of today, for two people who wish to become married to each other to be married in a civil ceremony in this Province. They must go outside the Province.

Similarly - and this was eloquently gone into by gentlemen on both sides when the main act was introduced in this House two years past - we put a very heavy burden on clergymen in this Province today because they are the only people licensed to perform marriages. We all have heard of cases where a clergyman, in effect, has had to go against his conscience. What really has happened is he has had to put one principle over another. He has had to accept the principle of two people who wish to be married to each other and they can only be married through his agency. He will say, "All right I would not marry you if there was civil ceremony and you could go there, but I believe you have a right to be married. You are legally free to be married to each other and I shall perform the ceremony." Or he has to accept the onus of turning down the request of two people who wish to be married. That is very unfair to the clergy and I think, indeed, the churches welcomed this act originally. It did not do away with religious services, far from it. It quite properly separated out the civil aspect from the religious aspect and we in this House deal with the civil aspect of marriage and the churches, of course, deal with the religious aspect.

But in any event what I want to know is when the act will be proclaimed, when it will become in effect and when people who wish to be married civilly as well as having civil marriages will be able to go before Her Worship, the Mayor of St. John's or His

MR. ROBERTS:

Worship, the Mayor of Corner Brook or any of the magistrates -

MR. RIDEOUT: Or a member.

MR. ROBERTS: No, a member of the House is not given the power to marry unless he or she is otherwise named. Members perform many services for their constituents, Sir, but I would think that marrying one's constituents or performing a marriage involving one's constituents is not a service to which MRAs should be called.

MR. DOODY: Most of us are closely involved there.

MR. ROBERTS: Well I do not know how closely the Minister of Finance is involved with his district, Sir, but I will take his word for it.

MR. DOODY: Very close.

MR. ROBERTS: I take his word for it, Sir. I have no hesitation in believing that he is very closely and intimately involved with his district. But I do not know whether they means he wants to perform marriages or he does not want to perform marriages. But in any event -

MR. DOODY: I have shared in only one and I am just -

MR. NOLAN: Playing it pat, are you?

MR. ROBERTS: The hon. member has got a good hand and he is going to stand on it and well he would. Any of us who have the pleasure of knowing the delightful lady to whom he is married can quite understand his feelings on that.

Mr. Speaker, the bill itself is relatively straightforward. I do not really understand why it is necessary, I am not going to argue with him, but if the minister feels it is necessary, then certainly let us put it on the act. Let us get the act proclaimed, let us have civil marriages and then we can have a select committee to have a look at whether members of the House of Assembly should be authorized to perform them or not. I think that if Her Worship, the Mayor of St. John's and His Worship, the Mayor of Corner Brook can perform marriages that surely is enough. We add on-the magistrates are

MR. ROBERTS:

authorized, the county court judges are authorized. Who else? Anybody the Cabinet appoint is authorized to perform a marriage if the Cabinet so appoint him or her. So there should be -

MR. NEARY: Do you call tenders for that?

MR. ROBERTS: I do not know whether the Public Tender Act applies or not to that.

MR. WELLS: Proposals, surely.

MR. ROBERTS: The hon. House Leader wishes to call proposals on that matter.

MR. SIMMONS: Public or otherwise.

MR. ROBERTS: I would think, Sir, the proposals would be okay but the feasibility studies would be difficult. It would be very - and we could have a task force looking into that matter, Sir, and the common law would prevail, I have no doubt.

Mr. Speaker, be that as it may, I would like the minister when he closes the debate to touch upon this question of when the act will be proclaimed. I think a lot of people - I will not say that people are lining up waiting for the opportunity to be married in a civil ceremony but I think there are a lot of people who are interested in the question. There was a lot of interest two years ago when the original law was passed. Now we would like to know when it will become effective. If this bill will make it effective, well and good. But we will pass this tonight, or clean it up, Royal Assent will be given in three or four days, when will the act be proclaimed?

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

The hon. Minister of Health.

MR. H. COLLINS: Mr. Speaker, after the act was passed in 1974-1975 the churches examined the act, they did come back to government with some reservations about referring to the clauses to which the amendments referred. We took it upon ourselves to meet with all of the denominations. I met with them several times, in fact, to try and bring about the necessary amendments to satisfy them and also to protect the interests of the person getting married and also protect the government's view. There was not much sense in us

MP. H. COLLINS:

proclaiming the original act when the churches did show some dissatisfaction with it. When this amendment is passed we will proclaim it. We are looking at the date the first part of September, September 1, if that is possible and I think it will be. We will have had the marriage license issuers in place by that time, please goodness, and we are shooting for September 1, as proclamation date. I move second reading.

On motion a bill, "An Act To Amend The Solemnization of Marriage Act, 1974", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 54)

Motion second reading of a bill, "An Act To Amend The City of Corner Brook Act." (Bill No. 33)

MP. SPEAKER: The hon. Minister without Portfolio.

MP. WELLS: Mr. Speaker, this act really dovetails with the act which the Minister of Municipal Affairs introduced this afternoon and which was debated. The act I am speaking about was the Act To Amend The Local Government (Election) Act (Bill No. 34).

MP. NOLAN: Are the Irish slam-banged again, here?

MP. WELLS: I suppose the principle is the same, but the same thing I think basically, as the City of Corner Brook and the City of St. John's of course, under separate acts. This amendment essentially brings the City of Corner Brook in line with the act that we debated this afternoon. It would, in addition, permit the Lieutenant-Governor in Council to alter the boundaries of the city rather than the legislature as is now the case. This is pointed out in the explanatory note. A similar provision of course is in the City of St. John's Act.

Clause 2 and 3 will refer to Canadian citizens and, of course, the same as the act which was dealt with this afternoon, bring down the age limit for voting and for eligibility to serve on council to eighteen years. It would also create additional department heads and they are listed here, the six department heads being a city engineer, city

MR. WELLS:

treasurer, city planning officer, city chief of fire brigade, city assessor and a city director of parks and recreation who would be responsible to the city manager, if there is one, if not, directly to the mayor. It will also, of course, increase the general penalty for a breach of the act to a maximum of \$1,000 and will provide for a minimum service fee of not less than twenty dollars. And in line with the voting reduce the age from nineteen to eighteen, at which people will be responsible to pay fees, etc. to the city, in line with the voting age.

So as I say it is essentially a repeat of the principle in the act we dealt with this afternoon, Mr. Speaker, and I would move second reading.

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

MR. ROWE: Mr. Speaker, as the House Leader indicated this is quite similar to amendments or to acts that were brought before the legislature this afternoon except for one thing here and that is clause 1 in explanatory notes which will permit the Lieutenant Governor in Council, in other words, the Cabinet, to alter the boundaries of the city rather than the legislature as is now the case. I wonder if the minister could indicate the reason for that, if there is any particular reason except to bring it in line with the City of St. John's Act? Presumably this would be done in consultation with the council out there.

Apart from that, Sir, I might just ask what the penalty is now in Clause (d). Clause 5 will increase the general penalty for a breach of the act to a maximum of \$1,000. It is \$100 now is it?

MR. NOLAN: It was originally.

MR. ROWE: It was originally \$100. Sir, I do not know if the minister wants to comment on the reason for that, if there is some reason other than just trying to gain additional revenue. I cannot see it being that important. But apart from these couple of comments, Sir, I think everything has been said, basically, this

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MR. ROWE:

afternoon except for the reason for the change in clause 1 there
and the reason for the change in Clause 5.

MR. SPEAKER: The hon. member for Burgeo - Bay d'Espoir.

MR. SIMMONS: Just before the minister responds or probably the Minister of Municipal Affairs may want to respond to the two matters that I want to raise. The fact that Clause 1, the change proposed in Clause 1, allowing the Lieutenant-Governor in Council to alter the boundaries, is this brought on by just a housekeeping requirement, as the city of Corner Brook, or is it now looking for some change in the boundaries? Is this imminent? The second question, perhaps for my own edification, can the minister indicate what the difference is between municipal boundaries - I am thinking not only of Corner Brook but of municipalities generally - municipal boundaries per se and so-called municipal planning areas? Are they two different terms in meaning? I wonder would the minister just elaborate on that point in his response?

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

MR. SPEAKER: The hon. Minister of Municipal Affairs.
Of course, I understand that the hon. Government House Leader moved it on behalf of the minister, and that the Minister of Municipal Affairs will now close the debate if he speaks.

MR. PECKFORD: Mr. Speaker, as I came into the House on the \$1,000 up from \$100, which was previously the case as a penalty, the problem with that was that the penalty was \$100 but also in the act, as it now reads, the council had the discretion to charge whatever penalty they so desired. There was a mistake in the act. It should not have been allowed to stand. It was an unnecessary discretionary power placed in the hands of the City Council. What we are trying to do, and the City Council has agreed with us, and Corner Brook, is that the \$100 is not a sufficient penalty, it should be raised to \$1,000 but then this discretionary power would no longer be there. It is only \$1,000 and that is all, whereas before the penalty was \$100 or whatever above that the City Council so wished.

MR. SIMMONS: In other words it was not the maximum before?

MR. PECKFORD: No; it was not the maximum before.

And, you know, like all legislation there is always room for improvement, but it was an unnecessary discretionary power handed from the Province to the City Council which was rather dangerous really. There is no question about that, Mr. Speaker. And so what we are doing now is really, not only showing the penalty now as \$1,000, but taking away that discretionary power, but at the same time giving the penalty enough strength so that the councils are satisfied, and yet the discretionary power is no longer theirs. That is in essence what we are doing there.

MR. SIMMONS: Forgive me for interrupting but is there any particular example where that discretion was abused?

MR. PECKFORD: No, there was not, but it still in principle is a fairly major concession from the Province to the city, which is not consistent with other legislation, but which somehow or another was in their act through an amendment or through when the act came in at the beginning. And the city has agreed to it.

MR. SIMMONS: It needs tidying up, obviously.

MR. PECKFORD: Yes, and that is extremely important. The point of the \$100 to \$1,000 is not all, and I wanted to be here to explain that, that the other part was the discretionary power and that was there. But most people, Mr. Speaker, had just a slight superficial bruising of the act and did not necessarily pick that up, but it was there, and we did it, and we wanted to streamline it, which we are now doing.

On the question of the boundary extension, taking it from the - the Lieutenant Governor to alter the boundaries of the city rather than the legislature. The city of Corner Brook now are, as it so happens - I do not think the two are linked with any great

Mr. Peckford:

degree - having a full planning study done on their city and their boundaries, and they are pushing for extension of their boundaries now towards Steady Brook, and there is presently a dispute between the community council of Steady Brook and the city of Corner Brook in the Marble Mountain area of the West Coast. And Steady Brook and the city have had meetings over the last two or three months, and as recently as today I received the latest proposal from the community council of Steady Brook as it related to that boundary extension. But it is simply more streamlining again making it more efficient rather than coming to the Legislature with it. But the City of Corner Brook are involved in boundary extension right now.

MR. SIMMONS: What is the procedure for a municipality other than the two cities extending its boundaries?

MR. PECKFORD: It is done through the Lieutenant-Governor in Council.

MR. SIMMONS: Yes.

MR. PECKFORD: Right.

Now on the larger question of planning and municipal boundaries there is a difference. There is the municipal boundaries as designated when the municipality becomes incorporated - okay? - which is the boundaries of the municipality per se. Then after the municipality is a municipality and has those boundaries, they can apply for their municipal plan and so on which very often entails a planning area outside of that over which they have development control for which they must issue a permit of approval before a developer or somebody can build or whatever in that area. So the two are not the same, they are quite different. But it is done with the intention, of course, of giving the municipality some control over its immediate area.

MR. SIMMONS: But why not go the whole route? If the council has planning control over the larger geographic area, why not go the whole route and call that a municipality? Is there some reason why not?

MR. PECKFORD: Well in a lot of municipalities that is the case now. For example, as the hon. member for Burgeo - Bay d'Espoir will

Mr. Peckford.

realize, in Robert's Arm, in the district of Green Bay, their municipal boundaries, I think, are the same as more or less their planning area, because they came in later on the whole deal. But there are some areas where it is still not the case, and they have a planning area outside of what the boundaries are designated as, and they are covered legislatively on the urban rural planning area, you see, as a separate act distinct from the Local Government Act from which they got their incorporated status.- right? - in the beginning.

MR. SIMMONS: Just a further question on bringing out this point. Suppose you have, as you do in many instances, a municipal boundary, and you have a municipal planning area, which is larger geographically, as I understand it - right? -

MR. PECKFORD: Yes.

MR. SIMMONS: - council has control in terms of permits over the larger area.

MR. PECKFORD: Yes.

MR. SIMMONS: If you built a house within a municipal planning area, but not in the municipality, are you eligible for municipal taxes?

MR. PECKFORD: No. But in most cases councils, of course, will refuse a residential building there.

MR. SIMMONS: One other question, if the minister does not mind. What are the criteria then? When the Lieutenant-Governor in Council or presumably his department first of all recommends approval of a boundary change or a boundaries definition, is there some ground rule that it be X miles or X thousand people in existing developments?

MR. PECKFORD: No. It is just done in line with the natural terrain of the area, if you will.

MR. SIMMONS: Of course, the minister must be aware of the problems, if I might call it such as that, that the Minister of Forestry was running into in Conne River on account of the somewhat, I thought, large boundary,

Mr. Sammons:

When I say I thought, I mean in terms of what I know elsewhere. The very large thing went several miles.

MR. PECKFORD: Right, yes.

Now the other problem which I will just point out, which the hon. member will realize even if I do not say it perhaps, is this, that when a settlement applies for incorporation you would have to have, which we do not have now, in order to get both the planning and the boundaries done at that time in the municipal boundary, you would have to have a fairly large staff to do the detailed analysis to determine what your planning area will be or what your boundaries will be so that it encompasses the planning area as well - right?

MR. SIMMONS: Yes.

MR. PECKFORD: So what has happened over the years - and we are getting away from it - is that when a settlement comes in for incorporation they get incorporated and here are the boundaries as they see them, and as we define them, and then it might be sometime three or four years later before the municipality actually takes upon itself to get into the planning business. So this is why there has been this discrepancy.

MR. NOLAN: Would the minister permit a question?

MR. PECKFORD: Yes.

MR. NOLAN: I raise it because there are sort of geographical boundaries, as I am sure he knows, or historical boundaries - I am sorry - that often times occur. Let me give you an example: People in Foxtrap who voted to stay out of the town of Conception Bay South in some instances find themselves within the boundaries of Conception Bay South for the simple reason that the boundaries were drawn up by a surveyor, or whoever, or planner and even though they have for hundreds of years, perhaps, for a hundred years, their family, have lived in Foxtrap, they now find that, even though the community voted themselves out, some residents are in fact in, and this has caused some problems and perhaps the minister may be aware of some of them.

MR. PECKFORD: You know, that is such a complicated and ticklish problem that I do not want to comment too extensively on that. The hon. member for Conception Bay South is well aware of the problem and I, as minister now, am well aware of that problem, and that is a long detailed history that occurred there. But in any case the overall amendments as outlined and as has already been discussed for the city of Corner Brook, outside the ones already mentioned, are ones to help streamline and give the council some additional departments in their operations that they badly need, and

MR. PECKFORD:

I do not think there is anything else I need to comment on there.

MR. SIMMONS: Before the minister concludes, could you just yield for a moment?

MR. PECKFORD: Right.

MR. SIMMONS: There was an implied question. I probably did not convey it very well in my last comment when referring to Conne River. I referred to it only because it is the best example that comes to mind. I am not casting any aspersions on what was done by either party, either the government or the municipality last Fall. But it does bring into play -

MR. PECKFORD: Yes.

MR. SIMMONS: - the set of problems you run into when you have a municipal boundary that is, I believe in the case of Conne River, extending out as much as ten or twelve miles in one direction. It means that the municipality has a control which I do not believe was ever intended by municipal legislation. Now whether or not they could have that kind of control is another question. But I do not think it was ever intended, in terms of the establishment of local government units, to provide service and that kind of thing, you know. You see what I am saying?

MR. PECKFORD: Yes.

MR. SIMMONS: It more properly belongs, if within councils jurisdiction at all, it belongs in the municipal planning area rather than within the municipality as such.

MR. PECKFORD: Right.

MR. SIMMONS: Because - I think, the minister is aware of that - because it was within the municipality the council was able to take certain actions that they would not have been able to take had it been outside of the municipal boundary.

And my question, without as I say, casting judgments on what was done last year by the council or government, my question really is this, would the minister, in view of what I have said, see the advantage

MR. SIMMONS:

in terms of facilitating the government at the Provincial level? would he see the advantage of having some terms of reference for establishing boundaries? The elementary one that comes to mind to me is delineating a boundary in terms of distance from the existing or perspective developments over the foreseeable future, you know, that kind of thing. Would the hon. member want to comment on that before he concludes?

MR. PECKFORD: Yes. I think your point is well taken. And, you know, in the case of Conne River it was not envisaged at the time that that would cause any problem. Then you have the other, of course, very real problem that when a settlement does get incorporated, as when anybody gets on to himself additional powers that they did not have before, they would like to have a fair amount of control and will then just push for being a little bit further than really we would like to have it. But your point is well taken, and we should perhaps look a bit more closely at that when we are incorporating areas like this, and that the planning area would be the more appropriate vehicle for that rather than within the boundaries of the municipality per se. But I appreciate what you say, and perhaps we should try to put some parameters on boundaries for municipalities when they are being considered. But like I say there are some problems inherited in the sense that the council will contend fairly strongly that they need to go this far for A, B, C, and D, and you have to try and reach a compromise. Perhaps we have been, perhaps in the past especially, allowing whatever they more or less said to be, in fact, true because it has been difficult to get out and take a look at the area concretely ~~-right?~~ ~~-with planning.~~

You know, the long term answer to this is the regional offices and staffing them with planners as well ~~as we got engineers~~ now, and assessors and inspectors, and now you need some planners, so that each time somebody comes in wanting to extend their boundary or to have a municipality ~~-right?~~ - you have your planner right on site who can go do his on the ground inspection, and then say, "Look here is

Mr. Peckford:

where the boundaries should go not what they are saying." You know, that is the long term answer. But I appreciate the point and I move second reading.

MR. SPEAKER: Is it the pleasure of the House that the said bill be now read a second time. Those in favour "Aye", contrary "Nay", carried.

On motion, a bill "An Act To Amend The City of Corner Brook Act", Bill No. 33, read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. SPEAKER: Order, 30.

Motion, second reading of a bill, "An Act Respecting The Queen's Counsel And Precedence At The Bar." (Bill No. 41).

The hon. Minister of Justice.

MR. T. A. HICKMAN: Mr. Speaker, I know hon. gentlemen have been waiting with bated breath -

MR. DOODY: I have been waiting impatiently for this one.

MR. HICKMAN: - and impatiently, particularly the hon. Minister of Finance who has ambitions -

MR. DOODY: It is a matter of grave concern to me.

MR. HICKMAN: - to, and for this bill to come before the House to generate great debate.

This bill is not without precedent. In fact, we are the only Province in Canada that has not gotten around to passing legislation on this matter. And part of it formalizes or legalizes an Appointments Board which most provinces do not have as of yet, and I give credit where credit was due, that Legal Appointments Board, the idea there was not mine it was that of Mr. William Rowe who at one time was a member of this hon. House. But we have been following and using the Board for the past two or three years, and that Board consists of a Bencher of the Law Society, the Deputy Minister of Justice, another lawyer who is not a Bencher, a lawyer who has been practicing less than ten years. My recollection is that the

Mr. Hickman:

Law Clerk of this hon. House is the member of the Board who has not been in practice for ten years, and a lawyer from Corner Brook, who in this case, is Mr. Edward Poole. So all submissions with respect to the appointments of Queen's Counsel are submitted to that Board before I submit them to the Lieutenant Governor-in-Council.

The precedence at the Bar again is something which has always been followed in our courts but has never been formalized or legalized, and it is set forth in Clause (4) of the bill. The one that has not been recognized in our courts which, in my opinion should have been, was the office of Solicitor General of Canada. And the Bar of this Province has had the great honour of having one of its members as Solicitor General of Canada. And I can recall when I was a Bencher of the Law Society seeing where the then Solicitor General of Canada, the Hon. William J. Browne had been made Q.C., P.C. P. Eng., B.Sc, and -

MR. ROBERTS: B.A.S.

MR. HICKMAN: B.A.Sc.

MR. ROBERTS: Bachelor of Applied Sciences.

MR. HICKMAN: - and had been accorded this precedence by the Law Society of Upper Canada, and I suspect other Canadian Bars, but we in this Province of Newfoundland did not accord him that same right.

The only other principle in the bill is that the number of Queen's Counsel in any one year to be appointed is restricted to three, but it is accumulative number. If three are not appointed in one calendar year six can be recommended for appointment the following year.

I think it is a good piece of legislation, and I can tell by the interest that is generating in the hon. House that members are just waiting to rise on it, and even the hon. leader of the Opposition is indicating that he is enthusiastic I move second reading.

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

MR. E. M. ROBERTS: Mr. Speaker, it is with a great degree of difficulty that I restrain my enthusiasm for this bill. I cannot think of anything, to be quite honest, that is of less importance to the public affairs of this Province at this stage than an Act Respecting The Queen's Counsel And Precedence At The Bar. And I really cannot think of anything that is of less importance. As the minister says there is quite a well established order of precedence that is respected by our courts. I was not aware that the Solicitor General of Canada for the time being did not have any standing in our court, and I think that is a grave omission. I am sure that the current Solicitor General, Mr. Allmand, will often find occasion to appear before the courts in this Province, Sir, to plead various matters. Given the fact that the Solicitor General of Canada, Sir, does not act as a law officer of the Crown, in the sense of appearing in litigation, he acts as a law officer of the Crown in other ways than I think, you know -

MR. HICKMAN: As opposed to the Solicitor General of the United States,

MR. ROBERTS: The Minister of Justice says, "as opposed to the Solicitor General of the United States." You know, it is very true, the Solicitor General of the United States regularly leads for what they would call the Crown, had it not been for the Revolution 200 years ago, for the Government of the United States in large matters, and sometimes in smaller matters. The infamous Saturday night massacre in Washington in October of 1774, was carried out by the then, and still present Solicitor General Mr. Robert Bourq to whom the duty fell after the Attorney General was dismissed by the President, and the Deputy Attorney General was dismissed by the President, the third in line was the Solicitor General, and Mr. Bourq undertook and did, in fact, did carry out the request of the President to dismiss the Watergate special prosecutor Mr. Archibald Cox, at that time. All lawyers, and so they should be because these are about lawyers business, just as butchers should be about... butcher's business, and plumbers should be about plumber's business.

MR. NOLAN: There was some similarity initially, anyway.

MR. ROBERTS: Lawyers should be about lawyers business.

MR. DOODY: Butchers, lawyers, plumbers.

MR. ROBERTS: Mr. Speaker, with all difference to the members of the Bar, of whom I am one, I pay my \$200 a year and have a piece of paper framed on my wall to say I am a member of the Bar, you know, a lawyer is merely a highly skilled tradesman and when you need one he can be very, very useful indeed. But equally when one needs a plumber, a plumber can be very useful indeed.

MR. DOODY: You were talking in the context of Watergate, so plumbers, lawyers and butchers all seem to fit in there.

MR. ROBERTS: The Minister of Finance makes a point and I think that is good and his leaks all over the whole business.

MR. DOODY: I know and I am very confident.

MR. ROBERTS: The fact remains, Mr. Speaker, that Queen's Counsel is an archaic distinction, one that has some meaning in England where the profession is split into barristers on one hand and solicitors on the other hand. I do not think it has any meaning at all anywhere in Canada because every member of any bar in Canada, to my knowledge, and I am quite certain this is complete at this point, is both a barrister and a solicitor and usually a notary public, if he takes the trouble to get sworn in as I have not these ten years that my commission has been outstanding.

But, Mr. Speaker, the fact remains that it is an empty honour. It has generally been regarded as a political honour. I do not necessarily say partisan but it is in the gift of the government of the day and not unnaturally they tend to favour their friends, doubtless for valid reasons. I will support the bill but I must say I think it is a complete and an utter waste of time for a draftsman to be put to work to draft it and for the House of Assembly to be asked to pass it. If we want to do something useful with respect to Queen's Counsel, Sir, my suggestion would be to abolish them and just abolish the six. I think it is meaningless. If the minister had brought in a bill to say that no man or no woman shall be appointed a Queen's Counsel unless he or she has practiced in the litigation sense, then I would be prepared to be quite enthusiastic about it.

But under this bill or under the law we now have a man can spend his entire life practicing law, say, doing conveyancing, marvellously important work, very remunerative but never see the inside of a courtroom from the day he was sworn in as a member of the bar and enrolled as a solicitor of the Supreme Court to the day when the court gathers to pay their last respects to him, you know, the morning after his death. That man can be appointed a Queen's Counsel.

MR. ROBERTS:

Of course it is a barrister's distinction. If the minister was prepared to set up a scheme whereby a man who specialized in litigation work or even did a large part of his practice in the field of litigation, would be designated as Queen's counsel and only those men or those women, then I think it would make some sense.

As it now stands, Sir, it is an empty honour. It does not even have the historical meaning anymore because the historical meaning was that of the men who were the Queen's counsellors. And as this Act says you needed a license if you were a Q.C, you needed a license to take part in any action against the Crown. You needed a Crown's license because you were the Crown's counsel.

So, you know, I will not object to the bill as such. That would be small and petty and who really cares whether Queen's Counsel have this order of precedence or that order of precedence. What concerns me, Sir, is the quality of the bar which has gotten immensely better these last few years, the quality of the bench which I venture to say has never been higher in this Province and the men who now serve as Her Majesty's judges at all the courts of this Province from the magistrate's courts or whatever they are called, the provincial courts up to and including the Court of Appeal. That concerns me. But, Sir, this bill is, I really think, an utter waste of time. It may be a hobbyhorse with the minister. I do not think it is of any importance to anybody from the law society to the lawyers, to their clients to the House of Assembly. Having said that, Sir, I will support the bill but believe me even despite the minister's impassioned plea I do it without any enthusiasm at all and I really find it in my heart very difficult to tell anybody that we have been doing anything useful in the House of Assembly when we have been passing bills respecting the precedence of Queen's Counsel.

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

MR. NOLAN: Mr. Speaker, before the spokesman for the bar stands up opposite I would like to have a word. I could not agree more with my colleague, the Leader of the Opposition, on the remarks that he made. And if there is going to be a continuance of this Queen's Counsel situation, I would think that the minister perhaps might consider it along the lines as outlined by the minister. Obviously this is a title that certain gentlemen or ladies would like to add after their name to distinguish them from the rest of us plebians. It is obviously a bit of fancy patchwork. While the minister says there may be great force and so on for all kinds of good reasons the fact is he is speaking for a certain group who are interested in this title. Let us not make any sham about that.

Now the other thing is, this designation of Queen's Counsel unless it is done under the lines as outlined by the Leader of the Opposition or somewhat similar - this perhaps could be expanded on - I cannot help but be reminded that if you supply toilet tissue to Buckingham Palace you can have on your stationary or whatever, "By Appointment" or "Supplier to the Royal Household". I mean this is a lot of nonsense really. It serves no real purpose in this House. There is no one out in my district going to jump up and applaud what we have done here tonight on the basis of this.

AN HON. MEMBER: They will dance in the streets.

MR. NOLAN: Oh, yes, they are dancing in the street in Foxtrap tonight over that. Queen's counsel!

MR. DOODY: Let us not take too long to get it through. It is better to have it done with.

MR. NOLAN: As quickly and as painlessly as possible. Right.

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

The hon. Minister of Justice.

MR. HICKMAN: I cannot let these comments pass without saying that Queen's Counsel is an honour that I believe is conferred upon practicing lawyers after some careful consideration. This is one of the things this bill envisages in legalizing and formalizing the board that we

MR. HICKMAN:

set up two or three years ago, and, as I said earlier, recommended by the then hon. gentleman who represented the then district of White Bay South. It is something that I am proud to say other provinces have not yet seen fit or many of them to implement.

I would like to go a step further. I agree that Queen's Counsel should be restricted to barristers. I think it should be restricted to men and women who are prepared to face the heat and burden of the day and hopefully this committee, this board - and I have reason to believe that this board is already following, that this board is already using that criteria. Because as General Clark once said, "When everybody in the army is a Colonel it is sometimes an honour to be a private."

MR. SMALLWOOD: Would the minister say, are there lawyers in Newfoundland who are barristers and not solicitors? Are not all lawyers in this Province both barrister and solicitor?

MR. HICKMAN: All lawyers, Mr. Speaker, are both barristers and solicitors. I use the word barrister in the sense of a lawyer who is prepared to practice his profession in the courts of law rather than to carry out, as the hon. Leader of the Opposition did, the important practice of the law that is not in that sense directly connected with the courts.

I see amongst lawyers being called to the bar this last few years a determination to spend more time in the courts. That is as it should be. As we have expanded the legal aid programme and as lawyers have moved into areas such as Marystown, Clarendville, Carbonear, Steephenville, Harbour Grace, Grand Falls, Labrador City, and now I understand there is someone in Corner Brook - well we have had them there in Corner Brook since the 1920's - and I believe there is someone going into Goose Bay, that the courts are busier. More people are being defended and that is good. The result is that more lawyers are being attracted to that work. But please do not let anyone within the sound of my voice go away with the impression

MR. HICKMAN:

that the other branch of the law, the legislative drafting for instance, is a skill that very few lawyers have. We are very fortunate in this Province in having right now a man who served as Canada's chief legislative draftsman, Mr. James Ryan, Q.C., a Newfoundlander who decided to come home.

MR. SMALLWOOD: Was Bond a Q.C. or K.C.?

MR. HICKMAN: Bond, I do not know.

MR. SMALLWOOD: Was Whiteway?

MR. HICKMAN: I suspect if they were lawyers they were. But -

MR. SMALLWOOD: I have never seen the letters after their name.

MR. HICKMAN: I know Sir Albert Walsh was appointed a K.C.

one year after he was called to the bar. He had been appointed Speaker of this House I understand and the then Prime Minister came to the conclusion that, - Mr. Speaker, what I am saying now is totally and absolutely without prejudice. I better sit down before I -

MR. NOLAN: Would the minister permit a question.

MR. HICKMAN: I am getting in trouble with the Speaker and I must sit down.

MR. NOLAN: You are not permitting a question, is that the idea?

MR. ROBERTS: The Speaker is not accusing you -

MR. HICKMAN: Because I referred to Sir Albert Walsh getting one because he was Speaker after about one year.

MR. NOLAN: The minister is not permitting a question, is that it?

MR. ROBERTS: The Speaker of the House in all probability he a Q.C.

MR. SMALLWOOD: Could there be a better reason?

MR. SPEAKER: Is the hon. minister yielding for a question?

MR. HICKMAN: I guess I am yielding for a question.

MR. NOLAN: Just a matter of interest perhaps I could ask this question. In the case of, for example, nurses, if they are out of practice for a long while they have to go back and spend say, six

MR. NOLAN:

months and perhaps pass some courses in order to again pick up and follow their profession in nursing. Maybe the same thing applies to plumbers or electricians. I would like to know what happens in the case of a lawyer who has not practiced law for, say, four or five years.

MR. ROBERTS: Why is he not practicing law?

MR. NOLAN: He is sitting in the House of Assembly sometimes but I do not know. What is it?

MR. HICKMAN: Mr. Speaker, I know that the Law Society of Newfoundland if we can ever get around to getting a new act together, is placing some -

MR. ROBERTS: I wonder why.

MR. HICKMAN: It is in the drafting works now but it is a massive job.

MR. HICKMAN:

Anyway the law society is talking about upgrading or requiring that lawyers go back for some refresher courses. But I would not subscribe to the view and I know that the hon. Leader of the Opposition is on my side in this, that I would not subscribe to the view that a lawyer who is serving in the House of Assembly where the laws are made is not practicing law in the truest sense of the word. I will never be party to any legislation -

MR. NOLAN: In others words, nurses, doctors and all have to do it but not the lawyers? That is what you are saying.

MR. HICKMAN: The nurses and the doctors who may be serving in this House - and I am sure the hon. member for Humber East (Dr. Farrell) would agree with me on this -

MR. NOLAN: Nonsense, nonsense, nonsense!

MR. HICKMAN: - that whilst being in the House of Assembly is a very scintillating experience it does not improve the quality of medicine in the Province.

MR. ROBERTS: Does the minister have a place for the gentleman for St. John's West (Mr. Crosbie) and I, Sir.

MR. DOODY: We have legislation on the Order Paper too.

MR. HICKMAN: I move second reading.

On motion a bill, "An Act Respecting Queen's Counsel And Precedence At The Bar," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 41)

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

MR. CHAIRMAN: Order, please!

A bill, "An Act To Amend The Women's Patriotic Trust Fund Act, 1920." (Bill No. 24)

MR. CHAIRMAN: Shall Clause 1 carry?

MR. WELLS: Mr. Chairman, that should be amended. Instead of 1975-1976 that should simply be 1976.

On motion amendment carried.

On motion Clause 1 as amended carried.

On motion Clause 2 and 3 carried.

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

A bill, "An Act To Amend The Prisons Act." (Bill No. 27)

On motion Clause 1 carried.

MR. CHAIRMAN: Order, please!

I wonder if the Sergeant-at-Arms - the noise on my right, please.

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

A bill, "An Act To Amend The Evidence Act." (Bill No. 28)

MR. WELLS: I do not think it is necessary to read the clauses before they are put. Is that correct?

On motion Clause 1 carried.

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

A bill, "An Act To Repeal The Newfoundland Agricultural Marketing Act." (Bill NO. 13)

On motion Clause 1 and 2 carried.

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

A bill, "An Act To Amend The Newfoundland And Labrador Amateur Sports Federation Act, 1972." (Bill No. 23)

On motion Clause 1 carried.

MR. ROWE: Mr. Chairman, is this Bill 23?

MR. CHAIRMAN: Bill 23, yes.

MR. ROWE: I thought there was some talk during second reading to An Act To Incorporate Sports Newfoundland And Labrador? Was there an amendment?

MR. WELLS: Yes.

MR. ROWE: Does the House Leader wish to agree on that?

MR. WELLS: Now the Attorney General introduced this bill and the hon. member is quite correct. He is not here at the moment but he did given an undertaking that he would contact the Newfoundland

MR. WELLS:

And Labrador Sports Federation and enquire about this. He informed me today that he had made the enquiry and the enquiry had come back or at least the opinion was, the reply, that this was unanimously endorsed and recommended to the government and included the members from Labrador. So this left the Chairman sort of dubious if he should acquiesce in changing this unanimous recommendation. Perhaps we might leave this for a moment until the Attorney General comes back and he can say exactly what was said to him by the president of the federation or we could leave it and deal with another day in Committee. Perhaps that would be the better thing.

MR. ROWE: Mr. Chairman, if I could just - I do not know if it is in order to speak again. Mr. Chairman, you know we would obviously have to take the federation's feelings into consideration. But we, the House of Assembly, makes the laws and can amend the laws and what have you. We would certainly like to hold this over if at all possible.

MR. WELLS: If I understand the Minister of Justice, the Chairman of the federation is going to make certain enquiries and report back to him anyway. So we can hold this one out, Mr. Chairman, if you would.

MR. CHAIRMAN: Is there leave to revert to another order? Agreed.

A bill, "An Act To Amend The Crown Lands Act." (Bill No. 21)

MR. CHAIRMAN: Bill No. 21

A bill, "An Act Further To Amend The Crown Lands Act."

On motion Clauses (1) through (4) carried.

Motion that the Committee report having passed the Bill without amendment, carried.

MR. CHAIRMAN: Bill No. 25.

A bill, "An Act To Amend The Wills Act."

On motion Amendments carried.

Motion that the Committee report having passed the Bill with some amendment, carried.

MR. CHAIRMAN: Bill No. 26

A bill, "An Act To Enable Extra-Provincial Custody Orders To Be Enforced In The Province Of Newfoundland."

On motion Clauses (1) through (6) carried.

Motion that the Committee report having passed the Bill without amendment, carried.

MR. CHAIRMAN: Bill No. 7.

A bill, "An Act Respecting The Keeping Of Dogs."

On motion Clauses (1) through (19) carried.

Motion that the Committee report having passed the Bill without amendment, carried.

MR. CHAIRMAN: Bill No. 36

A bill, "An Act Respecting The Adoption Of The Uniform Interprovincial Subpoena In This Province."

On motion Clauses (1) and (2) carried.

MR. MARSHALL: Clause (3).

MR. CHAIRMAN: Order, please! The hon. member for St. John's East.

MR. MARSHALL: Mr. Chairman, to stir the Committee out of its somnolence I do wish to make a suggestion with respect to this Clause (3). Now this particular Act which has been adopted by the House in principle, the principle of the Bill is that subpoenas may be served from other jurisdictions on people here in Newfoundland and they will have to go to that other jurisdiction or to that other province.

Mr. Marshall:

Now I made a few remarks yesterday with respect to it, and with respect to the bill, and I understand—and I am glad to see the Minister of Justice is back in because it is really his bill—but yesterday I made a few remarks with respect to it and the House opted to go for, to use the quotation, "being good Canadians as it were" that we had to co-operate with other provinces which certainly we have to. But, Mr. Chairman, I think that the major concern that we should concern ourselves with here is the rights of the individual who may be affected by a subpoena served on him or her from another jurisdiction, and thereby under the provisions of this Act be required to go to another jurisdiction within a period of ten days as the Act says.

Now the criterion set down in this Act, the only criterion is really if—Mr. Chairman, I have a loud voice, but I do not wish to have to talk over the din and the roar—the only criterion in this Act, Mr. Chairman, with respect to this particular Act is that it is necessary, the courts in this Province have to be sure—and and this Section (3)—that it is necessary for the adjudication of the proceedings in the place where the subpoena is issued, and it is reasonable and essential to the due Administration of Justice in that province. And it makes no reference, My Lord, Mr. Chairman, to the — I thought I was in court there for a moment, perhaps we can call you My Lord occasionally—but it makes no reference in this particular section to the convenience of the individual that is himself. And we have to contemplate situations, and it is not covered here in the Act where somebody, for instance, say a lady who has the care and custody of children is subpoenaed to another jurisdiction and she has to leave and she has no means whereby her children are to be looked after. We have to consider the situations where somebody is in the state of bad health, and it would cause possible impairment to his or her health to have to travel to another foreign jurisdiction. We have to also, I think, Mr. Chairman, consider the situations where a

Mr. Marshall:

person may be suffering irreparable economic reversals as a result of having to respond to this foreign subpoena.

Now I do not think that in those cases that these people if these circumstances are proven should be required to go to other provinces to appear. I do not feel that it is right. It will not affect the adjudication of the matter in the other province because there are procedures in every province of Canada for taking evidence on commission. And I think in the event that dependents are relying upon an individual, I think in the case of where it is going to impair somebody's health or cause them irreparable economic reversals then and in that case the court of the foreign jurisdiction ought to come to the individual rather than the individual having to go to the court.

So with that particular explanation, I have prepared by way of suggested amendment to the Committee - I know the Minister of Justice is, I can tell by his face that he is going to receive it even though this is an Act which is a uniform Act and uniform legislation and uniform commissioners want uniform acts throughout Canada, but this is a confederation and we have the right to make our own Act. And it is a simple amendment. And I move, Mr. Chairman, seconded by the hon. member for Mount Scio (Mr. R. Winsor) that Clause (3) be added -

AN HON. MEMBER: Who is going to second it?

MR. MARSHALL: Seconded by the hon. member for Mount Scio (Mr. R. Winsor), now not the resident of Mount Scio (Mr. J. Carter) who usually supports my statements from time to time, but the member for Mount Scio. So the disease is spreading.

Mr. Marshall.

by amending Clause 3 by adding thereto as paragraph (c) of Clause 3 the following words, "The court in this Province so receiving this subpoena from a court outside this Province is satisfied that the attendance in the issuing province of the person subpoenaed shall not adversely affect or be likely to adversely affect the health and well-being of the person subpoenaed or of the dependents upon that person or cause or be likely to cause a reversible economic loss to the person subpoenaed." Now the affect of this amendment which I have here, Mr. Chairman, for consideration, also an extra one for the hon. Minister of Justice will give a certain amount of release to individuals who find themselves subpoenaed from foreign jurisdictions - we use the word foreign jurisdictions in the legal sense - from other provinces who find themselves in a position of being in ill-health, having dependents upon them whom they cannot leave or having a situation where it is going to cause severe and irreparable economic loss, that they can apply to a court in this Province where they reside and if the court feels that these situations pertain our court can relieve them and will not put the seal of the court on it as provided in this act.

Now, as I say, it is a matter that I realize the Minister of Justice may wish to consider. I would hope he would consider it. It is not a matter of maybe earth shattering import as all these things when they occur from time to time. We hear them, and we always think in terms of ourselves, and we always say, "Well, it is not going to happen to me. I am not going to be subpoenaed from a foreign place or another province. I am not going to get in a position where I have to testify." It is like everybody says of something that they do not wish to see happen is not going to happen to them. But the fact of the matter is, Mr. Chairman, is that it will happen to some people, and when it happens I think we have a primary duty in this Committee and in this Legislature to protect the individual as opposed to the, you know, general

Mr. Marshall.

convenience of the courts themselves in other provinces. And I would emphasize that this would not impede justice in any way because the courts in that foreign jurisdiction can do what they had to do before this bill was passed, and can send the courts by way of commission to the person so operating under a disability. So, as I say, I move seconded by the hon. member for Mount Scio (Dr. Winsor) this amendment and commend it to the consideration of this Committee.

MR. SMALLWOOD: Would the hon. member be agreeable to eliminating the split infinitive?

MR. CHAIRMAN: Order, please!

I recognize the hon. member for Trinity - Bay de Verde.

MR. ROWE: I will yield to the hon. member if he is asking a question.

MR. SMALLWOOD: No, I am only asking if the hon. gentleman would be willing to eliminate the split infinitive in that amendment? There is a split infinitive there, and it ought to come out.

MR. MARSHALL: I had not realized, Mr. Chairman, that there was a split infinitive all of which goes to prove that in some cases officials are even better than elected members from time to time so there will be no problem at all in taking the to and putting it where it is supposed to be at.

MR. ROWE: Mr. Chairman, it is not very often that we see eye to eye with the member for St. John's East (Mr. Marshall) but I think in this particular instance the amendment that he has introduced is well-founded. It is very well-founded indeed, and the reasons he has given to support this amendment, we ourselves do support.

MR. HICKMAN: What is the amendment?

MR. ROWE: Well the Minister of Justice presumably can read as well if not better a point of law than I can. So the minister asks what the amendment is? The amendment is in the minister's hand, and

Mr. Rowe:

to me it makes a great deal of sense. The only reservation that I have about it was sort of implied by the question asked by the member for Twillingate (Mr. Smallwood), and that is where do you draw the line in this particular instance? It sort of reminds me of people being called to the jury, you know, and certain people do not have to serve on juries for one reason and another, and there is a cut-off point and sometimes this does cause problems. Now the member for St. John's East (Mr. Marshall) has referred specifically to the health and the well-being of a person and he has referred to an economic loss. Now these are very specific things, but there could be other reasons that could be included in this particular amendment. One is mentioned by, I think, the member for Twillingate (Mr. Smallwood) if I heard him correctly, a member of the House of Assembly while the House of Assembly is in session, doctors in their service, you know, it is very necessary that certain professional people not be dragged out of the Province even in this particular instance.

MR. COLLINS : Why professional people?

MR. ROWE: Not just professional people, but I will use the word 'professional' very loosely, you know, certain categories of people. So in supporting the amendment in principle, Mr. Chairman, I think that we have to take a very serious look at where we do draw the line, and whether in fact we can include in the amendment other categories of people in this particular instance. So we agree in principle with this particular amendment, and we commend the member for St. John's East (Mr. Marshall) for introducing it in this Committee stage.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. Minister of Justice.

MR. HICKMAN: Mr. Chairman, I am certainly reluctant at this time to accept the amendment proposed by the hon. member for St. John's East

Mr. Hickman:

(Mr. Marshall) because firstly this bill, as it is uniform - I realize that everything the hon. gentleman says about the uniformity of legislation and that the sanctity and the sovereignty of this House is, you know, quite correct. But the uniformity of legislation commissioners, and we have three representatives on it, spent many months, years, not months, years reviewing -

MR. ROBERTS: Who is the we that had three representatives on it?

MR. HICKMAN: The Government of Newfoundland. We have the assistant deputy minister of Justice, the chief legislative draftsman, who in this case I believe was one of the founders of this. Certainly he has been carrying the load over the years on the uniformity of legislation commissioners, And the director of public prosecutions and they rely on the research carried out by law reform commissions, and I would be reluctant to spoil what is a good act by an off-the-cuff acceptance of the amendment, plus the fact that with all due deference to my hon. friend from St. John's East (Mr. Marshall), I am sure he does not purport to be a legislative draftsman, and I do not either, but I can say without giving it too much scrutiny that the section itself, if we approved the principle of it, would need some drafting changes. So what I am prepared to do if it is agreeable to the Committee is ask Clause 3 to stand aside so I can have an opportunity to obtain the rationale behind the recommendation of the uniformity of law commissioners and if it is decided that this amendment is acceptable, then to redraft it so that it will read a bit more effectively, and I will. But in any event I undertake to do that so if it is agreeable to the House we could have Clause 3 stand, pass the other clauses and then have the bill stand over.

MR. CHAIRMAN: Is it agreed by this House?

SOME HON. MEMBERS: Agreed.

MR. CHAIRMAN: Agreed.

MR. MARSHALL: I do have a few words to say, Mr. Chairman. We are in Committee, so I can speak again on the matter. Certainly that

Mr. Marshall.

is acceptable and certainly the clause, you know should be looked at, but, you know, from the point of view of tidying and drafting this was done in a very few moments over here twiddling away with my pen when I was not listening to other things. But before we come back to this, as we will, because then the matters will be lost, and we will have to regurgitate a lot of it again, there is just one little observation I would like to make about what

MR. MARSHALL:

the hon. Minister of Justice had to say. That is - now I see you have to check out with officials and I mean no disrespect whatsoever with respect to the persons whom the hon. minister mentioned as being employees, high officials of this government who are in the uniformity legislation, members of the Uniform Legislation Committee our delegates from here. But of course I think it has to be very carefully considered by this committee and by this House, the effect which officials, various officials of departments for whatever reason one may have have on legislation and have on matters here before the House. Because after all if we do bring in bills before this House that have been passed by Committee members, that have been passed by - thinking particularly now of this Uniform Legislative Committee, uniform laws - we have not exactly delegated our rights to change the law and to enact the law and given it and conferred it upon members of any committee, least of all people of the Uniform Legislative Committees whose aim is to have certain laws uniform throughout Canada.

Now I do not think we need to go into a debate as to the virtues one way or the other of uniform legislation. In certain cases like The Highway Traffic Act it obviously has a certain amount of utility. But this Nation of Canada is not divided into provinces just by chance. It is divided up for reasons. You cannot have one single law with respect to property and civil rights throughout the whole nation. That is why we have a province.

But I would just like to draw this to the attention of the hon. minister. I know I do not need to. I know he already recognizes it. But when you are at the point of being a low and humble member of the House particularly a lowly and humble backbencher and even a lower and more humble government backbencher one does not have much impetus or input into government itself and it is like, to me anyway, waving a red rag to a bull to turn around and say, you know, that suggestion that I made, that I know the hon. minister whom I have a great deal of respect for and affection will consider fully,

MR. MARSHALL:

but it is like to me waving a red rag to a bull and goring him and putting the sword into the person, at the same time to turn around and tell me or to tell this House that decisions that this House is going to make are going to depend upon some committee, some employees or some commission outside of this Committee or outside of this House.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: This is what I feel we were elected for, Mr. Chairman. This is what I feel we are elected for and this is the reason for the exercise of this Committee right here. Otherwise it is just as well to push it, whistle it right through, and we will just sit down and nod our heads and let the public servants run the government.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. member for Twillingate.

MR. SMALLWOOD: Mr. Chairman, there is not any doubt at all - and I am sure that the hon. member for St. John's East (Mr. Marshall) would be the first to agree - that there is not any doubt as to the usefulness, the value of this Committee which is a national body for uniformity of legislation. I first came into acquaintance with it quite early in my administration when the Attorney General told me of it. Again and again our legislation was brought into conformity of style, much more in the matter of style than in the matter of content.

Now, in this particular bill I gather the impression that it is a matter of content, not just style alone, that is at stake. I feel that that organization is excellent. It is necessary. If there had not been such a body, it would have been necessary to invent one. But as the hon. member has said, they do not take the place of this House. They were not elected. That committee, important though they are, were not elected. They have no franchise from the Newfoundland people. They were not candidates in any general election or any by-election in Newfoundland. They were not given seats in this House and we were. We were given seats in this House to make laws. We are the lawmakers. We are members of the legislature

MR. SMALLWOOD:

which means that we are legislators. We are here to legislate for Newfoundland not this Committee. While that committee can be extremely useful in setting up a uniform system of style, the style in which statutes are written, punctuation, capitalization, spelling and the format in which bills are written. That is extremely useful.

Now I can understand the Attorney General wanting to, if he agrees - I am sure he must agree - if he agrees that the content of the hon. member's amendment ought to be put in the bill, if he agrees on that, I am sure that he will also want to have it written in a style that is in conformity with the uniformity of the legislation system across Canada. But that we have the right to move such an amendment as that is surely beyond doubt. And the Attorney General is not going to come back to this Committee after he has considered the matter and say, "Sorry Committee, sorry elected members of the House but we are not going to listen to you, we are going to listen to the fellows who were not elected. You were elected, it is true. You are the legislators but in this matter you are not going to legislate." I am sure he is not going to come back and say that. He is not that kind of an Attorney General.

MR. NOLAN: Mr. Chairman, if I could just ask one question. That is, I am wondering if in connection with the amendment proposed by the hon. member for St. John's East (Mr. Marshall) if when this bill comes up again for discussion in the House or to be amended, we will have some prior notice, at least the hon. member will be present in the House so that what he is now recommending will in fact come in and will not be brought in at the last moment and put through? Do we have that assurance?

MR. HICKMAN: Mr. Chairman, you know, I am sure the hon. gentleman did not really mean what he said there because he could not mean what he said there because there is a motion before the Chair. So the motion has now been given. Notice has been given. It cannot be put through without a vote on the amendment. It cannot go through this Committee without a vote on the amendment.

MR. NOLAN: Without the hon. member knowing it is coming up on a particular date.

MR. HICKMAN: Well all I can assure the hon. gentleman - and I know that the hon. gentleman will be here, I am sure he will be here -

MR. NOLAN: I see.

MR. HICKMAN: - that the next day we go into Committee which will not be today - it will probably be Thursday - I will have consulted with the legislative draftsmen as to style, as to form. I hope nobody interprets or misinterprets what I am saying, that the legislative draftsmen, or the Uniformity Legislation Commissioners of Canada dictate to this legislature. It is silly, absolutely nonsensical.

What I do say is that when we have at our disposal -

MR. DOODY: Why do you hire talent, if you do not use it?

MR. HICKMAN: - the advice of skilled lawyers, highly talented legislative draftsmen who have seen these policies work in a bill which by its very essence is reciprocal so that all the provinces, this Province will have the same rights to subpoena witnesses from British Columbia or Alberta or Saskatchewan or Manitoba, that having gone through that there may be some rationale as to why the government should consider before asking to vote on this amendment. But if the rationale is not sound and if it is only that the uniformity of legislation commissioners forgot about it or it does not offend against reciprocity or does not offend - you know, the government is not bound by it. So I am agreeable if the House is that we have the motion before the Chair, that the motion now stand and that this bill stand over until the Committee next meets or whenever it is called again.

MR. CHAIRMAN: All those in favour of the motion -

MR. HICKMAN: No, not the motion. Just stand it over.

A bill, "An Act To Amend The District Courts Act." (Bill No. 32)

On motion Clause 1 through 3 carried.

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

MR. CHAIRMAN: Bill No. 53

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

On motion Clause (1) carried.

Motion that the Committee report having passed Bill
without amendment, carried.

MR. CHAIRMAN: Bill No. 62

A bill, "An Act Respecting The Retirement Of Magistrates."

On motion Clauses (1) through (5) carried.

Motion that the Committee report having passed the Bill
without amendment, carried.

MR. CHAIRMAN: Bill No. 20

A bill, "An Act Further To Amend The Quieting Of Titles
Act."

On motion Clauses (1) through (3) carried.

Motion that the Committee report having passed the Bill
without amendment, carried, by leave.

MR. CHAIRMAN: Bill No. 17

MR. F. ROWE: Just on a point of order, just to make the point.
Has the House Leader forgotten Order No. 8 or does he intend to
revert back to it?

MR. WELLS: We will come back to it.

MR. ROWE: Yes.

MR. CHAIRMAN: Bill No. 17.

A bill, "An Act Further To Amend The Child Welfare Act, 1972."

On motion Clauses (1) through (3) carried.

Motion that the Committee report having passed the Bill
without amendment, carried.

MR. CHAIRMAN: Bill No. 18

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

On motion Clauses (1) through (2) carried.

Motion that the Committee report having passed the Bill
without amendment, carried.

MR. CHAIRMAN: Bill No. 22

A bill, "An Act To Amend The Pharmaceutical Association Act."

MR. WELLS: Mr. Chairman, there is a further amendment to be carried, to be added as Clause (3) or Section (3), it reads.

"Subsection (1) of Section (17) of the said Act, is amended by adding after Paragraph (k) the following, (l) minimum standards to be maintained by Drug Stores and (m) the inspection of Drug Stores by representatives appointed by the Council to ensure that the minimum standards set out in the by-laws are maintained by Drug Stores. And then the further Clause (4), the said Act is amended by striking out the words "Pharmaceutical apprentices" wherever they occur and substituting therefore the words "Pharmaceutical students". I do not know if the minister is ready to have a word on the proposed amendment.

MR. ROWE: This is the first time we heard of the amendment.

MR. WELLS: Yes, well it was not available this afternoon, it was just given to me.

MR. CHAIRMAN: Would the minister like to comment on that amendment?

MR. WELLS: Would the minister like to comment on the amendment to the Pharmaceutical Act?

MR. CHAIRMAN: The hon. Minister of Health.

MR. H. COLLINS: Yes, Mr. Chairman, these are a couple of minor amendments which had been suggested by my department after the Bill was drafted. And the purpose of the amendments are to make sure that minimum standards be maintained at drug stores, and it also provides for the inspection of drug stores by representatives appointed by the Council to ensure that the minimum standards set out in the by-laws are maintained by the drug stores. I take pleasure in moving the amendment.

MR. CHAIRMAN: Shall the amendment carry?

On motion amendment carried.

Motion that the Committee report having passed the Bill with some amendment, carried.

MR. CHAIRMAN: Bill No. 19

A bill, "An Act To Amend The Development Areas (Lands) Act."

MR. ROWE: Mr. Chairman,

MR. CHAIRMAN: Order, please!

MR. ROWE: Yes, Mr. Chairman, this afternoon - I take it we are on Bill No. 19, are we?

MR. CHAIRMAN: Bill No. 19.

MR. ROWE: This afternoon I asked the Minister of Forestry and Agriculture whether he would indicate specifically the ways in which the government intends to prevent speculation in the use of the particular lands included in this amendment. And I did not get an answer to that question. I would certainly appreciate in Committee stage hearing from the minister how he intends to prevent, knowing full well, of course, that you cannot entirely and or prevent speculation in land. but could the minister indicate, give some specific indications of how his department intends to prevent speculation, in the land referred to in the amendment?

MR. CHAIRMAN: The hon. Minister of Forestry and Agriculture.

MR. J. ROUSSEAU: This afternoon the policy of the department that I read I thought indicated that the land will be designated after looking at what purpose it can serve. And I would assume that if land is designated as agricultural land there would be very little speculation and very little hope that it would in the future sell for residential or commercial purposes. Once it is designated as commercial or residential it is, you know, something that every government has to deal with, I assume, but normally you are looking at in the cities where most of it is used, in the cities or small towns you look at it as mostly residential. In the smaller towns mostly as residential and commercial in the cities. Mostly agricultural land out in, for example, the Codroy Valley or in the Cormack area, you know, for speculators to go in there and buy on speculation, on the fact that they are going to have residential or commercial area, and then find out it is going to be designated as agricultural land in which they cannot build a residence or use a commercial permit to build there, I think that would certainly impede them. I do not know

MR. ROUSSEAU:

if that specifically answers it but that is about the only way that I can see right now that we can control that.

MR. ROWE: I wonder on this amendment. I am not an expert in this but -

MR. FLIGHT: You are very honest about it.

MR. ROWE: I am very honest, yes. But, Mr. Chairman, I have heard of people buying or getting a lease of land for agricultural purposes and according to the regulations being able to turn over a few aods and this kind of a thing, and some years later doing something different with the land than was originally intended. I wonder if the regulations have been tightened up in that respect and if this is what the minister is in effect saying?

MR. ROUSSEAU: If the hon. member recalls, that when I brought in the announcement about four or five weeks ago about leases, for example, that we were indeed being ripped off in the sense that if somebody had twenty-five per cent of the land cleared in five years that the next thing we knew there were houses and developments going on it and we were losing prime agricultural land. This is why we brought in this new regulation that I made a press release on some weeks ago and that the farmers are upset about, about the five dollars an acre or whatever it is, and that in future we will not give a grant for agricultural land. We will lease it, as I said for the public record in this House, for fifty years but it is renewable assignable, saleable, passable, whatever you want. As long as it is used in agriculture which is the intent government wants to designate that land for, then the person may keep it. We will renew the lease for hundreds of years as long as it is being used in agriculture. If the man does not use it for example for three consecutive years in agriculture, he loses the lease. If the man does not build a building he loses the lease. If the man does not clear so many acres every year for fifteen years he loses the lease. So this sort of thing certainly will not allow them to speculate on land because once it is assigned as an agricultural lease then there is

MR. ROUSSFAU:

no way that he is going to use it for anything else but agriculture or the land will revert to the Crown.

On motion Clause 1 through 4 carried.

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

A bill, "An Act To Amend The Local Government (Elections) Act."
(Bill No. 34)

On motion Clause 1 and 2 carried.

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

A bill, "An Act To Amend The Community Councils Act, 1972."
(Bill No. 35)

On motion Clause 1 through 3 carried.

MR. WELLS: Mr. Chairman, the middle of line three of Clause 4, subsection (5) after the word 'interest' to be inserted "in the matter distinct from any interest arising from his functions as a councillor or has a pecuniary interest, etc." We would move that amendment.

On motion amendment carried.

On motion clause 4 as amended, carried.

On motion Clause 5 through 7 carried.

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

A bill, "An Act To Amend The Registration Of Deeds Act."
(Bill No. 40)

On motion Clause 1 through Clause 4 carried.

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

A bill, "An Act Respecting Queen's Counsel And Precedence At The Bar." (Bill No. 41)

On motion Clause 1 through 5 carried.

MR. WELLS: Clause 6, subsection (3), the fourth line of subsection (3), Mr. Chairman, before the words "St. John's", should be amended to

MR. WELLS:

add "The metropolitan area of St. John's".

MR. ROWE: Why is that?

MR. WELLS: Enlarge it to the metropolitan area rather than the city.

MR. POWF: It says the St. John's metropolitan area.

On motion amendment carried.

On motion Clause 6 as amended carried.

MR. ROWE: Mr. Chairman -

MR. RIDEOUT: You are wrong there.

MR. ROWE: Right. The metropolitan area of St. John's metropolitan area. It seems to be -

MR. WELLS: It is considered by the draftsmen to be a better, more satisfactory or at least better drafting form to put the words metropolitan area of St. Johns.

MR. ROWE: Do you delete -

MR. WELLS: Father, yes and the metropolitan area behind the words 'St. John's'.

MR. ROWE: So you delete metropolitan area after it. Okay.

MR. NOLAN: Could I ask a question on that again. Excuse me, Mr. Chairman. That is on the metropolitan area. I would like to know what it encompasses there because, you know, you are talking for example, about Kilbride. Since the metropolitan area also includes the Goulds, is that also included?

MR. MURPHY: You cannot be a resident of St. John's, that is all.

MR. NOLAN: Yes but we are talking about metropolitan areas now.

MR. WELLS: Yes I think it would include Kilbride but I do not think it would include the Goulds which is an incorporated municipality.

MR. NOLAN: Yes but does not the Metropolitan Board have jurisdiction there and in other areas as well.

MR. WELLS: It has jurisdiction in Kilbride but not Goulds. The Goulds is a separate town council just as Clarenville might be or Gander.

MR. ROWE: It is a matter of -

MR. NOLAN: Well let me give you an example, Topsail and Island Pond have no municipality and I believe that they are under the jurisdiction of the Metro Board.

MR. WELLS: Yes, yes.

MR. NOLAN: So is that included also.

MR. WELLS: Yes where you are under the jurisdiction of the Metropolitan Area Board you are included. But where you are a separate municipality you stand as a town on your own, outside as would Gander, Grand Falls or any incorporated area.

MR. MURPHY: Does it mean, Mr. Chairman, that they are not all residents of St. John's. At least one must be from outside the metropolitan area of St. John's. In other words, a non-resident of the city or the metropolitan area is actually what it means.

MR. WELLS: Yes it means living outside the St. John's area. That is basically what it means.

On motion Clause 6 as amended carried.

Motion that the Committee report having passed the bill with amendment carried.

A bill, "An Act To Amend The City of Corner Brook Act."

(Bill No. 33)

On motion Clause 1 through 6 carried.

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

MR. CHAIRMAN: Bill No. 54 .

A bill, "An Act To Amend The Solemnization Of Marriage Act, 1974." (Bill No. 54).

On motion Clause 1 through to Clause 3 carried.

MR. WELLS: In Clause 4 which refers to the previous section 27 of the act, sub-section (d), the final word, Mr. Chairman, should read 'period' instead of 'week'. It would then read, "all documents and other material deposited with him under section 24 during that period;" rather than that week.

On motion Clause 4 as amended carried.

On motion Clause 5 carried.

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

MR. CHAIRMAN: Bill No. 55.

A bill, "An Act To Register Mortgage Brokers And To Control The Amount Of Bonuses To Be Charged By Mortgage Brokers."

On motion Clause 1 through to Clause 6 carried.

MR. WELLS: There in Clause 7, sub-section (2), the fourth line down Mr. Chairman 'production of any records, demand the production of any records.' At the moment there is a blank there, any, and there is no word. That word should be and should be included as 'records'.

On motion Clause 7 as amended, carried.

On motion Clause 8 through to Clause 11 carried.

MR. WELLS: There is amendment to Clause 12 which has been discussed with my hon. friends opposite, Mr. Chairman. Clause 12, subsection (1) (1) would now read, "providing for the amount of bonuses not to exceed four per cent of the principal amount of the mortgage plus \$100, that may be charged by mortgage lenders and mortgage brokers."

On motion Clause 12, subsection (1)(1) as amended carried.

MR. SMALLWOOD: Is this Bill No. 55?

MR. CHAIRMAN: Yes, Sir.

MR. SMALLWOOD: I believe that it was adopted in principle today by the House, and now it is before the Committee. The one member of this House more than any other, incomparably more than any other, who has made a public issue of this matter, the member for LaPoile (Mr. Neary) is not in his place, and not in the House, not in the building. I think he is out in his constituency, and should be due back - we are going to be here surely another couple or three weeks anyway. Could not the consideration of this in Committee be deferred until he is back here? There is some question as to whether this bill would be on the Order Paper if he had not raised such a hullabaloo, Rightly or wrongly is not the issue. He did raise a great furor, and now we have this legislation, but he is absent. It is not asking too much is it to defer it and go on with other bills? There are lots of other bills we can deal with.

MR. MURPHY: Just to set the record straight, this bill was discussed a long while before the member ever discussed it, and if anybody feels that all credit for this goes to the member for LaPoile (Mr. Neary) they are very much mistaken because the credit goes to the staff of the Consumer Affairs department, who were very much aware of this last August. I just want to set the record straight in the House.

MR. SMALLWOOD: I will buy that. I accept the minister's statement, but I would not credit his officials with it. I would credit him. He is the minister. And it would not be here -

MR. MURPHY: I was not in the department at the time.

MR. SMALLWOOD: Well it would not be here if the minister of the department concerned did not want it to be here, and if the Cabinet had not agreed that it should come here. So the credit goes -

MR. MURPHY: I am talking about the origination, not the actual fact of the bill, but the bill originated with the officials of the Consumer Affairs department, Sir.

MR. SMALLWOOD: Well that may well be so. But nevertheless I repeat my appeal that consideration of this bill be deferred briefly, maybe a day, until the member for LaPoile (Mr. Neary) is back in his place. He may have some suggestions to make. He may have some amendments to propose, which is every member's right so perhaps the House Leader would accept that appeal.

MR. WELLS: Mr. Chairman, to that point. The principle of the bill has been debated today in second reading, and we have now considered in Committee down to the second last paragraph. The bill incorporates all the matters that the various speeches made before this House and particularly by the member for LaPoile (Mr. Neary) has asked for. They are all there and incorporated in the bill, including this latest amendment which would limit any bonus to four per cent, plus \$100. And I feel, Mr. Chairman, that the bill provides for everything that has been asked for and has now been fully debated.

MR. WELLS: Clause 12, subsection (g), Mr. Chairman, to be amended to read, "respecting advertising by mortgage brokers" - and then the words - "and mortgage lenders" to be added.

On motion Clause 12, subsection (g) as amended, carried.

MR. WELLS: Clause 12 (2) on the next page referring to regulations, the last line that the words, 'House of Assembly' appear that to be amended to read, 'Legislature.' This is to conform with the Interpretation Act of the Province.

MR. NOLAN: What about (g), advertising by mortgage brokers? I mean are there going to be regulations?

MR. WELLS: Oh, yes, to cover as to make sure that the advertising is legitimate and displays some of the truth of the situation, and the amendment would -

MR. MURPHY: It is like it was quoted today, you know, combine all your bills, and this kind of story or whatever it might be.

MR. NOLAN: Right.

MR. WELLS: - and the amendment just proposed would include mortgage lenders and as well in that, so it will be covered.

MR. CHAIRMAN: Shall Clause (12) as amended carry?

On motion Clause (12) as amended, carried.

On motion Clauses (13) through (16) carried.

MR. NOLAN: Mr. Chairman, is it permitted to ask a question?

MR. CHAIRMAN: Yes.

MR. NOLAN: I am wondering about (f) in Clause (12) on the regulations, respecting the regulation of trust accounts kept by mortgage lenders and mortgage brokers. Now my understanding is that certain funds are kept by lawyers. Are we going to say that their trust accounts shall also be made, when these regulations regarding their trust accounts in this regard?

And another matter, just as a matter of observation is that a broker's business is to get the best deal for the client. And I am wondering, no matter who it is, if they are, in fact, as the minister said today shopping around, and if they have funds in their back pocket, so as to speak, are they, in fact, shopping around? And I am wondering how this Act protects people really?

MR. CHAIRMAN: The hon. Minister of Justice.

MR. A. HICKMAN: Mr. Chairman, if I answered the last question I would be debating the principle of the Bill which I am precluded from doing under the rules. With respect, and again I presume I have leave to revert to 12 (f), this gives the Registrar or the Lieutenant-Governor in Council the right to make regulations providing that mortgage brokers must carry and have proper trust accounts which is a very desirable thing to do, very desirable, very necessary. With respect to the Law Society, lawyers they come under the Law Society Act, and it certainly could not be incorporated in this Act.

MR. NOLAN: Well if they are brokers they could, could they not?

MR. HICKMAN: Well if they are brokers they are incorporated anyway.

MR. WELLS: If they are registered as brokers?

MR. HICKMAN: Yes. Well if they carry on the business of brokers they would have to register.

MR. NOLAN: But do they have to be registered as brokers to broker, let me ask you that?

MR. HICKMAN: If they broker they do.

MR. WELLS: If they broker they do, if they do not have anything to do with brokering, well they do not register as brokers.

On motion Clauses (17) through (18) carried.

MR. CHAIRMAN: Shall Clause (19) carry?

MR. WELLS: In Clause (19), Mr. Chairman, it now reads "This Act or any provision thereof shall come into force on the day to be proclaimed etc." We would cut out the words "or any provision thereof" and have it read "this Act shall come into force on a day to be proclaimed etc."

MR. CHAIRMAN: Shall Clause (19) as amended carry?

On motion Clause (19) as amended carried.

Motion that the Committee report having passed the Bill with some amendment, carried.

MR. CHAIRMAN: Bill No. 58

A bill, "An Act Further To Amend The Newfoundland Medical Care Insurance Act."

On motion Clauses (1) through (4) carried.

Motion that the Committee report having passed the Bill without amendment, carried.

MR. CHAIRMAN: Bill No. 23

A bill, "An Act To Amend The Newfoundland Add Labrador Amateur Sports Federation Act, 1972."

MR. CHAIRMAN: The hon. Minister of Justice.

MR. HICKMAN: Yes, Mr. Chairman, on that Bill as I undertook yesterday with the hon. House -

MR. ROWE: You are not closing this?

MR. HICKMAN: No, no, I am just - I am not closing anything, I am just complying with the undertaking -

MR. CHAIRMAN: We deferred the Bill for the minister's approval.

MR. HICKMAN: Yes. Before the title is called I want to advise the Committee that in accordance with my undertaking I consulted with Mr. William Gillies, the President of the Newfoundland and Labrador Amateur Sports Federation. He informed me that at the annual meeting of the Society of which there were representatives from all parts of the

Mr. Hickman:

Province there was a resolution passed asking to have the name changed to Sports Newfoundland. I indicated to him that there was an expression during the debate on second reading that the words "and Labrador" should be added. He had no personal objection, but what he said to me was, "I cannot without a special meeting of the Association change the resolution." But he gave me an undertaking that if this Bill is passed as is he will at the next annual meeting, which will be in the Fall, move a resolution to ask the House to further amend to include the words "Labrador". But he cannot go back now.

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

MR. ROWE: We feel extremely strong about this particular point.

MR. PECKFORD: Why?

MR. ROWE: If given a chance, Mr. Chairman, I might be able to inform the hon. minister why. We feel extremely strongly about this particular point for a number of reasons, in spite of what the President of the Newfoundland and Labrador Sports Federation has conveyed to the Minister of Justice. The fact of the matter is that the original name was Newfoundland and Labrador Amateur Sports Federation, and now we are changing the name, and we are calling it Sports Newfoundland. And the impression is left that we are actually dropping the word "Labrador" from the name of that body which is changing the name only. But we feel very strongly that the word "Labrador" should be included because, you know, if the original Federation was called, the Newfoundland Amateur Sports Federation, and we changed it to Sports Newfoundland it would not be so bad. We would still wish to call it Sports Newfoundland and Labrador, but by very virtue of the fact that we are actually dropping the name Labrador from the name of the body I think reflects upon how some people may feel about Labrador. And I think this Legislature should vote in favour of an amendment to include Labrador in the name of that particular body because I feel strongly that it probably was just an oversight on the part of the Federation when they drafted up this name. I doubt very much whether they debated, actually debated

Mr. Rowe:

whether they should include Labrador or drop Labrador from this.

I have a funny feeling that it was more of an oversight than anything else.

And, Sir, while I am on the topic, you know, we do have correspondence and we do have names of associations and what have you. The Newfoundland and Labrador House of Assembly is on our letterhead, and we have the Government of Newfoundland and Labrador, true we do not have the Province of Newfoundland and Labrador, we do not call it the Province of Newfoundland and Labrador, sometimes I think we should. If we are saying Newfoundland and Labrador in every other instance, one wonders why in the heck we do not have the Province of Newfoundland and Labrador. Some people argue - well the BNA and all this sort of thing, you know - but some people would argue that it would remind us of a division, Well the same would be true, Sir, -

MR. MURPHY: Is the hon. member aware -

MR. ROWE: Just one second, the hon. minister

MR. MURPHY: - that this is not a government institution, this Newfoundland and Labrador Sports Federation is not a government institution?

MR. ROWE: I am aware of that.

MR. MURPHY: So how can you tell someone they have to call -

MR. ROWE: Well so what. Look the Minister, Mr. Chairman, has every opportunity to speak after I finish my remarks -

MR. MURPHY: But, I mean, I thought I would cut the remarks short and just remind you that this is a private body.

MR. ROWE: I do not care if it is a private body, a public body or a male or female body or -

MR. MURPHY: All right. Okay.

MR. ROWE: - a government body. The fact is that it is a body, and it has got a name.

MR. MURPHY: Yes, and you are going to tell a private body what they can call themselves.

MR. ROWE: And the government has brought in a Bill where the name of a Federation has been changed to

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Mr. Rowe:

Sports something? Sports Newfoundland, and they have dropped the name Labrador.

MR. MURPHY: Right.

MR. ROWE: Now if I were a Labradorian I would take a

MR. ROWE: rather dim view of this.

MR. MURPHY: They would not join the Federation.

MR. ROWE: Because the name has been dropped.

MR. MURPHY: That is right. They do not join the Federation.

MR. ROWE: The name has been dropped. Now that is simply the point that I want to make.

MR. MURPHY: St. John's West is not on it either.

MR. ROWE: Mr. Chairman, would you just remind the minister that he has every opportunity to speak and by his ramblings on the most and the best that he can do is tangle me up and keep me going for a little while longer and I was hoping to make this short, and quick and to the point.

I do not want to make a great emotional issue of it, but it is quite common in this Province to call and refer to the Government of Newfoundland and Labrador, the Newfoundland and Labrador House of Assembly. I again remind hon. members that I would not feel personally, quite so strong about this if it were not for the fact that we are in the act of dropping Labrador from the name of that particular body. Now whether it is private, non-government has nothing whatsoever to do with it. I am speaking as a non-Labradorian and I am hoping that I am conveying the feelings of Labradorians and I certainly feel that I am conveying the feelings of my colleagues on this side of the House, and I hope that hon. members who represent districts in Labrador would respond to some of the remarks that I have made.

I do not know if I can ask the government House Leader to amend that particular section, "An Act To Incorporate Sports Newfoundland" and add the words, "And Labrador."

MR. CHAIRMAN: The hon. the Minister of Justice.

MR. HICKMAN: Mr. Chairman, I certainly do not want to get into a debate on this. It is in Committee and obviously this was not the intention. We were responding to a legitimate request from a legitimate society. I will go back and talk to them again,

MR. HICKMAN: so I move the bill stand over.

MR. ROWE: Mr. Chairman.

MR. CHAIRMAN: No, I am sorry. That is it now.

MR. ROWE: Could I just ask the minister if he would remind or mention to the Federation that at least, speaking for my own colleagues, we feel very strongly about it.

MR. HICKMAN: I told them that this morning.

MR. ROWE: Right.

MR. HICKMAN: And it will be discussed at a meeting.

MR. ROWE: My colleague from Eagle River (Mr. Strachan), wanted to make a few points.

MR. HICKMAN: Well we are going to stand it over now.

MR. ROWE: Can he?

MR. HICKMAN: No, not if we are going to stand it over.

MR. ROWE: I mean, if the minister is going to go back to the Federation I think he should have the benefit of some words of wisdom from the member for Eagle River (Mr. Strachan).

MR. HICKMAN: We are going to stand it over, that is all.

MR. ROWE: It is standing over?

MR. HICKMAN: Yes.

MR. ROWE: Well okay! We are just trying to help the minister out.

MR. STRACHAN: It is debatable?

MR. CHAIRMAN: Yes, this is a debatable motion.

MR. STRACHAN: It is debatable, is it?

MR. CHAIRMAN: Yes.

MR. STRACHAN: I just want to make a comment to -

MR. CHAIRMAN: The hon. the member for Eagle River.

MR. STRACHAN: I just want to respond to some comments particularly from my friend over there who says that as a Labradorian one does not need to join the Federation. I think that when you do that you start opening up a great deal of other associations, unions, organizations that one does not have to join because one is a Labradorian.

MR. STRACHAN: I think that the Labrador people, many of them do want to belong to an association, an organization which is part of the Province. I do not want to get into this separation bit and so on, but many people do want to belong to an organization which is one of the Province. I think that making a statement like that almost makes them feel that, "Okay, fine! we will go our own way and we will then go our own way in sports, we will then go our own way in other organizations." Then where does one end? One ends in five or six years time with them wanting to go their own way in many other things. I do not think this is a proper way to do it. I do not think that we should indicate to people in Labrador that this is the avenue they should follow. I think we want to bring them in. Just by the mere dropping of the name, I know, in Labrador would create a great deal of furor.

I do not know what the Federation has done, but the Federation has already indicated that they would possibly include the word 'Labrador' at their next meeting. It makes no sense to me that if there is a moot point here then why do they not discuss it now and get it taken care of and let us call it, Sports Newfoundland and Labrador if that is what they want. If they do in the end, say, outvote the members from Labrador then the members from Labrador will have to take their action which may be an action which could precipitate a number of other associations doing the same thing. I am afraid that if this kind of action is precipitated in all different fields, in all different associations, then the end result may be an unhappy one rather than a happy result.

MR. CHAIRMAN: The hon. the Minister of Provincial Affairs and the Environment.

MR. MURPHY: Mr. Chairman, my only feeling on all of this is the fact that here are a group of people from all over the Province meeting together. It is not a government institution as such. For some years I was President of the Newfoundland Amateur

MR. MURPHY: Baseball Association. We acknowledged the fact that Labrador, Fogo, Twillingate were all a part of Newfoundland. There was no separation. Newfoundland is Newfoundland, the Province of Newfoundland, whether you live in Nain, in Southern Labrador, whether you live in Bay d'Espoir. Wherever you are you are a Newfoundlander.

Here are a group of people, private people, come together and this House of Assembly is going to say, "You cannot name it, you must take orders from the House of Assembly." What else will we be regulating? What else will we be regulating here? If it is a government function, all right! Someone might say, "Yes, it is the Province of Newfoundland and Labrador." But here are a group of people, a private group and we telling them, "You must put Labrador in your title."

MR. NOLAN: No public money in there?

MR. MURPHY: No public money unless there are grants or something like this. That is all. But it is not a government function as such it is a group of individuals come together representing our sports of the Province.

MR. STRACHAN: I do not want to prolong this but you are asking for legislation to change the name.

MR. MURPHY: Because they are registered under the Companies Act as a group and that is why they must change their name to carry on. Because they are registered as the Newfoundland and Labrador Amateur Sports Federation or whatever it is, and no one today want these unwieldy things. It is all Sports Canada, or Sports Newfoundland or Sports Something Elae. If anybody feels that this is a great insult to the people of Labrador, I think they are only throwing these blooming red herrings out. It means no more to Labrador. Does the Newfoundland Lawn Tennis Association of Newfoundland have this? So we go to every one of them now and say, "Look, the edict is out. You must put Labrador into it or you cannot play football you cannot play baseball." I think it is absolutely stupid. We are Newfoundlanders and it is time now for

MR. MURPHY: everybody to acknowledge the fact that Labrador is a part of Newfoundland. All the trouble of separation arises by setting up Newfoundland here and Labrador there, and there is a rift right up the middle. There is as much of a Newfoundlander in Nain as I am living in St. John's Center, and the quicker this House realize this the better for the Province of Newfoundland as such.

MR. CHAIRMAN: The hon. the Minister of Forestry and Agriculture.

MR. ROUSSEAU: I had not intended to stand up, and it is unfortunate that a small item of this nature which really is a request from a body outside of government should bring this question to the fore, the question of Newfoundland and Labrador. It is unfortunate that many people on this Island part of the Province do not understand just what we are talking about. It is not the little insignificant name of Newfoundland and Labrador, that does not mean a thing to the people in Labrador. It is the twenty-three years or the two hundred years that they have been up there in complete and absolute and utter neglect.

They would like to feel some part of this Province. They do not feel part of the Province, Mr. Chairman. Whether or not we want to sit here in St. John's, that cannot be legislated. It is a matter of understanding for the people up there. The name is not important, it is the concept behind what we are trying to prove by a name. I stand for the name Newfoundland and Labrador.-

SOME HON. MEMBERS: Hear, hear!

MR. ROUSSEAU: As far as I am concerned my interpretation of this government is that the government stands behind the name of Newfoundland and Labrador and I have a Minute-in-Council to that effect.

When I was Minister of Public Works and Services orders went down to the Printing Department that nothing was to be printed without the name Newfoundland and Labrador on it.

SOME HON. MEMBERS: Hear, hear!

MR. ROUSSEAU: I fought for that in Cabinet. I fought many hours for that in Cabinet. And it was approved by Minute-in-Council in Cabinet. It gripes me when I see the names on letterheads of colleagues of mine. I do not know any off hand with the Government of Newfoundland on it. It is the Government of Newfoundland and Labrador by adoption by this government.

I can say to the hon. members of this House that it is a matter of much greater principle to me than many of the things we talked about here. Because if I did not think that this government would support the concept of the name of the Government of Newfoundland and Labrador, and by tradition the name of the Province of Newfoundland and Labrador, then I would have to do some serious thinking. It is that important to me. It is a matter of principle. I represent part of Labrador and that is how the people in Labrador feel.

SOME HON. MEMBERS: Hear, hear!

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

MR. NOLAN: Mr. Chairman, I rise and I had not intended to because we have gotten into a bit of a wrangle here which on the strength of some things we have heard, would not seem to be very, very important. But I can remember thinking like that one time myself, in fact, about the very term or the name. I learned from people who know far better than I that I had better wisen up. The fact is we are into a situation here. It is not just the changing of a name now, it is a matter here where the -

MR. NOLAN:

While I am sure the hon. member for St. John's Center (Mr. Murphy) feels quite sincere in what he is saying, I have no argument with him -

MR. MURPHY: Do not tell us what I have said in the past fifteen years.

MR. NOLAN: - at all. But the fact is that the more you travel in Labrador, the more people you name up there, they might just as well be a part of Asia as be a part of Newfoundland. Oh, the minister can sneer if he wants to.

MR. MURPHY: That was a myth created by the previous government.

MR. NOLAN: It is a myth, is it? Well why do you not talk to some of the people down there and maybe they will realize -

MR. MURPHY: Oh, stop that.

MR. NOLAN: - or bring that myth home to you. It is no myth believe me. The people up there feel completely divorced from this Province for any number of reasons. And one of those days and I hope - okay we can laugh. We have laughed and joked about the slight bit of talk about separatism -

MR. MURPHY: I am not laughing and joking.

MR. NOLAN: - in Labrador. But I am telling you that unless something is done so that there is a greater realization by the people on this Island that these people up there are in fact Newfoundlanders and more important Labradorians, then we are in for one rude shock. Half the people, in fact more on this Island, do not really realize the situation that exists in Labrador at this moment as far as this Province is concerned. They do not feel that they are a part of this Province, because they feel that they have been divorced from it for any number of reasons. I say that we have a principle here and I would like to hear - I wish there were more people from Labrador in this House tonight, and I wish there were more people from the Island of Newfoundland in this House tonight who realize the great communications gap, the cultural gap, and any number of other gaps that are existent.

MR. NOLAN:

And here we wail on through in blissful ignorance. My God it is a shame the way that we behave. And I say Newfoundland and Labrador - I support the hon. minister opposite. I do not support the hon. minister to my far left in his contention that it is not important.

MR. MURPHY: I am worried to death, worried to death.

MR. NOLAN: Newfoundland and Labrador is important.

MR. MURPHY: Worried to death about it.

MR. NOLAN: You had better leave it in there or by God you will live to regret it one of those days, mark my words.

MR. MURPHY: Oh my, I am frightened to death.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. member for Twillingate.

MR. SMALLWOOD: Mr. Chairman, I wonder if the Committee would hear a word from the man who introduced this title, Newfoundland and Labrador. I am the one who brought the bill in here having brought it first before my Cabinet, the Cabinet having adopted it and introduced it into the House and the House having passed it as law, the law of Newfoundland, that the name is the Province of Newfoundland and Labrador.

The minister from Labrador who spoke with real emotion and it was a stirring speech that he made, a younger member of this House who is also from Labrador, from Eagle River (Mr. Strachan) has spoken and clearly indicated how he feels about it. The Leader of the Opposition represents part of Labrador. He is not in the chamber at the moment but I have no doubt how he feels and how he would express himself. It would be the same as the minister and as the member for Eagle River (Mr. Strachan). I am delighted to see the member for the center of Labrador - what is it called? -

MR. PECKFORD: Naskaupi.

MR. SMALLWOOD: - Naskaupi present and I hope we may have the pleasure of hearing from him.

The minister up there in the far, from St. John's Center (Mr. Murphy), has a quarrel with the member for Conception Bay South (Mr. Nolan).

MR. SMALLWOOD:

But his real quarrel is with the Minister of Forestry and Agriculture, his own colleague in the Cabinet and his argument, his quarrel is with the legislature which passed the law making the law of this land, that the name is Newfoundland and Labrador.

MR. MURPHY: The hon. member is responsible for the rift that is created between Newfoundland and Labrador, that is why, and he does not want to put that to the true test.

MR. SMALLWOOD: No, I am not responsible for any division.

MR. MURPHY: Yes.

MR. SMALLWOOD: And I am very proud of the fact that I am the author -

MR. MURPHY: Absolutely. It was the greatest thing in the world.

MR. SMALLWOOD: - of the name Newfoundland and Labrador.

MR. MURPHY: I guess if I were a member for Labrador I would be all enthused about it too.

MR. SMALLWOOD: I hope we may have the pleasure of hearing again from the minister when he is on his feet again. I hope we may hear from him. When that title was introduced into this House it was because there was a great argument going on with Quebec. Quebec was pretending that she owned Labrador. Quebec was publishing advertisements in American newspapers and magazines, advertisements containing a map of Quebec and that map came right down to the Atlantic Coast, right along the Coast of Labrador, the shoreline of Labrador. There was a genuine misunderstanding across the United States about that matter. They really thought that Quebec did own Labrador, that Labrador formed part of the province of Quebec. That was one reason we introduced it.

MR. STRACHAN: Mr. Chairman, concerning that I should explain that we get mail on the Labrador Coast from Simpons Sears or Eatons or various other groups, companies within Canada, with Nain, Quebec; Makkovik, Quebec.

MR. SMALLWOOD: Right. Quite so. And the hon. gentleman may be interested to know that for awhile the government of Quebec were

MR. SMALLWOOD:

sending tax bills to the residents of Labrador City. They were sending their bills to pay their taxes to the government, their income tax, to the -

MR. ROUSSEAU: We had one man quite recently who was getting baby bonuses from the Province of Quebec in my district.

MR. SMALLWOOD: Yes exactly. So there was not only -

MR. NOLAN: You did not send it back did you?

MR. ROUSSEAU: Oh yes we did.

MR. SMALLWOOD: There was not only that reason, Mr. Chairman, that we wanted the world to know that Labrador formed part of Newfoundland, part of the Province of Newfoundland and was part of the government of Newfoundland, but also in Labrador itself we wanted the people to understand that they were valued, that they were respected, that Newfoundland was proud that Newfoundland and Labrador were one and the same. That was another reason.

MR. ROUSSEAU: And Labrador feels the same way about Newfoundland.

MR. SMALLWOOD: I believe that. And so let us not argue about this or quarrel about it, unless someone is going to bring in a bill to repeal the law. The law of the land calls it Newfoundland and Labrador, made by this House, given the royal assent. That is our name, Newfoundland and Labrador. So let us not argue about that. Anyway, the minister has, the leader, someone, the leader of the House I think, the Attorney General, has suggested that it stand over.

MR. WELLS: Yes.

MR. SMALLWOOD: When the minister talks to the people that he is going to talk to tell them not only that the Liberal Party are strongly of that view and that the Liberal Reform Party are even stronger of that view but that the minister, the minister of the Cabinet itself made an impassioned plea here tonight, one of the most impassioned speeches I have heard him make. That is the thing to tell that committee, that you want to make the name, the legislature wants to make it Newfoundland and Labrador.

MR. WELLS: To that point. I think this can be resolved, Mr. Chairman. The point is, as the Attorney General has said, we will have this stand over, not that we have any objection, of course not to the name Newfoundland and Labrador, absolutely none in the world. The only reason that we would ask that we would withdraw for the moment and ask leave to stand over is simply so that as a courtesy we can go to the group that asked us to pass this legislation. They obviously overlooked, or did not think about adding the name Labrador as I personally feel that it ought to be. They obviously overlooked that. Now rather than change it without doing them the courtesy of pointing it out to them and pointing out our feelings we would hold it over. We would do that courtesy and in due course the bill would be back.

So if hon. members would agree with that, then what I would do, Mr. Chairman, is rise the Committee at this time and -

SOME HON. MEMBERS: Oh, oh!

MR. WELLS: Well supposing, might I suggest -

SOME HON. MEMBERS: Oh, oh!

MR. WELLS: Right. Might I suggest then that we rise and members - and I can appreciate this - want to say a word or two on this matter, might we rise the Committee. When Mr. Speaker is back in the Chair we would, by consent, ask that we be - I am sure consent would be given in this matter - allowed to continue beyond eleven o'clock and then members who have some remarks on this matter, of course, could make them if that is agreeable.

So, Mr. Chairman, I move the Committee rise.

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

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bills No. 27, 28, 13, 21, 26, 7, 32, 53, 62, 20, 17, 18, 19, 34, 40, 33 and 58 without amendment, and Bills No. 25, 22, 35, 41, 54 and 55 with amendment, and ask leave to sit again.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and have directed him to report Bills no. 25, 22, 35, 41, 54 and 55 with amendment.

On motion report received and adopted.

On motion bills ordered read a third time presently by leave.

MR. WELLS: Before we proceed, Mr. Speaker - I should have perhaps risen earlier. We were in the Committee and dealing with Order No. 8. I think or I believe that we have leave of the House to continue beyond the normal sitting period of eleven o'clock. There are members who wish to revert back to Committee to make some comments. So what I propose to do, Mr. Speaker, if we have leave, is to move the House back into Committee so that the members who wish to can make their -

AN HON. MEMBER: We need a motion.

MR. WELLS: Well we need a motion to go beyond eleven, and I accordingly do move that this House do not adjourn at eleven o'clock.

MR. SPEAKER: It has been moved and seconded that this House do not adjourn at eleven o'clock. Is the House ready for the question? Those in favour "Aye". Contrary "Nay". Motion carried.

MR. WELLS: So I would move the House - sorry, Mr. Speaker.

MR. SPEAKER: It is moved and seconded that the said bills, they are those which were passed without amendment, be now read a third time. Is it the pleasure of the House to adopt the motion? Those in favour "aye." Contrary "nay." Carried.

On motion, a bill, "An Act To Amend The Women's Patriotic Trust Fund Act, 1920," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 24).

On motion, a bill, "An Act To Amend The Prisons Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No.27).

On motion, a bill, "An Act To Repeal The Newfoundland Argicultural Marketing Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No.13).

On motion, a bill, "An Act To Amend The Crown Lands Act," read a third time, ordered passed and title be as on the Order Paper. (Bill no. 21).

On motion, a bill, "An Act To Amend The Evidence Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 28)

On motion, a bill, "An Act To Enable Extra-Provincial Custody Orders To Be Enforced In The Province Of Newfoundland," read a third time, ordered passed and title be as on the Order Paper. (Bill No.26).

On motion, a bill, "An Act Respecting The Keeping Of Dogs," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 7).

On motion, a bill, "An Act To Amend The District Courts Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 32).

On motion, a bill, "An Act To Amend The Companies Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 53).

On motion, a bill, "An Act Respecting The Retirement Of Magistrates," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 62).

On motion, a bill, "An Act Further To Amend The Quieting Of Titles Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 20).

On motion, a bill, "An Act Further To Amend The Child Welfare Act, 1972," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 17).

On motion, a bill, "An Act Further To Amend The Medical Act," read a third time, ordered passed and title be as on the Order Paper. (Bill no. 18).

On motion, a bill, "An Act To Amend The Development Areas (Lands) Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 19).

On motion, a bill, "An Act To Amend The Local Government (Elections) Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 34).

On motion, a bill, "An Act To Amend The Registration Of Deeds Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 40).

On motion, a bill, "An Act To Amend The City Of Corner Brook Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 33).

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and have directed him to report the following bills with amendments; Bills No. 25, 22, 35, 41, 54, 55.

On motion report received and adopted.

On motion amendments read a first and second time.

On motion bills ordered read a third time now by leave.

On motion, a bill, "An Act To Amend The Wills Act, read a third time, ordered passed and title be as on the Order Paper. (Bill No. 25).

On motion, a bill, "An Act To Amend The Amend The Pharmaceutical Association Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 22).

On motion, a bill, "An Act To Amend The Community Councils Act, 1972," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 35).

On motion, a bill, "An Act Respecting Queen's Counsel And Precedence At The Bar," read a third time, ordered passed and title be as on the Order Paper. (Bill no. 41).

On motion, a bill, "An Act To Amend The Solemnization Of Marriage Act, 1974," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 54).

On motion, a bill, "An Act To Register Mortgage Brokers And To Control The Amount Of Bonuses To Be Charged By Mortgage Brokers And Mortgage Lenders," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 55).

MR. WELLS: Mr. Speaker, I would again move the House into Committee of the Whole on Order No. 8.

On motion that the House resolve itself into Committee of the Whole on said bill, Mr. Speaker left the Chair.

COMMITTEE OF THE WHOLE

MR. J. GOUDIE: Mr. Chairman, when this Bill No. 23, Order 8 on the Order Paper of today, Tuesday, when this particular Bill was first introduced, at least it is my understanding-I was in my district of Naskaupi on constituency work and had no opportunity to offer any comment on it prior to this present proceeding, and I obviously have some fairly strong feelings about dropping the name of Labrador from this particular Bill, and amending The Newfoundland And Labrador Amateur Sports Federation Act, 1972 to read, I believe the correct title is Sports Newfoundland.

And for me, Mr. Chairman, there is much more involved than just the dropping of the name of Labrador from a sports bill, Bill No. 23. It gets right back to the basic principles of life as far as I am concerned in Labrador, and the heritage or the traditional ways of life. I am not about to expound on our heritage or tradition or anything else. I do not want to bore the Committee with that particular type of proceeding this evening.

But I know that my heritage dictates to me that I am pro Labrador. I proclaimed that all throughout the election and ever since I have been elected, and I will continue to do so until the voters or the electorate of my particular district decides that they do not want me continuing to say that any more.

I strongly object to this particular action. I do not know exactly what is going to happen now, if the Bill is going to be deferred or whether it is going to go through tonight or what. But I do want to go on record as saying that I am strongly opposed to this action. The name Labrador has been on that particular section of North America for, I do not know how many hundreds of years, but it has been there. It means a lot to us in Labrador, to the native Labradorian, and that is not meaning to infer just Indian or Inuit but the European settlers who come over to live from across the seas, and also the people from all parts of the world who have

Mr. Goudie:

been travelling into Labrador over the years with the construction of the Base at Goose Bay and the Iron ore operations in Labrador West which my hon. colleague from Menihek (Mr. Rousseau) is more than familiar with. And I do not really know how to present a case as strongly as I want to, but I do know that we would be doing a great injustice, I feel, to the future of this Province, the Province of Newfoundland and Labrador, as I see it, then by dropping the name Labrador. It is not by any means, in my opinion, adding any sort of a solidifying effect to the present problems, the turbulence that is in Labrador right now, and the present feeling that people have that they want to separate. That feeling is there - whether this hon. House chooses to ignore that or not is beside the point. That feeling is there. And it is this type of action that fosters that type of feeling. I am not just the only one who is saying this. You are hearing the voices from Labrador West, from Naskaupi district, from the district of Eagle River, and I have no doubt from the Labrador portion of the district of the Strait of Belle Isle. And it is a terribly important matter of principle, of heritage, of character and the very life blood that flows through the veins of the people of Labrador. And I strongly object to any Act, particularly Bill No. 23, which would drop the name of Labrador from the name of this Province.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. member for Burgeo-Bay d'Espoir.

MR. R. SIMMONS: Mr. Chairman, there are two matters I want to deal with briefly as they affect this bill. First of all, it goes without saying, and I believe it has been said tonight that this is a private bill in the sense that it is here at the request of a private organization within the Province. And in that context it is the same as many other private bills that we are called on to deal with such as, for example, The Newfoundland Teachers' Association Act, one of many that we could mention.

Mr. Simmons:

Mr. Chairman, I remember when the NTA Act, or some amendments to it were brought before this Committee back in 1969 or 1970, or 1968, I believe. I had occasion because of my involvement with the NTA at that time to sit here in the gallery and just follow its passage through the House. And an important principle that was driven home to me at that time - and I think it is a sound principle - is that while the bill is here at the request of a private organization, be it The Newfoundland and Labrador Amateur Sports Federation or The Newfoundland Teachers' Association or whatever private corporation or private organization, while it is here at the request of such an organization it goes without saying, it is elementary, it is axiomatic that we are not going to sit in this House and pass legislation or give our stamp of approval to something that we do not, as a House, endorse.

I call to mind the example of the NTA because there was in these amendments a number of important principles that we in the NTA at that time had to fight for for some time before we got government to see the wisdom of incorporating them. And I introduce it now by way of example only to show that if the House were in the situation of passing legislation on behalf of private organizations without itself subscribing to the legislation or the principles embodied in it, then, of course, we would not be in the kind of bind we are in tonight on this one. I think it is fitting we are in that particular bind because while on the surface of it it only looks like a name change, and while the private proposers of this name change may well have inadvertently left off the "and Labrador", while all this may well be true, the fact of the matter is that it does give us the opportunity to air a subject which is much larger than the absence of a couple of words.

Now, Mr. Chairman, I believe I am like others who have risen in recent minutes on this discussion. I would not have seen the need to rise, because I felt that it was understood in the Committee

Mr. Simmons:

that this was an issue which required some resolving with the Federation concerned. Mr. Chairman, I realize after listening to the member for St. John's Centre (Mr. Murphy) that is a issue that is even larger than that. It is one that perhaps we who have a little bit of firsthand knowledge of Labrador, it is an issue that we take for granted, the issue that most people are of the opinion that the member for Menihek (Mr. Rousseau) has so well expressed here earlier this evening. I had taken it for granted, Mr. Chairman, I must admit, I had taken it for granted that while most may not express with the emotion that the minister did, and he did it because of his firsthand knowledge of the situation, he is not a native Labradorian, but I mention that just to draw attention to the very real fact that you do not have to live in Labrador very long to sense the feeling there, and very quickly -

AN HON. MEMBER: Oh, oh!

MR. SIMMONS: Yes. Well I am not undermining the minister's role in this, I am saying that you do not have to be a native Labradorian to sense the depth of feeling which people feel about this particular subject. He has had the privilege of living there for ten years, I have not lived there at all. But I will say, Mr. Chairman, that in my numerous visits to Labrador, including two since January, one to the Coast and one to Churchill Falls and Goose Bay, and in those two - and by the way I will be making another there in the next eight or ten days at the invitation of some people in Churchill Falls. but in those visits, Mr. Chairman, over the years, and particularly the last two visits it is not very difficult, you would have to be blind as a bat, deaf as a doornail not to realize that that feeling is much more than a myth. And it is an unfortunate choice of words on the part of the member for St. John's Centre (Mr. Murphy), and I was delighted to see the member for Menihek (Mr. Rousseau) get up because I would be very concerned if I thought for one second that the member for St. John's Centre was even in part reflecting government feeling on this particular subject.

Mr. Simmons:

And I hope, Mr. Chairman—and indeed I had taken it for granted before I had heard the member for St. John's Centre — I had taken it for granted that everybody was of my mind on this particular subject. And I apologize to the Committee for taking it for granted. But, Mr. Chairman, let me put it this way: If this whole question is a myth, let me say for my last two visits to Labrador, it is a well articulated myth. It is a well articulated myth. It is a myth that people feel awfully strongly about.

Mr. Chairman, some of us may have seen the advertisement which has appeared in the Aurora, the paper published in Western Labrador, the May 5 edition. Mr. Chairman, if these people are so wrapped up in myths as this advertisement would indicate, if one would take the version of the member for St. John's Centre, someone should set him straight. Just let us listen. "We want more for Labrador, Will you help us to rescue Labrador; one, from government indifference; two, from exploitation of our resources; three, from mismanagement of our finances; four, from contempt of us and our needs.

Mr. Chairman, I attended a meeting in Cartwright -

AN HON. MEMBER:

MR. SIMMONS: Yes I ought to say this is over the sponsorship

MR. SIMMONS: of the Labrador Affairs Committee of the Labrador West Chamber of Commerce, and it is a full page add; I have just read down to here and what follows is equally strong in its opinion.

Mr. Chairman I attended a meeting in Cartwright in January and that same kind of feeling was said in different words, but that same kind of feeling was pretty evident there. Now, Mr. Chairman, the feeling is very deep, and I would like to suggest that perhaps we ought to be doing more than allowing this to come up only because of the accident of dealing with a private bill at this particular time. It is happening all around us. The minister has said that as the Minister of Public Works he gave an instruction. I am glad to hear him say that. I would suggest to him and to his colleagues in Cabinet that perhaps the time has come for another instruction along the same lines, for an instruction more particularly to someone, I do not know in what department, perhaps in Public Works, but in some department of government, instruction to take a close look at the symbols of the province and who is in a position to manipulate and I say that in a kind sense, who is in a position to manipulate those symbols.

Now the member for Eagle River has made reference to this cover. Now of itself it is just a small item. But I am familiar with stylistic renditions of geography but that one must take the cake.

MR. LUNDRIGAN: Why?

MR. SIMMONS: Mr. Chairman, I would go so far as to say that if I lived on the Connaigre Peninsula, I would get uptight that apparently that is - no, or is that the Connaigre Peninsula and they left off the Burin Peninsula?

MR. DOODY: Conception Bay is not there either.

MR. LUNDRIGAN: Conception Bay is gone and Bonavista Bay is gone.

MR. DOODY: Bonavista Bay is gone.

MR. SIMMONS: It is a crude -

MR. DOODY: It is not crude.

MR. SIMMONS: It is very crude. But, Mr. Chairman, it is only -
I just refer to that, We may have different opinions on that
particular -

MR. DOODY: It was not planned, you know. You can get -

MR. SIMMONS: No, Mr. Chairman, no, you are missing the whole
point.

MR. LUNDRIGAN: You are talking a lot of nonsense. It is a
stylistic indication of the Province of Newfoundland and Labrador.

MR. SIMMONS: It is a very bad one. Mr. Chairman, in my opinion
it is a very bad one. That is all I am saying, It is a very bad
one. All right? I just draw it in by way of example. I am saying
to government, perhaps to the minister from Labrador who raised
the matter, that perhaps it is time for someone in government - I
know we have important issues at hand, but if this kind of -
for whatever reason - this kind of omission is allowed to continue,
then we are only adding fuel to a fire, to a flame, We are only
aggravating further, and perhaps it is time for someone to take
a close look at the symbols in whose custody they are and what
kind of licence these people have to print that kind of thing.
Now there are those who may think that is a good symbol but suppose
it is a good symbol, suppose it is the best one we have seen, the
fact remains that somebody had the authority, had the custody of the
symbol to the extent that he was able to do something about it.
Indeed the Minister of Finance himself indicated -

MR. LUNDRIGAN: Mr. Chairman, on a point of order. I certainly do
not want to interfere with the member's remarks, but as I understand
Committee, the rule of relevancy is very strictly applied
and the debate that we are having at the moment
particular as it relates to a bill which issue has been taken with -
and a decision has been made by the House Leader and it involves

MR. LUNDRIGAN: a change of name and, of course, the debate is centered around it. The member is now involving himself in a debate about the cover of the revised estimates. I cannot see how that is relevant to the present bill.

MR. SIMMONS: To the point of order, Mr. Chairman. I have said what I wanted to say. The minister has obviously got no interest on this subject. I feel strongly about it. I withdraw the remarks I made about the symbol and terminate my remarks.

SOME HON. MEMBERS: Hear! Hear!

MR. ROBERTS: Well, Mr. Chairman, my friend -

MR. SIMMONS: "John", you do not know what it is all about, that is your problem.

MR. ROBERTS: - from Burgeo - Bay d'Espoir (Mr. Simmons) has made some remarks that I think are very much in point and I -

MR. LUNDRIGAN: Stick to the point.

MR. ROBERTS: No, I was speaking on the motion before the Chair if it is in order. I thought my friend had finished and he had withdrawn the remarks that the gentleman from Grand Falls had taken some exception to so I do not think there is anything left for Your Honour to rule on. I just wanted to say very little other than to record my feeling on it. I had spoken, as I recall it, on second reading of the bill, and I think probably raised the point originally. But as a member for Labrador, a portion of my constituency is in Labrador, on the Straits, as we all know, I feel that this bill should be held over as the government are going to and I think that we should tell the people in the sports federation not just that we feel strongly, and I am not going to get in the sort of thing that - what?

MR. SMALLWOOD: Who feels more strongly?

MR. ROBERTS: The gentleman from Twillingate (Mr. Smallwood) said, "Who feels more strongly?" There is no litmus test. I think we should tell them quite simply, Sir, that the House of Assembly is quite prepared to accommodate their wish to change the name from whatever they are now called, the Association of

MR. ROBERTS: Sports Federations or something to Sports Newfoundland and Labrador and nothing else. And certainly, as a courtesy, we should do that. We should talk to them and they may say, "Leave it as it stands," in which case we would be delighted to. But I think we should tell them we are not prepared to have it Sports Newfoundland. It is Sports Newfoundland and Labrador or as it stands. And it is not of very great importance for anything except symbol, symbolic, symbolism. But, Mr. Speaker, symbolism is extremely important and this issue - you know, we have all talked about it time and time again and it is late at night and I do not need to go over it. We have mentioned it in debate about 100 times in this session of the House. My friend from Burgeo - Bay d'Espoir (Mr. Simmons) has read the article from The Aurora that had come to me from a friend of mine who is on the committee. I do not need to say very much. What strikes me though, and we must take it seriously, is that there are people who quite genuinely believe and who put advertisements in the paper which say, "Buy a button to identify yourself as a loyal Labradorian and to help finance the first step towards a liberated Labrador with government by Labradorians for Labradorians." And this is not some crack pot. These people behind this advertisement that came in The Aurora are reputable people. I think they are misguided on this issue. But they are reputable people and they are acting responsibly, and they are acting in what they believe to be the best interest of Labrador, and I would think they would go further. They are acting in what they believe to be the best interests of this Province. And while I certainly do not condone for one moment the separatist thought - indeed in this House and outside and in every conceivable way, I have fought this separatist issue and will go on fighting it and very happy to do so and indeed believe it my duty to do so even if I did not feel it such a pleasure to do so. I would think that we must recognize that it is being fueled by just this sort of careless and almost callous attitude on the part of too many people who should know better.

MR. ROBERTS: I do not intend to go over it and I will not go over the issue again, I simply wanted to say what I thought. But what my friend from Eagle River (Mr. Strachan) said was very much to the point. What my friend from Burgeo Bay d'Espoir (Mr. Simmons) said was equally to the point. And I very much respected and agreed with the views expressed by the gentleman from Menihek (Mr. Rousseau) who represents, of course, Menihek, a Labrador constituency, I was surprised by the gentleman from St. John's Centre (Mr. Murphy), I know he feels this way and he states honestly what he feels, but the fact remains, I find it surprising that in this day and age any man who is a member of any government in this Province could express the kind of attitude he expressed. He was Minister of Labrador Affairs for one brief but inglorious spell and, of course, the attitude which he exhibited in the House tonight, he exhibited in Labrador, He was man enough. There are no backdoors about the gentleman, Whatever I might think of his faults, he is not a man to go around the back door. He leads with his chin and says what he thinks but that attitude only added considerable fuel to the fire. So I will let it go by saying simply that I raised the point at second reading. I am glad to see so many members have raised it here in Committee. I am glad the government have agreed to hold the bill over and I think that what they should say to the people, Mr. Gillies and whoever with whom they are consulting on the association, that it is not simply a matter of preference or strong wishes, it is a matter this House of Assembly will not enact into law any bill that sets up a province-wide organization that is called anything Newfoundland, It can be called anything Newfoundland and Labrador or if it affects only this Island, the Island portion of this Province, it can be called Newfoundland. And if it affects only the mainland portion, it can be called only Labrador. But any organization that purports to represent people in every part of this Province must have in it the name of Newfoundland and Labrador, and I think we should make that a principle as a House and I think we should, with courtesy, but with firmness

Mr. Roberts.

say that to the association that we would gladly enact a bill, gladly at any time, but only if they adopt that principle.

Mr. Chairman, I have said what I want to say on it. The hour is late, I am happy to say, and I hope we will carry on a little more legislation. I would assume one or two of the ministers would wish to speak on it. But I think this debate has been well worth it, Sir, well worth it, because it is a point that cannot be made too strongly or too often. Sir Winston Churchill once said, "He had not been elected or appointed Her Majesty's first minister to preside over the dissolution of the British Empire, the Commonwealth." That was in 1945. Mr. Speaker, we have not been elected to this House of Assembly to preside over the dissolution of the Province of Newfoundland and Labrador. Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. WELLS: Mr. Chairman, you know, the government finds itself in agreement with the consensus that is obvious in this House tonight. And as I said earlier, we will convey this very strongly to the federation, and I cannot say more than that. I believe that the feeling of this House is very clear that it should be of Newfoundland or Labrador or stay as it is as various hon. members have said. So accordingly, Mr. Chairman, I would move that the Committee rise, report progress and ask leave to sit again.

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

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report progress and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and have made some progress and ask leave to sit again.

On motion report received and adopted.

On motion Committee ordered to sit again presently by leave.

MR. SPEAKER: Order 36.

Motion second reading of a bill, "An Act To Amend The Liquor Corporation Act," (Bill No. 49).

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: Mr. Speaker, this is a bill that is simply aimed at preventing the various breweries in the Province from distributing, for promotional or other purposes, some of their products without having to pay a tax to the Province. It means, in effect, ~~that~~ whatever beer is brewed will be subject to tax whether it is given away or whether it is sold. Right now there are loopholes in the law which gives the breweries the opportunity to pass out, for promotional purposes, various amounts of beer. And if it appears to us that there is an opportunity for the Province to collect somewhere in the vicinity of anywhere from \$100,000 to \$200,000 or \$300,000 in revenue, and this is simply what this bill is aimed at.

On motion, a bill, "An Act To Amend The Liquor Corporation Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 49).

MR. SPEAKER: Order 51.

Motion second reading of a bill, "An Act Further To Amend The Newfoundland Municipal Financing Corporation Act." (Bill No. 67).

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: Mr. Speaker, this bill is identical with another bill, the NIDC, which is also on the Order Paper, which was not in here yet, but the aim is to get the auditing procedures, which are standard in the Province, compatible with those of the Auditor General so that he can sign his Auditor's reports with the same sort of a title that the general auditing firms of the Province do to say that the Auditor General says that the statements have been prepared and have been presented under the conditions and so on that have been presented to them. It is a standard housekeeping bill, and it is one that is in accord with standard accounting procedures. It is certainly not a controversial one. I do not know if the House Leader, in the bill that

MR. DOODY:

is before the House, has noticed the fact that the 'b' is missing in 'Assembly'. It is in the preamble of the bill in my copy, "Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows." It is a typing error that you can correct, as we go through.

On motion, a bill, "An Act Further To Amend The Newfoundland Municipal Financing Corporation Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 67).

MR. SPEAKER: Order 49

Motion second reading of a bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And The Government Of Canada Respecting Price and Income Controls." Bill No. 59).

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: This is a rather more complex document, Mr. Speaker. It is the Province's contribution toward the Anti-Inflation agreement. Last Fall, as you know, Sir, the Government of Canada introduced an Anti-Inflation Act, an act to provide for the restraint of profit margins, prices, and compensation in Canada. The act was given Royal Assent in December of 1975. The Minister of Finance of Canada at that time stated the purpose of the bill. And all the various provinces in Canada have undertaken to join the Government of Canada in signing the Anti-Inflation agreement. Right now, of course, there are actions before the Supreme Court of Canada questioning the constitutionality of the Government of Canada to bring that legislation in under the Peace Order and Good Government Act of the Government of Canada. But nevertheless, as it now stands, this government has seen fit, and for good reason, to sign an agreement with the Government of Canada, and we have, with the various schedules attached, undertaken to co-operate with the Government of Canada in applying the Anti-Inflation programme to the public sector. Whereas the Government of

Mr. Doody.

Canada takes responsibility for the private sector. The Government of Canada, of course, also takes responsibility for restraints in the professional areas, and in the price control areas. What we are doing in effect, is passing complementary legislation to Bill C 73 of the Government of Canada, which was passed in the House of Commons sometime ago . There is a set of regulations which accompany that bill which I challenge any member of this hon. House or indeed any member of any hon. House to try

MR. DOODY:

to master and to précis and to legitimize in a sensible sort of a way. I think they were done by the same - as a matter of fact they were done by the same genius who did the income tax regulations. But the gist of the matter is, Sir, that the Government of Newfoundland is now asking this hon. House to pass the necessary legislation to ratify, confirm and adopt the agreement that we have signed with the Government of Canada respecting the price and income controls.

MR. SPEAKER: The hon. member for Burgeo-Bay D'Espoir.

MR. SIMMONS: Mr. Speaker, a few comments we would like to get into the record on this one before it passes. I realize the hour is late. Perhaps it is not without significance that the bill is being called at this particular hour. But it is the kind of thing, Mr. Speaker, that is perhaps dealt with best in the dead of night because it is not an agreement that will serve Newfoundland and Labrador very well. The principle of restraint, the principles behind price and income controls are principles that I can endorse, and I believe my colleagues in the official Opposition can endorse.

Mr. Speaker, there is another principle which ought to be just as operative in this consideration. It is the principle that we ought to be looking at the particular needs of different parts of Canada. What disappoints me most about the government's agreement with Ottawa is that there are no particular provisions for this Province which has some, I would submit, unique situations, for example, insofar as wage rates are concerned. I am thinking not of the unionized scales of wages but I am thinking of others. Without getting into details I am sure we are all familiar with the fact that ten per cent of two dollars and fifty cents is not quite the same as ten per cent of twelve or fourteen dollars an hour. It is that kind of example which I hope will bring to mind for members of the House the discrimination which this agreement represents for the people of Newfoundland and Labrador.

We are not against the principles as advocated by the Government of Canada insofar as wage and price controls are concerned.

MR. SIMMONS:

But we feel very strongly that the government of this Province ought to have discussed at some length if necessary, some special applications of those wage and price controls. The Minister of Justice has just interjected that the government did that. Well it is the first news we have had of it and the government had an undertaking since the middle of October : November, December, January, February - what have we got?-six, eight months, Mr. Chairman, eight months the middle of this month, and we only hear tonight that the government has had some discussions on this point.

Well, I would like to hear some details of it. I would like to hear what was achieved. I know the Government of Canada was anxious to have agreement from this Province and other provinces. Had this assurance not been so hastily given by the Premier of this Province back in October, perhaps we would have had a little more bargaining power on the point I have raised than we obviously had.

Mr. Chairman, it is also very difficult for me or indeed many people in this Province to get very worked up about the government's restraint programme when we see it flaunted at whim. The minister hopes it was too late in the night to get nasty. I agree and I shall not get nasty but I shall lay a few facts before the House, facts that I believe the House has access to whether we are all aware of it or not. Certainly members of the House have access to these facts.

Mr. Chairman, it is very difficult-and we ought to be setting the example here - it is very difficult for us, as legislators, to convince our electorate, with a straight face, convince our electorate that the programme of restraint is being fairly applied when these same constituents hear of the salary increases, information concerning which the Minister of Finance tabled, I believe, on May 20 or at least in the last week or so. The information is called the executive compensation plan and it lists the salaries as of April 30, 1976 of a number of senior employees of government.

Now, Mr. Chairman, the notes appended to this plan are of interest. The increases under the Executive Compensation Plan

MR. SIMMONS:

were approved by Cabinet on March 24, 1976. In almost all cases the effective dates for the increases were October 1, 1975. I wonder why, October 1, 1975? I wonder why? Well just let me wonder out loud. Ten or a dozen days after that the Premier went to Ottawa, met with the Prime Minister, and then subsequently two days later on the Wednesday following Thanksgiving Day, the Premier made a public undertaking to be part of the federal government's restraint programme which among other things spelled out maximum increases of twelve per cent, ten per cent and eight per cent for the three years in succession.

Mr. Speaker, I wonder is that the reason that the effective date for these increases was October 1? If so, Mr. Speaker, it is a shambles. It is a mockery of a restraint programme that should apply equally to all. Or are we seeing, Mr. Speaker, coming into play here the old adage once again, "The rich get richer." Here are people, Mr. Speaker, who before the minute of council of March 24, before that minute took effect, were making \$40,000 a year, \$38,000 a year, \$35,000, \$39,000, \$34,500, \$37,000, \$36,000, \$34,500, \$35,000, \$34,500, \$33,500, \$29,500, \$31,000, \$29,500, \$28,675. I am just glancing to see if I can get the lower one in the range. Twenty-two thousand would appear to be, \$21,500 would appear to be the lowest salary in the group before me. That is the lowest salary before the increases took effect.

Now, Mr. Speaker, let us take one or two of these salaries, let us take the salary of \$35,000. I do not have my calculator with me but \$35,000, twelve per cent of \$35,000 would be \$3,500 and another \$700 would be - is that right? - ten, twelve per cent of \$35,000, \$3,500 and \$700, \$4,200. Instead, Mr. Speaker, I see here a figure of \$5,500 as the increase right there, \$5,500 of an increase where the maximum ought to have been \$4,200. Even \$4,200, Mr. Speaker, would be a very hefty increase.

But, Mr. Speaker, I have been too kind in my interpretation of those figures because you see, Mr. Speaker, in those cases of \$30,000

MR. SIMMONS:

salaries and indeed any salary over about \$20,000 or so, there is another guideline which is operative. There is another guideline according to the federal restraint programme which should come into play. It is this, Mr. Speaker, that after you go over a certain salary, and it is around the salary of \$20,000 or \$22,000 as you will see in a moment, after you go over that salary, it is not the twelve per cent at all that should be applied, it is a maximum figure. And under the federal guidelines the maximum figure is twelve per cent or \$2,400 whichever is the greater. The absolute ceiling is \$2,400 under the federal wage guidelines, \$2,400.

Now, Mr. Speaker, as I look through here, I find that a number got \$2,400 and -

MR. DOODY:

That is not correct.

MR. SIMMONS: I am sorry.

MR. DOODY: That is not correct. I will explain it to you in a moment.

MR. SIMMONS: Okay, the minister says that what I have said is not correct. My information is that it is. I would welcome an explanation. Mr. Speaker, I do not think any explanation can justify in a time when the whole country is told that we are on a restraint programme, I do not think that any amount of explanation can justify any employee of this government getting a \$5,500 increase in this particular year, certainly against the spirit of the restraint programme, against the spirit of the anti-inflation programme brought down by Ottawa in October and subscribed to by this government a few days later.

Now, Mr. Speaker, there are other figures but I believe members of the House have them as I do, and the point that needs to be made is that many of these increases are in excess of the \$2,400, and whether in excess or not they are pretty hefty increases, Mr. Speaker, for this particular year. Indeed the increases alone, not the total salary bill for this group, but the increases alone come to \$152,000, additional dollars.

A couple of questions, Mr. Speaker, I think I have raised both. One, how can this government justify so large increases and still maintain the stance that they are subscribing to the Federal anti-inflation programme? How can we justify them in that context? And two, Mr. Speaker, why were these increases made retroactive to October 1, 1975?

Mr. Speaker, it raises, of course, the very real question of conflict of interest here. We faced it in this House, Mr. Speaker, in that we, as members, have to vote our own salaries. I have always felt that is wrong. I feel that it ought to be taken out of the hands of the people who would directly benefit from any salary increases. But here we have, Mr. Speaker, the Deputy Minister of Finance, the Assistant Deputy Minister of Finance, the Executive Director of Planning and Priorities, the Secretary of Treasury Board, a number of

Mr. Simmons:

people, and I just did not single these out for any personality reason, because to be honest with you I do not know who some of these people are by name. But, Mr. Speaker, I have singled out, and I have not singled all the appropriate people out, but I have singled out the Deputy Minister of Finance, the Assistant Deputy Minister of Finance, the Secretary of Treasury Board, the Executive Director of Planning and Priorities, these four, Mr. Speaker, certainly the Deputy Minister of Finance, the Assistant Deputy and the Executive Director of Planning and Priorities, these three, would have a very direct input, Mr. Speaker, into government priorities, government policy directions. And here they are, Mr. Speaker, in a position where at once they are to administer and give advice on the distribution of scarce dollars, on the one hand, and on the other hand taking fairly hefty salary increases.

Now, Mr. Speaker, I submit that that is a very blatant conflict of interest position to find oneself in. I am not blaming those people. That is the system as it is, just as it is the present system for us here in this House to vote ourselves increases. But, Mr. Speaker, because it is the system does not make it right. It is very wrong. And perhaps, Mr. Speaker, the time has come for us to look at other jurisdictions to see how they handle the very dicey issue of salaries of members of the House of Assembly or of senior civil servants.

In this respect, Mr. Speaker, I would just like to refer briefly to the method by which this whole matter is handled in another parliamentary jurisdiction, that of Western Australia. I understand that in 1968 - I am not sure of the exact date - but in 1968 or 1970, a salaries tribunal was established in Western Australia, a salaries tribunal, and, Mr. Speaker, this tribunal was armed with the power to determine the salaries and allowances of members of Parliament, the name given to their Legislature in the state of Western Australia, armed with the power to determine, not to recommend, but to determine

Mr. Simmons:

a salaries tribunal with the power to determine the salaries and allowances of the members of Parliament, magistrates, special division public servants. And I have seen a list, Mr. Speaker-- I have it somewhere as a matter of fact, I have quite a bundle of information down there which the Speaker of the House in Western Australia was kind enough to send to me in the last few weeks-- and I have seen a list of the people, or the offices I ought to say, whose salary is determined by this salaries tribunal.

I would suggest very strongly to the government that this whole matter be looked into because what we are talking about here with the executive compensation plan is a very dangerous set of circumstances. And it is the anti-inflation period in which we find ourselves, or the anti-inflation control period in which we find ourselves, that points up the very diceyness of this situation, where you have people at once administering scarce dollars and at the same time voting themselves very hefty salary increases.

I would think, Mr. Speaker, it does not make the people involved in the general service unit of NAPE very happy to know that while they cannot get a better bargain than 4 per cent, the Deputy Minister of Finance can come up with something well in excess of 15 per cent, or 18 per cent, or 20 per cent.

Mr. Speaker, I have some copies of this here. Here is a page. When he is ready, perhaps he can give a copy to the Minister of Finance and the Government House Leader, because it does summarize the points I have been making in relation to the other jurisdiction of Western Australia. And I believe, Mr. Speaker, it contains a very sound proposal, a very sound proposal for handling this very sticky, this very dicey issue, the issue of us here on the one hand having to address ourselves to a matter that is pretty close to ourselves, and also the issue which is brought before us here with the Deputy Minister of Finance and the other officers of the various departments getting involved themselves in these very hefty salary increases.

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMONS: Mr. Speaker, let me be the first to congratulate you on having established another precedent in this House.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMONS: I do not know my history too well, but I shall guess that the one other lady who sat in the House of Assembly, not this Chamber, but the House of Assembly, probably did not have the privilege of sitting where you sit. For your sake, and for history's sake, I hope she did not, and I congratulate you.

MR. ROBERTS: And for your sake.

MR. SIMMONS: And for my sake as well, and for the sake of history.

MR. ROBERTS: I think you should call him to order. Is this relevant?

MR. SIMMONS: Mr. Speaker, it is late at night or Madam Speaker. It is Madam Speaker - is it?

MR. ROBERTS: No it is Mr. Speaker.

MR. SIMMONS: All right.

MR. ROBERTS: I think it is Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: In the Chair now -

MR. ROBERTS: What do they say in the Senate? They have a lady senate.

MR. SIMMONS: Perhaps I should ask for a ruling. If I were to ask for a ruling on that particular point, I may well get the reply that our lady member gave on the night of the election that she feels one of the guys. Mr./Madam Speaker, it is late at night, and I hope the government will take under advisement the points that we have made. We feel very strongly that there ought to be some special provision for Newfoundland and Labrador.

MR. ROBERTS: Hear, hear.

MR. SIMMONS: And I would like to hear some response on that point.

MR. ROBERTS: And needy groups within the Province.

MR. NEARY: And in this House.

MR. SIMMONS: Yes exactly. At the risk of being tedious this time I hope in particular the minister heard my particular plea as he relates to salaries.

MR. ROBERTS: Oh, you are not being tedious on that point.

MR. SPEAKER (MRS. MACISAAC): If the minister speaks now he closes the debate.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: I am overcome!

MR. ROBERTS: Hurrah!

MR. SIMMONS: The first time I saw him blush.

MR. DOODY: The first time I have been told to shut up so nicely.

The questions that have been raised by the hon. member for Burgeo-Bay d'Espoir (Mr. Simmons) are certainly relevant, and I think they were raised with a good intent and I will

Mr. Doody.

try to deal with them as best I can. I think the most pertinent one, and one that has to be addressed primarily is the senior public service salaries and their relationship to the Anti-Inflation programme. There are two areas in here which have to be considered, and that got to be looked at under the Anti-Inflation programme, and there are two outlets or loopholes, if you will, or to escape valves that the programme contains. One of them is the \$2,400 rule which the hon. member addressed himself to, and there is another one called the historic relationship rule, so that people in a given management or indeed in any group can apply themselves to and compare themselves to and justify various increases. It was under these conditions - and both of them apply in varying degrees to the senior management of government, the permanent service I mean in this case. There had been salary increases of substantial sizes awarded to various members of the senior public service prior to the putting into place of the Anti-Inflation agreement. Some of the senior deputy ministers had received substantial increases for various reasons. And most of them, I might say, is because of the recruitment policies of other jurisdictions; mainly, the federal government and its agencies who have made life extremely difficult for us down here in keeping the people in the service, and we need to carry on the business of the Province, particularly in these difficult times when it is so important that we have competent and capable people in the permanent public service. Having granted these major increases -

MR. ROBERTS: The historic relationship should examine their employers.

MR. DOODY: Well that unfortunately does not apply, because we have, as members of the elected sector know, no historic relationship with any species or sub-species under the act, and although I pleaded our case -

MR. SIMMONS: With all these in favour, at least half of them were in approval.

MR. DOODY: Well, you see, I find myself in the position of defending something that I need more desperately than those who are opposing it.

MR. ROBERTS: It cannot be more desperate.

MR. DOODY: I will not plead my own case. I will refer the hon. members opposite to my bank manager, and let him discuss it on my behalf. He indeed has the problem, not I. It is he who is walking the floor these evenings when I sleep soundly. It is his problem now and not mine. It has gone beyond my help.

So having disposed of that and passed it into the hands of my capable and efficient and resourceful branch bank manager, I will get back to the point in question, and that is the salary increases for the senior members of the public service. Now it goes without saying, Your Honour, that there is absolutely no way that this government can function, regardless of the administration, unless we have the capable people, a non-political people, a people who have the ability and the talent to do all the necessary things that have to be done in terms of the financial and business administration of the Province, quite apart from the policy decisions which can vary as the administrations change. The senior public service has to remain in tact. You cannot get good people in these days unless you pay them top salaries.

MR. ROBERTS: Is that why we pay M.H.A.'s on a clerk's grade IV salary?

MR. DOODY: Your Honour, I do not pay M.H.A.'s at all. This hon. House pays M.H.A.'s. I am addressing myself to the remarks of the hon. member for Burgeo - Bay d'Espoir who raised a very legitimate point with regard to the salaries that have been paid to - and he has mentioned three or four particular public servants, the Comptroller, an officer of this House, the Deputy Minister of Finance, the Secretary of Treasury Board, the Director of Planning and Priorities. All these people have had offers outside this Province and inside, well outside this Province particularly I know.

MR. ROBERTS: Would the hon. minister permit a question?

MR. DOODY: Certainly.

MR. ROBERTS: The Deputy Minister of Finance is actually paid as Comptroller of the Treasury, of course, and his salary his statutory. Will we have an amendment brought before the House to the, I assume, Financial Administration Act? That is one question. Because I think he has to. Secondly, will the Auditor General's salary be raised by a comparable amount? Is it in here?

MR. DOODY: The Auditor General's salary is in there, but I do not think it is up to the standard that he wants it.

MR. ROBERTS: No, well I mean I raised that question because the Deputy Minister of Finance and the Auditor General have always been paid, you know, exactly the same salary. And yet the proposal as given by the information tabled by the minister the other day would give the Comptroller \$40,500 and the Auditor General \$37,400, and, you know, I cannot speak in the debate at this point, and I do not, but I do think that is wrong, and I would invite the minister perhaps to comment on it, and hopefully to say that the matter will be looked at, because I think it is important that the Auditor General and the Deputy Minister of Finance be paid the same salary. They are both our only - the House's only financial officers, these two men, who between them, you know, are the linchpins of the whole financial structure of the public revenue in this Province. You know, to give an extra \$3,100, which is all it would take to pay the Auditor General an amount comparable to the Deputy Minister of Finance, it will not irreputably harm the financial - you know, we are not that badly off that \$3,100 will put us under, but it would preserve what I believe to be a very important principle. There is a question there I am sure Your Honour, and I am sure that when the Hansard editor gets at it, there will be a question mark somewhere in there so I put it as a question.

MR. DOODY: Well I appreciate the question and the answer is that it has already been raised and brought to my attention, as you might well imagine, and I have no doubt that it will be brought to the attention of the House, and indeed all the officers of the House. I think

MR. DOODY:

there are one or two others now who are officers of the House, the Ombudsman, and I think under legislation that is either in being and maybe not yet proclaimed, I think there is a purchasing officer of the Department of Supply who is also an officer of the House right now, which is a bit strange and weird.

In any event the Auditor General's position has been brought very forcibly by various people, not by himself, to my attention through the Treasury Board, and it will be looked after, and will be taken into effect. I appreciate the fact that his position, as an officer of the House, is one that deserves special consideration and indeed one that we are only too anxious to recognize.

I spoke a few minutes ago of the - to try to get back to my alleged train of thought - the historical relationships between the various sectors of the service through the years, before the guideline year came into effect, and this is another technicality under these regulations, if somebody wants to get himself into it. When a guideline year is established there are some months back to which a group of people in a particular area can apply themselves or compare themselves to and make application to the Anti-Inflation Board with relationship to that comparable sector of the same area in which they live, whether it be the public service or not. That is one area. The other one which the hon. member addressed himself to and thought most unusual was that \$2,400 rule which is another very difficult one, and there is one that, I think, must have been put through or pressed or lobbied by the corporations for the sake of their senior people or by their directors or by whatever. Because that \$2,400 rule applies to a group, and not to an individual. And the group can be taken and defined by an area of an industry or a service and presented the Anti-Inflation programme, but the \$2,400 does not have to be given to each member of that group. One person in that group, for instance, can be given \$4,900 and another

Mr. Doody.

person in that group can be given \$1.00, and they will average that out.

MR. ROBERTS: So the mathematics are weird.

MR. DOODY: Well the mathematics are weird, but the principal is there.

MR. ROBERTS: \$4,799.

MR. DOODY: You got it exactly. Thank you. But the principal is

MR. DOODY:

the \$2,400 average salary increase within a given group.

MR. ROBERTS: But this one here gives over \$2,400 to this group here.

MR. DOODY: No, it does not because, as I say, there are people who had received increases of seven or eight - well more than seven or eight per cent. I think one particular deputy minister received an increase of maybe \$6,000 several months before these guidelines came into effect and they applied themselves to it.

MR. ROBERTS: There is no way to convince me that -

MR. DOODY: I have no intention of trying to convince the hon. Leader of the Opposition. I am sure that if I was able to convince you of anything you would be over here and that in itself is absolutely unbelievable.

MR. ROBERTS: The only guys in this Province who benefit under this AIB are the very people who make the rules. There just is no way. And I appreciate the minister trying, and I appreciate the minister's effort, Mr. Speaker, but the fact remains that there is no way at midnight or any other time that we on this side are going to believe that the very men who make these rules and who advise the government have devised them so that they can inordinately rip off. All I can say is with all respect to the arguments that have been put and with all respect to the need to maintain competent people - and I believe these are competent people and they must be kept - it is an insult to the people of this Province for these same men, who are telling the government to hold things down, to arrange things so that they get benefit. And if ever Caesar's wife, if ever that injunction was necessary, it is in respect of the Deputy Minister of Finance and the Secretary of the Treasury Board above all others.

MR. DOODY: Well, Mr. Speaker, with great respect to Calpurnia unfortunately she is not on the payroll. The ones that we have to deal with are not the Shakespearean legends who are beyond reproach. We have to deal with very practical people with very, very obvious talents.

MP. ROBERTS: Is the minister saying we were blackmailed into it?

MP. DOODY: - from different parts of the land among all the jurisdictions in Canada who have had offers for their services which we have either to match or to try to duplicate. I find it beyond the scope of the particular area of expertise that we have in recruiting people in the Province of Newfoundland to handle the difficult positions in which we are today to get people of the caliber of the secretary of Treasury Board, the Deputy Minister of Finance, for salaries which are less than those which we are paying them.

Now, these salaries that they are being paid are subject to these guidelines. They have been reported to the anti-inflation board. If the anti-inflation board rolls them back, then so be it. God bless them. I would be delighted. You know there would be so much more money left in the treasury which we may be able to apportion among our very worthy selves. Unfortunately that is not a decision which I am in a position to make. All I know is that it is impossible for this government to function without the caliber of people and the senior civil service who are dedicated to the point where the people whose positions have been brought forward tonight. That is where the thing has to sit for the present time. Only recently, within the past day or so, we saw the president of the university complaining bitterly about the fact the government has recruited and lured away and taken from him various members of the business faculty. The school of business has been lured away by government.

Under examination it develops that during the past, since 1972, there have been two members of the School of Commerce who have been lured into the public service. One of whom is the present Deputy Minister of Finance. The other is the now retiring Chairman of the Public Service Commission. You know, these people are not only dedicated. They are also human. They will go where they get the best return for their services and for their abilities. They do not have that same peculiar disease that we lesser mortals in the elected offices have. They are not susceptible to whatever strange disease that we have, that throws us out into the public and says,

MR. DOODY:

elect us please so we can get out in the public eye and be pilloried and insulted and jeered at and stoned and laughed at and abused for \$8,000 or \$12,000 a year.

Now these people have the ability, not only to get themselves into the decision making process of government, they also have the talent to stay out of the public eye and the saleable assets of being in demand in other areas. So it is really not a question of whether or not we want to pay them \$35,000 a year or \$40,000. It is a matter of being on the market for competent, capable people who are willing to put in fantastic hours, weekends, nights, come up with the kind of solutions or semi-solutions or possible solutions to the almost insurmountable problems that we are faced with. I think we are very fortunate to have these people. But it will be up to the anti-inflation board to decide whether or not the salaries that they are receiving are in order. They have been reported to the anti-inflation board. If they are rolled back, then so be it. If they are not rolled back, then they will have been in order. That is about as far as we can go with that one.

With regard to the policy of restraints, which we endorsed so readily, the hon. member for Burgeo-Bay D'Espoir (Mr. Simmons) said that he endorsed the principle of restraints but he did not endorse the speed or the enthusiasm of the government of Newfoundland in rushing to the support of the Government of Canada. Well I do not know how you can have it both ways. That is really beyond me. We have to be either one thing or the other. This Province is not really in a position to tell the Government of Canada that we were not going to go along with their restraint policy. Anybody who looks at our budget, anybody who looks at our financial position, anybody who looks at our borrowing programme, anybody who looks at our spending programme, knows that we must have a restraints policy.

MR. SIMMONS: Would the minister permit a question?

MR. DOODY: Sure.

MR. SIMMONS: With reference to his comment a moment ago about government not being in a position to tell the federal government what to do or something to that effect, do I understand in that the agreement which we have embodied in this bill is identical for all provinces of Canada, that each province signed the same identical agreement with Ottawa? Was that the undertaking with Ottawa? You see my earlier point, if he would permit me a moment, was not the haste of such. But I raised the question of what efforts had been made to seek any special provisions to take into account our own situation here in this Province. That was my point really.

MR. DOODY: Well the answer to your first question is, no. All the provinces of Canada have not signed the same agreement. They have what they call a four-three and they have a four-four. The four-three in effect is where the governments which sign the agreement with the Government of Canada allow the Government of Canada to administer the programme generally where we take the responsibility for the public sector. The four-four agreement is one in which the signing government, with the Government of Canada, takes the responsibility for the administration of the whole programme within its province. That is what might more properly be called the Quebec sector, and I think the Government of Alberta will also go along that route and perhaps British Columbia.

As for pleading for special consideration I went down that route on the three meetings that I remember. I went down it very carefully at great length. I remember on one particular occasion asking the Minister of Finance, at the head of the table, the federal Minister of Finance, what particular programmes had been arranged for provinces such as Newfoundland which could only serve to suffer in terms of employment and in terms of financial hardship by becoming involved in this programme. He told me that they were very aware of the situation and that special consideration would be given.

At the subsequent meeting Mr. Chretien sat next to Mr. MacDonald and I raised the same question again and reminded Mr.

MR. DOODY:

MacDonald of our previous conversation across the table through the conference. Mr. Chretien at that time interjected and said that the DREE programme was designed to help those provinces which were in a position to be affected adversely by programmes which could adversely affect various regions of Canada and felt that this was what we would have to settle for. Subsequent to that, of course, we all know that the DREE spending has been cut in terms of total value, if not in terms of absolute dollars.

We also know that the public works programme and spending in the Eastern provinces has been cut and so on. It is very, very difficult to try to justify it in terms of the question that you raised. It is a legitimate one but the answer is no. Despite the pleadings that ourselves, Nova Scotia, Prince Edward Island Saskatchewan and other provinces raised in terms of regional disparities, the same broad brush principle of the Canadian Confederation was applied and what is good

Mr. Dooly:

for central Canada, for the affluent parts of Canada, has got of necessity to be good for all of us. We did not rush in and sign the agreement without taking this into consideration. It was an area that we went into in great depth. There are documents on file, our programmes represented.

I remember at one point during the discussion saying to Mr. McDonald that he is giving us a choice of jumping off an eight story building or a ten story building and having a choice like that, it is just as well for us to take the eight story building and we would be only too happy to take the lesser of the two evils. There is no point in hurting it. We will get there faster that way.

So the question is not one of choice. We are not in the same position as the government of Alberta, which sits just next to us in these conferences, says nothing, smiles, goes back to their province and decides whether or not they are going to get involved. We do not have these options. We are, as the hon. Opposition House leader says, we have to go along to get along. We have to have some reasonable rapport with the Government of Canada because we are at the present time under the policies of the Government of Canada, a have-not province, an underdeveloped province. So this is why it was incumbent upon us to sign the anti-inflation programme agreement. It is an agreement that we are going to live with and an agreement that we are going to enforce. We are going to have to live within the guidelines here. The public service is going to have to live within the guidelines and the private sector is going to have to live within the guidelines. And as we understand it, according to Mrs. Plumptre and to Mr. Denton who recently made an announcement, now new emphasis is going to be placed on the price area, which is another area in which we have expressed grave concern and have continued to express concerns about. We do not feel that there has been enough emphasis placed on that area. Now we understand that these are going to be frightened us.

As I say, as one of the provinces of Canada, we have little

MR. DOODY:

choice but to join this group of provinces and the central government in signing this agreement. It certainly is not the greatest agreement in the world. It does represent, though, for the first time the Government of Canada's willingness to come to grips with the inflationary process. The fact that the Province of Newfoundland and the other have-not provinces are the ones that are suffering most, and paying for the inflationary process which they did not contribute to, is unfortunate and it is sad and it is one that should have been recognized by the central government but they have not, and that being the case, Your Honour, all I can do is say that the bill is here. It is a matter of fact the Government of Newfoundland has agreed to it and we are going to live with it. Sir, I therefore move second reading of the bill.

On motion a bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And The Government Of Canada Respecting Price And Income Controls," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 59)

MR. CARTER: Mr. Speaker, a point of order.

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

MR. CARTER: The hour is late. I do not know whether it is the administration's intention to carry on all night but I would like to protest the continuance of the House at this time. I think it is unnecessary and I suggest that we adjourn until tomorrow.

MR. SPEAKER: On that point of order. The House Leader before eleven asked whether there was unanimous consent to put forward a motion that the House not adjourn at eleven. Now if any hon. member had then taken exception it would obviously have to have been through motion which is debatable. There are certain matters which require unanimous consent of the people who are in the Chamber at that time, and certainly there was unanimous consent given. I appreciate the hon. gentleman's point but when unanimous consent is given then that puts the motion in order.

MR. CARTER: To that point of order, or a further point of order, if

MP. CARTER:

you like, I think the understanding was that there would be a continuance of the House after eleven o'clock, possibly even until twelve o'clock to deal with certain matters that were then under discussion. But certainly the idea was not that we were going to sit half way through the night. Now I just wish to protest, that is all.

MP. SPEAKER: Certainly hon. members are aware of the hon. gentleman's position but the motion which was put to the Chair, and obviously which is the only one that I can deal with, is that the House not adjourn at eleven. It did not say when.

Motion second reading of a bill, "An Act To Remove Anomalies And Errors In The Statute Law." (Bill No. 64)

MP. SPEAKER: The hon. Minister of Justice.

MP. HICKMAN: Mr. Speaker, all this does is clean up typographical errors and other errors in the drafting. I move second reading.

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

MP. POME: Mr. Speaker, we are obviously behind the government in any act to remove anomalies and errors in the statute law.

On motion a bill, "An Act To Remove Anomalies And Errors In The Statute Law," read a second time, ordered referred to a Committee of the Whole House presently by leave.

Motion second reading of a bill, "An Act For The Avoidance Of Uncertainty Concerning Certain Judgments Issuing Out Of The Supreme Court Of Newfoundland." (Bill No. 46)

MP. SPEAKER: The hon. Minister of Justice.

MP. HICKMAN: Mr. Speaker, when the Judicature Amendment Act, 1974, the Act Number 57 of 1974, was proclaimed, the Supreme Court was divided into the Court of Appeal and the Trial Division. The Judicature Amendment Act added paragraph (b) of Section 9 (b) of the Judicature Amendment Act, 1971 which deals with delayed judgements by making it apply to a judge who is transferred from one division of the Supreme Court to another and required judges who are transferred from one division, who have reserved judgements, to deliver judgements within six weeks.

MR. WICKMAN:

There are some judgements which have not been delivered within that six weeks period from the time of reservation by a judge who is transferred from the Trial Division to the Appeal Division, and it is necessary in order to validate the judgements which will be handed down and which have been reserved to bring this bill before the hon. House.

The other provisions of the Judicature Act and the Supreme Court Judgements Act of 1974 will remain in full force and effect. I move second reading.

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

MR. ROBERTS: Mr. Speaker, this bill has to be the most incomprehensible piece of legislation to come before the House in this session. And, I may add, the minister's explanation of it has added to the incomprehensibility of the bill. As I understand it the situation is this, that there is a provision in the Judicature Act as we passed it a year or so past and that was the act under which our Supreme Court was divided into a Trial Division and an Appellate Division - there is a provision in that act which said that a judge sitting there had to file - and if I could get the minister's attention? - that a judge had to file a judgement on any outstanding matters within six weeks of the division of the court becoming effective. That was a very foolish provision. I may add, nobody in the House on either side or anywhere picked it up at the time, but it was a very foolish provision indeed and, of course, this is the reason we now have to pass this bill, which we shall do, I am sure, with everybody's support, but essentially to clear up any doubt.

Because I gather that some judgements have been filed by at least one of the judges, and I believe only one is affected, but that does not matter, but some judgements have been filed and there is some doubt as to whether they are valid judgements simply because those judgements were filed more than six weeks after the court was divided. It would have been very unreasonable to have it any

Mr. ROBERTS:

other way than the way we will have it with this bill now.

Mr. Speaker, the far more serious problem than this is the larger problem of the timeliness of filing judgements. Now I have not had a study made and I do not know how many judgements are outstanding at this time, nor do I know whether any of them have been outstanding for an unusual length of time or an inordinate length of time. Giving a judgement by a judge or a panel of judges who hear a complicated case is not an easy matter. We certainly must allow a judge every liberty to consider the matter, to consider the arguments, to look into the law, to read the cases, to look at the learned writers on the subject, and then to render his judgement.

But even so, Sir, it is well-known in the profession of law that in many cases - and this is not unique to Newfoundland and Labrador, but it does happen here - that in many cases judgements are outstanding much too long. A couple of years ago we passed an amendment in this House, I believe to the Judicature Act, that said if no judgement were filed in an action within twelve months, the matter could be, I think, either started de novo, a new trial - that is what is said, was it? I felt at the time we should have provided that the judgement be issued for the defendant automatically and that it be appealed, an automatic appeal be issued. But in any event we took some action.

I think there has been an improvement. But I would say to the Minister of Justice that

Mr. Roberts:

I think one of the areas where some attention must be paid - and I am not filled with ideas of how to remedy it. You cannot make a judge render a judgment, nor should you. A panel of three judges in the Appeal Division should have ample time to consider. They are not ruling on frivolous matters or matters of no import. They are ruling on important matters, and matters which should be considered carefully - but there does come a point when the time for consideration has gone by, and the parties who bring the action, the plaintiff and the defendant, or the appellant and the respondent, have the right to expect a judgment.

So I am prepared to support this bill. It is being done, I gather, although the minister did not say so, to cover one specific example, or one specific instance, and I do not object to that, I think the original provision was foolish. It was, I am sure, put in with the best of intentions, and the best of thought, and nobody - and I am not being wise after the fact, I did not notice it at the time, and I do not think the minister did or anybody in the House - noticed that particular provision. If we noticed it in reading through the bill and looking it through, we did not pay any heed to the effect of it. So we have to pass this bill because we cannot have judgments being rendered that are in doubt as to whether they are valid judgments or not. So that is fair enough. I gather it is to cover only one specific set of examples, and I think that should be recorded in fairness to the other men involved. I think the minister would agree with that as a statement that, and I do not say that censoriously of anybody, but I gather it involves only one particular judge who has found himself, through no fault of his own, in this position.

But the far more serious problem is the timeliness of judgments. Our Bench in Newfoundland and Labrador and across Canada does not have the British habit of speedy judgments. I understand in England even in the Appeals Divisions, particularly in the Court of Appeal which hears an immense amount of litigation in England that -

Mr. Roberts:

what?-90 per cent of the decisions are given from the Bench. And those judgments, which are taken down in shorthand, or the reasons, which are taken down in shorthand as the judge speaks, are marvelous. You know, it is surely the best example that I have ever seen of men hearing arguments and rendering judgment, learned in the law, and they stand up, most of them, and I am one of these men who is a great fan of Lord Denning who, I believe, is still Master of the Rolls in England. He is certainly getting on in years now, but Denning's judgments from the Bench on oral judgments given after hearing a case argued before him, and Denning left the Lords and went back to become Master of the Rolls, head of the Court of Appeal, which shows how important the Court of Appeal is in the British system - Denning's judgments from the Bench in most ways compare very favourably to judgments given by Canadian judges after exhaustive and intensive study. And I can only say that the judges in Canada, I hope will some day measure up to that standard. The calibre of the Bench across Canada has improved immeasurably the last ten or fifteen years. And that is not in any way to detract from the men who have been judges in the past, but the calibre of the Bench and the calibre of the Bar is improving.

But we have got to find a way to come to grips with this timeliness issue. I know it is late at night and nobody is particularly interested in it, but it is important. People who go to the courts to have their problems litigated, and to have to take action under the common law or under our statute law, do so because they have no other way to solve their problems, because they consider their problems important enough to go to the trouble and the expense, and considerable expense, of bringing an action before the court. It is argued out, and then some times weeks and months go by with no judgment being rendered. We have got to find a way to make judges, not just in Newfoundland and Labrador, but across Canada, render judgments and render them more quickly.

Mr. Roberts:

A classic case, of course, was Lord Eldon, I forget the name of the case, but when he died after twenty years as Lord Chancellor of England they discovered that he had a judgment outstanding and - was it Scot and Scot, from memory? There was a case and, you know, it had been twenty years that it had been reserved, and presumably Eldon had forgotten about it. But that is the classic one, We have never come anywhere like that. But we still have a problem. And I gather from speaking to friends of mine who practice at the workaday Bar and work day to day, that there are still problems, and they may have been resolved in measure because we now have seven judges and they are not as heavily worked and they have more opportunity to attend to these matters. It is very hard, I would think, to write a judgment when you are hearing trial cases day by day, Most of the judgments, obviously now, considered judgments will be at the Court of Appeal level, a different type of work altogether than the Trial level. But the fact remains too often in this Province and elsewhere, parties before the Bar, parties in action before the Courts, are not getting judgments as timely and as quickly as they should.

So I do not have any bright suggestions. I do not know how to go about it. Perhaps what it involves is a measure of self-discipline on the part of the Bench as well as on the part of the Bar. But I do think it is an important problem, Sir. I do think it is a matter that should concern anybody who is interested in the administration of justice in this Province. And the Minister of Transportation and Communications may think it is a light matter, but -

MR. MORGAN: It is a late hour.

MR. ROBERTS: - I know it is a late hour, although I have agreed for my part to have the House sitting at this hour, but I have not kept the House sitting at this hour. I think it is a serious matter, and if ever the minister has the fortune or the misfortune to be involved in a lawsuit and has seen, you know, a year go by and no decision given

Mr. Roberts.

'ave' or 'nav', then I think he would share this consideration.

Now I have not been involved in any, but I know of cases that judgments have been outstanding for that period of time, and I know of some cases where I think hardship has resulted. And, you know, the lack of a judgment is not a decision on the merits. If the decision is rendered on the merits and it goes against one party, well, that is it, and the law gives some remedies, and if you want to follow them you can. But the failure to render a judgment is not a decision on the merits, it is just a denial of any decision.

So I make no apologies for taking a few moments of the House at this time. I think it is as important as most of the things which any of us say in this House. But the point, Sir, I think should be taken note of. I can give the Minister of Justice no advice. I do not have any bright answers. I am not aware of any jurisdiction in the world that have solved this by legislation. It is not a legislative problem. The British have solved it, as I understand it, because of their tradition going back 100 or 200 years. I am told even in the House of Lords judgments are often rendered - and the House of Lords does not hear a lot of cases, when they do hear them they are very important cases involving very major points in law - but even the House of Lords renders judgments very quickly, in a matter of days or weeks. I referred the other night to a most interesting article in the current Newfoundland Quarterly, and I do not mean Mr. Robert Payne's musings on the election results, which I find fallacious in their reasoning, although interesting in their conclusions, but Mr. Justice Winter's memoirs, or an extract therefrom, describing the Jardine case and the theories that went into it. I remember the Jardine case had a great hearing on the Labrador boundaries - not the Labrador boundaries question, but a great hearing on preventing the possible sale of Labrador to Quebec. And Mr. Justice Winter advances the suggestion that that sale was very much in

Mr. Roberts:

contemplation, and if it had not been for the Jardine case it might have gone through. But put that aside, it is worth buying the Quarterly just to read that one article. The case was heard in London the end of November before the House of Lords.

The court was a very extraordinary strong one, Lord Russell was president of the court on that occasion, Lord Russell of Killowen you know, an extremely strong court. And Mr. Justice Winter tells how he spent the Christmas season with his sister near London, a married sister living there, a daughter of Sir James Winter. And then when he was on the boat on the way home in January in mid-ocean he got a wireless saying a decision had been rendered, and you know, your case, he was the appellant in the case, your client has been successful.

You know, six weeks on a major constitutional issue that saved Labrador. I do not think that is too strong a construction to put on it.

MR. ROBERTS: We have often spent six months getting, I understand, even the question of damages. It is agreed that the plaintiff is entitled to damages and the defendant is liable, but some argument whether it should be \$8,000 or \$10,000 and the matter must be referred to the court. We have been six months or more, I am told, even getting that sort of simple question answered. I do not think I am being extreme.

MR. WELLS: Often two or three years.

MR. ROBERTS: The Minister without Portfolio, who has, of course, had a great deal of practice at the Bar, tells me often two or three years on deciding a very simple question. It is a matter of a man must make his judgement, what the injury is worth. There are certain standards, but in the long run it is a subjective judgement, a subjective matter. He comes to his decision and that is it; everybody will accept it. But to wait two or three years is a great hardship on a man or his family who are waiting for a settlement, and all they need is the court to name the amount, and the amount will be paid to them and they can go on from there.

Mr. Speaker, I think it is an important matter. The bill itself merely remedies a problem. And it has been suggested to me by some of my brethren at the Bar that I should be critical on this. I do not think so. I do not think it is fair to be critical. I think the bill clears up a situation that should never have occurred, and the bill is necessary to make the wheels of justice move properly. My concern, Sir, is that they are moving too slowly and I think they must be made to move quickly, and I merely bring the problem to the minister again, and I say to the House and to the minister that I think it is something to which he must turn his attention. I believe it is infinitely more important than precedence for Queen's Counsels or a number of other matters that the minister dealt with in his legislative programme.

Mr. Speaker, the bill itself, I am not sure anybody in the House, including the minister or me, understands it. I am sure it is technically

MR. ROBERTS: correct, but it is the most incomprehensible piece of legislation I have ever had the misfortune to tangle with, and because of the minister's recommendation and because of what I know outside, I am quite prepared to support it, but I do so with these, not reservations, but with additional comments.

MR. CHAIRMAN (MR. YOUNG): The hon. member for Burgeo - Bay d'Espoir.

MR. SIMMONS: Mr. Chairman, just a word to reinforce the point that my colleague was making about the length of time it can take to get a judgement. I think it is a point that needs reinforcing, because there are quite a number of cases which in recent years have fallen into this category. I can think of a couple, but one, without getting into names, I want to illustrate. I believe the Minister without Portfolio will recall the case when I refresh his memory, because the NTA had some involvement with it during his association with the NTA. It was the case of a lady teacher who took a school board to court on a matter, and the judgement was outstanding for about three years. And we made some effort, but I am not sure whether judgement was ever handed down, as a matter of fact. It was about three years. And as it happened, without giving the details, the nature of the case was one that had implications for her future employment, and in that context alone I do not believe justice was very well served at all to have her wait that length of time. It was not the very complicated, constitutional type issues that we have heard about in the examples quoted by the Leader of the Opposition. But I just wanted to rise to reinforce what he said, Mr. Speaker. I am not an authority on these matters, I do not know what the solution is, but I would certainly like to hear the minister's response on this point. Because it seems to me that a judge of the court is also a servant of the Province and would be certainly subject to some kind of direction on a matter as important as this would be to the average

MR. BENTON: citizen, if he found himself in the seat that the lady I have mentioned found herself in for a three year period.

MR. CHAIRMAN: If the minister speaks now he closes the debate.

MR. DICKMAN: The issue raised by the hon. Leader of the Opposition and the hon. the member for Burpen - Bay d'Espoir is one that causes me and, I am not alone in this, other Provincial Attorneys General a great deal of concern. There is divided jurisdiction, as hon. gentlemen have, in this field. Provinces do not have the right to even consultation on appointment to superior or district court benches, nor do we pay the salaries of those who are appointed.

Most people, and hon. members may feel that there are a large number of cases outstanding, let me assure the House that such is not the case. Since the period January 1st., 1973 to May of this year, May, 1976, the number of cases tried in the Superior Courts of this Province where judgements were reserved totalled 119 cases -

MR. ROBERTS: How many tried?

MR. DICKMAN: - have been tried. I am giving the trials.

MR. ROBERTS: Out of 120 trials -

MR. DICKMAN: One hundred and nineteen where judgements have been reserved.

MR. ROBERTS: Is that one out of every two trials, or one out of -

MR. DICKMAN: Oh, I am only guessing this but in pretty well all civil cases judgements are reserved.

MR. ROBERTS: So that is almost every civil case heard in our Superior Courts.

MR. DICKMAN: Yes. There were 119 and that is a period January 1st., 1973 to May, 1976. Of these 119, where judgement was reserved, 11 decisions are still pending. Nine of these decisions come within the protection of this bill, that is, were tried by one judge who was subsequently transferred to the Appellate Division.

MR. ROBERTS: Right. But the figures do not necessarily prove anything about the length of time the judgement has been outstanding, because

MR. ROBERTS: what we need to know is what is the median length of time it takes from the cessation of the hearing, when the judge says, "Very well gentlemen, I have heard your arguments, I reserve my decision," and then the day when he files it in the Registry.

MR. HICKMAN: That varies from one case to another, from one judge to another.

MR. ROBERTS: But I mean, to know whether there is any inordinate length of delay we would have to know -

MR. WELLS: Five or six weeks.

MR. HICKMAN: Yes, in the Trial Division now judgements are handed down pretty quickly.

MR. ROBERTS: Well, that is a vast improvement.

MR. HICKMAN: Well now, I use guarded words there. There are judges in the Trial Division who have over the years handed down their decisions within five to six weeks. And I say without hesitancy there has never been any unreasonable delay on the part of the present judges in the Trial Division of the Supreme Court.

MR. ROBERTS: Well, I know of one particular judge who used to file his decisions even - how should I put it? - shall we say, possibly more than one judge was hearing a case, and one judge would be ready and the other would not, one would file, even though he is not supposed to, and would then let everybody concerned know, "My judgement is in, and if the others are not in do not look to me."

MR. HICKMAN: These were cases heard on appeal when the court was sitting as the Appellate Division.

The cases that are presently outstanding, all except one, were tried last year. There is one case outstanding from 1974.

I believe, like the Leader of the Opposition, it is hard to come up with a solution. There must be total, absolute, independence of the judiciary, that is the first criteria. But on the other hand it is becoming increasingly clear in my opinion that there has to be some accountability.

MR. ROBERTS: The minister would surely agree with my suggestion that

MR. ROBERTS: there comes a point when it goes beyond a reasonable consideration and gets into an inordinate delay.

MR. HICKMAN: The most recent amendments to the Judges Act, passed by Parliament, attempts to deal with this matter by giving more authority to the Judicial Council of Canada. The Judicial Council is a body comprised of the Chief Justices of the Superior Courts, and I think the Chief Justice of Canada presides as the Chairman.

There is a procedure, which is sometimes availed of, whereby a litigant who feels that he or she has had to wait too long for a decision, can bring it to the attention of the Judicial Council for any action they may deem appropriate.

Now, that is a far cry for legislating as to what can be done in the way of discipline but I think it is a good thing, Mr. Speaker, and I could keep this House all night -

MR. ROBERTS: I am sure.

MR. HICKMAN: - and I do not want to do this, and I am sure hon. gentlemen would not wish for me to do it. I have no qualms at all with people who are looking at our courts with inquisitive minds, and somewhat critical minds.

Mr. Hickman,

The taxpayer, the litigant in this jurisdiction or in any jurisdiction, does have the right to expect speedy trials and speedy judgments. Having said that, finding the solution where you have divided jurisdiction, where the man who pays the piper calls the tune, and the provinces do not pay the piper, is a very vexing problem.

MR. ROBERTS: We do not pay the courts, but we make the rules.

MR. HICKMAN: All we can do, Mr. Speaker, is continue to enlarge the number of the courts. We have the responsibility to provide the facilities for the courts, We have passed legislation. This House has passed legislation setting dates of circuit but these dates have not always been met by the courts. It is the law of the land, but they have not been met.

MR. ROBERTS: We also have the authority to make the rules of procedure.

MR. HICKMAN: And we have the authority to make the rules of procedure. That would be a very major departure, because the rules of procedure now are pretty much in the hands of the judges, who have the majority on the Rules Committee, and they are given this authority under the Judicature Act. But we have the authority to pass laws. We now have seven judges of the Supreme Court, and six judges of the District Court. I do not want to debate a bill that I gave notice of today, but this bill, to bring in a new District Courts Act, is designed to give unlimited jurisdiction, from a monetary point of view, to District Court judges; to increase the number of judges by one so we will have a Chief District Court judge; and to give them jurisdiction throughout the entire Province.

MR. ROBERTS: It will only give them probate and divorce jurisdiction.

MR. HICKMAN: Probate, I think, as hon. gentleman will recall, there is provision in the Judicature Act to make a judge a local judge of the Supreme Court. And this one is not as easy as simply

Mr. Hickman.

putting a section in the act giving probate to the District Courts. We had already last year set up a deputy registrar in Corner Brook, and the growing pains and the problems that we are encountering there are not horrendous, but certainly it will be awhile before it gets going.

MR. ROBERTS: What about divorce? We should give them divorce jurisdiction.

MR. HICKMAN: We will probably do that through the medium of making a judge or two judges, you know, local judges of the District Court and see how it works. I move second reading.

On motion a bill, "An Act For The Avoidance Of Uncertainty Concerning Certain Judgments Issuing Out Of The Supreme Court Of Newfoundland," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No.46)

MR. WELLS: Mr. Speaker, I would like to thank the House for its co-operation in passing these bills. Would the House be prepared to bear with me long enough to put these few that we have just done through Committee?

SOME HON. MEMBERS: Agreed!

On motion that the House resolve itself into Committee of the Whole on certain bills, Mr. Speaker left the Chair.

COMMITTEE OF THE WHOLE:

MR. CHAIRMAN: Order, please!

A bill, "An Act To Amend The Liquor Corporation Act." (Bill 49)

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

A bill, "An Act Further To Amend The Newfoundland Municipal Financing Corporation Act." (Bill No. 67)

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

A bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And The Government Of Canada Respecting Price And Income Controls." (Bill No.59)

On motion clause 1 through to clause 3 carried.

MR. WELLS: In clause 4, Mr. Chairman, instead of referring to section 1 as it is in the print, it ought to be section 3, in the first line. It is purely a typographical error.

On motion clause 4 as amended, carried.

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

A bill, "An Act To Remove Anomalies And Errors In The Statute Law. (Bill No. 64).

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

A bill, "An Act For The Avoidance Of Uncertainty Concerning Certain Judgments Issuing Out Of The Supreme Court OF Newfoundland"(Bill No. 46).

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

MR. WELLS: Mr. Chairman, I move that the Committee rise, report progress and ask leave to sit again.

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

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bills Nos. 49, 67, 64 and 46 without amendment and Bill No. 59 with amendment, and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and have directed him to report Bills Nos. 49, 67, 64 and 46 without amendment.

On motion report received and adopted.

On motion bills ordered read a third time presently by leave.

MR. SPEAKER: The Chairman of the Committee of the Whole also reports that they have considered the matters to them referred and have directed me to report Bill No. 59 with amendment.

On motion report received and adopted.

On motion amendments read a first and second time

MR. SPEAKER: Third reading of bills.

On motion a bill, "An Act To Amend The Liquor Corporation Act."
(Bill No. 49) A Bill, "An Act Further To Amend The Newfoundland
Municipal Financing Corporation Act." (Bill No. 67) A Bill, "An Act To Remove
Anomalies and Errors in the Statute Law." (Bill No. 64)

MR. ROBERTS: Are we giving these third reading?

MR. SPEAKER: The five are read out and then they go together.

I believe the last time we did it unnecessarily lengthy.

MR. HICKMAN: Do we usually read out at least five or -

MR. SPEAKER: No this is the way it is usually done.

MR. ROBERTS: No, Sir.

MR. SPEAKER: A point of order.

MR. ROBERTS: To a point of order, I mean I am all for having the
work of the House go ahead but, you know, there are procedures
and there are rules and I would raise the point of order whether
we can now give bills third readings in batches. I do not think
I am being overly a stickler when I say that I think we should
read a bill a third time in the way it is done in Parliament, and
read each bill the third time and take it from there. I do not
propose to debate any of them but I would not want to see us get
to the point where one of these days somebody says, "Oh you cannot do it.
we are taking them in batches." Well it is the way it is done,
it is the way it should be done, and I think it is the way we must
carry on doing it, Sir.

MR. SPEAKER: It is my understanding that our precedents have
shown both, both a group and one individually but naturally if any
hon. member prefers it can certainly be done individually.

MR. ROBERTS: The Standing Orders of this House, Sir, make it
quite clear that each bill must be read. Standing Order 58,
"Each bill shall receive three several readings on different
days, previously to being passed." And I would submit, Sir, that
there may be precedents, I mean indeed I think I could probably
recall some, but I do think the precedents, Sir, are wrong because
the Standing Order is quite specific on the point. You know I

MR. ROBERTS: think it is worth reading the title to each one the third time. I mean Parliament has been doing this for a couple of hundred years, seven or eight hundred years in fact, and I think we should carry on with that tradition, Sir.

MR. WELLS: Just a few points, Mr. Speaker, Your Honour says that it has been done both ways but I think to avoid any uncertainty we cannot go wrong if we read them separately.

MR. SPEAKER: Certainly we will do it that way. What in fact we were doing was not avoiding reading the bill the third time. What was being done was that the titles, let us say of four bills, the titles were being read and where the Chair says the bill now read a third time said once at the end.

MR. ROBERTS: Yes but Your Honour each reading is a motion, and each is debatable, and in fact each is amendable.

MR. SPEAKER: There is no doubt about that, Both precedents have been used and certainly if hon. members prefer -

MR. ROBERTS: I have a vivid recollection of a six month hoist on a third reading.

MR. SPEAKER: - the formula to follow after each individual third reading then certainly that can be done.

MR. WELLS: Perhaps, Mr. Speaker, if I called them again.

MR. SPEAKER: Right.

On motion a bill, "An Act To Amend The Liquor Corporation Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 49)

MR. ROBERTS: Hear! Hear!

On motion a bill, "An Act Further To Amend The Newfoundland Municipal Financing Corporation Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 67)

On motion a bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government and the Government of Canada Respecting Price and Income Controls," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 59)

On motion a bill, "An Act To Remove Anomalies And Errors In The Statute Law," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 64)

On motion a bill, "An Act For The Avoidance Of Uncertainty Concerning Certain Judgments Issuing Out Of The Supreme Court Of Newfoundland," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 46)

MR. WELLS: Mr. Speaker, I certainly want to thank hon. members of the House for their co-operation this evening in enabling us to dispose of as much legislation as has been dealt with today and accordingly, Mr. Speaker, I would move that this House do now adjourn until tomorrow Wednesday, at three o'clock in the afternoon and that this House do now adjourn.

MR. SPEAKER: It has been moved and seconded that this House do now adjourn until tomorrow Wednesday at 3:00 P.M., those in favour "Aye," contrary "Nay", carried.

This House is now adjourned until tomorrow Wednesday, June 2, 1976, at 3:00 P.M.

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Orders of the Day (continued)

Committee of the Whole

Bill No. 23 9487

On motion, the committee rose, reported progress,
asked leave to sit again and was ordered to
sit again presently by leave. 9498

Second reading of:

Bill No. 49 9499

Bill No. 67 9499

Bill No. 59 9500

Bill No. 64 9523

Bill No. 46 9523

Committee of the Whole on:

Bill No. 49 9537

Bill No. 67 9537

Bill No. 59 9538

Bill No. 64 9538

Bill No. 46 9538

The Committee reported Bills Nos. 49, 67, 64, and 46
without amendment, and Bill No. 59 with amendment. 9538

The bills received third reading. 9541

Adjournment 9542