



PROVINCE OF NEWFOUNDLAND

**THIRTY-SEVENTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND**

Volume 1

1st. Session

Number 40

VERBATIM REPORT

TUESDAY, MARCH 30, 1976

SPEAKER; THE HONOURABLE GERALD RYAN OTTENHEIMER

The House met at 2:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (DR. COLLINS): Order, please!

PRESENTING REPORTS OF STANDING AND SELECT COMMITTEES

MR. W. CALLAN: Mr. Speaker, I have a petition.

MR. SPEAKER (DR. COLLINS): Reverting to petitions.

PRESENTING PETITIONS

MR. CALLAN: Mr. Speaker, I beg leave to present a petition on behalf of the snowmobile operators in the communities of Norman's Cove and Long Cove and Chapel Arm. There are thirty-eight signatures on this petition.

The prayer, of course, of the petition is they are opposing the proposed snowmobile regulations. Many people, I believe, thought that the proposed regulations were actual regulations. This was the opinion of many people when the proposed regulations came out. I would like to commend the Minister of Tourism on the approach that he is taking to these regulations. For once, at least, the public are given an opportunity to have some input into drawing up of regulations. As I commend the Minister of Tourism, I hope of course that these suggestions and the objections that are drawn by many of these petitions that have been presented earlier, and now today, that these objections will be listened to, and will be part of the actual snowmobile regulations when they are formulated.

So, Mr. Speaker, I support the prayer of this petition.

I ask that this petition be referred to the department to which it relates.

MR. SPEAKER (DR. COLLINS): The hon. member for Conception Bay South.

MR. J. NOLAN: Mr. Speaker, I rise to support the prayer of the petition as submitted by the hon. member on behalf of the communities concerned. And like him, I, in fact, although it has not been said too often, that I frankly appreciate the type of White Paper approach on something like this, because while it is all too often, as had happened in federal matters from time to time, confused with actual legislation

Mr. Nolan:

or intended legislation, in fact the White Paper does outline various avenues, outline what are possibilities, and only possibilities I would suggest, and it does generate discussion which is a good and healthy thing. And I would think also that perhaps as a result of these petitions and briefs and representations and committees that have met with the minister or his officials in the last few months that perhaps he too may have benefited, I know I have from talking to some people, in their wisdom and in experience in the use of snowmobiles. We certainly support the prayer of the petition of the hon. member. And I am wondering, Mr. Speaker, if it is permissible if the minister, who may very well also want to support the petition, might tell if and when we will have legislation coming up soon on this matter?

MR. SPEAKER (DR. COLLINS): Are there any further petitions?

The hon. member for Trinity-Bay de Verde.

MR. F. ROWE: Mr. Speaker, I beg leave to present a petition on behalf of 303 citizens of the community of Heart's Content, in Trinity-Bay de Verde. Sir, the petition is calling for government assistance for a senior citizens' home in that particular community. Now, Sir, I have been in contact with the Minister of Rehabilitation and Recreation because no former brief, I believe, has been presented to the government yet. So this may be a cart-before-the-horse type of a situation. But I have been talking to the minister and I will have further consultation with him on this particular subject.

But, Sir, in speaking in support of the petition I would like to point out that there is in Heart's Content at the present time a retired citizen's club and it was formed last October and it has a thirteen board of directors, chaired by the Reverend K.L. Goldsworthy, and it consists of the Mayor of Heart's Content, the welfare officer and the bank manager, amongst other people. The club is a very active one, Sir, in spite of the fact that it does not have any physical facilities to operate out of at the present time. The proof of its activity is that it has received a New Horizon's grant, and at the present time it is in the process of

Mr. F. Rowe:

publishing a book called The History of Heart's Content, and they hope to realize a profit in excess of \$5,000 from that particular publication. So this is proof of the attempt and the desire of this particular club to generate its own money.

The retired citizens' club is now in the process of becoming incorporated. After incorporation a formal proposal or brief will be forwarded to the government on the proposed senior citizens' home.

I might also add, Sir, that the club is in the process of acquiring a piece of land with a seaside front or back, whatever you want to call it. These three things certainly indicate the seriousness and the determination and the willingness of the Board of Directors and the members of this senior citizens' club to get something of value for their community.

Now, Sir, the type senior citizens' club that they envisage is an inter-faith type of home - not club, I am sorry, home, an inter-faith

MR. F. ROWE:

type of home to accommodate approximately thirty citizens, to take care of two categories of people; those elderly citizens who are healthy, but who are living alone or without guardians because their spouse has died or their family has moved away, and also these elderly people who are not in good health and need bed care. Sir, I think this is probably the type of institution that the government should be looking at throughout the Province instead of the great, large institutions where you take the people away from their homes in their twilight years and send them to a strange community and a strange environment is probably one of the cruelest things that we could do however well intentioned. So what is envisaged here is a small senior citizens home which probably could serve as a model for other communities in Newfoundland, small and local rather than large, encompassing a great area.

Sir, I hope the minister will give this his every support, and in closing, Sir, I simply ask that this petition be placed upon the table of the House and referred to the department to which it relates.

MR. SPEAKER: The hon. House Leader.

MR. WELLS: Mr. Speaker, the hon. member has spoken to me about the petition. It is the first formal notification we have received that people in that area are interested in such a home. When the application is made, Mr. Speaker, it will be given every consideration.

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

MR. SIMMONS: Mr. Speaker, I rise to support the petition presented by my colleague from Trinity-Bay de Verde (Mr. F. Rowe). The petitioners from Heart's Content, the 300-plus petitioners have set forth a concern which is shared by a number of other communities around the Province. I would first of all like to support the petition insofar as it sets the forth the problem affecting the Heart's Content area. I would like to say to the minister that perhaps the time has come - indeed it may have already been dealt with at the departmental level,

MR. SIMMONS:

there may be some policy forthcoming on it - but I strongly feel that the time has come for the kind of home that my colleague from Trinity-Bay de Verde (Mr. F. Rowe) has described.

I know that the minister would have received by now representation from the town of Burgeo on the very same subject, and Heart's Content and Burgeo are but two or a number of places where this kind of home could serve a very real purpose. I just want to reiterate the point in particular which my colleague made about the particular desirability of a small home serving an immediate local area. In the latter years of one's life I think it is important that even if you are robbed of the opportunity of being around immediate relatives by reason of - for whatever reason - because the relatives happened to have moved out of the area, or happened to have predeceased you or whatever the case, it is still important that some of the familiar surroundings of our lifetime be a part of your environment. It is nothing short of cruel what we have done in some respects to pull people out of their environment after fifty or sixty or seventy or seventy-five years and at a time when they need the assurance of familiar surroundings, to pick them up and put them into a large home in an urban setting away from familiar faces and away from familiar scenes.

I, with these comments, Mr. Speaker, would just like to reiterate and say how pleased I am to support the prayer of the petition and how much I anticipate the occasion on which the minister will come into this House and give us notice that that kind of programme is not only actively being considered but that he indeed and his officials have a proposal to cater to the need which is so well stated in the petition from Heart's Content.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I support the prayer of the petition presented by the member for Trinity-Bay de Verde (Mr. F. Rowe) on behalf of his constituents in the community and surrounding area of Heart's Content. I would like to point out to the House, Sir, that the programme referred to by the last speaker has already been

MR. NEARY:

implemented. It was a programme that was started when I was Minister of Social Services and Rehabilitation. The former Premier of this Province sent me once to England to look at senior citizens' homes and when I came back the government of the day adopted a programme of building smaller type homes in various parts of Newfoundland.

I would think now, Mr. Speaker, that we have reached the stage where we have an abundance of homes for ambulatory people. What we really need now, and I think what my hon. former colleague hinted at in his support of the petition, what is really needed in this Province, Sir - and I can say this after careful research when I was minister of that department in consultation with my colleague of the day, the Leader of the Opposition who was then Minister of Health - the most desperate need

MR. NEARY:

in this Province at the moment, Sir, is for nursing care homes. We have an abundance of homes for ambulatory patients. But we need nursing care homes, Sir, to take care of those people, some who are occupying hospital beds at the present time, some who are in their own homes, but it is a desperate need, Sir. That is why I can understand the feelings of the people on the West Coast in connection with the Western Memorial Hospital. But there is where the need is, Mr. Speaker. I would like to see the government state their plans, their intentions of what they are going to do about providing badly needed nursing care homes in this Province, because I think myself now that we should sort of take a look at the situation in relation to building senior citizen's homes. I started the programme. The present government have carried it on. I think my department, the government of the day, was responsible for building a home in Corner Brook, in Grand Falls, in Gander. We got the one on the launching pad in Grand Bank and in Lewisporte. I think the present government are in the process of building one in Stephenville and in Springdale I believe there is one.

Sir, if I were the government I would take a good hard look now at the need. I have a feeling that if they do a little bit of research, just go down and check the statistics in the department, they will discover that the need for nursing care homes in this Province at the present time is absolutely desperate.

MR. SPEAKER (Dr. Collins): The hon. Minister of Provincial Affairs and Environment.

MR. A. MURPHY: Mr. Speaker, if I may, perhaps to update the discussion that is taking place. There was a special committee set up during the past year consisting of the Ministers of the Department of Rehabilitation, Health and Social Services. There is an up-to-date report, I do not know what action is being taken at the present moment, but it shows the number of beds that are needed for this type of thing. They have made a complete inventory of hospital beds, and separated in different areas of the Province. So following up the discussion, Sir, I think it is a very, very important

MR. MURPHY:

matter. I support the concept of these homes and particularly the nursing homes. I believe that this, and I know that this report is available somewhere but I am not quite sure since I got out of Social Services just what action is being taken on this report. But I am sure, perhaps the Minister of Health may not be because he is new in the portfolio too, but I am sure that report is there. Mr. Reg Moore actually was the one I think headed it up in the Department of Rehabilitation. All statistics are available on this type of thing. I am sure that government is in the process of following out some of the recommendations that did take place following up on this particular matter.

MR. SPEAKER: Any further petitions? The hon. member for Burgeo-Vay d'Espoir.

MR. P. SIMMONS: Mr. Speaker, I would like to present a petition on behalf of some residents of Ramea in my district, thirty-three residents altogether. The prayer of the petition relates to a matter which was before this House before in at least one petition presented, I believe, by the gentleman from LaPoile. It has to do with the kinds of things being seen on television these days. I am aware that this is a federal matter, but the petition having been addressed to me and to the House, I think it my duty to bring it to the attention of the House and to table the petition. In doing so I would like on behalf of the thirty-three persons at Ramea who signed this petition, I would like to reiterate their concern insofar as the scenes of violence on T.V. are concerned, the scenes involving drinking and the consumption of alcoholic beverages and the serving of those beverages. My petitioners express real concern on this matter and, Mr. Speaker, with good reason. The Minister of Justice may not at all find the matter of interest.

MR. HICKMAN: What are you talking about?

MR. SIMMONS: I am talking about a petition, Mr. Speaker, from Ramea, should start again for the minister.

MR. CROSBIE: Turn off the set.

MR. SIMMONS: Ah! The Minister of Mines and Energy, his solution is to

MR. SIMMONS:

turn off the set. That is one way to abdicate your responsibility as a government. Mr. Speaker, what we have here is -

MR. CROSBIE: What we need here is less of you.

MR. SIMMONS: Mr. Speaker, if the minister would listen he might learn something. I am not sure of that statement but I am willing to give it a try, Mr. Speaker. I am willing to wait and see. He might learn yet. It is difficult for someone who knows everything to learn. There may be -

MR. CROSBIE: It is a federal matter.

MR. SIMMONS: I have already said, Mr. Speaker, I have said for the minister to hear -

MR. DOODY: Do not waste the time of the House.

MR. SIMMONS: Ah, ha! I have already said, Mr. Speaker, it is a federal matter. I am about to make a suggestion which may be of some interest to us here in this House. If they do not want to hear the suggestion they can turn off their sets right now.

MR. SPEAKER (Dr. Collins): Order, please.

MR. SIMMONS: Mr. Speaker, it is a serious situation and it is one that we, as the elected representatives in this Province ought to be taking some initiatives on. I am aware we can categorize neatly these days and say that is federal, and that is provincial and that kind of thing, and we tend to compartmentalize as though we can look away and solve it by saying it is somebody else's problem. It is our problem. It is your problem, Mr. Speaker, and it is my problem. And if these influences on television are having an adverse effect, which I personally believe they are, and which my petitioners believe, well then the onus is on us as elected representatives to ask ourselves what can we do? If we cannot do anything that is another question. Well let us not decide before we ask, Mr. Speaker, let us not decide beforehand that we cannot do anything. The influence, Mr. Speaker, of these scenes that we have referred to is detrimental. It is negative, it is adverse.

A youngster today, I am told from a study that was conducted in the last four or five or six months, the average youngster in North America spends six to seven hours a day watching television - six to seven hours a day. I am told that the study also indicated -

MR. DOODY: Six to seven hours a day?

MR. SIMMONS: Six to seven hours a day. This was a survey done - I should have qualified by saying urban North America - it was done in a number of cities in the States. I do not know whether Canada was involved. I do not think it was.

MR. NEARY: Judy LaMarsh is doing one in Ontario right now.

MR. SIMMONS: Is that right?

MR. CROSBIE: The Simmons and Judy show.

MR. SIMMONS: Ah, Mr. Speaker, the callousness, Mr. Speaker, of this moment, that the Minister of Energy himself over there having no more heart but to dismiss this as being no problem. This is a problem, I say to him. He may not understand it.

MR. CROSBIE: It is a problem for the home.

MR. SIMMONS: Oh, slough it off, slough it off on someone else, eh? Sure, of course. He does not want to hear about it. If it is not having to do with cutback, Scrooge-fashion to cut back financially, he does not want to hear about it. All he wants is gloom and doom, Mr. Speaker.

MR. CROSBIE: It is far worse -

MR. SIMMONS: No suggestion that we might be able to do something to improve our social lot. He does not want to hear that. He does not want to hear that.

MR. SPEAKER (Dr. Collins): Order, please!

In the presenting of petitions it is incumbent on both sides of the House not to enter into a debate.

The hon. member for Burgeo - Bay d'Espoir.

MR. SIMMONS: Thank you, Mr. Speaker.

That same study which was conducted in several cities in the United States, Mr. Speaker, also showed that the time spent watching television is the largest time component in the twenty-four day for children - I am sorry, the second largest time component for children and for non-working adults. Next to sleep, Mr. Speaker, this was the second largest time component in the person's day, the child and the non-working adult.

Mr. Speaker, I repeat for the Minister of Transportation and Communications, in his capacity as Minister of Transportation and Communications mind you - he is hearing this now -

MR. MORGAN: What is the prayer of the petition?

MR. SIMMONS: I told him a moment ago that the prayer of the petition has to do with the showing of scenes.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: Mr. Speaker, I shall take my direction from Mr. Speaker, and I would hope also, Mr. Speaker, that I shall have the same protection from the Chair that I help accord these gentlemen over there, namely, to be heard in silence. And I do not think, Mr. Speaker, it is necessary in my presenting what is a very serious subject to have

Mr. Simmons.

this kind of harassment and interruption particularly from the member from Bonavista South (Mr. Morgan).

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Dr. Collins): Order, please!

The hon. member is certainly within his rights to request that he be heard in silence.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Dr. Collins): The hon. member for Burgeo - Bay d'Espoir.

MR. SIMMONS: I do not expect them to want to hear it, Mr. Speaker,

If it is not about cutbacks or doom and gloom, they would not be interested in it. That is their language. But I am concerned about the larger sphere here which is represented in part by this petition. Now it is a federal issue, Mr. Speaker, but I believe we, as the elected representatives, ought to be concerned. It has social implications.

It has cultural implications. It has educational implications. Education is clearly a provincial responsibility. Are we going to skate away from it because it is education that happens not to take place in the confines of a school classroom? It is education. Indeed studies also show that television right now is much more effective than the formal education process in some respects.

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

MR. SPEAKER (Dr. Collins): A point of order - the hon. Minister without Portfolio.

MR. WELLS: A point of order, Mr. Speaker. The hon. member is now engaging into debate. I would suggest, Mr. Speaker, that the hon member has outlined what the petition is all about. If he will table it, we will give it every consideration. We will do everything we can as a government for it, whatever is necessary, but it is against the rules, and there is no necessity for debate on it at this stage.

MR. ROWE: Mr. Speaker, to that point of order; I submit, Sir, simply that there is no point of order involved here at all. My colleague has not been debating but simply trying to state the prayer of the petition and I further submit, Sir, that he would probably be in his seat now if he was not continually being harrassed by members opposite and any debate that we have heard in this House on this petition has come from government backbenchers and ministers.

MR. ROBERTS: Hear, hear!

MR. ROWE: So, Sir, I submit there is no point of order.

MR. ROBERTS: Hear! Hear!

MR. SPEAKER (DR. COLLINS): Order, please! In presenting a petition the hon. member is limited to five minutes and I would suggest that the House give him his time to present his petition and complete his comments. The hon. member.

MR. SIMMONS: Thank you, Mr. Speaker. Now, Mr. Speaker, I do not require leave. I can present a petition in five minutes, if I am accorded the privilege that other members expect of this House, the privilege of being heard in silence, I would have long since have been sat down, as my colleague from Trinity - Bay de Verde (Mr. Rowe) has so well said.

This petition, Mr. Speaker, this issue which forms a part of this petition is one that does have educational implications for us and we have responsibilities in that area, and sure we can require leave. I can present a petition in five minutes, if I am I want to suggest in concluding, Mr. Speaker, and in supporting this petition that perhaps we ought to think, and I say particularly to the minister or ministers responsible, and I include in that the Minister of Education because I think he has some responsibility here, perhaps the Minister of Social Services, perhaps other ministers, I do not know, that is for them to think about. But I suggest that perhaps the time has come — this is getting out of hand in terms of what is going on in television, what is being shown people of all ages — and perhaps the time has come for the Province to make some representation

MR. SIMMONS: to Ottawa, to have an official say. I know the terms of reference in the BNA Act and all that kind of thing but perhaps it might be worth our while as a people to say, "Look, we are concerned on behalf of a half million Newfoundlanders" and to make some representation to Ottawa on their particular behalf, on behalf of this particular subject.

I suggest that strongly, Mr. Speaker, and in concluding I endorse heartily the prayer of the petition and ask that it be tabled and referred to the appropriate department.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER (DR. COLLINS): Any further petitions?

ORAL QUESTIONS:

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

MR. NEARY: Mr. Speaker, I would like to direct a question to the Minister of Health, Sir. Would the Minister of Health indicate to the House why the recommendations of the arbitration board in connection with an arbitration proceeding at the Grace Hospital and one other arbitration proceeding that took place in connection with double time for nurses for call back, why that recommendation cannot be implemented for nurses at the General Hospital? Is there any reason why it could not be done?

MR. SPEAKER (DR. COLLINS): The hon. Minister of Health.

MR. COLLINS: Mr. Speaker, I certainly do not want to dodge the question but I would presume the question should be possibly addressed to my colleague, the President of Treasury Board, and I am not sure that he can deal with it because the hospital board is involved.

MR. NEARY: Well, Mr. Speaker, could I redirect the question to the President of the Treasury Board, does he know any reason why it could not be implemented, why should they be forced to go to arbitration again?

MR. SPEAKER (DR. COLLINS): The hon. Minister of Finance.

MR. DOODY: Well these are matters that have been decided by arbitration boards. Now it is certainly not my right or prerogative

MR. DOODY: as the President of Treasury Board to (a) tell the hospital boards what to do, or (b) above all tell the arbitration boards what to do when they look to the grievance procedures.

The hospitals are handling this situation themselves and I think they are doing them rather well. I think it would be most unfortunate and most inopportune to drag this thing in here now and make some judgements on situations which we are not sufficiently familiar to make judgements on.

MR. NEARY: A supplementary, Mr. Speaker; has the minister had any consultation with the members of the General Hospital Corporation in connection with this matter?

MR. DOODY: The officials of Treasury Board and of Health have had consultation, Sir, yes.

MR. SPEAKER (DR. COLLINS): The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Mr. Speaker, I would like to address a question to the Minister of Health. Now that the minister has had an opportunity to meet with medical officials and officials of the Medical Association could he tell the House when he expects to proceed with the announced programme of cutbacks in 200 hospital beds?

MR. SPEAKER (DR. COLLINS): The hon. Minister of Health.

MR. H. COLLINS:

Mr. Speaker, we had a very good meeting with the Hospital Association and the Medical Association yesterday afternoon, as I indicated in a release afterwards which was agreed to by all parties attending the meeting. We discussed the issue. I must say that both parties were interested in co-operating with us to the extent that they can. The purpose of the meeting yesterday was to appraise all of the groups— or the two groups on what we are trying to accomplish. It was agreed also then that myself, where possible, and certainly the officials of my department, would be meeting with the various hospitals individually to try and develop criteria, etc. and we will be coming back to the parent bodies at some future date, in the near future, I would say. Other than that I can add nothing.

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

MR. NOLAN: Mr. Speaker, a question for the Minister of Transportation and Communications. I am wondering if the minister could tell us — I believe he commented recently on approaches from farmers regarding insurance and possibly the licensing of vehicles, tractors I am thinking about primarily — what if any progress has he made in any investigations that he might have been involved in since I, and I am sure he, has had numerous requests regarding this matter, one, on the insurance and, two, on even the licensing of a vehicle because in some instances, as I am sure he knows, it is necessary merely for a tractor to cross over even a piece of dirt road. The only reason it is brought back at night is to attempt to save the equipment from malicious damage, theivery and so on?

I am wondering if the minister could inform the House on, one, what approaches he has had on this matter — and I realize in some instances it is a very difficult one — and what if anything they may be in a position to do about?

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

MR. MORGAN: Mr. Speaker, I have received a number of individual representations from farmers but also some strong representation from

MR. MORGAN:

my colleague, the Minister of Forestry and Agriculture after his meetings held around the Province with various groups of farmers and organizations. Upon receiving representation from him we had further discussions. The situation is now that the farmer who is not going to use his tractor or farming equipment on the highways, and is going to use it strictly on his private property and his farming property, it is not legal for him, he does not have to even register that piece of equipment. There is no registration required. If he is going to use the vehicle for sometimes crossing the road, once or twice a week or once or twice a month, to go from one part of his farm to the other something of that nature, he can do this by obtaining a plate which will cost him four dollars as permit to do that.

If he is going to use his vehicle on the highway or on any part of any road which is under our jurisdiction, on a public road, he has to comply with the regulation which states that he must have third party liability insurance the same as the operator of any other vehicle. That is if he is going to use his vehicle, for example, like a truck, a farm truck, in trucking materials or equipment of that nature. He must get it registered and he must have third party liability insurance. But if he is only going to use it on his own private property he does not even have to register the vehicle.

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

MR. NOLAN: A supplementary, Mr. Speaker. I am sure that the minister knows or is aware that in some instances it is not necessary for the owner because the home and the farm and the barns and land is all there in one confined area owned by the owner, but in some instances such as in my district, and perhaps as I know of in the minister's district for that matter, in some cases the land is somewhat spread. It is necessary to cross the road or to go up the road or down the road to reach additional acreages that the farmer may have. I would assume that he has taken all this into consideration with his officials.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: I would like to direct a question, Sir, to the Minister of Fisheries. Would the minister tell the House if he has taken any steps to have draggers, especially the draggers that are being operated by the government on an experimental basis, the sixty-five foot mid-water draggers I think they are called, could the minister tell the House if he has taken any steps to have these draggers diverted to fish plants on the Southwest Coast, especially Burnt Island and Rose Blanche, to try and keep these fish plant supplied fish to keep employment at a high level in that area?

MR. SPEAKER (Dr. Collins): The Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, as the hon. member is aware we met with the fish plant workers in Rose Blanche and Burnt Island early in December, I think it was, at which time we received representation from them with respect to the scarcity of raw material in the plants to provide adequate employment. At that time I promised that we would look into the possibility of arranging for more catching capability to be made available.

MR. NEARY: That is right. Yes.

MR. CARTER: On March 29, Mr. Speaker, we landed our boat, the San Lance which was a sixty-five foot experimental boat capable of carrying, I believe, around 50,000 pounds of fish. On March 29 it landed 32,000 pounds on Burnt Island. On the 23rd of March it landed 41,000 pounds in Burnt Island and on March 9 some 45,000 pounds for a total of 118,000 pounds for the month of March.

MR. NEARY: Hear, hear!

MR. CARTER: We are, Mr. Speaker, interested in landing fish in Rose Planche but because of conditions over which the boat skipper had no control he could not land there. Instructions have gone out to him that in future that he avail of every possible chance to land whatever fish he can in the Rose Blanche area. Now I might add too, Mr. Speaker, that we are negotiating with a large fish plant owner in the area with a view to having him acquire a couple of side trawlers. It was no later than last Saturday I met with him in Corner Brook and discussed the matter.

MR. NEARY: T.J.?

MR. W. CARTER: T.J. Hardy. Just a day or two ago my Deputy Minister was in contact with the principal of a firm with which that company is affiliated and impressed on him the need for the acquisition, either by lease or purchasing a couple of boats. We are doing all we can to facilitate the plant in question with respect to increasing its catching capability there.

MR. NEARY: Good stuff, good stuff. Hear, hear!

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

MR. F. ROWE: Mr. Speaker, in the absence of the Minister of Municipal Affairs and Housing could I ask the House Leader or possibly the Minister of Justice what the government is intending to do with respect to people who live in waste disposal areas but who work in other incorporated areas who are subjected to double taxation? They have to pay a waste disposal tax and also a tax to the incorporated area in which they work. The Minister of Municipal Affairs had intended to look into it. I was wondering if the government have done anything about it or whether they plan to introduce any legislation concerning this?

MR. SPEAKER: The Minister without Portfolio.

HON. R. WELLS: The hon. minister is looking into it as the member says. If the member will put the question on the Order Paper for him he will receive an answer when the minister is ready.

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

MR. R. SIMMONS: Mr. Speaker, I have a question for the Minister of Fisheries, not like the one he had a moment ago. It is not one that he asked me to ask him. It is one that I have fresh off my own mind. But I would like to know the answer nevertheless. I wonder would the minister indicate to me, and I would not have to ask the question had he made his statement yesterday in the House instead of out of the House, but I did catch a few of his words last night about the fact that there was not money this year needed in the budget because of the Gear Replacement Programme was completed or words to that effect. I will not quote him incorrectly. But that was the essence, I believe, that there were lesser amounts because of the marine centres had been completed and the Gear Replacement Programme and so on. Can I, Mr. Speaker, do I understand from his statements that there is to be no Gear Replacement Programme this year?

MP. CAPTER: Order Paper.

MP. SPEAKER: (Dr. Collins) The hon. member for LaPoile.

MP. NEARY: Mr. Speaker, I would like to put a question to the —

MR. SIMMONS: We will not be asking you questions much longer.

MR. W. CARTER: If you had asked the question properly it would have been answered.

MR. NEARY: Mr. Speaker, -

MR. CARTER: Learn the rules of the House.

MR. SIMMONS: Come over and help me, Walter!

MR. NEARY: Mr. Speaker, I would like to direct a question to the Minister -

MR. SPEAKER: Order, please! The hon. member for LaPoile.

MR. NEARY: Go away, hoy! You would have to get up on a pair of stilts if you take on the Minister of Fisheries.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, my question is to the Minister of Transportation and Communication, Sir. Would the minister tell the House if he has taken any steps to correct the situation at the motor registration office whereby they do not have the manpower to collect parking tickets? What has the minister done about this serious situation? Well, they made a statement recently they did not have the manpower to collect parking tickets. They do not have the manpower at the

Mr. Neary:

at the Motor Registration Office, the Motor Vehicle Registration Office to collect parking tickets.

MR. SPEAKER (DR. COLLINS): The hon. Minister of Transportation and Communications.

MR. MORGAN: I will take that question under advisement, Mr. Speaker.

MR. SPEAKER (DR. COLLINS): The hon. Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, a question for the Minister of Public Works, the acting minister, in his capacity as the minister responsible for renting or purchasing accommodation for the government, or leasing for that matter, Sir. Could the minister tell us when the government will be entering into a contract with the successful tenderer, whoever that may be, as a result of the tender call which was advertised in the newspapers last year for a large amount of office space for the government. That tender, Your Honour, as the minister will recall was issued following the departure from the Cabinet of the gentleman from St. John's East (Mr. Marshall) who told us at the time that he thought there should be tenders called as we all did. Could the minister tell us, please, when the contract will be awarded?

MR. SPEAKER (DR. COLLINS): The hon. Acting Minister of Public Works.

MR. ROUSSEAU: Mr. Speaker, you know, and I do not mean an honest answer is, I have no idea. That is a Cabinet decision. I can say that I have no idea at this point in time. I really do not.

MR. ROBERTS: Mr. Speaker, a supplementary question.

MR. SPEAKER (DR. COLLINS): A supplementary.

MR. ROBERTS: Can the minister tell us whether the contract will be awarded to the lowest tenderer?

MR. SPEAKER (DR. COLLINS): The hon. Acting Minister of Public Works.

MR. ROUSSEAU: You know, right now as far as I am concerned as Acting Minister of Public Works it is an issue that has been, I guess, in Limbo since tenders have been called. I would assume that it will be called or I am sorry, given to the lowest tender, you know, I have no reason to believe otherwise. Tenders are normally given to the lowest tenderers or else they have to be tabled in this House.

MR. SIMMONS: Who has told you that, 'Joe'?

MR. ROUSSEAU: I do not know who has told me, you know, I had a question as the Minister of Public Works, I am answering the question as Acting Minister of Public Works. Right now as far as I am concerned, you know, the thing is not imminent as far as I know.

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

MR. NEARY: Mr. Speaker, my question is for the Minister of Manpower and Industrial Relations. I must say for the benefit of the House, Sir, that none of these questions are prompted. I do not have to be prompted to ask questions, Sir.

MR. SIMMONS: You will vouch for that, 'Walter?'

MR. NEARY: Yes, I will vouch for it,

MR. SIMMONS: 'Walter' will too.

MR. NEARY: inside or outside of the House.

Sir, my question is to the Minister of Manpower .

AN HON. MEMBER: Oh, oh!

MR. NEARY: I want to know if the minister has received any objections from the Steelworkers in Labrador West in connection with the appointment of the Commissioner of Human Rights to investigate problems concerning several workers in Labrador City?

MR. SPEAKER (DR. COLLINS): The hon. Minister of Manpower and Industrial Relations.

MR. E. MAYNARD: No, Mr. Speaker, I have not received any objections. I understand from the news media that there are some objections being made but they have not received my office up to this point in time.

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

MR. W. CALLAN: Mr. Speaker, in the absence of the Premier, I have a question for possibly the House Leader. Is government satisfied with the performance of the Ombudsman? And perhaps as he answers that question, perhaps the House Leader can tell us what is the framework in which the Ombudsman works? I am sure there are an awful of Newfoundlanders who do not know what his responsibilities are, and when they can go to the Ombudsman for help?

MR. SIMMONS: Who is the Ombudsman?

MR. SPEAKER (DR. COLLINS): The hon. House Leader.

MR. R. WELLS: Yes, Mr. Speaker, The Ombudsman of course is an officer of the House, or is responsible to the House of Assembly, not to the government as such. I might say that we have every belief that the Ombudsman is carrying out his duties in an exemplary manner. He has his office located here in St. John's, I forget the -

MR. DOODY: The Imperial Oil Building.

MR. WELLS: - the Imperial Oil Building that is right, and advertisements -

MR. DOODY: I have been there three times about my salary.

MR. WELLS: - advertisements were placed when the Ombudsman was appointed. And he is there and he has a staff, and of course he is ready and there to receive complaints of whatever sort from members of the public. And I might say to the hon. member in due course he will provide a report as he is required to do by the act under which he holds the office, a report to the House of Assembly and then of course we will have an opportunity to see what he has been doing and how many cases he has disposed of.

MR. CALLAN: A supplementary, Mr. Speaker.

MR. SPEAKER (DR. COLLINS): A supplementary.

MR. CALLAN: Has any thought been given to widening the framework under which the Ombudsman works?

MR. WELLS: Well something like that would always of course be under review. When the Ombudsman presents his report, and when he has been in operation for a couple or three years and we in the House can assess his effectiveness and the effectiveness of the office under the act, then, of course, as with all matters of that sort it is something that can be reviewed.

MR. SPEAKER (Dr. Collins): The hon. member for Trinity - Bay de Verde.

MR. ROWE: Mr. Speaker, I wonder if the Minister of Education could bring the House up-to-date on the institution of a province-wide educational television system?

MR. SPEAKER (Dr. Collins): The hon. Minister of Education.

MR. HOUSE: Mr. Speaker, I do not have any information about that, a province-wide television -

MR. ROWE: A province-wide educational television system.

MR. HOUSE: No, I will take the question under advisement, but I am not aware of anything going on now at the present time.

MR. ROWE: A supplementary, Mr. Speaker.

MR. SPEAKER (Dr. Collins): A supplementary - the hon. member for Trinity - Bay de Verde.

MR. ROWE: Is the minister aware, Sir, that this is a stated P. C. Government policy that such a system would be instituted within the very near future? And this promise was made in 1971. You do not, eh?

MR. HOUSE: No.

MR. ROWE: Same promises during elections.

MR. HOUSE: The same answer would apply. I will take it under advisement and give it tomorrow.

MR. SPEAKER (Dr. Collins): The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I would like to ask the Minister of Justice, Sir, if he has yet received any word from his counterpart in Ottawa, the Minister of Justice, in connection with a request from the minister from the Government of this Province to have an investigation made into the San Juan disaster involving the loss of two lives?

MR. SPEAKER (Dr. Collins): The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, my request was not made to the Minister of Justice in Ottawa. It was made to the minister responsible under the Canada Shipping Act, namely, the hon. Otto Lang, Minister of Transport. In my written representation to him I urged two things on behalf of government; one, that there be a judicial inquiry into the loss of the

Mr. Hickman.

San Juan, that the terms of reference of that inquiry be sufficiently broad to examine into the loss of two other boats sailing off the East Coast of Newfoundland with the loss of life, and that the terms of reference of the inquiry be sufficiently broad to enable the judge so appointed to inquire into the adequacy or lack of same of search and rescue facilities in the Province of Newfoundland. And the second part was to urge the establishment forthwith of adequate search and rescue facilities in this Province.

MR. NEARY: What is the answer?

MR. HICKMAN: I received a telegram from Mr. Lang some days later saying that he was awaiting the results of an inter-departmental inquiry into the loss of the San Juan and upon receipt of that and upon consideration thereof, he would then decide whether there was any need for a further inquiry. And I have heard nothing further from him to this date.

MR. NEARY: A supplementary question. Does the minister now not think that sufficient time has gone by when he should jog the minister's memory and try and get a decision on this? Obviously the report must be in the hands of the minister by now, the inter-departmental report.

MR. HICKMAN: I most assuredly do. It is not a question of jogging the mind of the Minister of Transport in Ottawa. If hon. gentlemen will read the press, as I am sure they do, they will note that there are two hon. members, namely, Mr. Jack Marshall, M.P., and Mr. James A. McGrath, M.P., who jogged the minister's mind almost daily in the House of Commons.

MR. CROSBIE: All it does is rattle.

MR. HICKMAN: And to date there has been no indication from that hon. gentleman in Ottawa that he intends to respond to the representation of the government of Newfoundland, or the representation of anyone else. And may I add, Mr. Speaker, that this is not the first representation that has been made by the Moores Administration to the Minister of Transport

Mr. Hickman.

in Ottawa for the establishment of adequate search and rescue facilities. The first representation was made following the stranding of the Cape Brule behind Miquelon in 1973, and the response from the then Minister of Transport, Mr. Marchand, was somewhat similar to that as was received and has been received to date from his successor in office. But it is the determination of this administration to pursue this matter and hopefully together with -

MR. NEARY: But that is long range. We have to get the San Juan thing straightened out.

MR. HICKMAN: - the members of Parliament in Ottawa, we will eventually persuade Mr. Lang, or his successor, to establish these very necessary facilities. Insofar as the judicial inquiry is concerned, in my opinion, it should be done now.

AN HON. MEMBER: Right.

MR. HICKMAN: It did not take this long to decide to appoint a judicial inquiry following the loss of the Patrick Morris and the other ship, the seiner.

MR. NEARY: Agreed. We are in agreement.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Dr. Collins): The hon. member for Fogo.

MR. SPEAKER: Is it a supplementary?

MR. ROBERTS: No, a question if it is in order, Sir.

MR. SPEAKER: The hon. member for Fogo.

MR. ROBERTS: Go ahead, 'Earl'.

CAPT. WINSOR: Mr. Speaker, a question to the hon. Minister of Fisheries. Can the Minister of Fisheries inform the House why the difference in the advertisement which appeared in today's press which reads, "Tenders are invited from bona fide fishermen for four boats constructed for fishermen at Placentia." The other one, "Tenders are invited from the general public for three wooden boats constructed as part of a course for shipbuilding for fishermen at St. Anthony." Why the difference? Why one for the general public and the other one for the bona fide fishermen?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: I will have to take that question as notice, Mr. Speaker.

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

MR. ROBERTS: A supplementary to that. Is the minister aware that the select committee on fisheries last year recommended that all boats produced by the trade schools as part of their courses in boat building be offered in the first instance only to fishermen? In that light would he further answer the question asked by the gentleman from Fogo (Capt. Winsor)?

MR. W. CARTER: I am aware, Mr. Speaker, and I said I would take the question as notice which I intend to do .

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I would like to ask the Minister of Health -

AN HON. MEMBER: Oh, oh!

MR. NEARY: There is a way to question the Speaker you know. You do not insult him. If you want to question, there is a procedure.

Mr. Speaker, I would like for the -

MR. SIMONS: Mr. Speaker, on a point of order.

MR. SPEAKER: A point of order, please.

MR. SIMMONS: If that snarky remark was aimed at me, I first of all reject it and say I know how to question the Speaker and I shall do it if necessary.

MR. NEARY: Want to rule on that, Your Honour?

MR. SPEAKER: Order, please!

The hon. members in asking questions occasionally are frustrated because many hon. members get to their feet more or less at the same time and hon. members, I think, can quite reasonably show a little frustration by gesture or otherwise.

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, my question is for the Minister of Health. I would like to ask the minister if he would give us an updating on the flu sweeping Newfoundland at the present time. I believe it is called - is it - the swine flu. How many people have died? If the minister's department is going to go ahead with proposed inoculation of all the population of Newfoundland? Can the minister give us a progress report on the flu sweeping Newfoundland at the present time?

MR. SPEAKER: The hon. Minister of Health.

MR. H. COLLINS: The flu that swept Newfoundland.

MR. NEARY: Swept, okay.

MR. H. COLLINS: Mr. Speaker, the first virus which was identified in recent months was the type B variety which as all hon. members must know now from reports which have been issued by the Chief Medical Health Officer and myself indicated that it was not a very severe variety. In recent weeks it was thought that the type A variety which is prevalent on the mainland might have arrived in the Province. Some tests were done. Swabs were sent to Halifax and the lab eventually came up with the identification of the type A flu, type A virus. In the meantime both of those types, type A and B are on the decrease and the experts tell me that there should not be too much to worry about from here on.

With regard to the swine type virus in the United States,

MR. DOODY: The hon. members opposite should swab themselves.

MR. H. COLLINS:

We do not know how accurate the information is coming out of the United States, whether there is a panic situation or what but federal health officials and our own officials have been together on this this past week or ten days. I would hope by April 1 or April 2 to be able to make a definitive statement to the House indicating what we might or might not be doing with regard to the swine type.

MR. NEARY: Mr. Speaker -

MR. SPEAKER: A supplementary?

MR. NEARY: I beg your pardon, Sir?

MR. SPEAKER: A supplementary?

MR. NEARY: No, it is not a supplementary.

MR. SPEAKER: I recognize the hon. member for Fogo.

MR. NEARY: Yes, Sir.

CAPT. WINSOR: Mr. Speaker, might I direct another question to the hon. Minister of Fisheries. I do not know whether the -

AN HON. MEMBER: Oh, oh!

CAPT. WINSOR: She is not on.

AN HON. MEMBER: It is on now.

CAPT. WINSOR: Cannot hear?

MR. MORGAN: Speak into the mike. That is what it is there for.

CAPT. WINSOR: The mike is supposed to pick up -

AN HON. MEMBER: Oh, oh!

MR. SPEAKER: Order, please!

CAPT. WINSOR: The hon. Minister of Transportation seems to be very ticklish today.

CAPT. WINSOR: A question to the hon. Minister of Fisheries, I do not know whether it comes under his jurisdiction or whether it was a joint programme, last year there was a programme carried out in Conception Bay to retrieve some of what we call the ghost net fishing. Now has the minister received any report as to the effect of that retrieving programme? Did the programme — or was it revealed that those gill nets are still fishing and the fish are still alive after a period of time? Has the minister any report on this?

MR. SPEAKER (DR. COLLINS): The hon. Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, we did last Fall undertake some dragging for ghost nets, and that is what I think is referred to, nets that are left in the water and are allowed to fish, and then when the fish get in them the nets sink to the bottom and then eventually they float back up and they fill up again and sink to the bottom again, and this is a very serious problem. But last year we did undertake to drag certain areas of the Province, I think it was Trinity and Conception Bay, and it was a very successful experiment. I think the first day out the ship retrieved something like forty nets. We will be undertaking a similar programme this year, and more than likely we will be intensifying it because it is very necessary and I believe that the federal government will be undertaking a similar programme as well.

CAPT. WINSOR: Did they last year?

MR. W. CARTER: Not last year, no.

MR. SPEAKER (DR. COLLINS): This will be the final question. The hon. member for Bellevue.

MR. CALLAN: Mr. Speaker, in the absence of the Premier perhaps the Minister of Manpower can tell me whether or not it is a fact that the mothballing operations at the Come By Chance oil refinery have slowed down or ceased, is that a fact?

MR. SPEAKER (DR. COLLINS): The hon. Minister of Mines and Energy.

MR. CROSBIE: Mr. Speaker, as far as I know it is certainly not intended that they slow down and I know of no slow down in the

MR. CROSBIE: mothballing operation I believe which is supposed to carry on until the end of May or it will take - it is supposed something like eight weeks altogether. There is no slow down as I know of, but I will check the matter out.

ORDERS OF THE DAY:

MR. WELLS: Motion 4, first readings, Mr. Speaker.

On motion of the hon. Minister of Justice, a bill, "An Act To Amend The Wills Act," read a first time, ordered read a second time on tomorrow. (Bill no. 25)

On motion of the hon. Minister of Justice, a bill, "An Act To Enable Extra-Provincial Custody Orders To Be Enforced In The Province Of Newfoundland," read a first time, ordered read a second time on tomorrow. (Bill no. 26)

On motion of the hon. Minister of Justice, a bill, "An Act To Amend The Women's Patriotic Trust Fund," read a first time, ordered read a second time on tomorrow. (Bill No.24).

On motion of the hon. Minister of Forestry and Agriculture, a bill, "An Act Respecting The Keeping Of Dogs," read a first time ordered read a second time on tomorrow. (Bill No. 7).

On motion of the hon. Minister of Justice, a bill, "An Act To Amend The Prisons Act," read a first time, ordered read a second time on tomorrow. (Bill No. 27).

On motion of the hon. Minister of Justice, a bill, "An Act To Amend The Evidence Act," read a first time, ordered read a second time on tomorrow. (Bill No. 28).

On motion that the House resolve itself into Committee of Supply, Mr. Speaker left the Chair.

MR. CHAIRMAN: Order, please! The hon. member for St. John's East.

MR. MARSHALL: Mr. Chairman, when we adjourned yesterday we were on the matter of Interim Supply which is approximately, well it is actually \$134,500,000 which is stated to be for two months of the year.

Now, Mr. Chairman, before getting into the main gist of my remarks with respect to the Interim Supply Bill, I think I might point out to the Committee that I know of no more critical issue facing this Committee or this House than the financial position in which this Province now stands. The large amount of the provincial debt, the large amount of the debt service fund that are necessary in order to service this debt, I must confess are matters which are almost becoming, to me anyway, a real obsession, because, Mr. Chairman, of the critical balance between the amount of our provincial resources and the amount that we have to expend on interest amounts.

I should also say, Mr. Chairman, that I am also very concerned about what would appear to be the lack of public awareness. It seemed to me, anyway, to be the lack of public awareness or appreciation of the effect that this debt will have in the future and is having now on the provision of services for the people of this Province. Now it is not very easy, Mr. Chairman, for a person who is in a position of government backbencher, who traditionally must usually get up and is a supporter of the government - a government backbencher must usually, is expected to get up and make statements only in glorification of the government itself or else to keep very mute and very quiet. Certainly it is very rare that a government backbencher would really get up and make statements with respect to the financial position of the country or the financial affairs of the government lest some remarks may be taken as being misconstrued. Generally speaking backbenchers do not speak or attempt to speak in any kind of an analytical manner about the financial position of the Province.

But I feel in this case, Mr. Chairman, my remarks are not going to be any way critical of the government. But I fully intend

MR. MARSHALL:

to speak in the estimates and in Interim Supply on every chance I get with respect to the financial position, because I think it is so critical that every member of the government, every elected person, should express his opinion.

Now, Mr. Chairman, on this particular bill we face one of the major issues that is going to confront this country today and for many years to come. This is the issue of whether we can afford to continue to borrow at the rate we are borrowing and at the rate envisaged by this Interim Supply Bill. In my view we clearly cannot. We are not able to continue to borrow at the rate we have been borrowing, and in my view also we are borrowing too much this year. Whether or not it can be avoided is another question, but I do not think members on either side of the House, on the government side or the Opposition side, would be prepared to disagree with the fact that borrowing \$196 million, which we are to borrow directly this year, coupled with the borrowings in the Newfoundland and Labrador Hydro Corporation which the Budget Speech indicates is going to be \$50 million, and Newfoundland Municipal Financing Corporation, which is in the vicinity of \$26 million, and you add to that - I do not believe these borrowings include the proposed borrowings for the Gull Island - you are talking really about \$300 million.

We cannot cut the fish both ways. I have always said that I regarded the Provincial Building Company, when the shares were held by the government, to be in effect a direct debt of the government of this Province. Certainly the Provincial Building Company was when the shares were held by the government of this Province, before the government negotiated its way out of that situation. If the government was liable then, it certainly is obviously liable for debts in Newfoundland Hydro, for Newfoundland Municipal Financing Corporation and for what we borrowed for Gull Island.

So in effect what really we are talking about is borrowing \$196 million for regular government business, but an extra many millions

MR. MARSHALL:

of dollars, in the vicinity of \$300 million in total, for the needs of this Province.

MR. SMALLWOOD: That is the true bill with a large amount going to Gull Island.

MR. MARSHALL: Well it would be even more, I believe, for Gull Island by the time it mounted up.

MR. SMALLWOOD: You are not counting Gull Island?

MR. MARSHALL: It is my understanding, Mr. Chairman, of what the Minister of Finance said in his speech. I do not think the figure of \$196 million - he nods his head - the figure of \$196 million does not include provision for Gull Island, which I understand is to be borrowed by the Newfoundland and Labrador Hydro Corporation or the Gull Island Company.

Mr. Smallwood.

Would the hon. gentleman allow an interruption, a friendly one? Would he spell out for us and ask the minister to confirm what the hon. gentleman will spell out, if he will, how much is the Province to be liable for, to be borrowed in the coming year altogether, no matter who borrows? How much is the Province going to be responsible for, not counting Gull Island because I do not think there will be anything borrowed on that?

MR. MARSHALL: Well, Mr. Chairman, you know, I think it is very clearly set forth in the Budget Speech by the hon. Minister of Finance where he says that we borrow \$196 million this year. There is \$50 million on Newfoundland and Labrador Hydro.

MR. CHAIRMAN: Could I ask that it be quiet in the corridor, please? I cannot hear the hon. member speaking.

The hon. member for St. John's East.

MR. MARSHALL: Mr. Chairman, in response to that question, it is fairly set forth there in the Budget Speech, and I know the Minister of Finance would interrupt me if I am incorrect, but he very clearly in his very concise statement in the Budget Speech, indicated that it was \$196 million, plus another \$50 million for Newfoundland and Labrador Hydro Corporation, plus another \$26 million for the Newfoundland Municipal Financing Corporation, plus the amount that is going to be necessary for Gull Island. I think that that is the situation. It is all in the Budget Speech.

MR. SMALLWOOD: Page?

MR. MARSHALL: Page fourteen of the Budget Speech.

Anyway, Mr. Chairman, the solution is not - I heard the hon. member for Twillingate (Mr. Smallwood) yesterday give a speech in this committee which was more in the nature of a budget speech, as well as the speech of the hon. member for LaPoile (Mr. Neary). And they were good speeches in what they said, but I cannot agree with the thesis put forth by the hon. member for Twillingate (Mr. Smallwood) to the effect that what he seems to want to do is to cut \$250 million

Mr. Marshall.

off and then put on certain things, like for the polytechnical institute and what have you.

MR. SMALLWOOD: No, no!

MR. MARSHALL: Well, maybe I misunderstood it.

MR. SMALLWOOD: Cut out \$200 million. That would still leave you \$50 million over the billion, and use the \$50 million to start these projects.

MR. MARSHALL: Well, you know, it comes to the same thing,
Mr. Chairman -

MR. SMALLWOOD: Yes.

MR. MARSHALL: - because really what the hon. member for Twillingate (Mr. Smallwood) was saying was cut down some but add really something on.

MR. SMALLWOOD: Yes.

MR. MARSHALL: This is the effect. And quite frankly - and I do not think this is gloom and doom, I think this is pure, plain realism - I do not think we can afford to have this choice of adding anything on, I think the only way that we can afford to meet the present challenge in this country today is to cut the borrowings and cut them, if not out, almost out, as far as you possibly can.

MR. SMALLWOOD: Yes.

MR. MARSHALL: Now the only way to do this is obviously to spend less, and the question is: Can this be done? Can this possibly be done? The Minister of Finance very thoroughly indicated that in order for this to be done there has got to be certain suspension of programmes. He indicated this in the Budget Speech, and I am afraid, Mr. Chairman, that this is one of the alternatives that we just have to face in this Province today.

Now the government, I might say, is in a very difficult job - any government, whatever government is in charge in this Province. It is not a very simple job arranging the budgetary

Mr. Marshall.

requirements, responding to the budgetary requirements at best, because the demands in this Province are heavy, and the needs are great, and the demands are really horrendous. So it is not an easy, it an horrendous problem. It is not an easy thing, and it is very easy if one is in Opposition, or even if one is not a member of the Cabinet, to sit back and say, "Oh, the budget has got to be cut. There will have to be cuts. There will have to be dramatic cuts in order to be able to cope with the situation," Because there are very few choices. So I know when I make these statements that I am asking the government to do something that is extremely difficult, something that is easier said than done, but something that I really feel, you know, has to be done. And the only way, I think, it can be done though, Mr. Chairman, is to cure the lack of public awareness of the situation, that is the financial situation in which we find ourselves enmeshed and mired .

Now this requires, in my estimation, leadership. It requires leadership in the country, and it requires leadership in all phases of activity. Mr. Speaker, I can give you an example of that. We have to have an awareness here. We have the Budget Speech, and we are inundated. This government is inundated. The previous government was inundated. Every government is inundated when a budget speech comes in by leaders in various sectors of our society saying,

MR. MARSHALL: we have not got enough money for this, and we have not got enough money for that, and have not got enough money for the other thing, blaming the government and using the government really as a whipping boy. And the reason why they are doing this, as I say, is a lack of public awareness. They just do not appreciate the nature of the financial situation which we are in. They do not appreciate the climate that we are in, they do not realize that we have no choice, that there is no choice left to Newfoundland, and the atmosphere that is being created is one that is causing a very ugly mood and ugly feelings in this country today that nobody needs to have any great deal of perception to realize.

Mr. Chairman, I would cite one particular example of what I consider to be the lack, without showering any condemnation, but the lack of awareness on the part of people in this Province, a real dramatic awareness of it. A real dramatic instance of it is the situation with respect to the Clarenville Hospital which the hon. member for Trinity North (Mr. Brett) is so vitally interested in, which we are all interested in. We would all like to see hospitals. We all have these dreams, I suppose, for everywhere in Newfoundland, but there is not enough money. And there would appear to be, there is definitely not enough money, however much we would like to see a hospital in Clarenville, in order for the hospital to be built this year. There is just not enough money. That is a fact of life. We have not got enough money. The people of Newfoundland have not got enough money.

Now that is the situation that the government has to wrestle with, such an instance as occurred through one of the media here, VOXM, thinking it is doing its duty to the public, in all reasonable fairness, I suppose, it does it with all sorts of good will, and you hear ads on the radio from time to time,

MR. MARSHALL: or you did hear them up to recently, "Join and sign the petition which is being circulated in the area and help to show the government that you are determined to get your hospital in this area."

So this is the type of thing with which we are faced, and I do not necessarily blame VOCM but I just say that it is a symptom of what what is occurring throughout our society, the lack of awareness of the financial situation.

MR. NEARY: They may be telling the government to get their priorities in order.

MR. MARSHALL: They may be attempting to tell the government to get its priorities in order, but I think it has to be realized by the people of this Province, by everybody, that there is just not enough money to be able to afford everything. And if they want to tell the government to get their priorities in order that is certainly their prerogative, and more power to them, and let them go ahead and do it, but at the same time when I say I would like to see a little bit more of propagation of the fact that government really does not have, and the people of this Province really do not have the power or the money at the present time to be able to realize the dreams that everyone would like for this Province.

MR. NEARY: What about all we are wasting on the Norma and Gladys?

MR. MARSHALL: Well, we can get to that when we get into the estimates. Because there, obviously, I am, as you will see when I get on farther with my remarks on the Interim Supply -

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

MR. MARSHALL: Well, if it is a question, yes. I mean if it is a -

MR. SIMMONS: No, it is not meant to be harrassment. I am interested in what you are saying. I agree very much, Mr. Chairman, with what he has said, and I thank him for yielding the floor just for a moment.

MR. SIMMONS: I wonder would he put his comments, though, in the context not only of the need which may exist, or which does exist there, and the impatience of the people to which he has referred, but also in the context of the government's responsibility having made a clear commitment on that just a few months previous. Where does the government's responsibility lie here?

MR. MARSHALL: I think, Mr. Chairman - you know, the question is rationally put by the hon. member but it is political in nature. The fact that the government might have made a commitment or a promise with respect to it is one thing. Governments answer for commitments that are unfulfilled when they get to the electorate at an election. Now I do not know whether they directly made that commitment or not. I am obviously not the member for Trinity North. But the fact of the matter is whatever commitment may have made, and whatever the need may be, whatever the commitment may be, the fact of the matter is we have not got the money to realize all of the dreams that the people of Newfoundland dream with respect to their requirements.

MR. MARSHALL:

Mr. Chairman, there is no appreciation in this Province of our present financial condition, and the only way that I see that this can be done is if there is full debate and disclosure and it is in this committee, which will shortly go into a Committee on the Estimates, where it must be done.

Now, I would like to make a particular plea with respect to the estimates this year. When we came into, when the government came into power we amended the rules of this House with respect to the estimates so that there are only seventy-five hours for consideration of the estimates. That happened to be by the way, Mr. Chairman, the second longest time in modern history in this Province for consideration of the estimates. There was one year, a special year, that it went on a little bit longer. So we allowed quite adequate time.

MR. SMALLWOOD: Is the hon. gentleman, is he saying that since Confederation the figure of seventy-five hours fixed by the rules is in fact as long as ever the estimates were debated in the budget?

MR. MARSHALL: No, I am not saying 'ever' but I am saying since -

MR. SMALLWOOD: No, since Confederation.

MR. MARSHALL: - since Confederation - I am saying it is the longest but one. We checked this very carefully, Mr. Chairman, when we set the limit of seventy-five hours with this in view. There was one year that was a particularly acrimonious year, when there were more people in Opposition than there had been in previous years, that it went on longer. But we set the - or this House, really, set the time of seventy-five hours.

MR. SMALLWOOD: How was it timed? How could they measure the time?

MR. MARSHALL: How could they measure a time? We measured it from the journals that were available in the House, that were kept from - you know, it was approximation. I would not say that you could get it right down to the minute. But you could get a very accurate reading from the journals of the House as to how much time is actually spent, you know, the minutes read, the House went into Committee and they considered estimates,

MR. MARSHALL:

they adjourned, the House rose at such and such a period of time. We researched that very, very carefully by the clerks of the House, Mr. Chairman, at the time that we put the limit of seventy-five hours on it.

MR. NEARY: You made a proper shag of it, boy.

MR. MARSHALL: So it was quite evident that the seventy-five hours was quite sufficient. It was quite adequate. We checked with other areas of Canada as well and we found this was so. What happened was this: We have had this in vogue and the Opposition with then the hon. the member for LaPoile (Mr. Neary) -

MR. DOODY: He was the Opposition.

MR. MARSHALL: He was the Opposition. I can say the hon. - but I cannot blame -

MR. SMALLWOOD: You can almost say he still is.

MR. NEARY: I took seventy of the seventy-five hours.

MR. MARSHALL: We can give him credit for any of the qualities we have, but we cannot blame him for all the faults that the Opposition had, Mr. Chairman. But anyway the Opposition took this as a contest. So we went on for twenty-six hours, in one case on education where persons' theories on education were debated ad nauseam. This is not what the Committee on Estimates is for. The hon. member for LaPoile is over there grinning with great glee but we also went on ad nauseam about his favourite topic, the law society and what have you. This was not what really the Committee on estimates were for.

MR. NEARY: Justice is not on the estimates?

MR. MARSHALL: As a result of which we had three, four, five and six departments that have never been debated since we made this rule change. Public works, for instance, a department that is very dear to my heart, is something that has not been debated and I would like to see its estimates examined. Tourism is another department. Recreation and Rehabilitation has not been debated, purely and simply because people were droning on and

MR. MARSHALL:

on and on without asking. The purpose of estimates is for the purpose of asking questions, ferreting out information, getting the information as to the financial condition of the Province. Then, hopefully with an informed press, the financial condition will be promulgated to the country and then we will have a better appreciation of what the situation is.

MR. NEARY: That is what you are doing now because the clock is ticking on.

MR. MARSHALL: I will only be a few moments. But this is instructional. This is much different.

MR. NEARY: When you say it, it is instructional. We say it, it is not.

MR. MARSHALL: If the hon. member for LaPoile (Mr. Neary) listens he might learn something. I doubt it but he might.

MR. CHAIRMAN: Order, please!

MR. MARSHALL: But now, Mr. Chairman, at the same time - I will just conclude this part of it by saying at the same time there was a rule change which made it possible for the Chairman of Committees to rule out unnecessary repetition or the House, the Speaker or the Chairman of Committee, to rule out of order unnecessary repetition. Now if a person desires to be unnecessarily repetitious in the House, that is one thing, but he can use up his forty-five minutes any way he likes. But where he is unnecessarily repetitious in the Chamber he is infringing on the time of others, and I suggest that one of the ways in which we can have a closer look at the estimates, as well as having the Opposition decide that they are going to debate every department, which they themselves can decide really - they are the ones in charge of the time spent on each department. Another way

Mr. Marshall:

in which it must be done is for the enforcement of the rule of unnecessary repetition that has been put in and also the matter of relevance.

MR. NEARY: Who could call that to order?

MR. MARSHALL: Mr. Chairman, this is important, as I say, because of this fact that we have now - this factor that we have now, the borrowing, the high borrowing, because I really feel that the realization of today's dreams with other persons' money are really going to be - the money of other people, is really going to be the nightmare of tomorrow. And I think that nightmare is really fast growing upon us.

Now the Minister of Energy yesterday, and the House Leader when the debate was on, asked a question with respect to how should we reduce, how possibly are we going to reduce the borrowing? Now that is a large question and it is a vital one. And at the same time they asked the speaker, the person who was speaking - I do not know if it was the Member for Twillingate (Mr. Smallwood), or LaPoile (Mr. Neary), or the member for Burgeo (Mr. Simmons), that would they have us reduce the salaries?

Well I say, Mr. Chairman, and I say this unequivocally, that unless something is done to wrestle with the provincial debt of this Province that you are going to come to the day when you are going to have to be making such decisions with respect to current account, and that is why the matter is so deeply urgent. I know the Minister of Energy understands this when he says that today, for instance, even if you take the \$200 million that the government is borrowing directly, apart from the Newfoundland and Labrador Hydro Corporation and the Municipal Financing Corporation where repayment may be financed in another manner - we will have to consider that - but even if you take \$200 million, well next year obviously at 10 per cent we are going to have to find \$20 millions to pay interest on that amount next year.

MR. SMALLWOOD: And sinking fund.

MR. MARSHALL: And if we do not find the \$20 millions from current account next year, well, we are just going to have to borrow it again.

Mr. Marshall:

So that \$20 millions in the following year will become \$24 millions. And the day is dawning, Mr. Chairman, and the day is coming, and it is just as well for us to face it in this House, and the government and the country to face it, the day is coming when we have got to face the situation as it exactly is -

MR. SMALLWOOD: Hear, hear!

MR. MARSHALL: where, no matter how unpalatable it may be, that programmes have to be curtailed, and that we have to meet the real needs of this Province, and to take the direction that this Province so earnestly needs at the present time by reducing the debt, the borrowing of the Province this year. I think the amount is very, very, extremely high.

It is easy, as I say, to stand here and make that statement when you are not charged with the responsibility, really, as a cabinet minister would be of shaving it down. But I think that the debt has to be shaved down, and in order to do this, as I say, there has to be a much greater degree of public awareness, and there has to be a much greater degree of public direction by the leaders of our society in all aspect in doing this.

Also, Mr. Chairman, with respect to realization of the financial situation which is so evidently needed as a result of the statements that are made, I mean, the hon. Minister of Finance in his emergency budget attempted, and made a real earnest attempt, to try to bring this forthrightly to the people of this Province, but it has not been appreciated. And I think one of the reasons why is because all of the financial affairs of the Province are not completely known. Government has become almost too complicated. This House of Assembly itself has become quite irrelevant as far as it being an organ for the examination of the budget, or as far as it being an organ for the examination of the financial situation of the Province.

So I say that in addition to a determination to examine the estimates properly, that I would ask the government, in this case, to bring in fully the estimates on Crown corporations. This Committee may remember that I made this same observation when we were talking about

Mr. Marshall:

the emergency budget. I think that was in the Fall of last year. I think that the Crown corporations—Newfoundland and Labrador Hydro Corporation, Newfoundland and Labrador Housing Corporation, yes, even Newfoundland Linerboard Limited—every single Crown corporation that has a demand on the public purse of this Province, that their accounts ought to be brought before this House because they have not really been examined except after the fact in the past through the Auditor General's report, that perhaps because of the emergency of the situation we ought to adopt a special measure of referring Crown corporations to committees of this House, have the officials of these Crown corporations come before the Committee and have them examine as to every single iota of money that they are given to spend on the public's behalf.

MR. NEARY: How about Memorial University?

MR. MARSHALL: Memorial University comes into it, but I would like to say with respect to Memorial University that I would have a certain amount of fear of pressing Memorial to the extent that the hon. member for LaPoile (Mr. Neary) seems to wish to, and seems to have such obvious enjoyment in so doing. But certainly there has to be an accountability at Memorial University to this Province and to the people of this Province, if for nothing else but to make sure that the people of this Province are getting their money's worth with respect to Memorial. But this does not mean that the hon. the member for LaPoile (Mr. Neary) should put on my hat of a few years ago and go off on a witch hunt against the Memorial University with a view to desecrating it and tearing it down. There has to be a certain moderation in all things, Mr. Chairman.

MR. NEARY: Did they confirm their public tendering procedure, or conform to the public tendering procedure?

MR. MARSHALL: Most certainly. Everybody should conform to the public tendering. Everybody should conform, Mr. Chairman, to the public tendering system of this Province.

MR. NEARY: Well, Memorial University is not, at the present time.

MR. MARSHALL: Well, we can get into that afterwards. As I say, time goes on and we want to keep most of the time for the meaningful examination of the estimates.

A couple of quick questions before I sit down though, Mr. Chairman, with respect to the Interim Supply and with respect to my favourite department, that of Public Works. I notice that the hon. Acting Minister looks at me, but I notice that the Public Works Department has \$7 million voted in Interim Supply. I also notice that the total vote for the year for Public Works is some \$14 million. It was my impression that Interim Supply was to be for two months, so one-sixth of \$14 million is two million-odd dollars. I wonder whether the Minister of Finance - or the acting Minister of Public Works could perhaps give a brief explanation of why the Public Works vote is apparently 50 per cent of the year?

MR. MARSHALL: The hon. the Acting Minister of Public Works gave me a paper showing it but I - that is fine, he can show it to me - but I think that the public - this is the whole point of the exercise - that the public should be made aware of it as well.

I would also like to observe from the Budget Speech, Mr. Chairman, that this is the first response I saw in the Budget Speech to the position - I do not think it was a direct response, it was an indirect response - of position to the government on my position with respect to the Gull Island. And I note that in the Budget Speech - as fairly and honestly as this government always does in revealing the financial affairs of this Province - it does indicate that no agreement has been made yet with Hydro Quebec and there has been no agreement with respect to the financing through the federal government.

I have to, I would say, reiterate my previous statements that I made in the House last Autumn when I took a position on the bill, and I particularly say that in view of the large amount of borrowing of this Province, and I wonder whether we can really afford to continue on with the Gull Island in its present position where the continuance on it is really, in effect, a gamble. As I say, I mention that again for what it is worth.

Now there are many items, Mr. Chairman, of which one can speak and which I will go into when the main estimates are considered, but this is just merely Interim Supply. Obviously, I would hope that the government would be able to see fit, that somehow or other we would be able to see fit to borrow less than we have predicted we are going to borrow in the Budget. I realize that is a tall order. As I say, it is easier said than done, and I would hope that the deliberations of the Committee on the estimates will be fruitful and meaningful and not just rubber-stamped. I mean, it is not a question of having matters put up and having them voted down because a government cannot be defeated on a money matter without being defeated. I certainly have no desire to see this government defeated because I think it is doing

MR. MARSHALL: the best job that any government ever has in wrestling with an entirely, almost, intolerable situation not of its own creation. It came to power, I might say, at a time when large expenditures were committed by the previous administration in its desire to keep in power. And it has had very little chance to do anything else, because of the large amounts of money that have to be found to even meet the public debt.

But be that as it may. As I say, I hope that the government will consider the suggestions that I have made and if at all possible will reduce this horrendous debt that we are going to accrue again this year. The debt service fund of \$108 million, Mr. Chairman, this year will be \$124 million next year and it will ascend and ascend and ascend accordingly.

I notice also, Mr. Chairman, on one of the schedules in the Budget Speech - and I might say in talking about this debt that I am talking about interest and talking about sinking funds - that there were some

MR. MARSHALL: very questionable, as far as I am concerned, decisions made in 1969 and various other times when there apparently is a large - if you look at appendix 2 on page 128 you will see a large amount of monies which will be falling due in the 1980's, which is not too far away, for which there have apparently been absolutely no provisions made for a sinking fund either as a result of agreement with the borrower themselves or as a result of the government providing its own sinking fund. And I would draw this to the attention of the government as well, because this is an added expenditure and if, for instance, the Deutsche mark loan in Germany does not require sinking fund, as it does not appear to do according to the schedule, then I think we ought to provide ourselves for the provision of our own sinking fund to guard against that day in 1988 when we have to pay out huge amounts of money to retire that loan. I might state that that is not the only loan; there are others.

Now, Mr. Chairman, in conclusion, as I say I make statements hoping that they will be constructive, hoping that they will be well received because I feel that this is of vital concern to the people of this Province, the financial position in which we now find ourselves. I feel that this government has done, as I say, a better job than any other entity, or otherwise I would not be supporting it, to grapple with this debt and I realize it is a horrendous responsibility. But I say the time has come and the time has come right now, as painful and all as it may be, to stop government borrowings, to stop them completely before we end up choking up, before we end up choking the future of our children or grandchildren and our children's children for generations to come, because that is exactly what is going to happen. The thing which the members of the front benches of this government, or no member in this House, wish to see happen, and that is the intrusion on current account to the great detriment of the society of this Province, is occurring. It is occurring now and it is going to occur with even great intensity if borrowings

MR. MARSHALL: continue at the rate that they have been progressing over the past years.

SOME HON. MEMBERS: Hear! Hear!

MP. NEAPY: Mr. Chairman, the hon. member for St. John's East (Mr. Marshall) made some very interesting comments in his few brief remarks, many of which I agree with, Sir. Yesterday, as I listened to the hon. member for Twillingate (Mr. Smallwood), I took note of some of the points that were raised by the hon. member, especially the warning that was thrown out to the government. And I think to a certain degree the member for St. John's East (Mr. Marshall) sort of half-hoisted the red flag today, sort of flicked on and off the red light that the government should slow down on its borrowing.

The hon. member, Sir, has been noted over the last year and a half or so since he left the Cabinet to be able to stand up as a supporter of the government in the back benches, and sort of criticized the administration that he is helping to keep in power. Instead of giving the government a hobnail boot that you would expect the member to do, he gets up, Sir, and gives him a sort of a kick with a little soft slipper on his foot. Mr. Speaker, I am wondering how long more this can continue, that the member for St. John's North (Mr. J. Carter) and the member for St. John's East (Mr. Marshall) can stand in their places in this hon. House and criticize the administration that they are helping to keep in power.

I realize, Sir, they are trying to maintain their integrity. They are trying to keep their credibility intact. They are trying to look after their public image. But, Sir, they can make all the excuses they like, Mr. Chairman, they either have to do one thing or the other. They have to move or get off the pot. Mr. Speaker, they cannot, Sir, they cannot talk out of both sides of their mouth at the same time.

MR. SPEAKER: Like the hon. member.

Mr. Neary: No, the hon. member does not. When the hon. member gets up he gives the government a hobnailed boot, not a little soft slipper kick like we just saw from the member for St. John's East (Mr. Marshall).

It is a serious situation, Sir. If hon. members, backbenchers or ministers on the government side of the House, do not agree with the government policy, well there is plenty of room over here, Sir, to put a couple of more seats. They do not have to come over and join the old-line Liberal Party, and I am sure the hon. member is not so much in love with the Leader of the Opposition to do that. They do not have to join the Liberal Reforms. They do not even have to be Independent Liberals.

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

MR. NEARY: They can come over here and sit as Independent P.C.'s.

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

MR. NEARY: A question, yes.

MR. MARSHALL: Does not the hon. member realize that this hon. member would be utterly terrified that he might be trampled by the hon. member for LaPoile in his desire to cross over the House and take my seat?

MR. NEARY: Mr. Chairman, I am not going to even bother to reply to that, Sir.

The hon. member, Mr. Chairman, obviously does not agree with the policy, with the direction in which his government is heading. He does not agree with it. If he does not agree with it, Sir, it is not enough for him to stand up in his place in this hon. House and just give his colleagues a little flick on the wrist. He has to do something more drastic to bring this hon. crowd to their sense. Now I know that would be even drastic for me, but the hon. member knows what I am talking about, what avenues are open to him.

Now, Mr. Chairman, the hon. member in his remarks criticized the way the Opposition handled the estimates for the past couple of years. Well, Sir, we did not put a time limit on the discussion on the estimates.

MR. ROUSSEAU: Time, please!

Mr. Neary: It was the - I will - Mr. Chairman, I am coming to the hon. member's department in a few minutes, if he would just take it easy.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: And I am going to try and find out all about Scrivener before we pass this Interim Supply Bill, and talk about that ripoff that is going on over there at Memorial University that the minister and his colleagues are turning a blind eye and a deaf ear to. So the minister, all he has got to do is sit back for a moment now, and I will get around to him.

But, Sir, we did not put the time limit on the debate of the estimates in this House, and I argued against it at the time. It should never have been put on. We should have been allowed complete freedom to discuss the estimates as long as we like. And I realize, Sir, that by tomorrow night at midnight the Interim Supply Bill has to be passed in this hon. House.

MR. ROBERTS: They can get along for a couple of weeks.

MR. NEARY: Well, really, the impact of it, the repercussions would not be felt for a couple of weeks.

MR. ROBERTS: They will have to pay out salaries in a couple of weeks.

MR. NEARY: Except salaries, they might have to pay salaries out in a week or two. But we can go on for the next four or five days, we can go on for another week, if we want, discussing Interim Supply. And I have got a few things on my chest, as I said yesterday, and I only got as far as the Fisheries Department yesterday when my time ran out. But there are a few things that I have been wanting to say in this hon. House, Sir, for the last year or so, and I am going to say them now when I have got the opportunity. And the Acting Minister of Public Works, if he does not want to listen to it he can go out and sit in his Common Room and drink coffee if he wants to.

MR. J. CARTER: Yes, and he is going.

MR. NEARY: Mr. Chairman, we have been listening to criticism from the government benches about how we were screaming on this side to get the House open to discuss matters of urgent public importance, matters

Mr. Neary:

that were affecting the economy of this Province, one of the issues, the Come By Chance oil refinery. Of course, I was one of the ones that was shouting and bawling outside of this House to get her open, but when the government did decide to open the House it was too late, the oil refinery had closed. And that is why the hon. Minister of Mines and Energy should realize that his remarks were not getting the publicity that he thought they should be getting. If we had come into this hon. House, Sir, if the government had gone down to Come By Chance and laid their cards on the table with the people in the area, and then invited the company to go down and do the same thing, and let the people look at two sides of the story, and let the people make up their minds, and decide what they could do to try to keep that oil refinery going down there, because the big problem, Mr. Chairman, the great weakness in the minister's Budget Speech the other day-it must have been obvious to anybody the way he started it off talking about production in this Province,

Mr. Neary.

talking about work stoppages. I have been preaching that in this hon. House for the last three years, and as I listened to the minister start of his budget debate, the first thing that popped in my mind is that the next thing he is going to do is announce a productivity council that I have been proposing in this hon. House for the last two or three years. The fact is, Sir, that we can talk about doom and gloom, and we can talk about our borrowing getting us into difficulty, and we can talk about bankruptcy and how our great-grandchildren are going to have to pay off the borrowing taking place right now, but the fact remains, Sir, that we should take an example of what has happened down in the United States and not take a negative attitude as some of the members are taking. What we should do, Sir, is take a positive attitude. And instead of trying to cut down expenditures, and to cut salaries, and to cut this, and to cut back services, and this sort of thing, what we should be doing is trying to increase our Gross Provincial Product. I saw the minister being interviewed on television the other night. He said, in answer to a question from the moderator of the programme - how much would our Gross Provincial Product increase in 1976? - the minister said, "Oh, it will increase by 2 per cent." And the person who asked the minister the question was rather taken aback and he said, "Well, is that good or bad?" "Well," he said, "it is 100 per cent better than it was a year ago. It was only 1 per cent." And the minister says that is right. Well, Sir, there is the thing that we should be most concerned about, production in this Province, productivity.

Mr. Chairman, the Come By Chance oil refinery was contributing to the Gross Provincial Product. Now that is being wiped out. I do not know if the minister had taken that into account when he was talking about a 2 per cent increase in our GPP, but if he did, he can wipe that one off.

Mr. Neary.

Mr. Speaker, it is matters like the closing of the Come By Chance oil refinery that is going to have a devastating effect on the economy of this Province. I do not know whether it was possible to keep it going or not, Sir, but the House should have been opened before it closed. It was too late. The hon. member for Twillingate (Mr. Smallwood) says it was his baby, and the baby was dead when the debate started. If we had come into this House man-fashion, heard the government's side of the story, invited Mr. Shaheen and the company officials to come in on the floor of the House, had the whole thing televised so that the people of Newfoundland could look in and get both sides of the story, the picture might have been different today, Sir. It might have been. I do not know. I still do not know both sides of the story. I only know what the Minister of Mines and Energy told us a couple of days last week, and I do not know if all of that is true or not. I am sure that the minister put the best side forward. I am sure there are little details and little bits and pieces of information that the minister did not give this honourable House. So, Mr. Chairman, the minister cannot blame the press for not getting publicity on what he considered to be a major policy speech. It was not a major policy speech, Sir. It was a postmortem. It was a funeral. It was something like the same thing that happened to the steel mill down at the Octagon. We started up the industries and this hon. crowd closed them down. And I am one of these people, Sir, and I am one of these people in this hon. House who is optimistic enough to think that that oil refinery could have been saved.

Now, Sir, not only is it going to effect our Gross Provincial Product, but it does not take word long to get out in the international business world, in the international financial world. And the next time the Minister of Finance publishes his prospectus and sends it down to New York, to the government's fiscal representatives in New York City or wherever it is, it will not look very nice to have the prospectus contain information that one of Newfoundland's major industries has shut down.

MR. NEARY:

As a matter of fact, Mr. Chairman, the thing that amuses me about this crowd, the thing that makes me laugh -

MR. CROSBIE: The hon. crowd.

MR. NEARY: The hon. crowd, Sir. I read the prospectus that the minister sent to New York for the \$50 million. You know, Mr. Chairman, all the criticism we get from that hon. side of the House about the previous government's industrial development programme? Well, do you know, Mr. Chairman, in that prospectus the things, the industries that the government boasted about most to try to convince financiers and the money lenders and the money people in North America to loan to this Province, do you know the industries they listed, Sir, as outstanding examples of industrial development in this Province? Does Your Honour want me to tell the House what they were?

Number one, the phosphorus plant at Long Harbour. The hon. administration holding it up as a shining light to the business world, to the financiers, to try to attract money into this Province! The oil refinery at Come By Chance - and God only knows the criticism we got over that! The Linerboard mill out in Stephenville, another example of industrial development in Newfoundland. Every industry, Sir, that my hon. former colleague, the former Premier of this Province, every industry that he started up is listed in that prospectus, the Marystown Shipyards, all listed in the prospectus to do a PR job, to do a selling job on the money people to try to attract money into this Province so that the government can borrow money to carry on services and whatever else they want to do in this Province.

But now, Sir, can you imagine the repercussions? It was bad enough the kicking out of Brinco. It had serious repercussions in the international financial business world. Can you imagine now, Mr. Chairman, on top of that we have the closing of the Come By Chance oil refinery. Not a very nice thing to have to report in the next

MR. NEARY:

prospectus. And we still have not got the true picture, Sir. The oil refinery is now being put in mothballs and we still have not got the true picture. We do not know whether it should be closed or not. All we have heard is what the Minister of Mines and Energy has been telling us for the past couple of days. I have a feeling, Sir, myself that there are a few little details that the minister is not laying upon the table of the House. The minister is appearing to be frank and honest but there is another side to the story, Sir. Before that oil refinery closed down, before they started to arrange to put it in mothballs, we should have gotten both sides of the story, and we should have brought the officials of the company in on the floor of this House, as we did before, not to abuse them as we saw happen back in - when was it, in 1969?

AN HON. MEMBER: Before that.

MR. NEARY: Before that, 1968, whenever it was - not to be abused but to come in and give us their side of the story, and then move the whole operation down to the Come By Chance area and let the government stand up on the platform, on the stage down in a hall big enough to hold all the people who are interested, or hold a series of meetings, and let the government tell their side of the story, and then let the company tell their side of the story, and then let the people decide. That is the only fair way to do it, Sir. That was not done. That is why the minister is not getting the publicity that he thinks he should have been getting.

All he did was give us a lecture in history. He would have been just as well off if he went over and addressed the Political Science class over at Memorial University or bought an hour's time on television and went out and gave his side of the story, because that is all it amounted to. So, Sir, it is a setback, a tremendous setback for Newfoundland and a blow to our gross provincial product. This was a local company that was adding to, increasing our gross provincial product. Mr. Chairman, I will have more to say about the closing of the oil refinery when we get into that debate again, if we ever resume it again. But, Sir,

MR. NEARY:

I have got a question that I want to put to the hon. the Premier, who unfortunately is not in his seat this afternoon, and it concerns contradictory statements, Sir, that are made by the hon. Premier of this Province and the hon. minister responsible for Consumer Affairs. On four or five occasions recently, Sir, the minister responsible for consumer affairs has come out publicly and stated that he is opposed -

MR. MURPHY: No!

MR. NEARY: The minister, Sir, has stated he is opposed, he is opposed to a separate Department of Consumer Affairs.

MR. MURPHY: No. That is not right.

MR. NEARY: Well then I wish the -

MR. MURPHY: Provincial Affairs is beefing up the staff to do the job.

MR. NEARY: Well, all right. Put it another way, Sir. I am satisfied to put it in the words of the minister, 'beef up' that department and that is quite satisfactory. It still means that the minister is at loggerheads with his leader.

MR. MURPHY: No!

MR. NEARY: It certainly does, Sir.

MR. MURPHY: Never let it be said.

MR. NEARY: The hon. the Premier has stated outside of this House, inside of this House, stated in the last election, in the Throne Speech, that this Province should have a separate Department of Consumer Affairs. So you have a difference of opinion. I want a statement now from the government -

MR. MURPHY: What is the impact on the Gross Provincial Product?

MR. NEARY: What is the impact? It is a tremendous impact on the consumers of this Province.

MR. MURPHY: Ah!

MR. NEARY: If the minister wants me to give him a few examples I have got a few right here in my pocket that I did a little research on this morning, about the bonuses and the finder's fees and the high rates of

MR. NEARY:

interest that are charged for second mortgages in this Province. Does the minister want me to give it to him now, or will I save it until I get to the justice estimates and give it to the Minister of Justice right between the eyes? I asked the minister yesterday in this hon. House about double disbursement sheets and the minister shrugged his shoulders as if he did not know what I was talking about. Well, Sir, I can tell the minister that his colleague's Department of Consumer Affairs has been down in the minister's office, Mr. Barter, trying to get the minister's legal counsels down there to move on all these cases that I have in front of me.

MR. MURPHY: Moving very rapidly.

MR. NEARY: They are not moving rapidly at all. I can tell the minister why they are not moving rapidly.

MR. DOODY: Why?

MR. MURPHY: Name names.

MR. NEARY: Yes, name names I will, when I am finished with my remarks on consumer affairs. I am not going to be sidetracked. I will name names and I will guarantee you that I will make the hair on some of the members heads in this House curl up. Twenty per centers! Twenty per cent finder's fees, bonuses!

MR. DOODY: Is the hon. member intimating that members of this House are involved?

MR. NEARY: I certainly am, Sir, I certainly am. The minister, all he has got to do is dare me and I will just put me to the test.

AN HON. MEMBER: Dare you?

MR. NEARY: Yes! Well I am coming to it. Do not worry. Mr. Speaker, the government should make a statement before we pass the Interim Supply on its policy concerning a separate Department of Consumer Affairs in this Province. Are we going to have it or are we not? Mr. Speaker, I am not saying whether I am for it or against it.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: No, I am not. I am not saying that, Sir.

MR. NEARY: I might agree with the minister, by beefing up the - as a matter of fact, Sir, I tell you if this new Department of Consumer Affairs is going to be as bad as some of the ones we got now I might be inclined to agree with the minister. Yes, Sir, I tell you some of them are pretty bad. The Premier might be able to sell me on the idea of a new Department of Consumer Affairs. But, Sir, the hon. Premier has made a statement on at least three occasions, if not four, that he is going to reshuffle. There is going to be a mini reshuffle of his Cabinet. I do not know. I am told the reason he has not done it is because he does not want the minister to be the Minister of Consumer Affairs.

MR. MURPHY: Who - me?

MR. NEARY: Now this is the rumour, the reports that are going around-

MR. MURPHY: Is that right?

MR. NEARY: - that he would have done it long ago and he does not want that minister to be Minister of Consumer Affairs, does not think he is the man to do the job.

MR. DOODY: I guess he is waiting for a man like you.

MR. NEARY: Well, Sir, he will be waiting a long time if he is waiting for me. I will wait till things turn around. But, Mr. Chairman, the people of this Province are entitled to a statement of what is going to happen. What is going to happen to the Department of Rehabilitation and Recreation? We are told again by the Premier that Rehabilitation is going back under the Department of Social Services,

MR. NEARY:

originally, the Department of Social Services and Rehabilitation. I put the name on it. One of the things I did when I found the hon. former Premier in his office, when he was getting ready that night to go out to his Masonic lodge meeting, one of the things we settled on that night.

MR. SMALLWOOD: The same time?

MR. NEARY: The same time. The hon. the Premier might not remember it, but I remember it because it was the biggest thing in my life at that time, to bring about these reforms in the Department of Social Services. The hon. the Premier had a lot of other things on his mind, Come By Chance, the Linerboard mill, Churchill Falls. But my little narrow mind - my mind was not broad enough to comprehend all these things. I was trying to do something for the poor old widows, and the cripples, and the orphans, and the sick, and the unemployed of this Province.

But anyway we did change the name, and now the Premier is talking about putting rehabilitation back under that department. Well, I wish he would make up his mind. Is he going to do it or is he not going to do it, or when is he going to do it? Has he not got enough manpower over there that he can have a little reshuffle if he wants it? It is time, Sir, for him to make up his mind, and it is also time, Mr. Chairman, for the Minister of Mines and Energy to make his move, to tell us the truth about the tunnel under the Straits of Belle Isle and the transmission line.

Last Fall there were no if's, and's and but's. The minister was absolutely certain, would lay down his life, was satisfied to stand in this House and tell us beyond any doubt that the tunnel underneath the Straits of Belle Isle and the transmission line were going to go ahead this year. Now in response to questions that I put to the minister over the last couple of weeks all I get is evasive, general answers. The minister, Sir, should stand up in his place in this House, man-fashion, and tell the House and the people of this Province if that project is

MR. NEARY:

going to go ahead this year.

I get the impressions from the answers the minister has been giving me over the last couple of weeks that it is not going to go ahead, and there are members of this hon. House, probably on that side of the House too, who will say 'hear, hear' to that. The member for St. John's East (Mr. Marshall) and St. John's North (Mr. Carter) will probably approve of it because they never did agree with it.

Mr. Chairman, in the estimates, page 14 I think it is, in reference to the Churchill Falls development, the \$50 million that is supposed to be spent: "In addition to the financial requirements of the Province, the Newfoundland and Labrador Hydro Corporation will likely require"- not will require, will likely require. They have got the little key word in there. They have got the out in there - "will likely require approximately \$50 million in long-term financing."

MR. DOODY: They are not going to borrow it if they do not need it.

MR. NEARY: Mr. Chairman, that is what I am trying to find out. Are they going to borrow it? Do we need it? Is the project going to go ahead? Or is the government going to weasel its way out of that one, too?

MR. DOODY: That is not Gull Island, my son. It says so, look -

MR. CROSBIE: That is on the Island.

MR. DOODY: That is on the Island, the Hydro bill, Bay D'Espoir and perhaps part of Holyrood. Read the speech again or get someone to read it for you.

MR. NEARY: Well, Sir, I do not need anybody to read it for me. I know what I am talking about. I want the Minister of Mines and Energy to stand up in this House and tell us -

MR. CROSBIE: I am going to .

MR. NEARY: If I sit down now will the minister get up and tell us?

MR. CROSBIE: As soon as you sit down, I am shooting up.

MR. NEARY: The minister will be shooting up before the next election,

MR. NEARY:

I will tell you. He will be shooting up to St. John's West pretty soon -

MR. DOODY: You are going to be shot.

MR. NEARY: - to try to get a safe berth, to try to get a safe seat -

MR. DOODY: You do not have to shoot -

MR. NEARY: - in Ottawa. Well, Mr. Chairman, the people of this Province are entitled to an answer. They are down there now, Sir, in Southern Labrador in the Straits area, down in my hon. friend's district, the hon. Leader of the Opposition, who asked a couple of questions about it the other day. He keeps trying to cross-examine the Minister of Mines and Energy in between his colleagues jumping up like jack-in-the-boxes, shooting him down, trying to get information on the tunnel. So far the hon. Leader of the Opposition has not been able to get the answers. I have not been able to get the answers, and I think now it is about time.

The government have procrastinated long enough. The people down on the Great Northern Peninsula and in Southern Labrador, construction workers all over this Province who are looking forward to jobs working

MR. NEARY: on that tunnel and working on the transmission line would like to know now. Their unemployment insurance is running out. They are getting desperate. They are going to be forced on welfare and the minister keeps them dangling, suspended in mid-air. Get up, Mr. Chairman, I would say to the hon. minister, in man-fashion and lay it on the line. Tell us if it is going to go ahead. He was pretty sure last Fall, no ifs, ands and buts, no excuses. I supported it, in case the hon. minister does not remember, Mr. Chairman. I supported it. I was told that I was crazy to do it. I think it is a great make-work project apart from being beneficial for this Province. The obvious thing to do, Sir, is to link the Island of Newfoundland up with the Mainland part of the Province, Labrador. I have said that so often in this hon. House! I think DREE should play a bigger role in it. I think there should be a programme put up to Ottawa, Sir, this government should put a programme before Ottawa, a Northern Newfoundland-Labrador Programme before Ottawa, and make DREE pay the bulk of the cost of the development of the Northern part of this Province and Labrador.

They have it in the Western Provinces, Sir. Manitoba and Saskatchewan have northern development programmes. Our crowd here are asleep at the wheel! Millions and millions of dollars being poured into the Northern part - You are not getting bored are you, Sir?

MR. SMALLWOOD: No, I am not.

MR. NEARY: I would not want to put you to sleep. Millions and millions of dollars being poured into Northern Manitoba and Northern Saskatchewan and we should have had similar programmes in this Province.

MR. DOODY: We will when we get Joe Clarke in.

MR. NEARY: Oh, when we get Joe Clarke in! The money is there now on the table, Sir. It is on the table in Ottawa, and we have not had the initiative and the foresight to take advantage of all these programmes. Any my hon. friend the Minister of Industrial Development,

MR. NEARY: and the Minister of Fisheries, who both spent a considerable period of time in Ottawa, know what I am talking about.

So, Mr. Speaker, maybe what some of this hon. crowd should do is go to Hollywood, Sir, I notice that Richard Little got his own programme. I am sure if he can do it the Minister of Finance should be able to do it. They are a great crowd, Sir, great, friendly, sociable, honourable crowd, but sometimes I wonder, Sir, about their competency or ability to govern this Province. I enjoy their little jokes, little witty remarks, Sir, I enjoy them very much, but I think it is a pretty serious business right now trying to cope with the problems the people are faced with in this Province.

So let us hear about Cull Island and the tunnel and the transmission line! No more procrastination, no more beating around the bush! It is cruel to continue to do that, Sir. I want to find out before we pass Interim Supply, I want to find out from the Acting Minister of Public Works and Services just what is going on over at Memorial University in connection with the project managers. Ah, the minister will tell me, but now I am going to try to pry it out of him. He would not volunteer the information.

MR. ROUSSEAU: I told you -

MR. NEARY: I have been, Sir, three weeks now - not three weeks, three years -

MR. ROUSSEAU: I told you twice in the last ten days.

MR. NEARY: The minister gave me a vague general answer in the last ten days, said oh they have three months. The minister told me, I am expecting a letter. And they had three months, the government has three months in which to decide whether or not they are going to condone the sale of their contract, the peddling of this contract like you peddle marijuana out on the street. And the minister will answer it now because I am going to provoke him into answering, the same as I am going to provoke a few other ministers.

MR. NEARY: Mr. Chairman, let me straighten the House out on a few pieces of background information in connection with the Health Science Complex and Scrivener and Mr. Purdy. Once, Sir, I went to the extent to say that the project manager over there, Purdy, should be brought before the Bar of this hon. House for statements that he made in reference to the remarks that I made in this hon. House. That gentleman was the project manager, working for Scrivener at the time. And I suggested to

Mr. Neary:

this hon. House that it might be worthy of an investigation by either a select committee of this House or by the Minister of Justice's Department or by the police forces in this Province to find out where the material and the labour came from to build that \$150,000 mansion down on the Tolt Road, and he shrugged it off. At that time the hon. gentleman was the project manager. And another gentleman was working with the School Tax Authority at the time, getting \$25,000 a year, and left the School Tax Authority. I heard him make a public statement myself -left the School Tax Authority because he had such a tremendous offer from Scrivener that he could not resist it. He is getting \$25,000 a year, and he left to take this job right at the time when the parent company on the mainland, in Toronto, Scrivener, was going into receivership and there was no future for Scrivener Newfoundland Limited. Well, he must have thought there was a future. And then another gentleman moved up the line, who became project manager, by the name of Mr. Thomas, Keep that name in the back of your mind. Mr. Prudy goes off and forms up his own company, a company called Comanec, Construction and Management and something or other, and then hires himself back to the University, Scrivener hires him back on again, and he earns more by getting his own company hired than he did when he was being paid as the project manager.

The Minister of Finance looks at me and says, well there is nothing illegal about that.

MR. HICKMAN: I did not say a word.

MR. NEARY: Maybe there is not. Maybe there is nothing illegal about it.

MR. ROUSSEAU: It is inaccurate, I would say.

MR. NEARY: It is accurate, Sir. Mr. Chairman, the hon. Acting Minister of Public Works and Services has implied that that is not the truth.

MR. ROUSSEAU: I did not say that.

MR. NEARY: Well, Sir, I say it is the truth.

MR. ROUSSEAU: I said inaccurate.

MR. NEARY: He has hired himself back under his company, Comanec, Scrivener hired him back.

MR. ROUSSEAU: That may be right, yes.

MR. NEARY: That is right, Sir, Mr. Chairman, hon. members should know that I am very seldom wrong. When I do research, Sir, I make sure I get my facts straight.

AN HON. MEMBER: what was the other part of the statement?

MR. NEARY: The other part of the statement, Sir, that I am leading up to is now that they have managed to carry out their industrial sabotage of Scrivener, Scrivener Newfoundland is gone into receivership, now we hear reports that the three former employees are going to take over the company and take over the contract to become project managers over there on the Health Science Complex - that incidentally, Sir, is running one year behind, over a year behind schedule. And it is costing the taxpayers of this Province and of Canada an extra \$20 million over and above the estimated cost.

MR. ROUSSEAU: Come on now!

MR. NEARY: Oh, yes, Sir.

MR. ROUSSEAU: Come on now! Be accurate!

MR. NEARY: Between \$15 million and \$20 million more than was estimated in the beginning.

MR. ROUSSEAU: That is not \$20 million, but it is still not \$15 million.

MR. NEARY: It is between \$15 million and \$20 million, Sir. The minister cannot deny that.

MR. ROUSSEAU: Not at this point in time, Sir.

MR. NEARY: Not at this point in time, Sir. That is right.

The minister has not told us where that money is coming from. Is it coming from the Government of Canada? I wired the Government of Canada a year ago and told them to withhold any funds on that project until an investigation was carried out into Scrivener Newfoundland Projects Limited. And since then, Mr. Chairman, I have pretty good reason to believe, Sir, that all has not gone well on that project.

Mr. Neary:

I had a conversation about three weeks ago with a former project manager who filled me in on some of the details, and filled in some of the gaps that I did not have. My hon. friend knows who I am talking about. I went to Corner Brook to see the gentleman. I spent an evening talking with the gentleman. I would not dare repeat - this man had worked on the project, was the project manager. I would not repeat some of the things, not even inside of the House where I have immunity, and I would not repeat some of the things that I was told, but it looks awfully suspicious to me.

Mr. Neary.

Now three of the four employees are going to take over Scrivener Newfoundland Limited and take over the project and finish it and for that they are going to get, I think, - well, Scrivener is getting \$250 a day for their employees, and God only knows what this crowd will rip the government off for. I claim, Sir, that should not be allowed to happen. They should kick out the project managers and let the minister's own department take it over. And the minister the other day got up and tried to worm his way out of it by saying, "Well we do not have the staff." Well, I say, get the staff on a contractual basis. We can get staff for everything else. Mr. Chairman, "We have not got the staff," the minister says. Well, I cannot swallow that. Do you know, Mr. Chairman - and hon. members can come to the Minister of Finance on this - that we brought a Deputy Minister of Finance, or was it an assistant, one or the other, brought him in from Saskatchewan, brought him in -

MR. DOODY: Do not let the facts confuse you.

MR. NEARY: I got his name here. Do not worry.

- brought him in from Saskatchewan. And there is apparently, Sir, a policy the government has that they allow \$4,000, up to \$4,000, to move a person who was hired by the government, to move him from his home to the Province.

MR. ROUSSEAU: So you are through with me?

MR. NEARY: - No, I am not finished with the minister yet. - This particular gentleman, Sir, did not have a wife at the time, but he had two horses, a dog and a cat, and, Mr. Chairman, if you think I am joking, Sir, go down in the minister's department and check the invoices, and you will find, Sir, that this particular gentleman moved from Saskatchewan into the minister's department and into this high-ranking position.

MR. NEARY: The minister shakes his head and says, no.

Well, Sir, I have it from my usual reliable source.

MR. ROBERTS: From the horse.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: I have it right from the horse's mouth that the people of this Province paid for this gentleman to come in here, paid for his young lady, and paid for two horses and a cat and a dog. The minister better go check it before he starts nodding his head.

MR. DOODY: There is no deputy minister down here from Saskatchewan.

MR. NEARY: The assistant deputy then.

MR. ROBERTS: From Alberta.

MR. NEARY: Alberta, Alberta, okay.

Well I did not knock it down but I staggered it.

MR. DOODY: That is right. And one of your sources might be a budgie bird by the time you are finished.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Well, Sir, that is not the first time that horses and cats and dogs and rattlesnakes and monkeys have been moved into this Province at the taxpayers' expense. They are doing it all the time over at the university. It may seem funny, Mr. Chairman, but it is costing the taxpayers of this Province thousands and thousands of dollars every year. That is how funny it is. But, Sir, I want to get a straight answer from the Acting Minister of Public Works and Services. I want him to lay it on the line—as I ask the Minister of Mines and Energy—and there is no good of the minister getting up and saying, we cannot do it ourselves. By God! here we are with \$1,250,000,000 and we cannot hire a few engineers and an architect, an estimator on a contractual basis to go over and finish that project!

Mr. Neary.

I mean, who are they trying to cod, Mr. Chairman? I mean we are not all naive and stunned. Kick out that crowd who are over there before they do any more damage. Clean her out, and clean her up. Have an investigation. Do not let them get away scot-free. As far as I am concerned there has been industrial sabotage going on over there at the expense of the people of this Province. That is why I keep rising and asking the minister questions about it. I spoke to the minister, the permanent minister of that department. I had a meeting set up with the hon. gentleman. I was supposed to go down in his office and see him. We were going to talk these things over. We were going to talk them over, and the next thing I knew - the poor old minister who is ill now, and I do not want to criticize him - the next thing I knew he was aboard that jet on the way to Montreal. So obviously he forgot about the appointment, or if I wanted to keep it maybe I should have made arrangements to fly up to Montreal aboard of that jet. There was lots of room aboard her. There were only seven or eight people on.

But anyway, Sir, these things - look, you know, Mr. Chairman, I am going to make a statement right here and now, and

MR. NEARY:

I doubt if any hon. member of this House will contradict me. According to my estimation, Sir, and the things that I have seen happen in this Province over the past few years, that I would estimate, Mr. Chairman, I would estimate - and I am saying this without doing intensive research on it - but I would estimate, Sir, that the people of this Province are being ripped off on the average of anywhere from three quarters of a million to a million dollars a day - consulting fees, architectural fees, engineering fees, extravagance, waste, nonsensical programmes, travelling. I would say, Sir, that we - and then they wonder where the money is coming from, where we are going to save the money! - I would say, Sir, that the people are being taken to the cleaners of anywhere from three-quarters of a million to one million dollars a day. Look, I get so disgusted, Mr. Chairman, you would hardly believe, Sir. I get so disillusioned and discouraged and disgusted as I go about my own merry way investigating this and investigating that, researching this and researching that, sometimes running up against a stone wall, sometimes getting the runaround that, honest to God, it would make you sick to your stomach, Sir, when you see the things that are going on.

MR. DOODY: You got to check on the horses now.

MR. NEARY: I do not know about the hon. member - well, he can check on it. We will find out that it is correct, and he will find out that the university has paid to bring animals in. We cannot afford to send a sick child away to hospital, or give a sick child a wheelchair, or give a poor old diabetic insulin - soak it to the old-age pensioners, make them go out and buy their own drugs! - we cannot do that. But we can pay to bring animals into this Province. I am not going to question the fact that we need to bring in Come-From-Aways at all. I am not going to get into that now, but I question whether that one was necessary. Ah! The huddies, the academics got a strangle hold now on the Department of Finance. The fellows with their certificates got her taken over down there. There is no room for the Newfoundlanders. They are getting elbowed out. I talked to one gentleman recently who got so poisoned

MR. NEARY:

with it down there that he quit. He had a pretty good job down there and he could not stand it any longer. Bringing in their buddies from all over Canada! First of all they got into Memorial University, first, the Come-From-Aways, and then they got a strangle hold on that. Now they are getting a strangle hold on the government. The Finance Department is a classic example. They are completely demoralized. As a matter of fact the whole civil service at the moment is completely demoralized. You do not have to go far in this building to find that out. You cannot get decisions, nothing being done -

MR. CHAIRMAN: Order, please!

MR. NEARY: - restructuring.

MR. CHAIRMAN: Order, please! May I remind the gentleman from LaPoile that his time has expired.

MR. NEARY: Well, Mr. Speaker, I am not in full flight yet. So when another speaker is finished I will have to come back at it again. I have got a few more points that I want to make.

MR. ROUSSEAU: Mr. Chairman, if I could? I have a list of things here which were not asked for, but because one of the colleagues on my side of the House asked for them, and because there is \$7 million involved, I have no hesitation whatsoever in giving the exact details of where the \$7 million is going in Public Works, and I would like to put it on as a matter of record. The hon. member for St. John's East (Mr. Marshall) has indicated that he would like to know that. Salaries for the minister and his office staff, \$7,700; Expenses, including cost of travelling, office expenses and motor car allowance, \$1,500; General administration salaries, \$100,000, which is approximate cost of salaries of all administrative staff including general administration, accounts office, expropriations and Newfoundland Information Services plus provision for overtime as may be required; expenses \$6,000, includes travelling and office expenses; metric conversion, training materials, publications, \$500; buildings, \$1,803; salaries, \$750,000; provision of salaries for all engineering, drafting, maintenance, inspection and security staff in all public buildings, also provide for extra assistance in overtime is required; expenses, \$16,700. These expenses include cost of travelling, office, engineering supplies and equipment in respect of all building personnel:

MR. ROUSSEAU:

maintenance of buildings, \$749,000 expenditure requirement for normal maintenance of all public buildings and grounds, public buildings, vocational training schools, cottage hospitals, Arts and Culture Centres, institutions, etc.

Heading 1803, continued: \$1,243,000 for rental, cleaning and light. Approximate requirement for rents payable for accommodations of government services throughout the Province where rental space has been necessary. Also the cost of light, heat, cleaning and water rates in respect of all public buildings under the jurisdiction of the department, and also included is the cost of telephones. Construction and alterations, \$3 million. This amount represents anticipated payments on construction contracts that are continuations of projects approved and started in or prior to the 1975-1976 fiscal year. For example, the Health Sciences project.

Government purchasing agency: Salaries, \$80,000. Provision of salary for the purchasing staff, buyers, typing pool, stock room staff, etc., expenses, \$6,300; travelling, office and delivery expenses in respect to purchasing staff and the moving of office equipment and equipment in St. John's, also the shipment of supplies throughout the Province, also cost of computer services re the purchasing programme, data, etc. Office supplies and advertising, \$250,000, providing normal office supplies to all government offices including purchase of pens, pencils, staplers, booklets, brochures, printing up forms, etc. Also the cost of routine advertising, tenders, applications for positions, etc. Also provision of reference books, etc. as required.

Office furniture and equipment, \$374,000. Requirement for provision of furniture and equipment to all government offices including desks, chairs, bookcases, typewriters, filing cabinets, adding machines, etc. Also proportionate costs of all government copying machines, rental and operation.

Printing and Photography, salaries, \$60,000; expenses, \$44,000; provision of printing and photography supplies, different

MR. ROUSSEAU:

types. Transport services—salaries, \$30,000; expenses, \$38,000.

The acquisition and operation of all vehicles attached to the departments, transport service, motor pool and for vehicles operated by the property management division. Provides for the normal replacement as older vehicles are retired. Also gas, oil, repairs for all vehicles.

Public Service Commission—salaries, \$50,000; expenses, \$36,000. It covers office expenses, travelling of the chairman and commissioners, holding job interviews, payment of candidates expenses in travelling to appear for interviews, etc. Also provision for continuation of staff training programmes and manpower planning.

C.A. Pippy Park Commission, Grant-in-Aid, \$55,000; current operating expenses of the commission includes salary of the executive secretary, one clerk steno, one clerical position. Also hourly salaries of some twenty to twenty-five open vote employees, gardeners, labourers, equipment operators, etc. Also provision of materials for ground care and upkeep. Provision is also included for the maintenance, light, heat and cleaning, etc. of the C.A. Pippy Park headquarters building at Nagles Hill. Grant-in-Aid, capital, \$100,000. Provision of funds for continuing programmes of property acquisition at C.A. Pippy Park, also landscape improvements around the buildings of participating parties in C.A. Pippy Park, Confederation Building and the university.

Miscellaneous, sundry, \$2,000 — Workmen's Compensation, fees and costs in connection with acquisition of land and minor works which do not — that comes to a total \$7 million, Mr. Chairman, and I certainly would be prepared if the hon. member for St. John's East (Mr. Marshall) would like a copy of that I will table it in the House.

Now in respect to the Scrivener project, Scrivener has gone bankrupt. This is the third time I have said this in the House, Mr. Chairman.

AN HON. MEMBER: Not bankrupt; in receivership.

MR. ROUSSEAU: All right, they are in receivership. Okay, alleged bankrupt.

AN HON. MEMBER: The outfit here.

MR. ROUSSEAU: The head company.

MR. ROBERTS: Not here?

MR. ROUSSEAU: No, the head company. Because there was a debenture arrangement with this company the receiver also had some involvement with this company, some loan outstanding which was guaranteed by the head office to this -

MR. ROBERTS: Scrivener of Canada owes to Scrivener of Newfoundland?

MR. ROUSSEAU: Yes, but there is a debenture that Scrivener Newfoundland owes to the Scrivener head office in Toronto and that puts some, I do not know what the relationship is, my legal -

MR. ROBERTS: It is involved in the assets.

MR. ROUSSEAU: Right but because -

MR. ROBERTS: Does anybody else own the shares?

MR. ROUSSEAU: No. Scrivener own the shares totally, but because of some lien that Scrivener, the head company had on this company here because of some debenture, some floating loan or something that the receiver became involved in this.

Now here is the situation, Mr. Speaker,

The receiver was appointed, a receiver by the court over which this government or this Province has no jurisdiction. The receiver, acting on behalf of the petitioners, has two possibilities. Number one, he may sell the shares of Scrivener. He may do that and we cannot say, "No, you cannot do that." We have no jurisdiction. The government has no jurisdiction. The receiver may do that. If he does that and he sells the shares of the company, in other words, sells Scrivener Newfoundland to anybody that he desires to do so, we have three months in which to say we are not satisfied with the company that you wish to sell it to, that they would continue on the Health Sciences project. We have not heard from the receiver to the effect that he is indeed prepared to sell the company to another company. In other words, we have not been asked whether we would approve of another company purchasing the shares of Scrivener. But the second one is that he can try and sell, as a receiver, the contract that Scrivener Newfoundland has in respect with the Department of Public Works, in respect to the Health Sciences Complex. We in that case have an immediate right of veto over who gets it. Okay?

Now we do have a letter, and the last time I replied to this question from the hon. member I said that the letter had arrived that day. Okay. Now I have issued strict, unambiguous, without hesitation or without reservation, directives to the department to one Mr. Bursey,

MR. ROUSSEAU: the ADM, and to Mr. Brophy, that when that letter is appraised as to whether we would recommend or refuse it, that I want it ironclad—I will put it on the record now and say it publicly—I want it ironclad, I want nothing left over. We are asking now to transfer the contract for the Health Sciences Complex.

AN HON. MEMBER: Would the hon. member -

MR. ROUSSEAU: No, one second now, one second, okay, good. It has not reached my desk yet. These two gentlemen, whom I view in my relationship with the Department over the year or so I spent in the Department of Health a couple of years back, are very competent people. As a matter of fact Mr. Bursey has been almost a one-man team in respect to the Health Sciences Complex.

I have asked them, and I say this now for a matter of record, to make it ironclad, to make it without detail so that I can come up in this House and say, here is why it is going to be done. Now those instructions, without ambiguity, unequivocally, have been given to them and they know the situation because the hon. member has raised the point and I want to ensure that whatever recommendation is made by them to government that it is an ironclad recommendation without any ifs, ands, buts or wherefores. That is as far as I can go until they do it, and I am certain on the basis of past performance that one or both of these gentlemen, whoever become involved—I know Mr. Bursey will, and possibly so will Mr. Brophy—that that report will be ironclad. There will be no question of high jinks. It will be a straightforward, engineering, technical appraisal of the suggestion given to us by, I think it is Clarkson, Gordon who is the receiver, by the suggestion given to them. Naturally we will react to their advice. The government will then make a decision on it.

Now that is as much as I can say on that now. A decision has not been made. At the moment we are appraising the situation departmentally, when it reaches my office naturally it will not be a ministerial decision, it will be a government decision. It will be brought before government.

MR. ROUSSEAU: I might also say one other thing. The hon. member has suggested that whoever gets this contract has a permit to print money, or words to that effect. That, Sir, is not correct because they are down there guided by a fee, and we can tell you right now in the department just how much - granted January 1, 1977 is a projected completion date - what the fees would be from now until then. We know what the fees will be, and it does not matter whether there is \$5 million, \$10 million, \$15 million or \$50 million worth of work, whatever the amount is has no bearing on the fees that the project managers get, no bearing on the amount of money spent, no bearing on their fees. They are on a set fee schedule and we are able to deduct almost to the dollar, I would hope, but, you know, within a reasonable amount, the exact amount of fees that they could expect to receive whoever gets it between day one when they get it and the anticipated completion date.

In respect to the suggestion with my hon. colleague and good friend, the permanent Minister of Public Works,

Mr. Rousseau:

if the hon. member would like to have a meeting with me and lay out the specific proposals, I will do so. Because when the question of the gentleman's house came up, it was brought up when I was mediating a dispute we had with a certain union, and with the project managers.

MR. NEARY: The plumbers and pipefitters.

MR. ROUSSEAU: No, no, bricklayers and masons.

And I asked the gentleman, who I have a very great respect for, from New Brunswick, the business agent who laid the charge during the course of the meetings, to give me a letter stating that - I wanted something official, and the hon. member has been a minister of the Crown and he does not act on verbiage.

MR. NEARY: Did that gentleman come to see you last week, by the way?

MR. ROUSSEAU: Yes, I saw them, yes.

MR. NEARY: That confirms it.

MR. ROUSSEAU: Confirms what?

MR. NEARY: The situation.

MR. ROUSSEAU: No!

Well, some gentlemen came in to see me. I do not know -

MR. NEARY: (Inaudible).

MR. ROUSSEAU: No!

I asked the gentleman to put it in writing, and I would investigate it. I gave that undertaking to him at the meeting and publicly in this House on a question, I think, raised by the hon. member from LaPoile. I have never received the letter. Now the hon. minister was a minister of the Crown, and knows that you do not act on hearsay. People have certain rights.

I say to the hon. member from LaPoile if you had - by the way, I might say, to go back to that one, I did receive a letter from the gentleman in question denying it. He did write the letter, the gentleman who made the accusation did not.

Now I say to the gentleman from LaPoile that if he has one two, five, ten -

MR. SMALLWOOD: The hon. gentleman if he has -

MR. ROUSSEAU: If he has, okay. If the hon. gentleman has, okay, from LaPoile has one, two, five, ten, one hundred, one thousand, five hundred thousand indications of wrongdoing at that Health Sciences Complex, I stand here in this House of Assembly, on my word of honour, and say to you -

MR. NEARY: Do what you are there for!

MR. ROUSSEAU: One second now, one second to the hon. member.

MR. NEARY: Do not say -

MR. ROUSSEAU: You give them to me -

MR. NEARY: I gave you one -

MR. ROUSSEAU: That is being checked into, by the way. That is being checked into.

MR. NEARY: I gave the hon. minister one -

MR. ROUSSEAU: Right. And that is being checked into. That is being checked into and remedial action will be taken.

MR. NEARY: I mean, can you not give the answer now?

MR. ROUSSEAU: I would rather not, I would rather speak privately since it was raised privately. Okay?

MR. NEARY: That is why I am raising these matters now.

MR. ROUSSEAU: Okay, good. The hon. member can raise them publicly in the House and I will answer them, or privately, and I will answer them privately. So I am telling the hon. member now that if he has indications of wrongdoing, put it in writing to me, put it in writing and I will investigate it. Because the last time the hon. member made an accusation was to the effect that many contracts, many contracts had been called without tenders. I immediately left the House and went down to see Mr. Bursey, and said, "Mr. Bursey, the hon. member from LaPoile suggest this. Would you please investigate it?" And at that point in time, which was a year and a half, two years ago, there were some, and I use round figures, I will not be held to those figures, but 136 contracts, I believe, but 130-odd contracts that had been called on the Health Sciences Complex; 125 or more had been called by public

Mr. Rousseau:

tender. The seven to ten that had not been called by public tender had been called by proposal from maybe two or three firms who were only able to do that work. That was satisfactory to me. I believe Mr. Bursey. I believe he is an honourable and an honest and a competent man. So, therefore, that suggestion was thrown out, and it was not correct.

But if the hon. member from LaPoile has any - and I am prepared to meet him too, privately if he wants to - but put it in writing and I can assure the hon. member that every last one of them will be investigated and will be answered in a proper and adequate way. Because if there is something going on in the Health Sciences Complex that the hon. member keeps hearing about, we are not aware of it. With a project of that size there is always going to be problems and undoubtedly there are. The gentlemen we have down there in the department trying to keep a handle on it are doing a fine and splendid job, especially in light of the fact that they have \$200 million worth of capital work going on there. There are two men down there - and what is the difference between hiring a group of individuals or hiring a firm to go out and try and manage that project? We think the project has been a very good one, by the way. The hon. member suggests it has gone up \$20 million. I questioned that, and then he said, \$15 million or \$20 million. If the project goes right now at this point in time \$10 million or so over that is about as much as it will go. And that is -

MR. NEARY: Will you give the project over there the \$10 million?

MR. ROUSSEAU: Yes, but I am saying now, on the figures we have now, but I say this to the hon. member,

MR. ROUSSEAU:

that in the last three years -

MR. NEARY: Where is it coming from?

MR. ROUSSEAU: It is coming from the government.

MR. NEARY: This government?

MR. ROUSSEAU: The Government of Canada. I say to the hon. member this, that with inflation as it has been in the past two or three years, with the original estimate of \$45 million, which did not include the landscaping and other work that should have been included down there but was not included, because the price was kept to \$45 million, to add that on gives an indication of why the price has gone up in that area. Then you add inflation on top of that and you do not have nearly as bad a project as it is painted out to be in terms of what the original 1971 estimates were of \$45 million. So I say to the member, privately, certainly I will meet with you, meet with the hon. member. If the hon. member wants to put it in writing I will investigate each and every allegation to the best of my knowledge, to the best of the hon. member from Humber East (Dr. Farrell), the Minister of Public Works' knowledge, and to the best of knowledge of people in the department, that there is not any wholesale ripoff down there. If there is, and we do not know about it, then we would certainly like to know about it because we are not part of it nor do we want to be part of it. I would hope that that puts the member at ease - and if he wants to, well that is all I can say, you know.

MR. CHAIRMAN: The hon. member from Trinity-Bay de Verde.

MR. F. ROWE: Mr. Chairman, yesterday my colleague, the shadow for the Ministry of Finance, the member for Burgeo-Bay d'Espoir (Mr. Simmons), made a brief speech on the Interim Supply Bill and made it quite clear to the House that he would be speaking for the official Opposition and he would hope that the Interim Supply Bill would go through rather quickly because it has to go through, and that we would be able to deal with most of the things that we are now talking about during the consideration of the estimates and during the Budget speech.

MR. ROWE:

Now, Sir, I realize that the member from LaPoile (Mr. Neary), the member from Twillingate (Mr. Smallwood), the hon. member from St. John's East (Mr. Marshall) and any other speakers who might have spoken or who intend to speak, intend to speak with conviction and with sincerity. They are discussing some pretty important topics, I will agree. But, Sir, may I remind hon. members that the hours that we are now consuming in dealing with the Interim Supply Bill, we are cutting out - or cutting into the seventy-five hours that would be normally spent on the consideration of the estimates. The way that we are going now, Sir, may I suggest that it is quite conceivable that we can consume the entire seventy-five hours on the Interim Supply Bill and there will be no time left whatsoever for the consideration of the estimates where all the details are.

Now, Sir, it is my humble opinion and that of my colleagues -

MR. SMALLWOOD: If the hon. member would allow me to interrupt him to ask him a question.

MR. ROWE: Is it a question?

MR. SMALLWOOD: Yes, to ask him a question.

MR. ROWE: Yes, I will yield, Mr. Chairman.

MR. SMALLWOOD: The seventy-five hours - of course, I have not been a member of this House for quite a while - the seventy-five hours, is that for the debate on Interim Supply and the estimates and the budget, the whole thing, or is it just estimates and Interim Supply?

AN HON. MEMBER: The whole thing.

MR. SMALLWOOD: Including budget?

MR. F. ROWE: Mr. Chairman, it is my understanding that we are now in Committee of Supply, and Committee of Supply is limited to seventy-five hours, Standing Orders (116) a, b, c, d, e, f, g, h. So therefore if we can - and I am not trying to downgrade the calibre of the debate of any hon. members who have spoken thus far, but we are going to shortly find ourselves in a position where we would have exhausted the seventy-five hours and all hon. members in this House, on both sides of the House, will

MR. F. ROWE:

probably be accused of allowing the estimates to slip through in a matter of two or three hours. So may I humbly suggest, Mr. Chairman, that we try to dispense with the Interim Supply Bill as quickly as possible and get on to the Come By Chance motion or the actual estimates themselves. I honestly feel that much of what is being said so far by all hon. members can be said in the budget speech debate, and of course during the estimates.

So I

MR. F. ROWE:

just want to go on record as - now we have not had a ruling, but it is our understanding - we will be glad to have a ruling from the Chairman - but it is my understanding and our understanding that we are now consuming the seventy-five hours that we would normally spend on the estimates themselves. Is that -

AN HON. MEMBER: Seventy-five hours for supply.

MR. F. ROWE: For supply, which includes the Interim Supply Bill as well as the estimates. Then of course we have thirty hours that we could be in Committee that we would report back.

MR. SIMMONS: That is wrong, but that is the case. We do not have any rules.

MR. F. ROWE: It might be pointed out, Mr. Chairman, that - I am not talking about whether this is right or wrong or whether the seventy-five hours is right or wrong. The rules have been brought into the House. We have to stand by the rules. We do not necessarily agree with them, and probably it might be an idea to look at the rules some time and consider the Interim Supply Bill and Supplementary Supply separate from dealing with the estimates themselves. But I would like to make that point, Mr. Chairman, because I am afraid that this hon. House - and every hon. member is going to be accountable for it - we are going to be in a desperately embarrassing position when it is reported throughout this Province that the estimates of - how many departments? - nineteen or twenty departments were flushed through this Committee in three or four hours or ten or fifteen hours. I simply want to make that point and go on record as saying that we do not wish to - we will if we have to, if this continues on the way it is, we will have to get into debate on the Interim Supply Bill - but we would like to go on record as pointing out the fact that we would like to get into the detailed estimates and deal with these broad matters that hon. members are dealing with in the Budget Speech and the estimates themselves.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: I would like to explain before I recognize the hon. member for LaPoile (Mr. Neary) that we have consumed just about three and a half hours of the seventy-five.

MR. MURPHY: Let us have the question.

MR. NEARY: I think, Mr. Chairman, that it is three and a half hours well spent. I would say that it has been the most productive three and a half hours so far this session. Although I appreciate the concern of my hon. friend from Trinity-Bay de Verde (Mr. F. Rowe), he should have reminded, the hon. member should have reminded his leader when he occupied the time of this House for three days making a windy speech -

MR. SIMMONS: That did not come out of the seventy-five hours.

MR. NEARY: Did not come out of the seventy-five hours, but it came out of the time of the House when we should have been doing something constructive to try to solve the problems.

MR. J. CARTER: Would the hon. member permit a comment?

MR. NEARY: Not a comment, no.

MR. J. CARTER: Would the hon. member permit a question?

MR. NEARY: A question, yes.

MR. CARTER: Mr. Chairman, does the hon. member realize that by persisting in speaking again and again and again to the Interim Supply Bill he is demonstrating to all of us that when we do, if and when we ever do get into the regular detailed estimates, that we will not get past even one subhead because himself and his soul mate will be up and down like connected jack-in-the-boxes? The whole situation is rapidly approaching absurdity.

MR. NEARY: Mr. Chairman, what else would you expect, Sir, from the hon. member for St. John's North (Mr. J. Carter) who took it upon himself recently to pass back his \$1,050, to have it laid upon the table of the House. He could have taken it out and given it to charity.

Now, Sir, I think the three and a half hours we have spent have been most productive. I think they have been the most productive

MR. NEARY:

three and a half hours that we have spent in this session so far. I remember, Mr. Chairman, well when I was a member of the caucus of the old-line Liberal Party, we would go and plan our strategy and then come into the House and members were undisciplined and would do exactly what they liked. The Leader of the Opposition would say he was going to do one thing and he would end up doing another thing. That long debate on the education estimates that we have heard about I believe was brought on by the Leader of the Opposition himself.

There will be plenty of time, Sir, to debate the estimates. The matters that I am raising are of urgent importance now. These matters have to be answered now, not two months from now. It is likely to take us another - we are providing Interim Supply for a two month period,

MR. NEARY: and the matters that I am raising are matters that should be answered right now, the questions that I am putting to the government. And if I have to do the job in this House single-handed I am quite prepared to do that too, Sir. They will get their day in court.

Mr. Chairman, I spoke a moment ago about my dissatisfaction with the performance of the Justice Department, but before I get to that, Sir, I want to deal with a couple of things my hon. friend said. Mr. Chairman, since I have been in this hon. House I have never, never, never heard such a nonsensical request in my life to ask a member to put in writing his complaints. I put my complaints on the floor of this House, the same as the Minister of Social Services and Rehabilitation did in 1972 that resulted in a judicial enquiry in this Province. I put my complaints, and I have laid it on the line, and I do not have to put anything in writing for the hon. minister. I asked the hon. minister the other day to check on a building down at Torbay that was rented to a certain individual by his department for about \$100 a month, that is now being used by Scrivener to store some of their material whereby this gentleman is getting, I am told, I asked the minister to check it for me -

MR. ROUSSEAU: I could not. It was hearsay.

MR. NEARY: I am in hearsay? But the minister just indicated to me a moment ago you checked it.

MR. ROUSSEAU: I checked it. If there is something there, well - if not there never was -okay?

MR. NEARY: There is no foundation to what -

MR. ROUSSEAU: I just said it is being rectified.

MR. NEARY: It has been rectified,

MR. ROUSSEAU: It is being rectified.

MR. NEARY: It is being rectified? Well there was something to it, Sir. There was something to it.

MR. MURPHY: The gentleman was subletting it.

MR. NEARY: The gentleman was not subletting it. He was getting paid

MR. NEARY: for warehouse space by Scrivener. Now the minister tells me it is rectified. Well the people of this province should thank me for raising it now that it was rectified. Maybe now the poor old widows and the orphans can get a few dollars in their social assistance cheque. And the member for Trinity-Bay de Verde (Mr. Rowe) does not think that this is serious.

MR. ROWE: A point of order; I distinctly said that every hon. member in this House is speaking with sincerity and with conviction, and I distinctly said that the things that are being brought up during the consideration of the Interim Supply Bill, the things that are being brought up are important. I did not say that it was not serious. I just reminded hon. members that we are cutting into the time that would normally be spent on the estimates. And I just ask the hon. member to retract these words because it is misrepresenting words that I have spoken in this House.

MR. NEARY: Mr. Chairman, there is nothing to retract. If I hurt the hon. member's feelings, that seem to be so sensitive, Sir, whatever it was I said to offend him I retract it. I do not know what it was.

MR. ROWE: That is the problem. You do not know what you are saying.

MR. NEARY: I do not know why they are so sensitive and why they are so concerned.

MR. SPEAKER (MR. YOUNG): Order, please!

MR. NEARY: They all have the same rights in this House as I do. The hon.-

MR. SPEAKER (MR. YOUNG): Order, please! I think it was more of a difference of opinion between two members than a point of order. I ask the hon. member for LaPoile (Mr. Neary) to continue.

MR. NEARY: Mr. Speaker, I hope I can continue without being harrassed by the old-line Liberal House Leader.

Well, Sir, I did raise that matter with the minister and I am - I do not know what the answer is, I still do not know. The minister should tell the House what has been rectified. I have told the House

MR. NEARY: what the problem was. The problem was that a gentleman had gone to the minister's department, rented warehouse space at Torbay for a specific purpose, ends up using the building for a different purpose, and more or less subletting. I doubt if there was a written agreement, probably an oral agreement, which involved Mr. Purdy, the gentleman who I mentioned before.

MR. ROUSSEAU: May I make a comment?

MR. NEARY: No. The hon. minister had his opportunity. He will have it again when I sit down.

MR. NEARY: And then he has the gall to say to me, "Put it in writing." Well, Sir, did every commission and every inquiry and every study that we have had done in this hon. House since I have been here, did the member or the minister have to put it in writing? Did they? I ask the minister. The minister is not going to catch me up on that kind of a -

MR. MURPHY: I think every serious charge should be presented in writing.

MR. NEARY: Well, Sir, I have made the charges. I have made the charges and it is up now to the administration and the Minister of Justice. And I have made other charges in this hon. House. I once charged the Minister of Mines and Energy with conflict of interest, and I got the flick out of the House for five days, not by the Speaker. I did not get flicked out for the same reason the Leader of the Opposition got the flick, I got the flick because I came in, which was my right, and accused the Minister of Mines and Energy of conflict of interest -

MR. CROSBIE: Scandal monger.

MR. NEARY: It was no scandal.

MR. CROSBIE: Loose tongue.

MR. NEARY: Yeah, kind of loose tongued, all right!

MR. CROSBIE: Your tongue is on a swivel.

MR. NEARY: I am kind of loose tongued. Well I have a few more little facts I am going to throw out now.

MR. MURPHY: Then throw them out.

MR. PECKFORD: Heave it out of you.

MR. NEARY: And see if the Minister of Justice will do anything about this or will he just sit back -

AN HON. MEMBER: Keep it up! Keep it up!

MR. NEARY: - just sit back as he has done when I asked him what he was going to do about vandalism and crime in this Province, and the minister says, "Oh anybody who talks about increasing vandalism and crime in this Province is unpatriotic, doing Newfoundland a disservice." And the poor old school boards cannot keep windows in the schools. They are getting wrecked. Practically

MR. NEARY: every day you will pick up your newspaper and read about schools being wrecked by vandals, and the minister buries his head in the sand and is not prepared to accept the fact that crime and vandalism is on the upswing in this Province.

What about the reports from Windsor, out in Central Newfoundland? Unless the minister is deaf, dumb and blind or all three -

MR. MORGAN: Are we on Interim Supply now?

MR. NEARY: Yes we are. I am talking about the Justice Department. The performance of the Justice Department I am talking about.

MR. MORGAN: Do not be wasting the time of the House.

MR. NEARY: Well, Sir, the minister might think it is a waste of time. That minister should go out and put the half-load limit on the Trans-Canada Highway before it is destroyed.

AN HON. MEMBER: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. MURPHY: You would want to be half loaded to listen to him.

MR. NEARY: Mr. Chairman, the minister sat back and did nothing about these matters. Absolutely nothing, Sir, not prepared to acknowledge the fact that these things are happening, that vandalism is a problem in this Province. The minister has not yet acknowledged that fact. And somehow or other every time you mention it he seems to back away from it and tell you that you are being unpatriotic.

Well, Sir, I am going to be unpatriotic again and tell the minister that this is a problem and it is about time that he did something about it.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: I also want the minister when he is on his feet - and I think probably I might be able to provoke him to get up to say a few words, too - I want the minister to tell us about an item in the Auditor General's Report in connection with his department taking into custody a schooner known as the Shirley Blanche, under what authority the minister took custody of that vessel and why he

MR. NEARY: kept it so long.

MR. HICKMAN: If that was the schooner, with a name like that it is going to take time.

MR. NEARY: The smile may be put on the other side of the minister's face before he is finished over that one.

Mr. Chairman, if that is the way that justice is being administered in this Province, Sir, if that is the way that the Minister of Justice is allowing lawyers to manipulate justice in this Province then, Sir, I think it is time for the minister to resign.

MR. HICKMAN: Tell us about this manipulation resulting in a great miscarriage of justice.

MR. NEARY: Mr. Chairman, this was a private prosecution, a private prosecution laid by the minister's former colleague, one Mr. Fintan J. Aylward, who represented Placentia East in this hon. House, who sat directly behind the Minister of Justice, and it so happens it involved my brother-in-law.

MR. HICKMAN: That is right.

MR. NEARY: I know all about it. I know all about the case. I am going to say it before the minister leaps to his feet and says, "Ah, he is talking" - I do not care, Sir, if it was my sister-in-law, my uncle or my grandfather or the Minister of Fisheries' brother-in-law or his uncle, it was a dastardly thing, Sir, that was done.

Mr. Neary:

taking into custody that boat to force the company that these particular gentlemen owned, two partners, put them in an embarrassing financial position. And it was a flimsy charge, it was a trumped-up charge, it was a political thing. A magistrate out in Gander heard the case originally. Got scared, frightened -

MR. MORGAN: Oh, now, now, now, watch it!

MR. NEARY: Yes, I am watching it.

MR. MORGAN: You are on dangerous ground now.

MR. NEARY: No, I am not on dangerous ground.

MR. MORGAN: Yes, you are.

MR. CHAIRMAN: Order, please!

MR. NEARY: I am not.

MR. MORGAN: Yes you are. You are threading on dangerous ground now.

MR. NEARY: - and passed it on to a higher court. And the minister was the one who had to make the decision whether or not there was legitimate grounds to proceed with the case.

And, Mr. Chairman, it would - I have the documentation. I am going to bring it into this House at a later date. I do not want to delay the Interim Supply Bill or take up -

MR. ROBERTS: Did not the minister retain counsel in that connection?

MR. NEARY: I am coming to that. That is the part that boggles - Look, it would frighten you, Sir! It would not happen in Nazi Germany, what happened to these two gentlemen, the runaround that they got, the royal shafting that they got! And at one stage, members will find it incredible to believe, that the gentleman who was representing a Mr. Weir who had drummed up, who had made these fictitious charges, the gentleman who was represented by one, Mr. Fintan Aylward at one stage of the whole procedure, the Minister of Justice appointed him the Crown Prosecutor. That is true! That is right! The minister said it is right. Appoints the gentleman who - not only that, but the gentleman happened to have a second mortgage on the boat, The law firm,

Mr. Neary:

the law firm that my hon. friend and learned friend the Minister of Mines and Energy whose name is on the door, Crosbie, Aylward and Something-or-Other, had a second mortgage on that boat.

MR. CROSBIE: Well I hope they got paid.

MR. NEARY: No, they did not get paid. The bank sold the boat and sold it legally and gave the two gentlemen a receipt, It was all registered, it was all signed, sealed and delivered, a legitimate sale, and this big government and this big Minister of Justice and his former colleague decided to put the shaft to these two poor little innocent fellows who cannot even afford a lawyer today, and denied them legal aid in the bargain.

MR. HICKMAN: Who denied them legal aid?

MR. NEARY: Whoever administers the legal aid.

MR. ROBERTS: Is Fintan still on the Legal Aid Committee?

AN HON. MEMBER: Yes.

MR. NEARY: And there you go again! I mean they are like flies around a molasses puncheon. And the case is not, I suppose the thing is not closed yet and never will. But I tell you it is a classic example of the kind of justice that we are getting in this Province. It is scandalous, Sir, absolutely scandalous! It is enough to make your blood curdle, boil. And the Minister of Justice should feel ashamed that he is heading up a department that allowed that to go on, a frivolous, a frivolous charge, vexatious! Nowhere else in Canada, Sir, nowhere are lawyers allowed to lay a charge of that nature.

MR. HICKMAN: That is not true.

MR. NEARY: That is true.

MR. HICKMAN: It is not.

MR. NEARY: Ah, Mr. Chairman, I checked it out, I have got all of the documentation, I have got enough to send the minister, before I am finished with him this session, to the moon and back. The only Province in Canada where you can lay a private - and not only that, involve the R.C.M.P.! And do you know, Mr. Chairman, that there was

Mr. Neary:

never a police investigation? Does the minister know that? There was never a police investigation carried out in that case. And yet it was passed on to the Supreme Court where these two gentlemen were humiliated and dragged into court and then thrown out, thrown out on the grounds that there was no case!

MR. ROBERTS: Did it get to the Supreme Court?

MR. NEARY: Yes, it got to the Supreme Court.

MR. ROBERTS: The Grand Jury?

MR. NEARY: Pardon?

MR. ROBERTS: The Grand Jury?

MR. NEARY: Yes, it got to the Grand Jury.

MR. ROBERTS: They said there was not even a case and threw it out.

MR. NEARY: Not only that, they would not even hear the witnesses, all the witnesses, before they took evidence from all of the witnesses, they said, now look this is too ridiculous to talk about, The minister's own public Director of Prosecution said it is ridiculous. The minister's

Mr. Neary.

deputy minister said it was ridiculous. The minister had it in his hand. I am not saying why he - I cannot impugn motives.

MR. HICKMAN: Go ahead!

MR. NEARY: No, I certainly will not. I am not allowed to do it under the rules of the House. I can think what I like. I can think what I like, Sir. I do not know whether it was political persecution or not. I am not prepared to lay that charge at this moment, but I may later on when I get warmed up and get in high gear. But, Sir, it was a scandalous, a disgraceful and an unforgivable example of injustice in the way that justice is being administered in this Province. That is not the only time it has happened. It is not the only time, but I am dealing with this one particular case. When I would come into this hon. House, and I would call upon the Minister of Justice repeatedly to launch a royal commission - and believe me, Sir, it warrants a royal commission, it is so big, it is so huge - to launch a royal commission into real estate transactions in this Province, second mortgage companies, brokers, and the minister always brushes it off by saying, "Oh, it is being investigated. My department has it in hand. Everything is under control." Well, I can tell the minister that everything is not under control, and I will give the minister now a couple of names of companies that I want investigated. Do I have to write a letter? I had to go once myself to the RCMP and lay charges. The minister should be doing this. If people are being ripped off, and people are being victimized, if there is an appearance of laws being broken, it is up to the minister, not me. I will do it if I have to. My hon. friend from Conception Bay South (Mr. Nolan) can verify what I am saying.

Mr. Speaker, these are things that have to be dealt with immediately, because our people are being ripped off at this moment by some of these brokers in finders fees, bonuses and high interest

Mr. Neary.

rates. I am going to give the minister the names of a couple of companies in a moment that I want investigated, and I got the evidence on double disbursements, double disbursements, Sir, where the broker gives the customer one set of disbursements and gives the finance company another set. That is in my opinion, Sir, fraud and extortion. It is illegal, in my opinion. I am not a lawyer. But is that not what the real estate agent was convicted of, only it was a different type of form he was dealing with? Was it not? Two separate documents, one to the customer, and one to the mortgage company. In this case its the disbursements by lawyers - one to the customer, and a different one to the mortgage company. And one other company, Sir, I am referring to - I am sure that all members of this hon. House must have heard of it - a company called LeBarron Mortgages Limited. And do you know who the owners are, Mr. Chairman? Well, I will tell you, because they deserve to be exposed the way they have ripped off the poor home buyers and the poor people who have no recourse, who are desperate for a few dollars, to consolidate their debts. The owners of LeBarron - I have often heard hon. members say, who owns LeBarron? A lot of people have said to me, well, the Minister without Portfolio owns it. It is not true. He does not own it. I have heard it said inside and outside the House. But one of the minister's law partners is one of the owners - Mr. Fabian O'Dea. Oh, pardon me - no, I am sorry, I am wrong. Right! I will come to the minister's law partner later. Mr. Fabian O'Dea is the owner who owns 998 shares.

MR. CROSBIE: That is an outdated order.

MR. NEARY: I beg your pardon? No, I know, that is all right. But, Mr. Chairman -

MR. DOODY: Make it clear who you are talking about.

MR. NEARY: I am talking about a Mr. Fabian O'Dea. Mr. Frank O'Dea, the lawyer, the minister's law partner did all the law work for this, all the legal work for this company.

MR. DOODY: Not Fabian O'Dea; the lawyer?

MR. NEARY: No; Frank O'Dea.

MR. CROSBIE: It is not Fabian O'Dea.

MR. NEARY: No, it is not the Lieutenant Governor. It is not the former Lieutenant Governor.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: All right. I would not want to get the poor old ex-Lieutenant-Governor involved. It is not him. Mr. Fabian O'Dea is the owner, and Miss Catherine O'Dea is one of the owners, and Robert Basha was the owner. That company, Sir, for two years was allowed-and I have asked the minister, begged and pleaded with him in this hon. House to investigate these companies - that company, Sir, has ripped off the people of this Province, those who are involved in second mortgages, getting loans and so forth, the likes of which you probably never heard of in your life, Sir. And now they are fading out of the picture. Now they have got such a bad reputation nobody will have anything to do with them, that they are now not processing second mortgages any more.

MR. ROBERTS: Who in the hell are they?

MR. NEARY: They are processing now under another name, Continental. Who owns Continental?

MR. MORGAN: Continental?

MR. NEARY: Continental Mortgage Services. Who owns it? Mr. Fabian O'Dea, Catherine O'Dea and Edward P. Noonan, lawyer, who is a lawyer with Noonan and Chalker, the same gentleman.

MR. MORGAN: They are only shareholders.

MR. NEARY: Noonan owns one share, Fabian O'Dea one share, Catherine O'Dea one share. Mr. Chairman, I am suggesting to the Minister of Justice, Sir, that this company, LaBarron, and this company, Continental Mortgage Services, should be investigated by the police. And I have very good reason for saying that.

MR. DOODY: What do you think they have done?

MR. NEARY: What do I think they have done? I think they have extorted exorbitant fees and bonuses out of the poor little consumer that came before them. And I also, Mr. Chairman, -

MR. MORGAN: There is no fraud, is there?

MR. NEARY: Pardon?

MR. MORGAN: Was there fraud?

MR. NEARY: Well, Mr. - the minister says, "Was there fraud?" There is appearance of fraud. I cannot say whether there is fraud, I am not a lawyer, I am not the law enforcement officer. I once had to go

Mr. Neary:

to the R.C.M.P. fraud squad on these matters. And I must say I have batted a pretty good average, and the gentleman whom I went to see is no longer in this Province. But I must say, the length of time that I dealt with him, he was a fine outstanding gentleman, I tell you, he was an inspector in charge of the fraud squad who feared nothing or nobody, ministers, politicians did not amount to a row of beans.

MR. WELLS: He was sued by Mr. Doyle recently.

MR. NEARY: Well, I do not know who he is being sued by -

AN HON. MEMBER: Among others.

MR. NEARY: Now, Sir, these two companies should be investigated by the police. And, Mr. Chairman, I have to remind the House that the representatives of the Department of Consumer Affairs have gone to the Minister of Justice's office on more than one occasion insisting, and not only that, Sir, but the reputable people, the legitimate people, the people who are running a decent second mortgage business have gone to the minister's Department of Consumer Affairs and laid complaints and they cannot get an investigation. They say the customer, the consumer has to be willing to lay a charge. What nonsense! Did the consumer have to be willing to lay a charge on all of the judicial enquiries, royal commissions, and investigations that we have had in this hon. House? No, Sir!

And, Mr. Chairman, while you are at it, while you are at it, Sir, I want to find out from the minister if under the Unconscionable, the Unconscionable Trans, is it?

AN HON. MEMBER: The Unconscionable Transactions Act.

MR. NEARY: The Unconscionable Transactions Act in this Province, if it is permissible for brokers to rip-off customers for 20 per cent bonuses. I could not find anything under the Act saying it is illegal. As a matter of fact, if anything the Act allows it. Maybe it is legal, Sir, but it is highly unethical and immoral and should be looked into, and I am asking the minister to write down the name of a couple of more companies that are involved in charging 20 per cent bonuses connected with legal firms. One is Whelan Realities Limited;

Mr. Neary:

one of the owners, Robert M. Hall, lawyer, and Mr. Robert M. Hall, lawyer, happens to be the solicitor also for the Newfoundland and Labrador Housing Corporation.

MR. NEARY: Pardon?

MR. PECKFORD: St. John's Housing.

MR. NEARY: St. John's Housing Corporation.

MR. MURPHY: Housing Authority, is it not?

MR. NEARY: No, St. John's Housing Corporation. Mr. Robert M. Hall, Mr. Patrick Whelan and Mrs. Catherine Whelan. Also, Mr. Chairman, would the minister make a note of a company called Beacon. By the way, the address of Whelan Realities Limited is Elizabeth Towers. Would he also make a note of Beacon Mortgage Company or Beacon Realities, whatever it is called, also owned by the Whelans. You know, Mr. Chairman, something, a little fact that may - you know, it is rather insignificant - a little fact that I happened to find out in my research, that the Whelans were heavily involved in raising funds for the Tory Party in the last election, heavily involved, Sir, strong arming -

AN HON. MEMBER: Bunkum!

MR. NEARY: Ah yes, Mr. Chairman, strong arming and using high-handed tactics to collect.

MR. MORGAN: They were not in Bonavista Bay. That is all I care.

MR. NEARY: They were not out in LaPoile, either. But they were collecting for the Tory campaign fund. Maybe it is not illegal but, Sir, it is worth looking into to see if there is any evidence of extortion involved. You did this much business with the government last year, you got to donate this much to the campaign fund, people were told. I know people who rebelled and refused to pay. I also, Sir, want to submit the name of Maritime Investment Limited, another firm that apparently is fronting for a law firm charging twenty per cent bonuses. Who do you think, Mr. Chairman, the owners of this company are? Does Your Honour want me to tell you? Is the House waiting with bated breath? Well, do not fall off your seats when I tell you. Twenty per cent bonus straight across the board, nothing illegal about it -

MR. MORGAN: Immoral.

MR. NEARY: Yes, the minister says immoral. I did not say it. The minister said it.

AN HON. MEMBER: Oh, oh!

MR. NEARY: Ah! Mr. Chairman, the collusion, it has to be collusion, Sir, when I tell the name, the House the name. I mean, how can there be anything but collusion. Maritime Investment, owner, owner, one of the owners, Molly Wells, husband, Roberts Wells, according to the registry office.

MR. WELLS: Is there anything illegal or wrong?

MR. NEARY: No, I made it perfectly clear, Sir, that -

MR. WELLS: Oh no!

MR. NEARY: No, All I want the minister to do is to make a note of it, keep it in the back of his mind. I want a royal commission, not only to look into this company the minister is associated with, I want a royal commission to investigate all real estate transactions for the last three to five years in this Province, second mortgage companies especially, LeBarron and the other one I mentioned, Continental. Maritime Investment: Molly Wells, according to the registry, husband, Robert Wells; Barbara O'Dea, husband, Frank O'Dea; Yvonne Halley, husband, Ray Halley. Not a bad little group, twenty per cent.

Mr. Chairman, I am asking the Minister of Justice to investigate to see if I am wrong. I am saying that Maritime Investment charged people twenty per cent bonus. As a matter of fact, Sir, when some companies, some reputable firms in this city refused to have anything to do with companies that were wheeling and dealing in bonuses and finder's fees, that this company, Maritime Investment rebated, rebated bonuses in certain cases. I am claiming now, Sir, that every bonus, every twenty per cent bonus that was collected by this company and other companies should be refunded to the poor victim. Maritime Investment is now in the process of being phased down. I could see

MR. NEARY:

what is happening - a little less and less activity in the registry office -being phased down. Before it is phased out and before the rest of these companies, Sir, are shut down and put out of business or withdrawn from the registry, I want a royal commission. This House should settle for nothing less than a royal commission to investigate the whole real estate transactions

MR. NEARY: in this Province involving lawyers and second mortgage companies.

You know, Mr. Chairman, the biggest culprits, and I am not referring to the minister, the biggest culprits in most of these cases are lawyers; lawyers, Sir, who are charging anywhere from twenty to twenty-eight, twenty-seven per cent interest to some poor old little fellow who cannot afford to get himself backed up in a corner. They seem to thrive on these poor little innocent fellows who get backed up in the corner, who need money to consolidate their debts, second mortgage money to finish their home and so forth. And these are the ones that are getting ripped off.

Mr. Chairman, in one of these cases involving LaBarron, I can produce the minister with - well I do not have it here right on the desk with me, but I can get it for the minister - an example of where a double disbursement was used. Now that is not the only case. There are others by LaBarron where the customer got one sheet of disbursements and the -

MR. ROBERTS: Well, what was the effect of that? I mean -

MR. NEARY: Here is the effect of it. I will tell the member what the effect was, and the member has a better legal mind than I have. The copy that was given to the customer, Sir, showed LaBarron, all it said was LaBarron - \$1,000. The member might like to write the figures down.

MR. ROBERTS: \$1,000 paid to LaBarron.

MR. NEARY: Yes.

MR. ROBERTS: Out of the proceeds of the mortgage.

MR. NEARY: Right. Appraisal - \$75, loan LaBarron - \$1,000, legal fees - \$325, legal work all done by my hon. friend's law partner and I do not know if my hon. friend shares in the revenue that comes into the office or not. If he does he might think about my suggestion to refund all these bonuses and finder's fees.

MR. ROBERTS: So the mortgage was, say, \$15,000 -

MR. NEARY: Legal fees - \$325, Chester Dawe - \$3,500, the gentleman in question - \$3,100, he was supposed to get in cash, total \$10,000. Okay?

MR. ROBERTS: The \$3,500 to Chester Dawe was presumably to be a loan or finance or something?

MR. NEARY: Right, material to build his home.

MR. ROBERTS: Yes. Okay.

MR. NEARY: Here is the way the Traders, as it happened it was Traders Finance, here is the one they got.

MR. ROBERTS: The mortgage was then resold to Traders Finance.

MR. NEARY: That is right. That is where the mortgage money came from. It did not come from LaBarron. They charged their - Listen to this, what they charge for arranging this mortgage! Bonus - this went to Traders now, and Traders, by the way, are a company who usually do not deal with companies who have finder's fees and bonuses. They happened to get sucked in, so they say. Their manager must have been awfully lax. Bonus - LaBarron, this is to Traders now, bonus - LaBarron - \$3,600, \$3,600 on a \$10,000 loan.

MR. MORGAN: Bonus paid to whom?

MR. NEARY: LaBarron. LaBarron. LaBarron. LaBarron.

MR. MORGAN: Yes? By Traders?

MR. NEARY: Look, the customer was given a copy, the money was provided through LaBarron, LaBarron Mortgage.

MR. ROBERTS: LaBarron lent the man \$10,000 and took a mortgage in return.

MR. NEARY: And sold it to Traders.

MR. ROBERTS: And they in turn sold it to Traders.

MR. NEARY: And this was a one day transaction of which they got \$3,600 for that little transaction, \$3,600! You know, Mr. Chairman, you are talking about a little ordinary fellow out trying to struggle to earn a living for himself!

MR. MORGAN: Trying to build a house.

MR. NEARY: Trying to build a house, finish a house. I do not know, as I said, if any of that money that goes into the minister's office, his name is on it, if any of it finds its way into the minister's pocket - book. I hope not. I would certainly lose faith in that minister. But he

MR. NEARY: should take a look at his law partner. I would not have my name on the door of a law partner that would do a thing like that.

MR. WELLS: My law partner is not LaBarron.

MR. NEARY: No, your law partner is Mr. O'Dea who issued these disbursement sheets.

MR. WELLS: But he is not LaBarron.

MR. NEARY: No, Sir. He is not LaBarron, his brother is LaBarron.

MR. WELLS: Oh! I mean how far does this go back? Do I chase down the -

MR. NEARY: Well, I mean, they are just like flies around a molasses puncheon. I told the minister that earlier. The minister will get up, answer, "Oh, how dare that member for LaPoile attack people who are not in this House to defend themselves." Well I say, how dare this crowd use their legal training to take advantage of innocent people in this Province!

Mr. Neary.

The minister can get up and condemn all he likes. I am making the charges, and I want an investigation ! Ten thousand dollars! Listen to this, Mr. Chairman - on one disbursement form to the customer, \$75 appraisal fee. That is the standard amount, as the minister probably knows, but in the one that went to Traders - \$95 appraisal fee. Legal fees on the one that went to the customer, \$325. On the one that went to Traders, \$251. And the total again is \$10,000. In my opinion -

MR. ROBERTS: Was the disbursement the same total in each case?

MR. NEARY: The disbursement it was the same - no, it was not.

MR. ROBERTS: Only one of those disbursements statements could be accurate. Maybe neither is accurate.

MR. WELLS: What is the name of the person in the transaction?

MR. NEARY: Mr. Chairman, I do not have permission of the person, although the person that gave my hon. friend and me the information had permission from the customer. My hon. friend from Conception Bay South (Mr. Nolan) can confirm everything I am saying. We were given the name of this customer. He agreed that we should have this information, but I have not had an opportunity to discuss it with the gentleman to see if I can release the name to the House. But I can certainly give the name, privately, to the Minister of Justice - double disbursement. Another case involving a gentleman in Corner Brook who borrowed a mortgage in the amount of \$7,300 - LeBarron again, handled by my hon. friend's law partner, ripped off this gentleman in Corner Brook for \$3,025 on a \$7,300 mortgage. It is not bad, eh? Not bad business. I got example after example. And here is one here. I can give my hon. gentleman an example with Maritime if he wants one: January 29, 1976 - and go and check the records in his office, his law partner's office. The gentleman wanted to pay out his mortgage. So they paid out in his behalf \$5,940.02. That was the principal and the balance on mortgage.

Mr. Neary.

Pardon me. Let me run through that again, Sir. The principal and the balance on the mortgage that was paid out on behalf of this gentleman was \$6,204.91. But the company that was issuing the mortgage said, "We will have nothing to do with bonuses or finder's fees. Your company charged this gentleman (This is Maritime) - did your company ever charge this gentleman a bonus or finder's fee?" And the answer was, yes. So I can tell the hon. member that the bonus in this case was rebated and that was on January 29, 1976, \$500 was the finder's fee for the original mortgage - \$500 by Maritime.

AN HON. MEMBER: A bonus?

MR. NEARY: A bonus which was rebated - refunded to the gentleman in question. But, Mr. Chairman, the ironical part of this is that LeBarron had already got this \$500 bonus, and they did not refund this gentleman with his \$500, although Maritime -

MR. WELLS: There is nothing wrong with it!

MR. NEARY: There is nothing wrong with it, Sir?

MR. WELLS: You will see. You will see.

MR. NEARY: Yes, I certainly will.

MR. WELLS: All right.

MR. NEARY: I will give it to the Minister of Justice, if the Minister of Justice will tell me here and now that he is going to launch a royal commission. Why should I bandy people's names around, and why should I get up and make this kind of a speech if I am not guaranteed that I am going to get a royal commission? I have to protect these people. And, Mr. Chairman, let me make it clear that not all second mortgage companies and not all lawyers are crooks. There are only some who are unethical, Sir, and immoral. There is a fellow down at the Portugal Cove Road. The poor old fellow wanted to borrow \$4,800. He was charged a bonus by Maritime of \$400, and a bonus by LeBarron, \$400.

MR. MORGAN: The same chap?

MR. NEARY: The same chap.

MR. NEARY:

Sir, I could go on and on and on and tell the House about these heartbreaking experiences. I hope I have taken up sufficient time, Sir, to be able to persuade the Minister of Justice - I know the minister is going to get up and say, well there is nothing illegal about all these things. Mr. Chairman, white collar crime is rampant in this Province. It is the worst kind of crime, white collar crime, and it is about time that the minister realized it and tried to do something about it. We saw examples of it in the Department of Fisheries. We see examples of it, and saw examples of it in the Department of Welfare. We see examples of it in the real estate business, in the automobile business, car business. We see examples of it every day in the legal business, and they do not have sense enough to regulate or discipline themselves.

Mr. Chairman, it is easy enough for the minister to get up and say we are going to bring in legislation to regulate these businesses.

MR. SMALLWOOD: Would the hon. member allow me a minute?

MR. NEARY: I only have two minutes, Sir.

MR. SMALLWOOD: I am sorry to interrupt him. This will not be taken off his speech. It will not use any part of his two minutes. If the Minister of Justice says - and if he says it, it will be correct - that this is not a matter of crime, that would mean only that the initiative in the appointment of a royal commission would not come from him. In any case, the initiative in the appointment of a royal commission should come from the Premier and his colleagues, the whole cabinet.

If there is a case for a royal commission let it be not as a matter of crime but a matter of injustice and so on.

MR. NEARY: That is right, right.

MR. SMALLWOOD: Therefore the royal commission should be set up by the government as a whole.

MR. NEARY:

Well, of course, Mr. Chairman, I appreciate that and I realize that, but I am appealing to the Minister of Justice. He has to make the recommendation to his colleagues.

MR. SMALLWOOD: No, he does not.

MR. NEARY: Well probably he has, Mr. Chairman. The Premier is not in his seat. Somebody has to make the recommendation and I am asking the Minister of Justice to put that recommendation up to his colleagues and not just stand there and say, oh, we are going to bring in legislation. There is nothing illegal about this. It is all legal. I have already said all that. I think that there are some things that have the appearance of being criminal, some of it, some of the things I mentioned, Double disbursement - I am not sure about it. Perhaps the minister can tell us but, Sir, something should be done about it, and the something that should be done is a royal commission to thoroughly investigate this whole unsavory, filthy, rotten mess in this Province, and the sooner it is done, Sir, the better.

MR. CHAIRMAN: The hon. Minister of Justice.

MR. HICKMAN: If I may deal with some of the - not accusations, the wild statements made by the hon. the member for LaPoile (Mr. Neary).

MR. NEARY: They are not wild.

MR. HICKMAN: Wild, wild, irresponsible. They could not be made outside of this House. He would not make them outside of this House, would not dare make them outside of this House, the names that he has referred to and used here today. The simple fact, Mr. Chairman, is this: That we have certain legislation in this Province governing the practice of real estate agents. That act is administered by the Department of Provincial and Consumer Affairs, or whatever the name of the department is.

Whenever, Mr. Chairman, the director of that department brings - he does not bring it to me, obviously - but brings to any Crown prosecutor in my department any file, any complaint that has been filed with him that he believes may indicate a breach of that

MR. HICKMAN:

provincial statute, that file is investigated and investigated vigorously and investigated fairly and there are specific instructions from me that, regardless of who the person or company may be, that if the evidence warrants it that a charge be laid.

It also follows, Mr. Chairman, that no responsible Crown prosecutor, and no responsible Minister of Justice, would ever dare disclose to this House or disclose publicly investigations that have been carried out and that do not reveal any breach of the law. That, Mr. Chairman, is the kind of tyranny, the very kind of tyranny that this House would not tolerate, but implied in the statements made by the hon. member for LaPoile (Mr. Neary) is the kind of tyranny that he approves, the

MR. HICKMAN: idea of making public investigations that are carried out that reveal no breach of our Provincial Statutes or the Criminal Code.

The hon. the gentleman from LaPoile (Mr. Neary) referred to the fact that in his crusade just before the last provincial election, on July 29, 1975 he went down - having first announced to the press that he was going down - to call on the Fraud Squad and to meet a member of the Fraud Squad and to give certain information concerning matters that he felt should come within the investigative powers of the police. For it to come within the investigative powers of the police it has to fall, Mr. Chairman, into one of two categories: (a) evidence to indicate that there may have been a breach of the Criminal Code of Canada, or (b) evidence to indicate that there may have been a breach of a Provincial Statute.

The first one that he asked to have investigated was investigated by the police; nothing found, frivolous, vexatious, waste of the policemen's time, waste of the Fraud Squad's time. The person who allegedly had been ripped off - if that is a crime, or if that is a breach of a Provincial Statute - did not corroborate, did not substantiate to the police any of the suggestions that had been made by the hon. gentleman from LaPoile (Mr. Neary).

The second one did not even fall into the category of a breach of any Statute.

MR. ROBERTS: When the minister says Provincial Statutes does he also mean the Criminal Code, which while it is not a Provincial Statute carries in court?

MR. HICKMAN: No, The Criminal Code - I am talking about the Real Estate Trading Act, It is a Provincial Statute -

MR. ROBERTS: I know that, but the minister is also responsible for the administration of the -

MR. HICKMAN: The Criminal Code.

MR. ROBERTS: - matters under the Criminal Code.

MR. HICKMAN: Well, there was no suggestion, there was no suggestion to the police that there had been a breach of the Criminal Code of Canada.

The third one was an investigation that was ongoing by the Newfoundland Constabulary for breaches of the Real Estate Trading Act, and I understand the charges were subsequently laid. But the hon. gentleman had a press conference the next day about this great crusade of his, how he went and brought all these matters to the attention of the R.C.M.P., that he had to do it. The simple fact - and let the record note, Mr. Chairman - was that the only one where there was a breach of a statute the Newfoundland Constabulary already had just about completed their investigation and charges were subsequently laid.

MR. MURPHY: Generated by my department.

MR. HICKMAN: Generated by the Department of Provincial Affairs and Environment.

Now, Mr. Speaker, I recall all the controversy that went on just before the last election about the real estate trading practices and all that sort of thing. But I want - just so that there can never be any doubt, nor anyone should ever accuse me of ever in the eight years that I have been Minister of Justice of ever interfering in a prosecution or an investigation, I say it categorically. My philosophy is and will continue to be that any person in this Province who comes to the police or comes to an official of my department or comes to me and says, "I believe that there has been an offence committed, I believe there has been a breach of a Statute, a Provincial Statute," and gives any grounds at all to warrant an investigation, that investigation will be carried out. And if the evidence shows, and if the evidence shows, Mr. Chairman, that there is sufficient grounds to lay a charge, that charge will be laid.

My instructions to the nine Crown prosecutors we now have have been very clear. Never, but never, fail to lay a charge where

MR. HICKMAN: the evidence warrants; but whatever you do, as far as humanly possible and your professional training allows, do not ever lay a charge against a person unless you have sufficient grounds to warrant the laying of that charge. To me that would be the most unforgivable thing that could ever happen in the administration of justice, and it will not happen so long as I occupy this Portfolio.

SOME HON. MEMBERS: Hear, hear!

MR. HICKMAN: Now, Mr. Chairman,

MR. SMALLWOOD: Would the minister allow me to ask him a question?

MR. HICKMAN: Yes.

MR. SMALLWOOD: Assuming, as we must do, that the Criminal Code has not been violated in these matters, or that any provincial statutes we have have not been violated, assuming that, as the minister is telling us in reference to certain cases that he has mentioned, leaving that aside, we have other cases here cited by the hon. member, if no crime has been committed, if no law has been broken except perhaps the law of God and the rules of morality, is there not need, not for a prosecution in court, not for the laying of charges, is there not need to have that stuff investigated? It is not the police who should do it. It is not the Department of Justice who should do it, but a royal commission, because it is a matter of common justice, I mean morality, not crime. Would not the minister agree? I ask him to answer, not as Minister of Justice, not as Attorney General, not as the chief law officer of the Crown but as a minister of the Crown and as a member of the Cabinet.

MR. WELLS: Does the hon. member vouch for the truth of everything that has been said here this afternoon?

MR. SMALLWOOD: I do not vouch for any of it. The first I ever heard of it is now. But the allegation is made by a member taking responsibility for it according to the rules. He is willing to lay the names privately before whoever wants them in the Cabinet and he asks for a royal commission. Surely that is the right thing to do.

MR. WELLS: But has the hon. member explained the whole thing, told the truth about it and explained it properly?

MR. SMALLWOOD: I do not know. All I know is what I heard him say.

MR. WELLS: We do not know, do we? Right, exactly. And he would have the police, everybody in the Province in their turn.

MR. HICKMAN: If I may deal very briefly with the question put by the hon. member for Twillingate (Mr. Smallwood), which I had intended to deal with a little later on.

MR. HICKMAN: The statements, and I will not do them the courtesy of calling them facts, that were made by the hon. gentleman from LaPoile (Mr. Neary) are not, number one, in breach of any statute today that exists in this Province today.

MR. SMALLWOOD: Perhaps there ought to be.

MR. HICKMAN: That is the same point I am coming to. In the Speech from the Throne, government has indicated that there will be laid before this session of the House a real estate brokers act. That act, which is a comparatively new piece of legislation in Canada, now British Columbia and Ontario have it of very recent vintage, it does not take care of a bonus. But what it does do is impose upon the lending institution and the finders an absolute obligation to disclose all of the facts to the borrower. Secondly, as I recall it, there is in the - and I have seen the draft bill - provision for what is called a cooling off period. You have a borrower coming in desperate for money. He or she is being pressed by other creditors and in their anxiety to meet these obligations they may sign a second mortgage or they may sign a promissory note at an interest rate and under terms which they may regret. Well, under the legislation that is in force in the two provinces, and the legislation that has been indicated in the Speech from the Throne, there will be a period, I believe it is forty-eight hours after the signing of the documents, whereby that person can come back and say, I repudiate it. Now the question of limiting interest -

AN HON. MEMBER: These people have got to find money somewhere.

MR. HICKMAN: They have got to find money somewhere, right. But I am dealing with, first, the question if you need a royal commission to investigate. Take all the allegations, supposing they are all 100 per cent correct, that the hon. gentleman has outlined here. He has to admit, we all have to admit that it is not in breach of any law today.

MR. SMALLWOOD: Right.

MR. ROBERTS: The double disbursement there?

MR. HICKMAN: Now the double disbursement, I have to confess I never, all of this - you know, I am ashamed to say this, but I have been out of the practice of law long enough now that these new innovations were not around in my day. I never heard of a double disbursement until yesterday.

MR. ROBERTS: Well, I have never heard of it before -

MR. HICKMAN: Yesterday the hon. gentleman from LaPoile (Mr. Neary) asked me a question about double disbursement and said he was going to debate it, and is going to debate it tomorrow on the late show, Thursday. So I made some inquiries then as to what is double disbursement. My understanding is,

Mr. Hickman:

you know, and I say this without prejudice because on Thursday I hopefully may have more information on it.

He said, a person goes to - I hate using the names of companies that are presently in existence - goes to Jones Mortgage Company -

MR. SMALLWOOD: Jones, Smith and Robinson.

MR. HICKMAN: - and says I want to borrow \$10,000. And Jones says to that person, "We think we can find you that \$10,000, but there is going to be a bonus chargeable to you of \$1,000, and you are going to have to pay that \$1,000 and if you have not got it instead of borrowing \$10,000 we will have to borrow \$11,000." And the person says, "Yes, that is fine. I am prepared to pay it." So this Jones Investment Company then goes to , let us say, any finance corporation to borrow \$11,000. And they have two - what is that word again, we were talking about?

AN ION. MEMBER: Double disbursements.

MR. HICKMAN: Double disbursements. There is a disbursement signed by the borrower authorizing the payment of \$1,000 out of that fund, that \$11,000. There is another from the finance company instructions to their solicitor saying , "Here is what you do with this money. You pay out \$5,000 to pay off that second mortgage that is already on. There is \$2,000 owing to IAC on a car. You owe the Bank of Montreal \$3,000." You pay them off, and a list of other finance companies. And included in that disbursement is that \$1,000 for the other company. Now that is the explanation that I have received so far on what is a double disbursement. But I see no indication -

MR. WELLS: If I might. It is a letter in effect from the borrower authorizing the law firm that is handling the transaction to pay whatever amount is agreed to the broker who arranged the mortgage for him. That is what it is.

MR. HICKMAN: Yes.

MR. ROBERTS: Well, that is fine. But, I think that the danger or the difficulty that the gentleman from LaPoile has brought up,

Mr. Roberts:

whether he knows he brought it up or not, is, surely, does the borrower know. I mean, these are two cushy statements.

MR. HICKMAN: Oh yes, because my understanding is that the borrower -

MR. WELLS: Yes, because he has to sign it.

MR. ROBERTS: Does he sign each of those two documents the hon. gentleman referred to?

MR. WELLS: Oh yes! The borrower signs it, otherwise the law firm would have no -

MR. ROBERTS: Then in that case have both those been signed by the mortgagor, have they?

MR. NEARY: Why not I do not know.

MR. ROBERTS: He does not know.

MR. HICKMAN: My understanding -

AN HON. MEMBER: Try and find out.

MR. WELLS: Incredible.

MR. HICKMAN: my inquiries that I have made since that question was asked -

MR. WELLS: This is the 'incredible -

MR. HICKMAN: - that it is, that there is an authorization signed by the borrower to deduct \$1,000.

MR. WELLS: Of course.

MR. ROBERTS: The hon. member has one transaction -

MR. HICKMAN: No, you may say it is unconscionable.

MR. ROBERTS: No, I would not think - we can come back to unconscionable. The hon. gentleman has two sheets of paper down there, he produced them, which I assume are copies of disbursement sheets. Okay? I mean it is quite in order, you know, if you are borrowing some money obviously to tell your solicitor who is receiving the funds and where you want him to put the money. That is legitimate and straightforward and proper. But the hon. gentleman has two sheets in the same transaction which are different.

MR. WELLS: Right. If the hon. member yielded I can explain to you what happens. This is a standard procedure.

MR. HICKMAN: What about me?

MR. ROBERTS: Well I mean I am interested. I think the hon. gentleman has made a real question.

MR. WELLS: No but the question has been raised, you know, and -

MR. ROBERTS: I will yield, go ahead.

MR. WELLS: If the hon. member would yield for a moment, and especially because, you know, I keep my cool. The hon. member has tried- you know, it is a funny thing, Mr. Chairman, but, you know, I suppose there must be dozens of second mortgage companies in this Province operating. They all do exactly the same thing. I have been a member of the Bar for, what? about eighteen years, They were certainly doing it when I came on the scene, so it is nothing new. But I think it very interesting the firms that the hon. member decided to name, you know, because he is a great politician the hon. member, and he wields his knife, you know, and I presume if he has any friends in the second mortgage business he made sure he would not mention them. But that is neither here nor there.

MR. NEARY: I do not have any friends in the second mortgage business.

MR. WELLS: I see. Nor in the automobile Dealers business, nor among the ophthalmologist or the optometrists or -

MR. NEARY: No, I do not.

MR. WELLS: - any of the other people -

MR. NEARY: No.

MR. WELLS: - that the hon. member has attacked over the years.

But anyway the way it works is this -

MR. NEARY: I have no strings attached.

MR. WELLS: - a broker gets a customer, wherever he gets him, who wants to borrow 'X' thousand dollars, whatever it may be, and the broker then goes to a finance company or a financial house and arranged the loan literally as a broker, will you lend John Jones 'X' thousand dollars. So the finance

MR. WELLS: company says yes if he meets their requirements.

So then they send instructions to a solicitor, and on the instructions -

MR. ROBERTS: They being the broker?

MR. WELLS: No. No. No. The finance company.

MR. ROBERTS: The finance company.

MR. WELLS: Yes, send instructions and on the sheet to the solicitor is you will disperse \$5,000 to the Bank of Commerce, \$3,000 to Household Finance, \$2,000 to John Jones or whatever and to the balance, let us call it \$3,000, to the customer who is Mr. John Jones. Okay?

Now the mortgage broker -

MR. ROBERTS: Well that is so whether there is a broker or not?

MR. WELLS: That is right. That is so whether there is a broker or not.

MR. ROBERTS: When I remortgaged Hogan's Pond there was a sheet like that.

MR. WELLS: That is right. That is right. But the broker obviously is not doing this for nothing, whatever we may think of the amount of his fee. So he then produces a sheet which he has to get, or someone has to get on his behalf, the borrower to sign authorizing the law firm in question, whoever it might be, to pay him the mortgage broker his fee, whatever it is. Because otherwise the law firm would have no authority to pay that money out to a third party. So that is the disbursement sheet that is called -

MR. ROBERTS: That is straightforward, but that is not what the gentleman from LaPoile (Mr. Neary) was talking about.

MR. WELLS: No, I know, but what the gentleman from LaPoile was talking about -

MR. NOLAN: Could I ask a question of the hon. minister?

MR. WELLS: Yes.

MR. NOLAN: Is there anything in the Law Society Act that if I, for example, as a citizen go to you tomorrow and ask you to act for me in raising money, and if there is a bonus involved - I do not mean the

MR. NOLAN: hon. member personally - but if there is a bonus involved, and if the hon. member is also the lawyer in question, is also the agent, as it were, for a company with money, I mean is there not a breach of ethics there if you are working it on both ways?

MR. WELLS: I do not know what we are talking about now. It is customary for -

MR. DOODY: Would the hon. member yield for advice? Are we still in committee?

MR. ROBERTS: Yes we are still in committee, Mr. Chairman, and the thing about committees -

MR. WELLS: Yes, this is if -

MR. ROBERTS: Let me say a word, Mr. Chairman.

MR. WELLS: I think I explained quite clearly what happens to the -

MR. ROBERTS: Mr. Chairman, we are in committee and it is certainly more to the point than much of what has been said this day or yesterday on this, because if the hon. gentleman has raised - there is an abuse on - there is no doubt about mortgage brokers or unscrupulous transactions, but that is a separate issue at this moment. It is not that I am yielding because in committee a member may speak as often as he likes, as the Chairman knows.

MR. HICKMAN: All right, I yield.

MR. ROBERTS: The minister is a very yielding man, I have discovered over the years. But, Mr. Speaker, the situation described by the gentleman from LaPoile (Mr. Neary) which puzzles me more, the more explanations there are, is not simply a matter of \$10,000 being borrowed from a finance company in a loan arranged, or from a mortgagee, from a source, and the borrower -

MR. WELLS: Does the hon. gentleman understand what I have said?

MR. ROBERTS: Well I think so. I mean I borrowed some money last year, putting up as security my home at Hogan's Pond. That is all down in the Registry. It is all in my conflict of interest statements there. And as

MR. ROBERTS: part of that I signed a letter or piece of paper, call it what you wish, an instruction to my solicitor authorizing him to pay some money out to release the mortgage that was previously on the home, and authorizing him to pay the registration fees, and interesting enough the gentleman from LaPoile (Mr. Neary), did not mention, I assume it is on those disbursement things, the registration fees that the government collect in the Registry of Deeds, and there was an appraisal done on my property and then the solicitor managed to earn himself a fee and took it out on the way through. I might not like it, but since I am in that particular trade union I can hardly object to the solicitor getting a fee for doing a solicitor's job. That is straightforward.

MR. WELLS: Now if I may ask the question which I think will explain it to the hon. gentleman; if a broker had arranged the hon. gentleman's mortgage -

MR. ROBERTS: The broker would be entitled to a fee whether I liked it or not.

MR. WELLS: Yes, the amount is -

MR. ROBERTS: Yes, forget the amount for the time being.

MR. WELLS: Yes, but in order to get his fee the broker would have had to present, or someone on his behalf, the hon. gentleman with a form authorizing the law firm in question -

MR. ROBERTS: Sure. Sure. Because otherwise the balance -

MR. WELLS: - to pay the broker's fee, Now that is what is the double disbursement.

MR. ROBERTS: - the balance that the law firm.

AN HON. MEMBER: Is that it?

MR. ROBERTS: No, I do not think it is. I think it is a little different.

MR. WELLS: Then I do not know what this other thing is.

MR. ROBERTS: The balance that the law firm - When I remortgaged my home, the balance that was left after the disbursements were paid out came to me. A cheque was made payable to me, drawn by the law firm on their trust account, and it went into my bank account and I then used it as I saw fit.

MR. ROBERTS: Now if there had been a broker involved, unless I had told - let us say the balance was \$500 after everything had come out, the lawyer who acts on a solicitor-client relationship with me, with me being the client at this point, the lawyer would say, "I pay Roberts the \$500," And if the hon. gentleman had come in and said, "Look, I arranged that loan. I am entitled to a fee," the hon. gentleman would be told, "Look, you go talk to my client."

MR. WELLS: Exactly.

MR. ROBERTS: Unless I had given a direction to the solicitor. That is, you know, clear.

MR. WELLS: That is what we are talking about.

MR. ROBERTS: But I am not sure. That is why I would ask the gentleman from LaPoile (Mr. Neary) and that is why I am back at it now.

MR. ROBERTS:

I will talk in due course. I do not think we should do it in Interim Supply. If we ever get to the Minister of Justice's estimates I think we should have a long look at the Unconscionable Transactions Act and that type of thing because it is a rip-off but the problem is it is not enough simply to say it is a rip-off. These people must have money.

My friend and colleague from Conception Bay South (Mr. Nolan) and I have spent many a happy morning down in the Registry looking up some of these transactions, not involving any particular firm, involving a number. And what bothers me is not only are there large bonuses but most of these are only for one day. And I am not sure that the man who wanted - you see you pick up the newspaper - I do not know if there are any in today's paper - but you will see Mortgages Arranged, ABC Limited. Okay. The man goes into ABC Limited and he gets a mortgage, and all he knows is that ABC Limited pays him the money, he signs a bit of paper mortgaging his home to ABC Limited. What he does not know is that ABC Limited is a broker. I think that may be the purpose of this act. But, you know, he does not realize that ABC Limited on day two - indeed my friend and I must have found about twenty examples on the same day and the hard part is that these are not people who are used to dealing with lawyers. These are not members of the House who presumably have had some experience. These are people - we found one, a labourer in Botwood. Now a perfectly decent, fine man, I have no doubt, but probably the only time in his life he has had anything to do with a lawyer was when he fell into this situation.

If somebody tried it on the gentleman from Kilbride (Mr. Wells) or the gentleman from LaPoile (Mr. Neary) you would have stood on your hind legs and said, you know, what is this all about. But that mortgage was not made with ABC Limited and ABC Limited were only the broker. The next day they promptly sell it.

MR. WELLS: They assign it.

MR. ROBERTS: Well, assign is the technical term but for the benefit of the non-learned members of the House in the legal sense, it is a sale.

MR. WELLS: But that does not change the terms.

MR. ROBERTS: No, no! No, no! But to come back to the disbursement thing, the point is that there are two different - the hon. member for LaPoile (Mr. Neary) read -

MR. WELLS: I do not know anything about that sort of stuff.

MR. ROBERTS: And that is on the surface it bears questioning. It may or may not be fraudulent, because the member for Kilbride (Mr. Wells), the hon. gentleman, would agree that, to go back to my Hogan's Pond analogy, if the statement which I sign to my solicitor had one set of figures and the statement which the broker came and put up had a different set of figures, then there is something wrong. Now that is what I understood the hon. gentleman from LaPoile (Mr. Neary) - I do not know where he got this double disbursement term. But I mean there is something wrong somewhere, and the totals -

MR. NEARY: That is the term used in the industry.

MR. ROBERTS: Oh, well, all right. I mean I have nothing to do with the industry. I hold shares in a company that makes first mortgages, Newfoundland Building, whatever, Savings Investments. I have been in it for forty years, and I hold shares and it is all in my conflict of interest.

MR. WELLS: Be careful! Your turn may come!

MR. ROBERTS: No. To my knowledge they have never gone into a second mortgage. Indeed they are a very good company because they lend money for older homes around town and indeed the gentleman from St. John's East (Mr. Marshall) used to be their solicitor until the company changed solicitors for good and sufficient and ample reasons which the hon. gentleman would not want me to go into, I am sure, but for good and ample - it was hardly political because it

MR. ROBERTS:

went to Thomas Fowler. That firm now do the work. But, you know, Newfoundland Building and Loan, whatever it is called, lend a lot of money in fairly small loans but they are not second mortgages.

But that is not the point I am getting at, the point is that I think the gentleman from LaPoile (Mr. Neary) has made a point that has not been answered. I will call it six, because it is at least six. I do not know if the hon. House Leader wants to raise the Committee or whether he intends to come back.

MR. WELLS: I think we will come back and go into Committee.

MR. ROBERTS: Does the hon. member wish to raise it and then come back?

MR. WELLS: No.

MR. ROBERTS: In that case you just call it six, I believe, Mr. Chairman, and at eight we carry on.

AN HON. MEMBER: Call it six first.

MR. ROBERTS: It is not for me to call it six.

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

The Committee resumed at 8:00 p.m.

Mr. Chairman in the Chair.

MR. CHAIRMAN(Mr. Young): Order, please!

MR. HICKMAN: Mr. Chairman, before we adjourned at six o'clock the hon. the Leader of the Opposition was speaking. But I would like now with the indulgence of the House to very -

MR. ROBERTS: Committee.

MR. HICKMAN: -Committee -to very briefly deal, I sort of got sidetracked in dealing with certain statements made by the hon. the member for LaPoile(Mr. Neary) this afternoon, and I would prefer to deal with them, if it is the wish of the Committee, in the order in which they were made.

Now, Mr. Chairman, the hon. gentleman from LaPoile(Mr. Neary) in his opening remarks the last time he was on his feet referred to an item in the Auditor General's Report concerning certain expenses which were incurred by the Crown with respect to the care and custody of the motor vessel Shirley Blanche. Ordinarily I would not feel it incumbent on me to respond to these statements except for two statements that were made by the hon. gentleman. One was that lawyers were manipulating justice in the Province, that this was a dastardly act, that it was done, and the far more serious one, that the magistrate got scared and put it into a higher court.

Now, Mr. Chairman, simply for the record, may I indicate to the committee in the chronological order the events as I know them which occurred with respect to the motor vessel Shirley Blanche? On July 22, 1974 Chief Magistrate Hugh O'Neil, a man of undoubted integrity and a man of forty years experience and undoubtedly good ability, and whose fairness and knowledge of the law in my opinion could never under any circumstances be questioned, on July 22, 1974 Magistrate Hugh O'Neil issued out of the Magistrate's Court a warrant to search directing the peace officers, in this case the R.C.M.P., to search and seize the motor vessel Shirley Blanche and whatever was on board that vessel.

MR. HICKMAN:

My understanding, because this is after the fact, much after the fact as far as the Crown was concerned, is that a gentleman named Reginald Weir laid a complaint before Magistrate Hugh O'Neil. Obviously he met the requirements of the law, because he is obliged to satisfy the court that there is reasonable and probable grounds to believe that an offence has been committed and that a warrant to search is necessary for the further investigation of the offence, etc. In the meantime, and this is only hearsay from my point of view, there apparently was a - the motor vessel Shirley Blanche was a vessel at that time, in July of 1974, moored in the port of Lewisporte. I have heard that there may have been some disputes between the alleged owner, Reginald Weir, or the gentleman who says he is the owner - and I understand, by the way, he is still alleging in another action in the Supreme Court that he is the owner right now, that there is an action before the Supreme Court on that very issue in a civil action but he is still making the same allegation. That, of course, is no concern of the Crown's and the matter is before the civil court, and as I say, of no concern to the Crown. In any event, whatever transpired on July 22, 1974, the motor vessel Shirley Blanche, in the possession of two gentlemen named Mr. Michael Maher and Mr. Hurley, departed from Lewisporte en route to St. John's, and on the 22nd of July the vessel went aground at Knight's Island, approximately fifteen miles from Lewisporte. On July 26 the officers of the Crown received summonses which had been issued by Magistrate O'Neil against these two gentlemen, and they were instructed to, at the same time, seize and search this vessel and to serve the summonses.

Mr. Hickman.

The summonses were served by the RCMP on August 2, 1974, and on August 6, 1974 the parties appeared in the Magistrates Court at Lewisporte and at that time both sides were represented by counsel, and the court addressed itself only with the disposition of the boat insofar as what should happen to it whilst the matters before the court were adjudicated on.

MR. NEARY: Lewisporte or Gander?

MR. HICKMAN: This was in Lewisporte. And in Lewisporte on August 6 - anyway the notes I have indicate Lewisporte, and that is what I am told - the magistrate directed the Crown to place a guard on the vessel until the court date was set for the hearing. And there was a further hearing in Gander on September 10, and there were very substantial arguments, I am told, placed before the court at that time as to who should have the care and custody of the boat, and the magistrate presiding directed the Crown that the RCMP were to take possession of the boat and keep it in their possession -

MR. NEARY: Who gave them custody?

MR. HICKMAN: The magistrate.

MR. NEARY: Magistrate Stone?

MR. HICKMAN: Magistrate Stone.

MR. NEARY: In Gander?

MR. HICKMAN: In Gander.

MR. NEARY: Orally or in writing?

MR. HICKMAN: Orally from the bench. That is more than adequate in any court of law. And the RCMP and the Crown had certainly no alternative - indeed they would be very derelict in their duty if they did not accede to the decision of the court, a decision which was made after very protracted arguments by counsel for both sides. At least there was considerable argument by counsel for the accused. Now I do not know what argument there was on the other

Mr. Hickman.

side, but they were represented by counsel. And from that date on the Crown was obliged to look after that boat in Twillingate, with a twenty-four guard placed on the boat, which cost the Crown eventually a lot of money that did not make me very happy, totalling approximately \$12,000, and the hon. Minister of Finance even less happy. But surely the responsibility of the Crown is very, very clear.

Up to this time - certainly I did not - and my -

MR. SMALLWOOD: If there is a charge laid, does the magistrate lay the charge?

MR. HICKMAN: I am coming to that. Subsequently on November 7, 1974 - and I have to confess that that was about the first time I had heard of it, because I read in the paper where there was a case out in Gander involving the alleged theft of a schooner - but in any event on November 5, 1974 - the two gentlemen, Messrs. Maher and Hurely appeared in the Magistrate's Court at Gander. The magistrate advised - and they were represented by counsel, both parties - that he was treating a proceeding as a preliminary hearing under section 485 of the Criminal Code of Canada.

MR. ROBERTS: Who had laid the charge?

MR. HICKMAN: The charge? As I said earlier, the charge was laid by a Mr. Reginald Weir.

MR. ROBERTS: So this was a private prosecution.

MR. HICKMAN: That is right, the private prosecution, not without precedents in this Province at all.

MR. ROBERTS: I know it is after eight o'clock, but before he finishes, I hope he will tell us of all the other private prosecutions which occurred in this Province since Confederation?

MR. HICKMAN: I can think of a couple that I was involved in.

MR. ROBERTS: I bet that there have not been half a dozen.

MR. WELLS: I have been involved in at least half a dozen myself.

MR. HICKMAN: That is right.

MR. ROBERTS: They should be barred. Only the Crown should be allowed to take those proceedings.

MR. HICKMAN: That is sometimes an agonizing position that the Crown finds itself in. In any event, after the hearing of the preliminary inquiry and after lengthy summation by counsel for both parties, the magistrate advised that he was postponing the judgment and the court records show the length of the argument. They were quite lengthy, I am told -

MR. NEARY: Are you going to table them?

MR. HICKMAN: Until the 21 day of November, 1974. Or the 21 day of November, 1974 the magistrate handed down his decision and felt that there was a case to be answered, and he, therefore, pursuant to the his rights in the law, committed the defendants to stand trial in the Supreme Court of Newfoundland. On January 7 -

MR. NEARY: On what charge?

MR. HICKMAN: Charged with theft of the Shirley Blanche.

MR. NEARY: Charged with theft in the boat they bought from the Bank of Nova Scotia.

MR. HICKMAN: The magistrate made the finding. The magistrate found that there was reasonable -

MR. NEARY: An example of the administration of justice in this Province!

MR. HICKMAN: That is right.

MR. NEARY:

I mean, two people's reputations are at stake.

MR. HICKMAN: Mr. Chairman, if I may be allowed to give the facts, because facts, I realize, sometimes the hon. gentleman from LaPoile hates to hear them. He cannot stand the facts.

MR. NEARY: Oh, no. I am listening, do not worry.

MR. HICKMAN: On January 7, 1975 my department for the first time became involved in that the magistrate or his clerk sent copies to the Deputy Registrar of the Supreme Court of all the documents, and a copy came in to us.

MR. NEARY: And the Chief Justice nearly threw up when he got it!

MR. HICKMAN: Chief Justice Furlong did not see nor would he be privy to the documents at that time.

MR. NEARY: Well he did get the documents. That is right.

MR. HICKMAN: In February I had several discussions then with the Director of Public Prosecutions.

MR. NEARY: Mr. Connors.

MR. HICKMAN: Mr. John T. Connors.

MR. NEARY: Who wanted the whole thing quashed in the beginning.

MR. HICKMAN: Mr. Chairman, that is not so.

MR. NEARY: That is so!

MR. HICKMAN: My position has been and will continue to be that whenever a magistrate finds that there is a reasonable and probable cause of action, that I would be very derelict in my responsibility or my duty if I interferred and filed what is known in the laws as a nolle prosequi. Since I have been Attorney General I can only recall on about two occasions where nolle prosequi has been filed, and these have been in cases where a charge has been laid but subsequent evidence was uncovered by the police which indicated that indeed there was no longer reasonable and probable grounds to proceed with the charge, and that is a fair and equitable way, in my opinion, to deal with it.

Once the magistrate makes that decision and refers it to the

MR. HICKMAN:

Supreme Court of Newfoundland for a person to stand trial, who am I, who is the Crown, to suddenly intervene and say, you are wrong, we are not going to proceed?

MR. NEARY: Well, how come you told me the magistrate was stunned and stupid to let it go in the first place?

MR. HICKMAN: Mr. Chairman, that is - I not only deny it. I would say that that is totally, absolutely, irrevocably untrue.

MR. NEARY: You told me right up behind the curtain of this hon. House.

MR. HICKMAN: I most assuredly did not.

MR. CHAIRMAN: Order, please!

MR. HICKMAN: I have nothing but the greatest confidence in the courts, in all the magistrates of the courts.

MR. NEARY: Right up behind the curtain there you told me that.

MR. HICKMAN: Including Magistrate Stone, if he was the gentleman who decided.

Mr. Chairman, the question then came - and this is where I had discussions with the Director of Public Prosecutions - on who would appear for the Crown. His advise to me, which I felt was very sound, was that Mr. Fintan Aylward, Q.C., who had acted for the complainant at the preliminary hearing, who was fully -

MR. NEARY: Who had a second mortgage on the boat.

MR. HICKMAN: - familiar with the fact surrounding this case -

MR. NEARY: I guess he was.

MR. HICKMAN: - should be retained by the Crown to act. I thought that was fair, strong, good advice.

MR. NEARY: Why did you do that? Tell the House why you told me you did it?

MR. HICKMAN: In any event, Mr. Aylward was instructed to proceed. Shortly thereafter I was approached by the hon. gentleman from LaPoile (Mr. Neary) -

MR. NEARY: Right.

MR. HICKMAN: He said, I do not think Aylward should be appearing in this case because -

MR. NEARY: And the Leader of the Opposition.

MR. HICKMAN: - and the Leader of the Opposition - because he has a second mortgage. I said, all right, if there is the slightest doubt as to who should appear, regardless of the cost that the Crown will be put to, I will instruct one of our Crown, the Director of Public Prosecutions, to instruct one of the Crown prosecutors -

MR. NEARY: You could not get anybody in the first place.

MR. HICKMAN: - to take the action.

MR. NEARY: Could not get anybody to take it.

MR. HICKMAN: This was done. No problem to get a Crown prosecutor in the department to take the case.

MR. NEARY: There was a problem.

MR. HICKMAN: The case went before the Grand Jury and the Grand Jury decided -

MR. NEARY: Threw it out.

MR. HICKMAN: - to throw out! - refused to bring in a true bill and the action was dismissed. So be it. That happens quite often.

MR. NEARY: Yes, but the damage was done then. When do they get their boat back?

MR. WELLS: To a point of order, Mr. Chairman. Apparently the hon. gentleman's mike is on, which enables him to disrupt the proceedings and interrupt the speaker who is trying to say something.

MR. CROSBIE: There is only one speaker.

MR. WELLS: Well, there is only one speaker at a time. Perhaps if the hon. gentleman's mike would be instructed to be turned off so that he could not interrupt to the same degree?

MR. CHAIRMAN: I ask the hon. member for LaPoile (Mr. Neary) if he would refrain from speaking while the Minister of Justice is speaking.

MR. HICKMAN:

Now, Mr. Chairman, after the criminal case was over with, we had to— the Crown wanted to get rid of this boat. We still had this boat down in Twillingate. How were we going to get rid of it? Now the case did not come on for trial before June 26, 1975— not the fault of the Crown, by the way. These postponements were not asked for by the Crown but for a very good reason. Counsel for the accused was unable to appear at the time that it had been set for trial which was in either March or April of 1975.

MR. NEARY: Inaudible.

MR. HICKMAN: It was not, Mr. Chairman. I have given you the facts as to when it first came into this department. It came into my department in January of 1974. In February the court was asked to set a date, and a date was set for late March or early April. Counsel for the accused was unable to be present and asked for a postponement until it was convenient to him. The Crown acceded to that request and the matter went before the Grand Jury in June of 1975.

AN HON. MEMBER: January 1974 to January 1975.

MR. HICKMAN: January 1975, I am sorry, not January, 1974. Then we wanted to get rid of the boat, and there were meetings initiated by the Crown in the Summer with Messrs. Maher, Hurley, Alyward, David Sparkes, Gerald O'Brien and the R.C.M.P. pointing out that under rule(36) of the criminal rules the exhibits in the case are usually returned forty days after the exploration of the criminal proceedings. Our view was that forty days had passed and that the Crown should and would release the vessel to Messrs. Maher and Hurley. Again there was more consultation. They wanted to get an order. This was up to the counsel for the accused, to get a simple little order, take it into court and say, would you please sign it, Your Honour or My Lord. It finally reached the stage where another lawyer appeared on the scene, Mr. P.J. Lewis, Q.C., acting for the accused and with his usual dispatch he took the order, which I believe was prepared by counsel for the Crown, and got it in and got it signed and the boat was released.

MR. SMALLWOOD: He went down there and frightened the life out of everyone in your department. That is how they got action.

MR. NEARY: See, that is not true!

MR. HICKMAN:

Every statement, every fact, every word that I have uttered in this Committee today has been absolutely true.

MR. NEARY: Inaudible.

MR. HICKMAN: You would and I do hope -

MR. CHAIRMAN: Order, please!

MR. HICKMAN: The greatest flattery that can be imposed upon any member of this House is to have anything he says questioned by the hon. the member for LaPoile (Mr. Neary). That proves beyond reasonable doubt -

MR. NEARY: That is really smart.

MR. WELLS: Name him.

MR. CHAIRMAN: Order, please!

MR. NEARY: Name the minister.

MR. HICKMAN: Now, Mr. Speaker, let us hear the hon. gentleman in his great crusade against the real estate agents. There are two ways to show your concern. One is a responsible, reasonable way, the kind of attitude, actions that anyone would take if they are really concerned for that little man, not concerned for their own political image but the little man, really, deep down concerned for that little man. They have reason to believe that someone may have committed an offence, an offence, and I use that in the broad sense of the word, a breach of a provincial statute or a breach of the Criminal Code of Canada. Somebody would come along to any hon. member and say, look, I think I have been taken. I believe that I was involved in a real estate transaction where there was fraud, or there was a breach of the real estate trading act or there was a breach of some sort of an act. Now what would a responsible member do who is genuinely interested in protecting the interest of that little man? Well, he or she would certainly go straight to the R.C.M.P., or if it was in St. John's to the Newfoundland Constabulary and say, I do not know if this is true or false but there has been this accusation made or information given to me which to me looks somewhat suspicious. I ask you to take whatever action, investigative

MR. HICKMAN:

or otherwise, you may deem appropriate. This has a very salutary effect, because if the R.C.M.P. go out and do an investigation and find that the charges were ill-founded, no one, but no one, ever becomes aware of the fact that there was an investigation. Because there are people in society who believe that where there is smoke there is fire, that if a person is being investigated and they find no evidence, they say ah, ah, there must have been something there or they would not have investigated.

MR. HICKMAN: This is why when an investigation is going on, in my opinion, the less, if anything, said about it the better. And that is done for the protection of people, of the public generally.

But that is not the way the hon. gentleman from LaPoile (Mr. Neary) works. He first announces on July 28th., 1975 that he is going down to see the RCMP, and when he goes down to see the RCMP he is going to present them with evidence that requires investigation. So he goes down to the RCMP and he gives them some information, but very little, concerning three separate transactions.

The RCMP, under the guidance of Inspector MacGibbon, carried out an investigation, as they should do, into the first one, found not only had there been no offence but the alleged complainant was in full knowledge of everything that had transpired. The second one, no evidence, nothing; the third, it had already been investigated and it was in the hands of the Newfoundland Constabulary and charges were subsequently laid.

The RCMP enquired of the hon. gentleman when he was there with respect to the first one, would you please give us the civic address, the street number, of the first house in question? And the hon. gentleman said he did not know.

MR. NEARY: Not true! That is a lie!

MR. HICKMAN: He did not know.

SOME HON. MEMBERS: Oh, oh!

MR. WELLS: Point of order, Mr. Chairman.

MR. HICKMAN: That is all right. That is all right.

MR. WELLS: This is not permissible under the rules of the House.

MR. CHAIRMAN: I would ask the gentleman -

MR. NEARY: I withdraw it.

MR. CHAIRMAN: The remark has been withdrawn.

MR. HICKMAN: Mr. Chairman, it is significant that one day later in The Daily News, reporting an interview with the hon. gentleman from LaPoile (Mr. Neary), he quoted the civic address of this house.

MR. NEARY: I gave it to the RCMP and the income tax people.

MR. HICKMAN: I have no idea what you give to the people in the income tax. That is of no concern of mine or of this House. But, Mr. Chairman,

MR. HICKMAN: that investigation was carried out. The only one that resulted in charges being laid was one that the investigation was almost completed at the time.

MR. NEARY: That is three out of four so far.

MR. HICKMAN: And there have been charges laid, convictions obtained for breaches of the Real Estate Act and for breaches of the code. There are some others before the court that I will not refer to, because Your Honour would very properly rule me out of order, and even if you did not it would be not proper to do so.

When the hon. gentleman, with his knack of casting innuendoes, with lashing out at the real estate profession, the legal profession, calling for investigation, sort of wondering, talking about everybody gathering around in these two professions like -

MR. NEARY: Flies around molasses.

MR. HICKMAN: - flies around molasses, protecting each other.

MR. NEARY: That is right.

MR. HICKMAN: I want to make it very, very clear that whatever the hon. gentleman is referring to, I want to assure this House that it does not apply to my department. No one in my department, but no one in my department, will fail to lay a charge if there is reasonable and probable grounds at the end of a police investigation to indicate that an offence has been committed.

For myself, I heard for the first time - and fortunately I took very accurate notes, because it started to become a political issue, and I emphasize the word political, last summer - I heard for the first time on July 24th., 1975 that there were some investigations going on into real estate trading practices which had been initiated at the request of the then Minister of Provincial Affairs and the Environment, and his officials had brought to one of the prosecutors in my department files

Mr. Hickman:

for his opinion as to whether or not there were indeed any breaches of the law. That was on July 24. The following morning, July 25, I inquired in my department, as soon as I heard it, as to who was handling these cases, and I was advised that Mr. Barry Hill of my department had laid, or was in the process of laying charges against three real estate agents. I then discussed it with him and he indicated to me that there was an investigation going on, that, in his opinion, these investigations could be carried out most effectively by total co-operation between the CID of the Newfoundland Constabulary and the Fraud Squad of the R.C.M.P.

And I readily agreed with that suggestion, and instructed the Director of Public Prosecutions - he was away that day - the following day when he returned to his office to issue the necessary instructions to both police forces that there was to be total and absolute co-operation in the investigation of any alleged breaches of the Criminal Code by real estate agents or any breaches of the Provincial legislation.

And then I issued the following instruction again to the Director of Public Prosecutions. I said, "I simply wish to confirm at this time my instructions as soon as this matter came to my attention that all investigations are to be proceeded with vigorously and wherever there is sufficient evidence to warrant a charge being laid that such charge must be laid forthwith. I advised Mr. Hill (Mr. Barry Hill, a Crown prosecutor) that he was to lay charges against any individual who, in his opinion, had committed an offense without any further instructions from me, as I have no concern over the personalities who may be involved in these cases. My one and only concern is that if there has been a breach of the law, and there is sufficient evidence to indicate same, that the cases be brought to court and prosecuted vigorously and as quickly as possible." I then asked the Director of Public Prosecutions "to review with the other prosecutors all cases involved and issue whatever instructions you deem appropriate for any further investigation you may decide necessary on the part of the police," and these similar instructions were made known

Mr. Hickman:

by me to the Deputy Minister of Justice.

Now, Mr. Chairman, that is not fiction, that happens to be facts, cold, hard fact. And I want this Committee to know that the instructions that I issued in the real estate trading practices are no different from the standing instructions that I issued in my department on August 1966 or July 1966 when I first went in there. They have not changed. They will not change. I will not be a party to prosecuting for the sake of prosecuting, prosecuting for the purpose of embarrassing. And I most assuredly will not be a party to either killing an investigation, ordering a charge withdrawn where, in the opinion of a Crown prosecutor, there is reasonable and probable grounds. And that is the policy that I have followed in the past, and that is the policy I will follow so long as I hold this portfolio.

And I am pleased to advise the House for their information, that for the first time in Newfoundland's history we now have nine Crown prosecutors in the Department of Justice -

SOME HON. MEMBERS: Hear, hear!

MR. HICKMAN: and that is seven more, indeed I believe it is eight more than in January of 1972, and my recollection then is, we only had the late Mr. James A. Power, Q.C. as a Crown Prosecutor. We still need more, Mr. Chairman. We still need more. The Steele Commission Report indicated, recommended, as I recall, that there be three in Corner Brook for the West Coast, two in Grand Falls, and six or seven in the St. John's Area, but we are making some progress in that respect. And through Legal Aid accused persons or -

MR. ROBERTS: So we pay both?

MR. HICKMAN: - defendants. I guess we do pay. I guess the state in the final analysis pays both, but

MR. ROBERTS: Do we pay -

MR. HICKMAN: But at least, Mr. Chairman, whilst it has very substantially increased the workload of the Magistrate's Court in particular, and again

MR. HICKMAN: we now have thirty-one magistrates - I think when I first became a minister we had twelve, in 1966 - and they are all pretty busy. I think that any accused person coming before our courts today receive the kind of protection that counsel can provide. And hopefully, as we increase the staff, their cases will be disposed of with some dispatch.

MR. ROBERTS: Has there been any change in the conviction rate, and what percentage of prosecutions resulted in convictions?

MR. HICKMAN: I cannot give the figures as to what change there has been percentage wise, but let me say this, that during the past year we have had a housing problem at Her Majesty's Penitentiary and at the Salmonier prison farm which we never had before.

MR. ROBERTS: That goes to show that there are more being convicted for criminal actions which lead to -

MR. HICKMAN: I think - this is only off the top of my head, and it is simply a gut feeling - that the convictions are increasing. I am sure that the hon. the House Leader will not like to hear me say this, but it has been a long, long time since there has been an acquittal in our courts.

MR. ROBERTS: Does it mean that it is a fact now that most criminals coming before the bench are not defended by counsel?

MR. HICKMAN: No. No, I suggest, Mr. Chairman, that what it means is that we have on our staff a bunch of very able, dedicated Crown prosecutors.

MR. ROBERTS: Does the House Leader agree with that?

MR. WELLS: I will have to get back to the courts, that is all.

MR. HICKMAN: We have a new Director of Public Prosecutions in the person of a Newfoundlander, Mr. John Kelly, and a Chief Crown Prosecutor, Mr. John Byrne. Both these gentlemen have had a great deal of exposure through conferences and certain professional meetings and business with Crown Prosecutors in Ontario. There is a gentleman named Powell who - Clay Powell - who is supposed to be the authority on criminal laws from the prosecutorial side in Canada now, and he told me not too long

MR. HICKMAN: ago that in his opinion our staff of Crown Prosecutors would stand up to any that could be found in any of the Canadian Provinces.

The last matter that I want to deal with, Mr. Chairman, is - and I know this has been debated back and forth this afternoon by the hon. the member from LaPoile (Mr. Neary) and the hon. the Leader of the Opposition - this question of the law as it relates to real estate practices.

Now, Mr. Chairman, the statements made by the hon. gentleman from LaPoile (Mr. Neary) today did not indicate to me that these companies whose shareholders - you know, I cannot see what purpose there was in bringing the names of people outside the House in the House, but, be that as it may, their names will undoubtedly appear in the press to their embarrassment tomorrow but, you know, people do things differently -

MR. ROBERTS: The Minister of Mines and Energy complained yesterday that his speeches were not being reported at length and today they were not reported at all.

MR. HICKMAN: Whatever reason, Mr. Chairman, in my opinion this practice of bonusing, which I have to confess - bonusing and double digit or double column or what is it called? Double what?

MR. NEARY: Double disbursement.

MR. HICKMAN: Double disbursement things, I am not that familiar with because they were not in vogue when I was an active practitioner in law.

MR. NEARY: That was a trick you did not learn. That is a new one.

MR. HICKMAN: I am always prepared to learn. But a decision that was arrived at quite some time ago by government on the advice of the Minister of Provincial Affairs and the Environment, and on my advice based on recommendations that I received from the professional staff in my department, is that any inequities can be and will be very quickly cured by legislation.

MR. NEARY: Oh nonsense! The culprits are getting away with it.

MR. HICKMAN:

Mr. Chairman, culprits do not get away if they have breached the law. They do not get away. If there has been no breach of the law a person is not a culprit. A culprit, as I interpret it, is a man or woman who breaks the law. If there has been inequities, if there have been unconscionable transactions that do not - and the protection is not afforded under the Unconscionable Transaction Act then hopefully it will be cured as it has been in two other provinces, maybe three, by the Mortgage Brokers Act which will be coming before this session of the House, and this Spring session of the House, if at all possible. Now the hon. gentleman in his closing remarks talked about a particular case and he referred to a company, LeBarron, who had the double, double digit - double disbursement sheet. He says he is not prepared to give the House the names of the complainant and I do not fault him for that.

MR. NEARY: Set up the royal commission and I will give the names.

MR. HICKMAN: I do not think he should, I do not think he should. But Mr. Chairman, if he has the slightest feeling that with this double entry system there has been a double disbursement, there has been any criminal offence, any attempted fraud, any suggestion of fraud, any breach of a provincial statute, anything, -

MR. NEARY: Extortion, collusion.

MR. HICKMAN: - extortion - collusion, I guess, is not an offence unless you collude for the purpose of committing extortion - any of these offences, then I say to him bring the file to me, the police will investigate it in the same confidential way, with the same confidentiality that they investigate every other claim. If their investigation reveals, if the R.C.M.P. when they conclude their investigation, acting on the advice of a Crown prosecutor, come to the conclusion that there was indeed an offence committed, a prosecution will be taken. If on the other hand they find that there was not, then all the more reason why people's names should not be bandied around who have not committed any breach of the law. That, I suggest, Mr. Chairman, is the kind of action that

MR. HICKMAN:

any responsible, concerned citizen should take, Indeed I believe it is the kind of responsible action that any citizen is obliged to take. I appeal to the hon. member for LaPoile (Mr. Neary). He can send it over to me by messenger now, it will be in the hands of the Director of Public Prosecutions when he returns from Corner Brook on Friday, and an investigation will be started. Unless charges are laid there will be no names made public.

I am sorry to have taken up the time of the Committee this long but I felt it necessary.

MR. NEARY: Mr. Chairman, I have never in my life, Sir, never in my life have I heard a minister of the Crown twist and turn and squirm -

MR. HICKMAN: Squirm?

MR. NEARY: - when the hon. minister is put on the spot. The minister, Sir, has in the case of the Shirley Blanche given us dates of court hearings, have given us information supplied by the officials of his department that is factual information. Some of it, Sir, later on, I may question when I get the other side of the coin, I may question some of the statements made by the minister. But at this moment I would assume that most of the information given by the minister is factual regarding dates, regarding the times of the court hearings, when the R.C.M.P. did this and when the R.C.M.P. did that. That is all factual information. But, Sir, my argument is that the principle of the whole thing was wrong. There was an injustice done to two Newfoundlanders. The minister's department - I do not care what he says - procrastinated. Sir, I do not want to divulge private conversations that I had with the hon. the minister up behind the curtain, but I may be forced to if the minister provokes me.

MR. DOODY: Sounds vague.

MR. NEARY: It is not vague.

MR. DOODY: I mean, it sounds -

MR. NEARY:

That was one occasion when the minister really rubbed his hands and rolled his eyes heavenward. He was so shocked over the decision of that magistrate in Lewisporte, and again in Gander, shocked, could hardly believe what he had heard! Then, Mr. Chairman, the hon. minister should go down and get the courts records, the remarks of the Chief Justice of the Supreme Court in connection with this matter and see what the Chief Justice said when he addressed the jury - frivolous, vexatious, should have never happened.

Here you had a situation, Sir, where two Newfoundlanders, one of them happened to be my brother-in-law - and I make no apologies for that. Anybody could be the victim - two Newfoundlanders went to the Bank of Nova Scotia and bought a vessel and paid for it in cash and got a receipt from the Bank of Nova Scotia. And when they went to Lewisport to take delivery of their schooner they were harassed and assaulted by a gentleman by the name of Mr. Weir, who later was represented by Mr. Fintan Aylward, who was the minister's colleague in this House, the representative of Placentia East, the district of Placentia East. Finally they sent in wires to the minister's department, wires to the R.C.M.P. and finally the R.C.M.P., who felt that they were being used, said, you have got your receipt, the boat is yours, take it, goodbye and so long. But Mr. Aylward was not satisfied with that.

The firm of Aylward, Crosbie and Collins had a second mortgage on the boat. Mr. Weir was only the pawn, the little innocent guy. It was the law firm of Aylward, Crosbie and Collins who had a second mortgage on that boat, who were out for revenge, not poor old Mr. Weir, who was being used. The minister did not tell this hon. House the number of occasions on which Messrs. Hurley and Maher went to his Director of Public Prosecutions, went to his deputy minister pleading that they proceed with this case. I asked the minister myself what time they were going to proceed, and the minister might remember over

MR. NEARY:

in the corner one afternoon he and I and Mr. Aylward were chatting together -

AN HON. MEMBER: Confidentially?

MR. NEARY: Well, it was not very confidential. There were three of us there. I did not say the conversation was confidential. The minister will remember the reaction he got from Mr. Aylward. I think within a matter of a couple of days he probably gave him instructions to proceed. The minister told me himself, if Aylward does not proceed with this case, he said, I am going to appoint a lawyer to proceed with it. The minister told me that himself. Does the minister not remember or has he got a short memory?

MR. HICKMAN: No!

MR. NEARY: No? Well, Sir, my memory is not that short. Finally the trial did take place and it was thrown out of court. It would be worth the minister's while to go down and get the remarks of the Chief Justice when it was thrown out. But then the two gentlemen could not get their boat back. The minister's department refused to give back the boat, refused! They went and begged and pleaded. They were two innocent people. They were guilty of nothing. The minister got up tonight and made them look like criminals. They were charged under the Criminal Code - they were no such thing. It was a private prosecution, a private prosecution by Messrs. Weir and Aylward.

There was no police investigation. There was no investigation by the minister's department. It was a private prosecution. These two gentlemen were completely innocent right from the start, and the minister got up tonight and had the gall and the audacity to compound the injustice that he has already done by painting the two gentlemen, the two Newfoundlanders, as if they were criminals.

MR. HICKMAN: I would like to rise on a point of order, Mr. Chairman.

MR. NEARY: You can rise all the points of order you like.

MR. HICKMAN: I did not make any such accusation. I draw to the Committee's attention that what I said - and I repeat - that a

MR. HICKMAN:

gentleman names Reginald Weir laid a charge under the Criminal Code of Canada against these other two gentlemen. That is as far as I went, painting no picture, did not attempt to paint a picture and anyone who had ears to hear or eyes to see will sustain that that is not a correct statement, and the charge was for breach of Section 294 (a) of the Criminal Code of Canada.

MR. CHAIRMAN: Order, please!

MR. NEARY: Is Your Honour dealing with that point of order?

MR. CHAIRMAN: It think it is more of an explanation than a point of order.

MR. NEARY: Mr. Chairman, all the minister did was confirm what I had just said, that it was a private prosecution.

MR. HICKMAN: I said that before.

MR. NEARY: The minister did not say that before. The Leader of the Opposition had to drag it out of him, and I would say that it is about one of three or four times since Confederation that a private prosecution has been launched in this Province. It is forbidden in all the other provinces of Canada. All it is is harassment. It is obstruction of justice. And grave injustice was done to these two hon. gentlemen, and the hon. minister knows that. Their reputation as businessmen was practically destroyed. The minister knew that they could not take on the multi-million dollar law firm of Aylward, Crosbie and Collins. These were only two ordinary Newfoundlanders who could not go out and hire lawyers whenever they felt like it, expensive lawyers, who demanded their fees in advance.

MR. HICKMAN: They were always represented by counsel, though.

MR. NEARY: They were always represented by counsel, Sir. I better not say it because it may not be in keeping with the rules and regulations of the Law Society. They might have gotten a little charity as far as I know. That is illegal, that is a dirty word in the eyes of the Law Society. They did not get legal aid. When they did finally, Sir, when the case did finally get to court, and the whole thing turned out to be a sham, turned out to be a charade, the minister and his department would not give them back the boat, And the minister gets up a few moments ago and tells us, "Oh," he says, "we took the initiative.

Mr. Neary.

We took the initiative." I got news for the hon. minister. These gentleman went to find out from the minister's department when they were going to get their boat back on a number of occasions, and the minister and his officials refused to give back the boat, and they got fed up with going and begging for something that they owned and they paid for. Finally the minister got kind of worried, and he wanted to dispose of the boat. Then he took the initiative when he realized that he may be given notice under an act that we passed in this Legislature a couple of years ago whereby the Crown can be prosecuted for damages. When the minister saw this coming, and Mr. Phil Lewis came into the picture and frightened the life out of everybody down in the minister's department, then he gave the boat back.

MR. HICKMAN: Mr. Speaker, on a point of order, just for the record, and for the purpose of correction. On July 3, 1975, which was about a week after - it was June 26 that the Grand Jury dealt with the case. July 3 action was initiated by the Crown to get rid of that boat. A meeting was held on July 10. Mr. B. J. Lewis did not appear on the scene until November 27. How could I be frightened?

MR. NEARY: What initiative is the minister talking about to give the boat back? What initiative?

MR. HICKMAN: They called them in the office, - Mr. O'Brien, Mr. Sparkes, and Mr. Hurely and Mr. Maher and said, "You got to make arrangements to take over that boat."

MR. NEARY: Mr. Chairman, does anybody realize what the minister has just said? The minister took the boat under false pretenses!

MR. HICKMAN: I was ordered to take the boat.

MR. NEARY: Ordered! My eyeball! Ordered!

MR. HICKMAN: Ordered! !

MR. NEARY: And then took it down to Twillingate and paid out \$12,000 of the taxpayers' money -

MR. MORGAN: Paid out on what?

MR. NEARY: On security on the boat and -

MR. MORGAN: Your brother-in-law's boat?

MR. NEARY: Yes - not my brother-in-law, a Newfoundlander, a Newfoundlander and his business partner.

MR. SMALLWOOD: Mr. Chairman, would the hon. gentleman yield for a moment? To a point of privilege of the House. There is no principle in the British Parliamentary system sounder than this, that when the government come asking for money, asking the House for money, that is when grievances are ventilated. So the hon. member is absolutely in order, and the hon. minister should be aware of the fact. The most precious privilege of the House is to use the opportunity when the government comes at the House's mercy asking for money for the Queen, that is when anyone has the right to ventilate grievances. The hon. minister should remember that.

MR. MORGAN: He is debating this now when it should be done in the estimates.

MR. SMALLWOOD: It is a grievance.

MR. NEARY: So what?

MR. SMALLWOOD: It is a grievance and perhaps it involves justice.

MR. NEARY: Do you want to rule on that?

MR. SMALLWOOD: There is no ruling.

MR. HICKMAN: There is no point of order.

MR. NEARY: Mr. Chairman, here the minister had taken the boat, kept it in custody for over a year, there had been loss of revenue on the part of these two gentlemen who wanted to put that boat to good use. There was loss of revenue. There was loss of reputation. And the boat is now down in Twillingate, stuck in the ice probably, if my memory serves me correctly -

MR. HICKMAN: In July?

MR. NEARY: No, it was not in July. The boat had been in there all winter. How much damage was done to the boat they did not know. And then the minister decides that he wants them to take the boat back, to go down there at their own expense, bring the boat back to St. John's. I mean is the minister kidding? Who is he kidding? The minister eventually agreed, after he got a request from the RCMP, to charter a longliner to accompany the boat to St. John's. But there was no talk of damages, no talk of all the things that may have been stolen off that boat, the damage to these two gentlemen's reputation? The minister is not worried about that. He could not care less.

Mr. Chairman, I am going to deal with the boat matter later on -

AN HON. MEMBER: Hear! Hear!

MR. NEARY: - because I want to get back to the matter I raised this afternoon which is also a pretty serious matter. But before I finish with the boat, Sir, it has to be the gravest example of political persecution and injustice ever inflicted on two hon. citizens of this Province.

MR. HICKMAN: Mr. Chairman, on a point of order, I do not know if the hon. gentleman when he talks about political persecution is directing these remarks at me. May I remind this House that, number one, the information and subsequent charge was laid by a gentleman named Reginald Weir, whom I have never met, whom I do not know, whose political persuasion I have not the slightest concern about; that the magistrate in Gander directed, as is his right, to the Crown to take certain action. And I ask, that is if the hon. gentleman is making this accusation against me, I ask that he withdraw it.

MR. ROBERTS: Mr. Chairman, if I may to that point of order; the Minister of Justice may not particularly like the points being made by the gentleman from LaPoile (Mr. Neary), he may or may not like them but, Sir, he has thrice risen on so-called points of order that are no points of order. He has not raised any matter for Your Honour's consideration under the rules of the precedents of this House. All that the Minister of Justice is doing is making debating points under guise of points of order.

Now, Sir, I do not begrudge the hon. minister any chance to debate, and the hon. gentleman from LaPoile has again every opportunity, and intends to use it and more power to him. But I would point out, Sir, that all the minister is doing is needlessly prolonging this. He had a say in debate and the gentleman from LaPoile (Mr. Neary) is having another go at him. If the minister in turn wishes to have another go at the gentleman from LaPoile then under the rules we are all, I was going to say condemned, that may be too strong a word, we are all required to listen to him and we do with varying degrees of interest. But, Sir, the Minister of Justice has not made any points of order and indeed I think the Minister of Justice is abusing the rules of this committee by raising points of order which either he knows to be specious or ought to know to be specious. All he is doing is attempting to debate by roundabout means, and I think, Sir, that you should ask the Minister of Justice to contain himself and to confine himself, let the

MR. ROBERTS: gentleman from LaPoile say what he wishes, subject to the rules of the House, and when the gentleman from LaPoile has finished, as he will within forty-five minutes, then the Minister of Justice can have another go at it if he wishes.

But, Sir, those of us who are spectators in this dual of the giants, the gentleman from LaPoile and the gentleman -

MR. CHAIRMAN: Order to my left, please!

MR. ROBERTS: It is pretty hard to keep the Minister of Fisheries in order I realize, Sir, but if Your Honour needs help the Sergeant-at-Arms will be glad to assist. But what I saying, Sir, in this dual of the giants between the gentlemen from LaPoile (Mr. Neary), and the gentleman from Grand Bank district, (Mr. Hickman) in which the rest of us, Sir, are just standers by and watchers, I think, Sir, the Minister of Justice should attempt to observe the rules of the committee.

MR. CHAIRMAN: I feel it is not a point of order, but more or less an explanation by the Minister of Justice on the remarks made by the hon. member from LaPoile. I would ask him to continue. The hon. member for LaPoile.

MR. NEARY: I thank you, Mr. Chairman. I thank the hon. Leader of the Opposition for coming to my rescue, Sir.

Mr. Chairman, just to recap this whole situation about the Shirley Blanche. Two Newfoundlanders, two gentlemen went down to the Bank of Nova Scotia, paid \$7,500 for a schooner that was in the custody of the Bank of Nova Scotia because the gentleman who owned the - the original owner of the schooner could not meet his commitments, his financial commitments. So the Bank of Nova Scotia had every right to dispose of the schooner in whatever way they saw fit. They sold the schooner to these two gentlemen for \$7,500, gave them a receipt, and the minister can go and check the Registry Office and everything, he will find everything to be in order. They went out to Lewisporte to pick up their schooner, they were obstructed by a Mr. Weir, they were harrassed by Mr. Weir who took certain pieces of equipment off their schooner, they had to wire the minister's department, they had to ask the protection of the R.C.M.P. to take delivery of a piece of property that they had bought and paid for. Now is there anything more clearer than that?

Two years later they were finally able to take possession of their schooner after a long-drawn-out legal wrangle.

MR. SMALLWOOD: Two years?

MR. NEARY: Almost two years to the day, Sir. A long-drawn-out legal wrangle involving hundreds and thousands of dollars, lashed out to lawyers - hundreds of dollars - lashed out to lawyers, inconvenience, hardship, embarrassment, taking away of reputations, slander, libel, defamation of character, all in the name of justice; a private prosecution, frivolous, vexatious, it should have never been tolerated. And the minister got the gall and the audacity to stand up in this hon. House tonight, Mr. Lily White and Simon Pure and make excuses

Mr. Neary:

and tell us this is all in the name of the administration of justice in this Province. God help, I say, justice in this Province! I hope it never happens to any of the minister's friends where you get this kind of private prosecution and harassment.

They finally got their boat back, and the minister agreed to send a longliner escort from Twillingate with the Shirley Blanche. The minister did not mention that. It was insignificant. That is another additional charge on the Public Treasury. No wonder the Auditor General would question the spending of that \$12,000 without authority. It is not all over yet, and we will hear more about that, Sir,

But I want to get back to the minister's remarks about the real estate. The minister says any responsible person would go to the police. Well, Sir, the minister got up again. I do not know what he was reading from, probably a report from his officials, and gave half a story. I had occasion once to go to the R.C.M.P., I went to the Fraud Squad, I also went to the Income Tax people, I will not hesitate to do it again, if I cannot get the minister to move. It is the minister who should be doing these things not me. I am not the Minister of Justice in this -

MR. HICKMAN: Why do you not send me over the file?

MR. NEARY: I beg your pardon?

MR. HICKMAN: Why do you not send me over the file?

MR. NEARY: Mr. Chairman, why do I not send the minister the file?

What I am going to do, Sir, if the minister does not move or get off the pot, I am going to see if I can get one of these cases before court myself, if

MR. NEARY:

I can get a lawyer to take it and I think I can. There are a couple of honest lawyers around.

MR. MORGAN: A private prosecution for you then.

MR. NEARY: No, it will not be a private prosecution. I will have an investigation done by the CID or the RCMP. I should not have to do it. Mr. Chairman, does the House realize that what I am talking about is only the tip of the iceberg. It is only a handful of cases I have given today. I have riddled them off this afternoon that members on the other side looked aghast. Well, they could not believe what they were hearing.

I have got another one here, look. Does the Minister of Justice want to hear about this one involving LaBarron?

MR. HICKMAN: I am interested, yes.

MR. NEARY: The minister is interested. Well here is a poor gentleman, I think he lives in Portugal Cove. I have his name here. He went to LaBarron after he read an advertisement in the - my hon. friend is nodding, he probably knows who it is - read the advertisement in the newspaper, "Come in and consolidate your debts, LaBarron says, second mortgages." So this gentleman took him up on it. He owed a few dollars. He wanted to consolidate his debts. He was having financial problems. He went in and he borrowed from this company \$26,730. Can anybody in this House, including the Minister of Justice who so sanctimoniously condemned me a few moments ago for raising these matters, can anybody, including the minister, tell me what this gentleman paid to "LeeBarron" as he called it, LaBarron is the proper name, what they paid LaBarron for loaning this money, helping this poor gentleman to consolidate his debts. The gentleman himself got - well he did not get it. They paid off his debts to the tune of \$22,247.01. Does the hon. minister want to hear what LaBarron charged for that, about a one or two day transaction? \$4,482.99. And the minister can sit there and tell me there is no need for a royal commission!

AN HON. MEMBER: Nothing but a shame!

MR. NEARY: If I cross off the name of the gentleman can I lay it on the table of the House? The minister says, come down to my office. I went down to the minister's office accompanied by my colleague, the member for Conception Bay South (Mr. Nolan) to complain about a contract that was taken away from a gentleman in Tors Cove for snow clearing, and we laid an official complaint with the minister.

MR. HICKMAN: That is not true.

MR. NEARY: That is so. That is so. We laid an official complaint and we asked the minister to investigate it.

MR. HICKMAN: You asked me to convey the information to the Premier.

MR. NEARY: To convey the information to the Premier, and to have it investigated and report back to us.

MR. HICKMAN: And the hon. member for Conception Bay South (Mr. Nolan) noted, that are you making an official complaint and the answer was no.

MR. NEARY: The answer from me was yes. I do not know, I cannot speak for the hon. gentleman. I laid an official complaint with the minister, if he remembers.

MR. HICKMAN: No.

MR. NEARY: Oh yes, Sir.

MR. HICKMAN: I remember you did the opposite.

MR. NEARY: I said I want this case investigated and I want an explanation, and I want it reported to the Premier, and I want a report back. I finally had to call the minister myself to get a report back. That is the kind of treatment you get from the Minister of Justice. What is the good, Mr. Chairman, of going down when you - I played a tape. I had a tape of Mr. Power stating his case, played it in the minister's office. And the minister shook his head. He could not believe what he was hearing. But he did not do anything about it. The government did not do anything about it. I predict, Sir, that they will not do anything about this either,

MR. NEARY:

about this rip-off that is taking place with second mortgage companies, bonuses, finder's fees and what have you. It is only the tip of the iceberg, Sir, the things I talked about this afternoon and the examples that I gave.

There is an injustice, a grave injustice being done to large numbers of people.

MR. SMALLWOOD: They are bringing in legislation for that.

MR. NEARY: I know. I am coming to that.

There is a grave injustice being done to large numbers of people, and maybe the minister is right, maybe nobody has broken the law, maybe there are no violations of the Criminal Code. In my opinion there are. This double disbursement technique, in my opinion, is against the law. There is collusion and fraud. There is extortion in my opinion, and I am saying this here now on the floor of this House.

MR. MORGAN: This \$4,000, is it a one day transaction?

MR. SMALLWOOD: \$4,400.

MR. NEARY: \$4,450 is the total amount.

MR. MORGAN: What is the total mortgage?

MR. NEARY: The total mortgage is \$26,730.

MR. MORGAN: And they charged \$4,100 -

MR. NEARY: \$4,450.

MR. MORGAN: And that is plus any change -

MR. NEARY: And not only that, Sir, but this gentleman is paying interest on that bonus, paying interest on it for the next twenty to twenty-five years.

AN HON. MEMBER: What a rip-off they are charging.

MR. NEARY: Rip-off, I suppose it is a rip-off. My friend used to represent the Anti-poverty Association, I do not know but he still does, in Ottawa. So I am going to throw off the challenge again. The minister is not going to pawn it back on me by saying, "Why does the member not go to the police?" I went to the police, and by the way I got good results from the RCMP, not the results the minister read off of that form that he had there. I am batting three out of four now, Sir, three out of four, which is not a bad track record. And the one case that was being investigated by the CID, by the Newfoundland Constabulary, I would have no way of knowing when I approached the RCMP that it was being investigated by the Newfoundland Constabulary. How would I know? I found out after because the RCMP were good enough to tell me that there was nothing to worry about, that this one particular case was being investigated by the CID. But we also discussed the fact that the CID were very short-handed as far as fraud squad are concerned. The gentlemen that they have do a reasonably good job. But, Sir, there are only, as I understand it, there are only one, not more than two, gentlemen trained in the CID to do this kind of work. Maybe they should build up a larger fraud squad because white collar crime seems to be on the increase in this Province and the minister cannot turn a blind eye to it.

We have seen examples of it in the real estate business. We have heard of highballing in the car business. We know that certain lawyers,

MR. NEARY: not all of them, Sir, I am not tarring everybody with the same brush, neither am I tarring all the second mortgage companies with the one brush. There are honest, decent people, thank God, left, who give me and my hon. friend information, who would be glad to see this whole mess cleaned up.

On television tonight on the CBC I saw a former manager of Maritime Investment, a Mr. Pynn, I think it was -

MR. NOLAN: John Pynn.

MR. NEARY: Mr. John Pynn, a former manager of Maritime, say, "Yes, there is some truth in what is being said in this whole controversy."

MR. NOLAN: Unethical practices.

MR. NEARY: Unethical practices, he said. I am not the only one who saw it.

MR. MORGAN: On tonight's television?

MR. NEARY: And the minister's own Barry Hill that he speaks of, who is a prime, honourable, upright gentleman, said down in the court, out of frustration, complete frustration, "We need the whole real estate industry investigated." I reminded the minister of that in the House back in November. The minister said - all he could say was, "Well, I cannot be responsible for what Mr. Hill says." The minister should pay attention to what Mr. Hill says. That is the gentleman who is handling some of these cases for the minister's department.

And so, Sir, if the minister does not move I do not know what the next step will be. I will have to consult with my colleague, the member for Conception Bay South (Mr. Nolan) who can verify every word that I have said here, who could probably add to the things that I have said, who has documentation of his own that could make the hair stand straight on the minister's head.

MR. HICKMAN: Present it to me on a confidential basis so I can have the first look at it.

MR. NEARY: Mr. Chairman, I -

MR. HICKMAN: I do not know who the hon. gentleman is talking about there,

MR. HICKMAN: so I cannot investigate it.

MR. NEARY: This one, Mr. Chairman, is a gross example, a bad example of a rip-off, but the worst example is the one I gave this afternoon of the double disbursement.

MR. HICKMAN: Well, will you send me that one?

MR. NEARY: I will think about it, Sir. I will send it to the minister on one condition, one condition, because one case, Sir - look, I could send the minister a dozen cases, Will the minister promise me that he will set up a royal commission?

MR. HICKMAN: No. I will have the police investigate it.

Mr. Neary.

No, Sir, I want a royal commission. Mr. Chairman, one thing I do not want is some poor little fellow to get nailed. It is the big guys, the front guys the big shots in this business, the local Mafia that I want to see get nailed, not the little guys, and that is why I am asking for a royal commission.

MR. ROWE: Because there is such a thing as legal injustice.

MR. NEARY: Sure, there is legal injustice. The whole thing, Sir, is rotten to the core. It is rotten. I cannot give the House any more information than I have. I have laid it on the line. I cannot see how the minister and his government, his colleagues, can sit there and allow these practices to go unchecked. Maybe nobody has broken the law. I have grave doubts about it. Maybe they have not, but there certainly has been a grave injustice done to a large number of people, and that is sufficient justification, in my opinion, for the appointing of a royal commission. Well, we had charges made in this hon. House. I was attacked personally in this House and a judicial inquiry was set up on hearsay statements that were made. And I have come in here with all kinds of evidence, and presented it to the House. I am not going to go down to the minister any more unless I am sure I am going to get action out of the minister. I will deal with the RCMP, because they are impartial, and they are fearless, and they are not going to be subject to procrastination. They will do their job. They did it well for me before. If I have to go to them again I will, and if I have to go to the income tax people again I will go there, because I am not sure whether all these transactions that I am talking about, and all the hundreds of others that are down in that registry office, Sir - it is a wealth of information. If I were leader of the official Opposition in this House I would assign a man to the registry office with a Xerox machine.

Mr. Neary.

There is enough of evidence down there - look, give me three or four good researchers and a couple of secretaries, and I would turn this hon. crowd out of office in six months. It is a wealth of information.

MR. SMALLWOOD: Is the minister going to stay in that Chair permanently now?

MR. NEARY: I cannot even get a \$1,000 grant out of the hon. minister for research. But, Sir, it is not a bit funny. Our Newfoundland people are being ripped off by the con artists and I named the companies, Do I have to go over them again? I can tell the minister the ones I want to have investigated. I will bring them to the police if I have to. I would rather see a royal commission. Maritime Investment, Beacon Mortgages, Whalen Realty, Continental, LaBarron Mortgages, all should be the subject of a very, very careful investigation. Every one of them should be scrutinized. They have not broken the law? They certainly have been ripping off their customers, their clients, and the people who are trying to build homes and buy homes. It is a scandal, Sir, of the worst kind. It is rotten to the core. And I think it is time something was done about it. This government should set up a royal commission, and let the chips fall where they may. Get our cards on the table. Anybody who does not have anything to hide would welcome it. There are a lot of decent firms and a lot of decent people being looked upon today, Sir, with suspicion. I know them, Mr. Chairman. I know managers of second mortgage companies in this city who are crying for a royal commission, for an investigation of some kind. I have talked to the gentlemen. They have come to see me. I have gone to see them. And Mr. Pynn, the former manager of Maritime, practically endorsed my remarks on CBC television tonight.

MR. NEARY:

Mr. Chairman, all updating or bringing in new legislation will do is create a red herring and get these shysters and con artists off the hook. That is all it will do, Sir. It will only do something for the future, but what about the last two or three or four or five years? Mr. Chairman, I have made this statement in this hon. House before and I will make it again: We cannot have two laws in this Province, one for the rich and one for the poor. Never again, Sir, never again will the administration or the Minister of Justice or anybody who represents him be able to drag a welfare recipient into court, be able to drag a fisherman into court for chiselling few dollars out of the fishing gear money over at the minister's department. Never again can you take anybody who has an expired meter into court, who shoplifts. You cannot have two laws, you cannot have a double standard, Sir. And if this administration does not set up this royal commission that is what they are condoning, double standards in this Province. We have had too many lawyers in this House in the last ten years drafting legislation full of loopholes so that they can get around it. And it is high time, Sir, that we put a stop to this. And the only way it can be done is through a royal commission. I have nothing to fear, and probably all hon. members of this House have nothing to fear. We may be all lily white and simon pure, we may be all holier than thou.

Well, let us show the people of this Province that we have the courage to give the consumers a little protection. And let us not try to cover up or create red herrings by saying we are bringing in new legislation when these people have been ripping off our Newfoundland people for the last couple of years, anyway, it seems to have gotten worse in the last couple of years. LaBarron is a company, I think, that was established two years ago. What a reputation that outfit has around St. John's!

I will give you a breakdown, Sir, of this particular one I have in front of me; \$61.00, the Registry of Deeds; \$337.50 Wells, O'Dea, Halley and Earle, legal fees. I told the hon. minister this afternoon-

Mr. Neary:

and nobody in this House has any more respect or regard for that minister than I do - that I would get my name off that door right fast if I had a lawyer partner that was in cahoots with LaBarron, \$337.50, Wells, O'Dea, Halley, and Earle; \$9,645.08 Home Reality Limited, Home Plan Realty Limited; \$4,407.98 Trans-Canada Credit; \$7,405 Department of National Revenue; \$386.00 to the Credit Bureau, and \$4,450.00, listen to this, balance of loan proceeds of the amount to be paid to myself, LaBarron. Does the minister believe it? Does the minister want to see it and pass it back to me? Is there a page in the House? Bring it right back to me, will you please? I prefer you would not use the gentleman's name because I have not had his permission to use his name.

But, Sir, that is only one example. I gave eight or ten examples this afternoon. And I do not think that we as elected representatives of the people, Sir, I do not think that we can any longer sit in this hon. House and see our people ripped off the way they are -

AN HON. MEMBER: Hear, hear!

MR. NEARY: and not do anything about it. And I do hope - and there is no politics in this, Sir. There is no political mileage for me to be had in LaPoile district, no political mileage for me to have. I can manage to get my political mileage in other ways. I am quite sincere in suggesting to the administration that they set up a royal commission to investigate this whole matter of real estate transaction, second mortgage companies, finder's fees, bonuses and the like. It

MR. NEARY:

has to be done. I would be very disappointed indeed if the Minister without Portfolio himself would not stand in his place in this hon. House and support my recommendation. It would be a stroke of genius on the part of the minister if he did it, and not get up like the Minister of Justice and get on the personal attack. It has nothing to do with me personally.

I have a mortgage with a company that I am paying twelve and a half per cent that was just bought out by another company. But, Sir, the people that we have to look after, and the people that we were elected to protect are the innocent little people, the little people who cannot help themselves, that find themselves in a lawyer's office and a real estate office and a second mortgage company, broker's office for the first time.

MR. MORGAN: Who are trying to get a home—

MR. NEARY:— who are shivering in their shoes, trying to get a home, trying to build a home, trying to buy a home, in some cases have themselves backed up in the corner financially, trying to consolidate their debts, and all they do is get themselves in a worse pickle. It is a bad, bad situation, Sir. It is a cancer on our society and something that should be rectified at as early a date as possible. I do hope, Sir, that I can get the support of all hon. members of this House in my recommendation, that the only fair way without making it political, without getting into personal attacks or slander, without saying, oh, you will not make these statements outside the House, you will only make them inside the House, Well, Sir, that is not true. I was elected to this House and I have privileges in this House and I make the statements in the place where they are supposed to be made, Mr. Chairman, in the people's House. I have made my case and I think I have made a good case. I think we would be doing a disservice to the people of this Province —

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

MR. NEARY: - yes - if we did not set up a royal commission.

MR. MURPHY: The question that occurs to me, Sir, is the fact that being the Minister responsible for Consumer Affairs, and being responsible for a great many of the investigations that have taken place - we do not prosecute. That is the Department of Justice. The hon. member has talked about something that many of us are aware of for quite a long while, and in my own connection with it both on the provincial and federal scene - I attended a meeting about six weeks ago and there is no way or place in the Criminal Code that you can pin anything on anybody in this. For that reason - do not throw up your hands. You cannot put someone in jail unless they break a law, and that is the reason that this law now is being framed. It is on the go about five or six months, this bonusing and this type of thing - to give the people some protection.

But you just cannot put someone in jail because you feel that they are overcharging you on something. They are talking about loan sharks on the federal scene. Attend the meeting and find out what the story is. Had loans up to seven times the prime rate? What is that? Seventy-three and a half per cent. That is what they tell you, seven times the prime rate for lending money.

AN HON. MEMBER: Not here.

MR. MURPHY: Oh, I do not know. But this is what they talk about on the federal scene.

MR. NEARY: In Ottawa.

MR. MURPHY: As far as loans are concerned, you know, we have loans here. You can go through them. I can show you a dozen at twenty-five per cent that are being charged people here. What is fair? And until this government or someone arrives at it with legislation like we are preparing I do not see how we can protect the consumer. You just cannot put someone in jail because you feel you are being taken or anything else. That is not a charge. We can all make these charges. We can go down town buy what we like or anything else and say, you know, you are gouging. But gouging is

MR. MURPHY:

not an offense under the Criminal Code as I see it.

MR. NEARY: Mr. Chairman, I appreciate the minister's remarks, Sir, but I do not think I talked anywhere during my talk this afternoon and tonight about putting people in jail. I am talking here about a grave injustice, the legal injustice that is being done

Mr. Neary.

to large numbers of people. And it is our duty as elected representatives of the people to identify what the problem is. Before you can make legislation, bring in legislation, before you can bring it in you have to research and find out what the problem is. And the only way we can find out in this case, Sir, is through a royal commission.

MR. MURPHY: What are you saying? You can charge anybody with anything, set up a royal commission, put his name out before the public, and the next thing you are as good as hanging him.

MR. NEARY: Mr. Chairman, my hon. friend should take an example from the Government of Canada when they set up a royal commission to investigate the eyeglass industry in Canada, and look at all the facts that have come out, and there will be valuable information.

MR. CHAIRMAN (Dr. R. Winsor): Order, please! Order, please!

I would like to remind the hon. gentleman for LaPoile that his time has expired.

MR. NEARY: I thank you, Mr. Chairman. I thank members of the House for their tolerance and I do hope, Sir, that they will take my recommendations seriously and in the interest of justice set up a royal commission to investigate this whole matter.

MR. WELLS: Mr. Chairman, I have listened with some interest to what the hon. gentleman has had to say. What the hon. gentleman has done today - he has ended up on trying to be very fair and very reasonable on a royal commission to examine this and that - but what in fact the hon. gentleman has done is attempt to smear people by every kind of innuendo and twist what he can, and that has been his tactic, Mr. Chairman, ever since he began his political career on Bell Island.

MR. NEARY: Mr. Speaker, on a point of order.

MR. WELLS: Yes.

MR. NEARY: Mr. Speaker, Your Honour knows that another member of this hon. House cannot impugn motives, Sir, and I -

MR. WELLS: I have not impugned a motive.

MR. NEARY: The gentleman, Sir, made a categorical statement that I set out to smear people, which is untrue, Your Honour, it is not, not true, and the minister knows the difference of that.

MR. WELLS: Not that you set out, but that you did.

MR. NEARY: That is a red herring, and, Sir, I would ask Your Honour to ask the minister to withdraw that statement.

MR. WELLS: If I said, Mr. Chairman - before Your Honour rules - if I said that he set out to do that, I withdraw it. I did not mean to say that. I said he did it. That is what he did. What he set out to do, God only knows! But this is what he did, and this is his whole pattern.

MR. NEARY: I stated facts.

MR. WELLS: Facts! Half-truths, twisted! Well, if I said that he intended to, I withdraw it. I said he did. That is what he has done. What he intended to I will leave to members of the House.

MR. NEARY: That is your opinion.

MR. WELLS: My opinion. That is my opinion.

Let us look back over the four years that I have been in this House at the hon. gentleman's conduct in these matters, the twisting, the attempt to down someone, the attempt to bring something on the floor of this House with a whole load of innuendos and talk, which when it is all decided, when it all just goes into Limbo; but what is left, what is left is the slur. Now let us look at some examples. I think one of the finest speeches that I myself ever made in this House was about three or four years ago, when the same hon. member attacked my hon. friend here from St. John's West on conflict of interest. That was the big deal then. There was conflict of interest everywhere. Well, who passed the conflict of interest legislation? Who made it a subject on which government and subsequently the House took action? Well, it was this government. But that did not suffice to the hon. gentleman. He had to find people to pillory. Because that is the name of the game, that is how you get yourself in the eyes of the people who may not - not

Mr. Wells.

all the people, not the people who understand the way things work, but the people who do not know how things work, and perhaps who do not care too much and say, ah, yes boy, that is the way it goes. Look at him go. What is he saying today? So we had a debate on the conflict of interest thing. And I remember at that time taking that file and going through every word that was in it, and the charges were completely spurious and unfounded, and I think I laid it out in this House of Assembly as I never laid out anything before, and I think the hon. member referred to it today when he said that he was kicked out for five days or something. I cannot remember.

MR. NEARY: By the government, not by the Speaker.

MR. WELLS: Whatever happened I cannot remember the outcome. But the point was that he had laid an unfounded, spurious charge.

MR. NEARY: I had laid a legitimate charge.

MR. WELLS: An unfounded spurious charge, an unfounded spurious charge, Mr. Chairman, and he was dealt with by the House of Assembly.

MR. NEARY: Point of order, Mr. Chairman.

MR. WELLS: A point of order.

MR. NEARY: Mr. Chairman, the minister knows that statement he is making is incorrect, Sir.

MR. WELLS: It is not incorrect.

MR. NEARY: The charges that I made were authentic, correct. The government used its brute force, its majority, to have me put out of the House, not the Speaker. It was the government, using their majority, brute force, that had me put out of the House. But as far as I am concerned I had made a legitimate charge.

MR. CHAIRMAN (Mr. R. Winsor): Order, please! Order, please!

I do not consider that a point of order. I would consider it a dispute of facts between the two hon. members, and I would ask the hon. Minister without Portfolio to continue.

MR. WELLS: It was a charge that was not substantiated before this House.

MR. NEARY: Who said that it was not substantiated?

MR. CHAIRMAN (Mr. R. Winsor): Order!

MR. WELLS: I say, Mr. Chairman, that it was not substantiated. You see, the hon. member is a great man, Mr. Chairman, to put the heat on others. He can stand up and wave around documents and speak in a ringing voice and dash out of the Chamber and up to the news media, great stuff,

MR. WELLS: let her go, Mr. Speaker, stand out in the hallway out there and puff his cigar and laugh. It is a great joke. But of course when a bit of heat comes on him, then the hon. member is in a bit of a different position. He does not like that. And I do not mean the kind of personal slur that he places on people, but just even an argument as to the facts of what is going on.

So let us take his record. Just let us take today. Let us take the case of the ship. I do not know anything about it. I was not involved in it. I only know what I read in the paper and what I have heard here today. But what was he really saying? What was he getting at, Mr. Chairman? I will tell you what he was getting at, and it came out in one revealing phrase, he said, "These poor, ordinary men could not stand against the multi-million law firm of Aylward, Crosbie and Collins." That was the point.

AN HON. MEMBER: They could not match him in -

MR. WELLS: They could not match him. The multi-million dollar law firm, that was the point. So the justice, in other words, was denied because two ordinary people could not stand against a multi-million dollar law firm.

MR. NEARY: Modern lawyers.

MR. WELLS: There was the dirt, Mr. Chairman, There was the innuendo. There was what that was all about.

MR. NEARY: There cannot be any disclosure over what a phoney you are.

MR. WELLS: There you see. When the heat comes on him, Mr. Chairman -

MR. CHAIRMAN: Order, please!

MR. WELLS: - he starts then what we really know, Mr. Chairman, he is carrying on with all the time.

MR. NEARY: I have not started at all yet. I am not finished with the hon. member.

MR. WELLS: No, of course not, no, because it has been a twenty year career and I suppose, no, the hon. gentleman is probably well into it, and as long as the people keep him in the House, and perhaps afterwards as well, he will keep on with it. It is the way he is made, Mr. Chairman.

MR. WELLS: Let us look at the car dealer business. That was the great crusade of a few months ago. Everybody who sold a car in Newfoundland was ripping-off the people, round and round -

AN HON. MEMBER: They were.

MR. WELLS: Round and round, never substantiated, you see.

SOME HON. MEMBERS: Hear! Hear!

MR. WELLS: It is the opinion of everyone who has to pay for something that he is paying too much. This is natural. This is human nature. If I buy a car for \$5,000 it should have been \$4,000, if it is \$4,000 it should have been \$3,000, and if I suspect if it was \$750 it should be \$500. This is human nature and of course the hon. gentleman has latched onto this very well and he knows that when you say the price of something is too high, or interest rates are too high or somebody at Memorial is doing too much travelling, he knows that he has a ready audience of people who say, "Yes, boy, look at that." Because they do not know -

MR. NEARY: Not in this House.

MR. WELLS: - they do not know the truth of what is going on. The hon. member is giving his version of whatever is going on and so it goes, and it is all right as long as the press write it down, get it out to the people, and ha! ha! the hon. member scored another point. Now that is what is going on in this House. That is what has been going on for years.

Take today before this debate ever came up at all, a man called Mr. Purdy or Purly, I do not know what his real name is -

AN HON. MEMBER: Purdy.

MR. WELLS: Purd, Pardy -

MR. NEARY: Purdy, P-u-r-d-y.

MR. WELLS: Purdy, P-u-r-d-y. That man - at least I am in the House and able to defend myself, the hon. member here, the minister, is in the House - but what about Mr. Purdy who was taken out this afternoon by the hon. member, all his doings and what he did, and what this one did, and what that one did in the Health Sciences Complex. I do not know the

MR. WELLS: man. I do not know what he did or what he did not do. But the point is anyone sitting and listening in this House today would have to think that that man and his associates were nothing but common criminals. That is the kind of innuendo. What is that man supposed to think?

MR. NEARY: It was not an innuendo. I made it very -

MR. WELLS: This is more than innuendo, statement! Statement!

MR. NEARY: That is right. That is right. I do not beat around the bush.

MR. WELLS: No, the hon. member does not. What does that man feel tonight if it is reported to him what was said in this, the people's House, in Newfoundland? What does his family feel? Will it ever be tried? Will it ever come to light who was really at fault or whether this man is innocent or guilty of something. No! It will not, Mr. Chairman, just the slanderous allegation.

And so the conflict of interest the optometrists: when the federal government makes its report public, or the inquiry board, whoever, and the ophthalmologists, then we may know, but what do we know now? Oh we know the hon. member is on TV and he is on radio and he is in the House and he blankets the whole of that profession, "They are nothing but a crowd of shysters and crooks and rip-off artists." That is the way it goes. Nobody is safe from the hon. gentleman because he does not care, Mr. Chairman, as long as he makes the point that he wants to make, as long as he presents the situation as he wants to see it, not to solve the matter, I suspect, Mr. Speaker, but to pursue his own ends.

MR. NEARY: You are sounding sick. You are sounding sick.

MR. WELLS: No, no, no, not so sick, not so sick -

MR. NEARY: Weak, very weak.

MR. WELLS: The hon. member cannot keep quiet. I can sit and take it and I can keep quiet, Mr. Chairman, but when it starts coming back, when he starts to be exposed for the game that he is playing, Mr. Chairman, he starts then to razzle dazzle, we have got to talk up, we have got to make a fuss here now to see that the issue

MR. WELLS: can be obscured.

MR. NEARY: Do not be dragging a red herring there now.

MR. CHAIRMAN: Order!

MR. WELLS: Red herrings now, you see, Mr. Chairman, red herrings now. When he talks about interest rates, he never gives any - maybe he does not know, maybe he does not want to know. You can only talk about an individual case. You can only talk, when you are talking about a mortgage broker, about the amount of work that has gone into raising that particular loan. It might be a person that this broker had to work for six or eight months to raise a loan for. It may be a person that nobody in the Province would give any credit to. It may be a high risk case in which a lender would say, "Yes, all right, but if I am going to take a chance I am going to be adequately compensated."

The federal government provides interest of twenty-four per cent in certain cases in the Small Loans Act that finance companies are able to charge. Now what I think or what you think, Mr. Chairman, of twenty-four per cent in a sense is neither here nor there. That is regulated by the federal government. But it has been the practice in Newfoundland, by law firms and people in the second mortgage business to charge what are called bonuses which may be ten, fifteen or twenty per cent and a lesser rate of interest which may work out to the same thing in the long run.

This has been going on and this is how people have finance. Now is it morally right or morally wrong, Mr. Chairman? I do not know. All I know it is what goes on not just here in Newfoundland but all over Canada.

Mr. Wells:

Take mortgage brokers, mortgage brokers have been relatively new to Newfoundland. They are people essentially who charge a fee for arranging a loan, and they arranged the loan and take that worry, or to use their expertise to find a loan for the individual, and they charge him a fee. And whatever fee they get paid, they do not get paid it until the individual agrees to it.

Now all right, maybe some mortgage brokers have charged too high fees, and this is the point that this government was aware of and that this government is taking action on, and that the government announced in the Throne Speech back in October, or whenever it was, October, November, long before the hon. gentleman was crying out about it, This government announced in the Throne Speech that it was going to introduce an act which is to regulate mortgage brokers, because there are cases where a mortgage broker does charge too much.

MR. NOLAN: What is too much?

MR. WELLS: Well, I do not know, That is a matter of opinion, yours or mine or anybody else's. But in the opinion of this government in its collective responsibility there were fees that had been charged which were too much, and, we said, we will regulate this practice.

Now what more can be done? Are we going to say that the Federal Government's 24 per cent is too much? Are we going to petition the Federal Government not to allow finance companies across Canada to charge in certain circumstances 24 per cent? The point is that we are part of Canada, and whether we like it or not we will be subjected to the rules that the Federal Government brings into effect, and also, Mr. Chairman, to the rules of the market place.

What is the hon. gentleman really after? I suggest that anything where a person is enabled to make a profit, take a risk and make a profit—and the two things go together, You can never hope to make a profit unless you were prepared to take some kind of risk. But the hon. gentleman does not want to see that, he does not want to know that because he knows that the great mass of people will love to hear about car dealers, love to hear about professors at Memorial, love to hear about doctors, love to hear about lawyers, love to hear about

Mr. Wells:

people in industry, love to hear about people who operate supermarkets, love to hear about insurance companies, love to hear about anybody who provides a service, love to hear them getting nailed. And so the hon. gentleman has his constituency that I suppose listens to him, and every day he nails away, and when it is not one person dragged before the floor of this House of Assembly, dragged figuratively, I mean, in a speech, it is somebody else.

And I say tonight, you know, I have nothing to hide, and I care nothing for the allegations that the hon. gentleman made, great pleasure in talking about me or my partners or associates in the law firm. You see, if he had wanted, Mr. Chairman, to really get to the guts of the matter and discuss mortgage brokers fees that is easy enough to do. "I want to hear this company investigated. I want to hear that company investigated. And who are the directors of that company? It is Mrs. So and so!" This is the game, Mr. Chairman. And I wonder, can this House see the game for what it really is? And I wonder, can the press see the game for what it really is? And I wonder if the people of Newfoundland will ever see the game for what it really is? Because debate after debate takes place in this Chamber not to get at the real guts of an issue, not to put right things that may be wrong, but rather to nail people.

Now five companies were mentioned, four of them were mortgage brokers, one of them was an ordinary second mortgage company.
Now I

MR. WELLS: suppose there are in Newfoundland tonight maybe fifty, maybe 100 companies lending money on second mortgages and maybe a couple or 300 or 400, I do not know, private individuals who will lend money as individuals, through a lawyer as trustee or of themselves, you know, on mortgages.

Why are they not being investigated, Mr. Chairman? Why are they not being called down? Why are they not named?

MR. NEARY: Yes, have them all.

MR. WELLS: Yes, have them all. But the hon. member did not have them all, did he? The hon. member had, you know, my law firm, or a company that I am connected with, and a company that - and he refers to a law firm because they had a second mortgage on a boat that the hon. gentleman is connected with. He refers to Mr. Fintan Aylward, who was an hon. member who sat in this House, and I dare say a man that the hon. gentleman would hesitate before he faced, but he refers to him and he referred to somebody else today when I was up there in the front of the House who I think he said was active in the P.C. Party. So he picks out the four or five that he thinks are P.C.'s, or that are P.C.'s but the rest of the 300 or 400 - oh no! No mention of them.

But it is like this poor Mr. Purly or Purdy today, whoever he is, his name or the names have got to be dragged through this House, fed to the press, run out, run up along the corridor to see what the press will take, churn out the releases, take it and away we go. We sit back, we light the cigar and we smile. We have another conflagration started. It is the name of the game!

MR. NEARY: Go on, you are sick!

MR. WELLS: No, no. Not so sick that I have not for nearly twenty years watched this performance. Long before I ever had anything to do with -

MR. NEARY: You are sick!

MR. WELLS: - long before I had anything to do with politics, I could see this performance when the hon. member

MR. NEARY: You will never be leader.

MR. WELLS: This hon. member has no desire to be leader. This hon. member will do his job the best way he can in this House till the people of Newfoundland decide that he goes out. And whenever that is that does not worry this hon. member.

But the point is, that we have seen this go on for so many years, half-truths, slanted things, never get at the real thing, but always get a stage, and the stage is the press, the T.V., the radio - which the hon. member unscrupulously uses - and the floor of the House of Assembly and any kind of royal commissions or any other body that is willing to hear him.

I thought it was really to the point the other day. I read in the press that when he was before the Royal Commission on the eyeglasses, or whatever it was, down there when one of the counsel - he said to the counsel, "What do you think I am? Do you think I am a fool?" or something like that. And the man in all honesty said, "I am not sure." And this was a mainlander, a stranger, who was being subjected to this diatribe and tirade, I suppose, for the first time. But of course, Mr. Speaker, we here are used to it.

You talk about how hon. members, and I am speaking to some of the new members here tonight who have not had the dubious pleasure of seeing for as long as I have - I think the man, he was here in the House this afternoon, George Wilson, he used to be a member, one of the more honourable, honest, decent men - and I will never forget the day when the hon. member dragged him through and made George Wilson furious when he talked about the hon. member's bus service, or whatever it was and something that was not going right or was being done wrong in Port de Grave. How many people have been victimized and pilloried, Mr. Chairman, under the guise of the rules of this House!

MR. NEARY: Point of order, Mr. Chairman.

MR. WELLS: Point of order, now, Mr. Chairman.

MR. NEARY: Mr. Chairman, a point of order. The situation to which the hon. member refers, Sir, was a petition that was sent to

MR. NEARY: me by the residents of Juniper Stump in the member for Port de Grave's district that I presented in this hon. House. That is the situation to which the hon. member is referring.

MR. WELLS: Yes, that is the situation.

MR. MURPHY: Every day for thirty or forty days.

MR. WELLS: Every day for thirty or forty days, and who was pilloried then? The member. And this is the name of the game.

The Health Science Complex: It has started on the Summer Games people, Mr. Chairman. I suppose that has a long way to go yet, public spirited people who are trying to do a job but, you know, they have to be to look like crooks. This is going on and on and on. On and on and on. Is there ever going to be any end to it?

MR. CROSSIE: Here is a note.

MR. WELLS: Yes, it is a note. It is a note about something that the hon. member raised himself in his speech today about the inquiry held into Bell Island. I recommend for reading to hon. members, not to listen to what the hon. member says of the judge's finding, but it should be compulsory reading almost in this House of Assembly to read the judge's report and what he said about what went on when the hon. member was a minister. And he had the audacity himself to refer to that today!

So no, Mr. Chairman -

MR. NEARY: You got anything to hide, by the way?

MR. WELLS: What?

MR. NEARY: You got anything to hide?

MR. WELLS: I am making a speech.

MR. WELLS:

The hon. member can say what he likes because he will say what he likes. The only thing, Mr. Chairman, is that we are aware in this House of the game he is playing and why he is playing it, and that is the point that has got to be got across. And this government, Mr. Speaker, as the minister said tonight in his remarks, this government will look into the matter of mortgage brokers and will take the necessary steps, as it said months before this was dragged onto the floor of the House of Assembly today. As long as we understand what is taking place here in this House of Assembly, Mr. Chairman, I am confident that we will be able to deal with it.

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

MR. NOLAN: Mr. Chairman, I rise to offer a few comments on at least one of the matters that have been under discussion tonight. That is the matter regarding what is sometimes referred to as second mortgages and more particularly in this case, bonusing. First of all I think it is interesting to establish the fact that second mortgaging has been with us for a long time, and I suggest to you it will probably continue to be with us because to be quite honest I do not know how you can avoid second mortgaging. I think it will continue to be a part of the financial system whether you are buying a business or a home or a piece of property, depending on the kind of financing that is necessary.

So second mortgaging as such is not the thing that I think has been under discussion, and which I have discussed privately as well as bonusing with the hon. member for St. John's Center (Mr. Murphy) and who, I might say, - at least I only speak personally - has expressed privately - and I hope I am not breaking any confidence - real concern about these matters, not everything that has been discussed here today, but some of the things that we talked about.

But the situation that I see here, Mr. Chairman, is this: I listened with great attention to my hon. friend, the Minister without Portfolio, in talking about this. I have certain documentation here.

MR. NOLAN:

I have the names of the legal firms. I have the names and these are official copies that I have. They are proper copies. But I have no intention of tabling them in this House because this is not the name of the game, at least not as far as I am concerned. I will provide as much as I can of the information, and I have in one case showed a legal document here, one that I will quote later on, to an hon. member opposite. In fact, if he does not mind my saying so it was the Minister of Transportation and Communications.

Now, why did I do that? Because, as someone referred to it earlier, he was at one time involved in the anti-poverty organization in this Province. And I do not mind telling you in my opinion he did a damn good job. That is not parliamentary. Maybe I had better withdraw that word.

AN HON. MEMBER: And the Human Rights Associations.

MR. NOLAN: And the Human Rights Association. And as a matter of fact maybe my hon. friend might agree, that something came up in one of those organizations which both he and I and others considered to be somewhat unethical, and in fact illegal, and it is now before the courts. But I think he might also agree - and I do not think there was any character assassination involved - we certainly pushed for it and did our best and, as he says, it is now before the courts.

We have something on trial here, in my opinion, and that is we have a situation - and I do not mean any member of the House no matter what side they are on, and I do not mean any directors of any company or anything like that - but surely members of this House will agree that the free enterprise system is under great suspicion and almost everyone who is involved in it, whether you are selling food over the counter, whether you are dispensing law or medicine or almost anything else, there seems to be a suspicion that sweeps so many people, who feel they are always being shafted.

How many times do you hear about it in your own district, and I suggest to you possibly at times in your own home?

Mr. Nolan.

How much is enough? Under our present system, if the hon. member for Harbour Main - Bell Island (Mr. Doody) wanted a loan of \$3,000 tomorrow, and I were in a position to loan it to him or to be the middleman to get it for him, I would say, and quite legally, obviously, according to our laws, well, you will need \$6,000.

But the only thing is the other \$3,000 are for me, \$3,000 are for you and \$3,000 are for me for getting the loan for you, plus the fact that I charge you a certain amount of interest on the total amount. Now that is what is happening in this particular case, and I quote you a case right here. I am not mentioning the law firm. I am not mentioning the mortgage company. I am not mentioning anyone personally, but I do know that one member knows what I am saying is reasonably correct insofar as I have the ability to interpret it.

AN HON. MEMBER: I have seen that document.

MR. NOLAN: No, you have never seen this document, no, Sir.

I might also say that, by the way, this thing came up. I have been talking about bonusing in various public forms for a long, long while. I am not the only one. It is nothing new. The hon. member for LaPoile (Mr. Neary) has been talking about it. I have heard hon. members opposite talk about bonusing for years and years. I may be wrong but I am almost sure that I heard the member for Bonavista South from time to time, years ago, long before he was ever actively involved in politics in elected office, talking about bonusing and so on in mortgages. Now here is the situation of a lady who borrowed \$16,000. Here is the document from the legal office concerned, and here is the disbursement of the funds. The appraisal fee, \$75; the legal fee, \$275; registry of deeds, \$41.75; taxes for the community in which this lady lives, \$275; to a finance or company with which she had an account - and this

Mr. Nolan.

is why she was borrowing this money, to sort of consolidate all these figures - \$10,893; and also to another company, \$931; and then one that says ourselves, the mortgagors representing the balance of loan proceeds and so on. Anyway we got \$16,000 for a total. Now I did not mention one other figure, and here is the figure on the \$16,000 - \$1,920 that is the bonus - \$1,920 is the bonus involved in this particular case, but it is perfectly legal. There is nothing wrong with it. In other words, if I had the last loaf of bread in this town I can charge you \$100,000 for it. That is our system, is it not?

Here is a breakdown, an analysis that has been done on the case that I have presented here. The mortgage in question advanced \$16,000 - you might want to make some figures on this, by the way, if you are interested - less a bonus of \$1,920 thereby netting Mrs. So-and-so \$14,080. The contractual payment required fifteen years to retire this mortgage if the interest rate were to remain constant. The initial terms specifies sixty monthly installments of \$229.35 would be paid which would be applied first to interest and then to a principal balance of \$16,000. Note the bonus of \$1,920 is earning interest. After five years - that payments have been completed, the status of the mortgage, Mr. Chairman, is as follows: sixty payments, total amount paid, \$13,761; total

Mr. Nolan:

interest, \$11,713.67; balance remaining; \$13,952.87, and that is legal, that is our system.

MR. MORGAN: It is totally immoral!

MR. NOLAN: That is our system. And I say now, rather than pointing the finger at this one, the Minister of Provincial Affairs, or anyone else, for God's sake let us put our best knowledge and ability, such as they are, together to find out, for example, I know an hon. member of this House who sits opposite, who, when he was elected, had a certain business going, and he found or felt that it might possibly, possibly, put him in a sort of a conflict of interest position, and the gentleman gave it up. I told him he was a fool to do it! There was nothing that he was doing that was wrong. And I also suggest, although I do not have permission to mention the gentleman's name, that he lost a substantial amount of money by doing so. And he sits opposite. And I am telling you now that he does not support that. It is wrong! My God it is so wrong!

Now here is what brought some of this about. I have been talking about bonusing for a long while, as well as members opposite and so on, and I did a programme as a guest recently on it. And then on Monday I ended up on a programme and our hon. friend was there. And after the programme - and on the one I had been on previously, incidentally - I was getting all kinds of calls from finance companies, those involved in mortgage businesses, second mortgages and so on, those involved, I might say, in the legal profession who knew me personally and called me about the matter. And so on Monday following the programme in question I had a call to go to a certain company, and I went there this morning on my own, I arrived on my own, and before I got there the hon. member was there because he was on the same programme, and he was there apparently to get the same information.

MR. ROBERTS: The same phone call from the same company, is that it?

MR. NOLAN: Oh, yes. Well it came to the radio station concerned and then to us and so on. VOXM we were on Monday morning.

MR. Nolan:

And so we sat down and we have the person involved in this company, a respected businessman, and who incidentally loans money, but does not deal in bonusing, who has been approached, he has told us, by legal firms attempting to get him to peddle certain financing that is available, and refused. Am I wrong?

MR. NEARY: That is correct.

MR. NOLAN: I have here in my pocket-or somewhere-the names of people, but unless I have their permission to mention it in this House I cannot do it. I am not trying to cover anything up. I am not trying to do it. I have a note here, for example, on one finance company, and it has nothing to do with any member in this House, There is no way any member that I know of is involved in this company, none, or, if they are, I know nothing about it. Well, apparently you have a twelve month prepayment penalty, are you familiar with that Mr. Leader of the Opposition?

MR. ROBERTS: Oh, yes.

MR. NOLAN: You are. Are you familiar with a two year lock-in? Because in the case of my mortgage, for example, I understand, I do not know about the hon. members opposite, I think if you were in a position to pay it off tomorrow you would have to pay off an additional three months or six months.

MR. ROBERTS: There are standard clauses, penalty clauses, you know.

MR. NOLAN: But usually it is three months. The one I have is six months, I was told today.

MR. ROBERTS: Yes, mine is six months.

MR. NOLAN: Yes.

MR. ROBERTS: Is the hon. gentleman thinking of paying off his mortgage?

MR. NOLAN: Well, not unless you have a bingo game here for me.

So we have also a situation here that, and I have the name of the gentleman concerned and the companies concerned.

MR. ROBERTS: Are these among the ones we looked up downstairs?

MR. NOLAN: No, no, these are all private information for me. This man owed \$800.00 in mortgage, and he went to a certain company on the 16th. of March to get a second mortgage of \$10,000. He was dealing with a company previously, you see, and he got a little bit impatient because they were checking and so on, and he went to this other company. So he got \$10,000, second mortgage. But then he got some advice from someone the same day and said, what are you dealing there for? You know, why you not go back to where you where? So he went back the next day, the next morning in fact, and he was advised, look, go ahead and wipe this out that you got yesterday, this \$10,000 second mortgage-and a bonus involved, incidentally-get fid of that and come back here and we will give you a second mortgage at, I believe, 17 per cent.

MR. NOLAN:

He went back to the firm concerned the next day - now mind you, not twenty-four hours had elapsed - going to clean it off. \$10,000 was the amount borrowed and for carrying that man, whose name I have here, for less than twenty-four hours he had to pay \$1,200 in less than twenty-four hours.

MR. MORGAN: For a \$10,000 mortgage?

MR. NOLAN: For a \$10,000 mortgage.

MR. NEARY: He wanted to go back and get his money. This is what it cost him to get out of the deal, \$1,200.

MR. NOLAN: But that is perfectly legal under our system.

There is another gentleman we have. He borrowed \$7,300. What do you think the bonus on that one is? Three thousand dollars, three thousand bucks! But that is perfectly legal under our system! I could go on and on, Mr. Chairman, on this. I am just pointing out information that I am sure is available to other members opposite. And by the way, I know many is the person - and I am not trying to defend the legal profession. They certainly do not need me to champion their cause. But I do know lawyers in this Province who will not deal in this type of situation, who will not have any part of it. I am not saying they do not loan money, but they will not get involved in bonusing.

AN HON. MEMBER: Or second mortgages.

MR. NOLAN: Ok, they may. Well, there are some who will not get involved in second mortgages. You are perfectly correct. But second mortgages are of themselves, I cannot see - maybe I do not have the ability to see - but I cannot see how they can be totally removed, because if you remove second mortgages people have to get money somewhere. There are two factors here with my limited knowledge that I would like to outline. One is, I would think that if I were to loan the hon. member for St. John's East (Mr. Marshall) certain funds tomorrow that I would have to base my interest rate on the risk involved. Surely that has to be a contributing factor. Anyone who attempts to

MR. NOLAN:

deny it is not telling the whole truth, I suggest.

Now, the other system is if you were to bring in a law, and you could, into this House tomorrow to abolish second mortgaging, you are going to set up someone down the street loan sharking, who, if you cannot make the next payment are going to break your legs. Let us be honest about it. But there has to be a limit surely to God beyond which we will not let people who are doing business go. There has got to be some limit. Or if there is not - look, here is an advertisement from a paper - and I do not want to mention the name of the firm. In fact I cannot mention the name of the firm because here is an advertisement from, in fact, The Evening Telegram back in 1975. "The best deal for homeowners. We have helped numerous families all over Newfoundland to consolidate their debts, make home improvements, purchase more property, cut payments in half or less, get extra cash. If you own a home or property paid for and not old or new in town or out of town" and so on, First item, lowest interest - I have it underlined here - lowest interest. Is that honest advertising? Lowest payments, immediate approvals, two or three phone numbers. I did not phone them, but our friend tried to phone one of two of them Monday - what happened?

MR. NEAFY: Well, the first gentleman I got was highly indignant and would not tell me his name or his company or what business they were in. The other one I could not get an answer.

MR. SMALLWOOD: He knew your voice.

MR. NEAFY: What?

MR. SMALLWOOD: He recognized your voice.

MR. NEAFY: No, I do not think so.

MR. NOLAN: Well I have quoted some figures for you from this \$16,000 loan earlier. And I have mentioned that of the \$16,000 and the bonus and the sixty monthly payments, the total amount paid \$13,761; total interest, \$11,713.87, and the balance remaining \$13,952.87. So after five years this lady advanced a bonus of \$1,920, paid interest on installments totalling \$11,713.87 for a total

MT. MOLAN:

interest paid to the mortgage holder of \$13,633.87 but the balance owing would be \$13,952.87. So if you consider all the monies paid out and the bonus as interest paid on the balance borrowed of \$14,080, exclusive of a principal reduction this works out to an effective annual interest rate of 22.009 per cent. But that is legal under our system.

MR. MURPHY: There is probably twenty-five per cent.

MR. NOLAN: Yes, and I also know of some of thirty per cent.

I cannot table the documentation but I do not question the minister's suggestion at all.

I bring you now for the interest of the House, we have a thing in this House-and I do hope that some other people will speak on this besides me,because there are some who have a closer involvement, more knowledge in depth and so on than I have-but we do have an Unconscionable Transactions Act and I think if one takes a look at it you will find that it provides in there for bonusing. It is written in the darn act. I am almost sure. I would almost swear to it. If you will look at that act you will see bonus there. It should not be there but it is there. And not only that I was probably in the House when it went through, which is what makes me sick! I mean,check it. Someone check it. It is not that hard to find,is it?

Anyway I only mention it now because of this,that I do not know if the - I was told today that certain people were threatened under the Unconscionable Transactions Act and they refunded the bonuses. I know that for a fact, When I say it is a fact it is as if, for example, an hon. member told me I would accept his word, and I accepted the gentleman who is in the business, I accepted his word.

Here is a case out in Calgary, Alberta in January 1975, "A Calgary labourer who was charged twice the going rate of an \$8,000 second mortgage three years ago received help from the courts this week under a previously untested provincial statute. Mr. Justice H. J. MacDonald of the Alberta Supreme Court found Midtown Mortgage and Loans Limited guilty of a harsh and unconscionable transaction in charging 30.5 per cent interest and a bonus brokerage fee almost ten times the standard rate." This is what the hon. minister refers to,

MR. NOLAN: I think. "He ordered Abraham and Mary Crocker's interest rate reduced to fourteen per cent and a bonus from \$2,040 to \$240. Repayment penalties were also to conform to standard mortgage clauses. It was the first reported decision on the Province's Unconscionable Transactions Act of 1970 and stands as a test case.

"The Crockers launched a civil action in June of 1973, three months after the Herald disclosed the firm was charging high interest rates. It indicated borrowers were told by Midtown their rates were from 13.5 to 24 per cent. Mr. Crocker said Midtown representatives who visited his home to negotiate the deal told him the interest would be at 21 per cent and he also believed the bonus was related to the interest that it charged. He did not question the representative or get a legal opinion since he felt that Midtown was in the mortgage business and he could trust the company and its representatives.

"In an eleven page written decision, Mr. Justice MacDonald said it seems obvious that such financing charges are entirely beyond a person of very modest means and can only be calculated to take advantage of the uninformed and the unwary. A mortgage broker testifying as an expert witness at the trial last October said the rate in 1971 for a secured second mortgage such as Crockers where they had \$14,000 equity in their home would be fourteen per cent. He also testified the brokerage fee would have been three per cent or \$240 for Crocker. The manager at Midtown admitted the company assumed no risk in the loan. The transaction was completed on December 1, 1971." And I could go on here giving you details on this now.

I should tell you that there are, and I should not have to say this, but there are very, very reputable people in this Province who are in the business of loaning money and some of them go through lawyers offices, and I know for a fact that certain of these people, whether they be lawyers or managers or whoever, have begged citizens, have literally

MR. NOLAN: begged them, they have said, "Look, this is wrong. Come before the courts under The Unconscionable Transactions Act."

I even know of a case where a lawyer, and I hope I do not get him in trouble now - I cannot because I will not mention his name - he was going to do it for nothing -

MR. ROBERTS: Would the hon. gentleman yield?

MR. NOLAN: Yes.

MR. ROBERTS: Mr. Speaker, under Standing Order 45 I move the Chairman do now leave the Chair. I would point out, Mr. Speaker, it is not debatable. It is always in order, and there is no division. It is a simple ayes or nays and the members count.

MR. CHAIRMAN: Members have heard the motion. All those in favour say aye, contrary nay. The nays have it. In my opinion the nays have it.

MR. ROBERTS: Under the rules if three of my colleagues stand we are allowed to have - not a division by name, but **aligned by** count. Mr. Speaker, the hon. gentleman is not allowed to leave the House and nobody is allowed to come in, including the Minister of Finance, Sir.

MR. F.B. ROWE: 'John' you are not allowed in.

MR. ROBERTS: There is a vote in progress. You cannot come in.

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: No, a count. A numbered count, not by name.

The Minister of Forestry cannot -

MR. F.B. ROWE: They are sneaking back in, Mr. Chairman.

MR. MURPHY: Is the House divided?

MR. ROBERTS: There is a vote in Committee.

'Joe', you cannot vote, you were not in the Chamber.

Not at the time -

MR. CHAIRMAN: Order, please! The vote has been called. Order, please!

MR. ROBERTS: Mr. Chairman, the Minister of Finance **was not in the** Chamber.

MR. CHAIRMAN: Order, please!

MR. ROUSSEAU: Mr. Chairman, to a point of order, if I may.

MR. ROBERTS: No points of order.

MR. ROUSSEAU: To a point of personal privilege. I was in the House when the vote was called. I stepped out there for one second only.

MR. CHAIRMAN: Those in favour of the motion please stand.

MR. ROBERTS: Mr. Chairman, the Minister of Finance was not in the Chamber.

MR. MURPHY: Is the House dividing? Ring the bell and get them in here.

MR. ROBERTS: No. We are in Committee. We do not divide in Committee.

MR. MURPHY: If the House is dividing you must ring the bell.

MR. CHAIRMAN: Order while the count is going on, please. Order, please!

MR. ROBERTS: The House is not dividing.

MR. MURPHY: Well, what are you doing then?

MR. ROBERTS: The Committee is dividing.

MR. MURPHY: Is not the Committee the House at this time?

MR. ROBERTS: No. No it is not.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please!

MR. MURPHY: Do not be so foolish! Sit down!

MR. CHAIRMAN: Order, please! while the Clerk counts.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please! Fourteen for.

Those against!

I would ask the Minister of Manpower if he would retire,
please!

MR. ROBERTS: And the Minister of Tourism as well.

MR. CHAIRMAN: And the Minister of Tourism, retire please!

Sixteen against. The motion is lost.

MR. MURPHY: Big deal! That is the biggest deal for the day for
the future of the Province. Fifteen!

MR. ROBERTS: - idea of the House.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please! Order, please!

MR. MURPHY: Sorry, Mr. Chairman.

MR. SMALLWOOD: Point of privilege. Could we be told why this motion
was? I could not vote on it.

MR. ROBERTS: Mr. Speaker, if I may speak to that I would be
delighted to, if it is in order. The government, Sir, have a
responsibility to keep members in the Committee as do members on this
side, Sir. There were infinitely more members present on this side
than on the other side and I serve notice now that when we are discussing
\$164 million worth of supply, the government, Sir, will have a
majority in this Committee or they face at any time the alternative
allowed under the rules, which is to move that the Chairman do
leave the Chair, Sir.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please! Order, please!

MR. NOLAN: Mr. Chairman, I am just about finishing my few remarks, Sir. I am glad I was not in full flight like my hon. friend to the far right by having that vote called.

AN HON. MEMBER: To your far left.

MR. NOLAN: No, my far right, geographically speaking. Today we were given certain information, as I tried to indicate, of names of people who apparently will be willing, apparently, to let their names be used and possibly even to go to court under the Unconscionable Transactions Act. I would hope that surely we would have to decide here in this House that there is a point beyond which we cannot let people be taken to the cleaners. And I suggest to you that people do not feel that they are protected the way that they should be. They do feel that they are being ripped off, and the unfortunate part about it, in my opinion, is that those who are conducting business, whether they be lawyers, grocers, candy shop operators or anything else, who are operating good business, giving good service, reasonably good quality products and so on, and providing good legal advice at reasonable rates, good loans at reasonable rates,

Mr. Nolan:

I do not see why they should all be pilloried as the hon. member suggests. But there are those who are going beyond the bounds of reason. And as long as we attempt by word or deed, action or inaction to do nothing about it, then we are all going to be convicted in the public mind. I can appreciate the position, I do not envy, really, the Minister of Provincial Affairs in this matter, because I know a little bit about what happens in government. I know some of the pressures that are applied if you try to interfere with certain interest groups in this Province. If you attempt to jeopardize some of their massive profits, you will feel the weight of their heel, I will tell you, one way or the other, and if they do not go to you they will go to one of your colleagues and say that, you know, what have you got that troublemaker in there for, and so on.

Some of these rates are unreasonable, most unreasonable. It is all right to say that they are legal, they are just.

And we cannot—I look forward very much to receiving the bill that will come before this House in order to regulate this situation. In fact I have here a copy of a Mortgage Brokers and Lenders Registration Act—this is for the Province of Nova Scotia, and I do not know if we are going to pattern ours on that. I was told today that one of the most effective, and my opinion of any man in this House or woman is as good as mine on this particular one, and that is British Columbia has a very effective Mortgage Brokers Act.

MR. MURPHY: Why does this one have?

MR. NOLAN: This one here -

MR. MURPHY: British Columbia and Ontario had them.

MR. NOLAN: The one that I have here, the Mortgage Brokers and Lenders Registration Act 1969, and regulations made under the Brokers Act 1966 approved by the Governor-in-Council 20th. day of July 1966.

But some of the things that we have to see, I suggest -

MR. MURPHY: I will check on British Columbia.

MR. NOLAN: Yes, I suggest the minister does.

But one form, and I have a suggested form here, by the way, that you need, and I would suggest that the hon. minister will come up with some such form that I would think will be a requirement for those dealing in funds, is the statement of mortgage. The form must be completed and duplicated and so on. It states the principal amount. But then you have here the annual rate of interest to be paid by the mortgagee on the amount advanced to him or on his account is certain percentage. And this rate will be higher than the rate shown below and so on, and so on. And whenever there is a bonus charge, now this is where I understand the customer sees his highest rate, and perhaps these are some of the forms, and I would like to see all of this by the way before the House. And I am sure that the hon. member will provide any such information because I think that I would like to have the expression of opinion from all members who are interested in this situation. And I know that many members on all sides of this House are particularly interested in this matter. I think it is criminal in itself that people who are in business, and you can mention almost any kind of business under the sun, are looked upon as rogues and crooks and so on when they have been running good businesses and will continue to do so. And I think that if we do not do all that we can here we will all be judged as being party to a situation that attempts to protect a few who are out to get as much as they can, as fast as they can, from whoever they can.

Now there is another situation in connection with legal documents and so on that I would like to mention, and I am not suggesting any solution or answer. I had one member tell me today that, well what can you do? We will give them the form. The hon. member suggest it is going to be a twenty-four or a forty-eight hour cooling off period.

AN HON. MEMBER: Forty-eight usually.

MR. NOLAN: Forty-eight usually, which is a very good idea. But I know of people, I am sure there are members opposite, lawyers opposite who have seen people come into your office, who because they did not have

Mr. Nolan:

an opportunity to get the best education in this world, perhaps little or none, I am sure if you placed before some people a document that says, "we will kill you tomorrow," they will sign it. Now who protects them? Who protects them from unscrupulous people? And that is all we are concerned about, not those that are running good, honest businesses, It is those who are unscrupulous who are out to get the last buck, to skin some people alive, and it is going on. And I do not think we should in any way attempt to protect just a few people. I think it is wrong.

Now you will notice tonight with what I have had to say I have mentioned no one by name other than quoting from a newspaper in Calgary, which I would assume is permissible, it is public knowledge. I mentioned no firms by name, and none of the instances that I have quoted with figures here have I mentioned the names, although I have them. But I know that I can get information in the next few days, more is going to be sent to me regarding the names of people, the amounts of mortgages, the amounts of interest, exorbitant interest, in my opinion, in some cases, plus the bonuses.

MR. NOLAN:

It is really something to watch. We have to say it is legal and it is just. Well I do not know about you, but that is not my brand of justice.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. member for Twillingate.

MR. SMALLWOOD: Mr. Chairman, I listened with a lot of respect for the Leader of the House for the government in his attack on the -

MR. NEARY: Personal attack, slandered me -

MR. SMALLWOOD: Let me say what I want to say. I listened with a lot of respect and a lot of disappointment and unhappiness. Respect, because the hon. gentleman is an extremely able debater. I had never heard him in my life until this House opened last Fall, and he has made two or three, three of four speeches in my hearing and I have to say that I respect him enormously as an able, as a clever, as a resourceful debater. But I never saw an hon. gentleman's talents used in a worse cause than he used them in his speech tonight in attacking the hon. member for LaPoile (Mr. Neary). In my view the most popular member of this House among the people of Newfoundland is that same hon. gentleman. There is no hon. member of this House from the Premier down who is anything like as popular among the Newfoundland people as is the hon. member for LaPoile (Mr. Neary). He has an enormous following in Newfoundland. He has an enormous following. He is not a party man. I found that out. He was a member of the Liberal Party when I was the leader of the Liberal Party and the Premier of the Province. He sat there for a couple of years I think -

AN HON. MEMBER: Six.

MR. SMALLWOOD: No, as a private member.

AN HON. MEMBER: Six, over six.

MR. SMALLWOOD: Six years as a private member. I can tell the House very frankly that those were six uncomfortable years for me because he

MR. SMALLWOOD:

was never - not all of the six years, not every day of the six years. But the hon. gentleman is by no means a party man. He is the great independent. He wants to be answerable to nobody but the people, answerable to no party and so he took a completely independent position. For those six years I did not realize - how long in the cabinet?

MR. NEARY: About three and a half.

MR. SMALLWOOD: Three and a half years in the cabinet and six as an independent sitting over there and sending us all a little mental at times by his -

MR. DOODY: He knows it too.

MR. SMALLWOOD: No, the hon. gentleman was a very obscure grocer at that time. He did not know anything. As the Americans would say, he knew nothing from nothing at that time. He has blossomed since and become quite a minister and it seems to me perhaps one of the ablest of the ministers in the present administration. But at that time he knew nothing. In fact he was a good Liberal, I believe, around that time.

MR. DOODY: I was never a good Liberal.

MR. SMALLWOOD: Well, a bad one.

MR. DOODY: A lapsed one.

MR. SMALLWOOD: All right.

Mr. Chairman, the hon. member is needed in this House and if he were not in this House Newfoundland would be the loser. The people of Newfoundland would be the losers. The people of Newfoundland need to have here in this House a man such as this hon. member. He is the ombudsman, not the gentleman who is getting the \$25,000 or \$30,000 or \$40,000 a year for the job.

MR. SMALLWOOD: Here is the real ombudsman of Newfoundland, of the Newfoundland people. Fearless, utterly absolutely fearless. I know of no one that he fears. I know of nothing that he fears. He has ten time more fearlessness than I ever had, because as a politician I always had in mind various elements in the population - this church, that church, the other church, this organization, that union. A leader has to keep things like that in mind.

This hon. member is utterly fearless. It would be a sad day for Newfoundland if he ceased to be a member of this House. Now I do not mean by that that everything that he says, everything he ever said, everything he ever will say is perfect, I do not mean that; is the absolute fact, I do not say that; is the absolute truth, I do not say that. I do not think that he ever lies in the sense that he will say something believing it not to be true, say it for the purpose of deceiving others. I do not believe the man is capable of lying but he can be wrong, he can be inaccurate and in that sense mislead people without intending to do it. But so what? There are enough hon. members in the House to be a constant check on his statements. If he goes too far out, if he is too inaccurate, there is bound to be a Minister of Justice who will stand up and correct him, if he can, or some minister, or some private member on the other side of the House. I do not think we should worry about that.

He is going to break the rules occasionally. Every hon. member breaks the rules occasionally. I do not think I ever knew - unless it was the Minister of Justice and Attorney General for twenty-odd years in Newfoundland, Leslie R. Curtis. I do not think he ever broke any rules. I do not think that the late William J. Keough broke any rules, but it is commonplace for members to break rules and this hon. member has broken them. And he will break them, and he will be wrong occasionally, and he will be on a sticky wicket occasionally, but thanks be to God, and the people of Newfoundland can say thanks be to God, that they have a man in this House who is utterly fearless and is on the side

MR. SMALLWOOD: of the common people. That is the big point. He is on the side of the common people of this Province. There is no doubt about that. He is never found standing up for vested wealth. He is never found standing up as a champion of wealth and privilege, of aristocracy.

MR. MURPHY: Is that wrong? Is it wrong to stand up for the right? Has everybody got to rag the names of these people? A most extraordinary statement coming from the hon. member, I think.

MR. SMALLWOOD: Let me repeat it. The hon. minister perhaps did not quite - maybe he has formed almost a life's habit of not following my meaning. What I said is - maybe it is difficult. I will try again. That is my fault, not the ministers - always this hon. member can be found on the side of the ordinary, common people.

MR. MURPHY: The great number of voters. Yes, sure!

MR. SMALLWOOD: Maybe it is because there are more common people than there are uncommon. That may be the reason. If the minister is not willing to give the hon. member credit for sincerity that is his misfortune. It is not this hon. member's misfortune.

MR. DOODY: Will the hon. member permit a question?

MR. SMALLWOOD: Of course.

MR. DOODY: What is a common person?

MR. MURPHY: Yes, what is a common person?

MR. SMALLWOOD: Well I will give the minister, the hon. minister, a definition by one of the greatest men that ever lived on this earth, Abraham Lincoln, who said that God must have loved the common people, He made so many of them. That is what I mean by common people. I mean the ordinary breadwinner, the ordinary family man who has no great wealth, who has no great position, who has no great importance, who is just an ordinary worker, maybe with a job, maybe unemployed, the ordinary common people. And if the minister does not know what that term means then he has a very valuable lesson still to learn.

MR. DOODY: An obscure grocer.

MR. SMALLWOOD: The hon. gentleman is no obscure grocer. There was a time when he was. But he is not now. He is now one of the Queen's ministers and I understand from what I hear a very able one, and certainly from my own observation a very amiable one, and again from my own observation one who does not very often, if every, loose his temper and if he does it is outside this Chamber and not here. I have a lot of respect and some affection for the hon. minister.

MR. DOODY: I give up. Carry -

MR. SMALLWOOD: All right. So do not pretend that the hon. minister does not know what is meant by the term "common people."

MR. SIMMONS: His other question was, is he a common person? Is he a common one?

MR. SMALLWOOD: I think he is an uncommon person.

MR. SIMMONS: There you go 'Bill', the kiss of death.

AN HON. MEMBER: Is he an unlearned person?

MR. DOODY: Can you not leave me alone when I am ahead.

MR. SIMMONS: Back to the pickle barrel, boy, back to the pickle barrel.

MR. SMALLWOOD: Now, Mr. Chairman, the hon. member for LaPoile (Mr. Neary) needs no support from me. He needs no praise from me. He certainly needs no defence from me or from any other hon. member and I would say that he would be well able to take care of himself in a contest with the hon. Minister Without Portfolio, the Leader of the Government in this House, the Leader of the House for the Government. And I am volunteering it. He did not know I was going to say this. I am happy to say it. I am glad to have the opportunity to say it and I hope that as long as I remain in this House, long or short, that that hon. gentleman will be here to voice what most of us are a little apprehensive to voice. Although I understand that the minister sitting directly across from me, the Minister of Transportation and Communications would be the last in this House to admire and agree with what the hon. the Government leader said tonight in that speech. My guess would be that the hon. Minister of Transportation and Communications would not at all enjoy or appreciate or agree with what the hon. minister said, because that same hon. minister

MR. SMALLWOOD: became quite famous in Newfoundland for his exposé of the motor car business, some elements and aspects of it. He was one of the leaders of it. And on a number of occasions he has taken a position on an issue very similar to the position taken by the member for LaPoile (Mr. Neary). Indeed it might even be said that the hon. minister is that side of the House's Steve Neary. And he need not be ashamed of that. He can take pride in that, and the Tory Party, so-called, the party over there which in my view is mistakenly called the Tory Party can be proud to have a man like this minister provided this minister can sometimes - not too often, he cannot get away with it, not too often - provided some times he will forget momentarily that he is a minister, and revert to his true nature which is to be that side of the House's Steve Neary.

MR. SIMMONS: Steve with his hair combed.

MR. SMALLWOOD: Well, he dresses better.

MR. SIMMONS: Does he not?

MR. SMALLWOOD: He dresses better.

MR. SIMMONS: He is paid more.

MR. SMALLWOOD: I cannot say I admire his shirts or his ties either.

MR. DOODY: He is our pretty boy.

MR. SMALLWOOD: Mr. Speaker, to the Government Leader of the House, take a word of advice from someone who has had a lot of experience;

MR. SMALLWOOD:

Do not ever repeat that kind of attack. The hon. gentleman will lose caste. His standing will fall in this House. Do not use his superior talent and skill as a speaker, as a debater, do not use that to attack a man such as this hon. member. The hon. gentleman's own party will not like it. I can tell him right now there are four or five hon. members sitting on that side at this moment who did not like what the hon. minister said or how he said it or why he said it, did not like it at all. If the hon. gentleman would take a word of advice from me - I know him very well. The first job he ever had in his life I think I gave him, did I not?

SOME HON. MEMBERS: Oh, oh!

MR. SMALLWOOD: Yes. I took him on my own staff, did I not, down in the Premier's office, took him on my staff. He was on my staff for a couple or three years or something until he went out to practice law. I have had a lot of respect of him. I have had a lot of admiration for him. I do not want to see him throw all that away. Okay?

MR. WELLS: Mr. Chairman, I do appreciate the hon. gentleman's remarks but -

MR. SMALLWOOD: I will yield.

MR. WELLS: I was going to ask the hon. gentleman a question. One thing - I am very serious about this - that I would ask the hon. gentleman in his time in public life and wisdom and experience to express an opinion on; but do people or ought people who are outside this House, not able to defend themselves in this House, ought there to be any limits on what can be said about them within this House.

MR. SMALLWOOD: I will answer that. It took I do not know how many heads to be chopped off, it took a lot of blood and sacrifice to win for the members of parliament - whether that be a big parliament as at Westminster or Ottawa, or a small one, as at St. John's - the right of elected members to complete immunity. Speaking as members from their place in this chamber we are as free as the very air.

MR. WELLS: That is right. Does that though not carry a responsibility?

MR. SMALLWOOD: It carries a responsibility. There are rules that are laid down, our own Standing Orders, Beauchesne, the precedents in the United Kingdom Parliament, the precedents in the Parliament of Canada. There are precedents. There are rules. We have our own Standing Orders. Within those limits only: You cannot attack the Queen, You cannot attack the Royal Family. You cannot deal with a case that is going on in court. You cannot attack the heads of state of friendly nations. There are certain limitations, very limited limitations.

MR. J. CARTER: On a point of order, Mr. Chairman. The hon. member for Twillingate (Mr. Smallwood) has pointed out that this House or the members have complete immunity when they speak in this House. I would like to point out I think that any, even a cursory look at the rule book will show that this House itself may take action against a member who proves himself too obnoxious, and in my view the hon. gentleman from LaPoile (Mr. Neary) today has come pretty close to that.

MR. SMALLWOOD: That is an interesting point of order. The only trouble is that it is not a point of order. It is an observation the hon. gentleman wished to make and he did it under the guise of a point of order.

My answer to the hon. gentleman, to the Minister without Portfolio is that it is a precious privilege which we must never give up, never. I actually heard someone advocate here within the last two weeks or a month that immunity, parliamentary immunity should be given up.

AN HON. MEMBER: Hear, hear!

MR. SMALLWOOD: Who said, "Hear, hear!"?

MR. MURPHY: I did.

He is only a member. He should have no more right to downgrade people in this House than outside of it, no matter what the hon. members says. This is not a cover for cowardice.

MR. SMALLWOOD: Every right carries with it a duty, and when we have this right, this precious right, absolutely precious, whatever we say in this House is privileged. Any reporter can report it.

MR. SMALLWOOD:

He can broadcast it. He can televise it. He can publish it in the newspaper and nobody but nobody can do a thing to that radio station, television station, newspaper. If it is a correct report of what was said in this Chamber then that report is equally immune from attack as our speeches are here in this House, because that is a corollary of it. What is the use of our having the right for free speech, absolute right within our own rules, what is the use of our having that if what we say dare not be reported to the public outside? So that is why the press and radio and television are completely free to report anything, and I mean anything, that is said or anything that happens in this Chamber. It is a rather long answer to the hon. gentleman's question. But I do not see how I could have answered it in much in shorter.

MR. CHAIRMAN: The hon. Minister of Mines and Energy.

MR. CROSBIE: Mr. Chairman, I have been listening to this all of this with great interest. But what brings me to my feet is the hon. gentleman from Twillingate's attempt to make a hero out of the hon. gentleman from LaPoile (Mr. Neary). Now to make a hero out of the hon. gentleman from LaPoile takes some imagination. It takes some imagination to make a hero out of the hon. gentleman from LaPoile. Now anyone can get up in this House and mention some area of life in this Province or in Canada that needs to be looked into or reformed or changed. I have no doubt that the area of unconscionable transactions is one of them. The matter of interest is a matter for the Government of Canada. The B.N.A. Act puts banking and interest in the hands of the Government of Canada. The Province has some jurisdiction. A lot has been done the last three or four years to make the disclosure prerequisite. Whenever any loans are made people have to have disclosure to them and what they cost and the like. It is doubtless a lot more can be done in that area. The Government is going to bring that in. Anyone is quite justified in getting up in this House and pointing out that these abuses are occurring and that changes need to be made and the like. They are to be praised for doing it. But there are ways of doing it. Am I to sit here and be

MR. CROSBIE:

told that I am to admire the member for LaPoile (Mr. Neary) as a hero when he gets up in the House and not only does that but makes sly insinuations, reads the names of companies into the record that are convicted of nothing yet, reads the names of shareholders, or people who may or may not be now shareholders, going by the shares list down in the registry of companies, gets up and reads into the record the name of another member's wife, without a word to him first, and puts her name in the record of the House as a shareholder of a company which he tries to tie in with a whole lot of other companies and which he tries to tie in with a lot that he said about unconscionable transactions so the imputation is there when it appears in the press tomorrow that this member's wife is involved in it? We are supposed to think that this is a proper use of parliamentary privilege? Not likely! I for one will never think that it is a proper use, and I for one will ever think that anyone who uses those tactics is anything but a poltroon.

SOME HON. MEMBERS: Hear, hear!

MR. CROSBIE: Never will! A McCarthyite! A McCarthyite! Senator McCarthy! There is nothing in that book that says that Senator McCarthy is unparliamentary. What is the -

MR. NEARY: Mr. Chairman, on a point of order. That is a non-parliamentary phrase, Sir, and I ask the Chair to rule that the hon. minister withdraw.

MR. CROSBIE: Mr. Chairman, on that point of order. I can only be directed to withdraw if there is something that says that the words I have used are unparliamentary.

MR. SMALLWOOD: The minister is right. It is not unparliamentary.

MR. CROSBIE: Right. It is not unparliamentary. I am saying that the member for LaPoile (Mr. Neary) has made unwarranted charges and has so dealt with the matters that he is discussing in this House that he has tried to character assassinate a member's wife in this House. I would like to refer to a column that is in the Globe and Mail on Thursday, March 18 called "Parliamentary Style" by Jonathan Manthorpe, who is

MR. CROSBIE:

discussing federal issues about resignations and comparing McKeough's resignation in Ontario to what happened in the Federal Government. He is talking about parliamentary style and honour and I quote, "The honour of parliament and of the people engaged in government is not a mystical, metaphysical thing. At the root of the system is the fine belief that the people elected by the country to sit in the House must act toward each other and in their administrative duties with absolute scrupulousness. They should be upholders of the best qualities in our civilization far beyond the dictates of the law or current morality. These are requirements that ask much of a M.P. but they are far from impossible to follow."

Now how does the hon. gentleman from LaPoile's conduct match that? Is there any honour in his conduct, or any parliamentary style to get up in this House this afternoon and read out the names of three wives of lawyers, one of them a member of the House, in the context that tries to imply that they are guilty of these unconscionable practices that he has been discussing and without

Mr. Crosbie:

any evidence or proof of it? And it is not even criminal in any event! Now it is cleverly done, and I have heard it done here on many occasions before, and I have had it done to myself, and I do not intend to sit in this House and hear a lot of pious hypocrisy in praise of that kind of heroism, if that is heroism.

AN HON. MEMBER: Hear, hear.

MR. CROSBIE: Because I do not think that is heroism, I think that is nothing but low down, skulduggery of the worst type. And I will never endorse it, and I do not intend to endorse it now. And if the hon. gentleman is the hero of the Newfoundland people, fine, that is great. I do not care if he is a hero to everyone of the 530,000, he will never hear me cheering that kind of heroism. And if that puts me with everyone of the 530,000 against me, so be it. It would not bother me one bit.

Now there is -

MR. SMALLWOOD: You would stand against all.

MR. CROSBIE: That is right. And the hon. gentleman has never been able to bully me, or scare me. And the hon. member for LaPoile will never be able to do it, and no matter what his attacks are, or how low they are or what his imputations are.

MR. SMALLWOOD: And vice-versa.

MR. CROSBIE: I am not worried or scared about the hon. gentleman. But do not have the hon. gentleman stand up here and have him - he can praise who he likes, but do not think he is going to get my support for that kind of nonsense.

Now if the hon. gentleman for LaPoile wants to get up and bring this to our attention, that is quite fit and proper. And the hon. gentleman from Conception Bay South has done it, and done it properly. And there are abuses which the government are working on, and it might or might not be a good idea to have a royal commission. I certainly have not got my mind set against that and the government - we do not see the necessity, but it might be that there is some necessity. I believe that the legislation that we will

Mr. Crosbie:

introduce may meet the problem.

But, Mr. Chairman, the problem is that there are people who need money, who are big risks for those who lend it, and there are people who lend the money, who are unconscionable enough to exact a big price for the big risk they take. That is the system. Now whether this House can cure it is another question. That that is an evil that needs to be addressed is true. And it is quite proper to bring it up here. But it is not proper, in my opinion, to bring it up coupled with a sly, unconscionable attack on a member of this House that was unnecessary and uncalled for. And the member given no notice, and not even spoken to about it. If that is admirable, if that is something that members of this House are suppose to do, it is no wonder it is such a job to get people to run or get people to stay, or get people to stay on. So I get to my feet, Mr. Chairman, to make those observations.

Now the member for LaPoile got lots of qualities - he is a good politician. He is a hard worker. He knows how to get publicity. But his weakness is that he goes too far. He goes too far. He has no sense of what is fit and what is proper and what is decent. That is his weakness. No one is perfect. And I am not perfect. And the hon. gentleman from Twillingate is not perfect, although he nears perfection, he is not perfect. So, Mr. Chairman, that is one point I want to make.

MR. SMALLWOOD: That will get the minister nowhere.

MR. CROSBIE: Now the hon. gentleman from LaPoile is a little bit inconsistent when he tells this House today how much he admires Inspector MacGibbon. That is when he went to Inspector MacGibbon of the R.C.M.P. to have some fraud matter he wanted investigated investigated. But when the government went to the R.C.M.P. and Inspector MacGibbon investigated the hon. member for LaPoile's close friend or associate or whatever he is, John C. Doyle, the hon. member for LaPoile did not like that, and opposed it, and criticized it. But now because Inspector

Mr. Crosbie:

MacGibbon went and investigated some matters he wanted investigated and he discovered that Inspector MacGibbon does his job fearlessly, this, that, and the other. I am delighted to hear him say that. And the same is true when Inspector MacGibbon investigated Mr. John C. Doyle and his activities and charges were laid, and in that case charges deserved to be laid.

Now several months ago this Province had a bond issue up in New York, and a despicable, dastardly attempt was made to sabotage that bond issue, and a letter was written by one Robert A. Semonian, I think his name is, an associate of Mr. John C. Doyle, who has instituted a false and foolish suit down in the State of Massachusetts against the government, in connection with Canadian Javelin and the government. This gentleman wrote an eight or ten page letter to the SEC with

Mr. Crosbie.

all kinds of misleading and dishonest statements in it to try to prevent this Province borrowing in the United States of America. Now does anyone here think that any member of this House would be so unconscionable as to align himself with that kind of an attempt? But some member of this House got a copy of Hansard and sent the Hansard, either to Mr. Semonian or to John C. Doyle and the Hansard was quoted in the letter to SCC down in Washington. Who was that hon. gentleman? And the Hansard involved contained some remarks I had made in a speech in the House. And when I checked to see who had asked for the copy of the Hansard, who was the copy of the Hansard requested by? The member for LaPoile (Mr. Neary). Why did he request that copy of Hansard and send it to these people, Semonian and Doyle et al to assist them in an attempt to stop the Province having a bond issue in the United States of America.

MR. NEARY: Mr. Chairman, to a point of order, Sir.

I did not request any Hansard for a Mr. Semonian. I never heard of Mr. Semonian up to this moment, and I ask Your Honour to ask the minister to retract that statement.

MR. CROSBIE: Mr. Chairman, the hon. gentleman just says that he did not request the Hansard for Mr. Semonian. Then I ask him the question, who did he request it for?

MR. NEARY: For myself, I still got it.

MR. CROSBIE: And where did the copy go?

MR. NEARY: Down in my office.

MR. CROSBIE: You are not the only one that had it.

Now you say you did not request it for Mr. Semonian and I accept your statement.

MR. NEARY: Well, you have to.

MR. CROSBIE: That is right.

MR. NEARY: You do not have any choice.

MR. CROSBIE: That is why I am accepting it.

MR. ROBERTS: What did the Hansard involve?

MR. CROSBIE: The Hansard was of a speech that I made in the Address in Reply.-

MR. NEARY: I wanted to study the minister's speech. .

MR. CROSBIE: - here about the future of the Province and the future of democracy and so on.

MR. ROBERTS: Not the Address in Reply.

MR. CROSBIE: The Leader of the Opposition's motion.

MR. ROBERTS: Does the minister think I sent it?

MR. CROSBIE: No! I just said who I thought sent it.

MR. NEARY: Do you know what thought did?

MR. CROSBIE: But I am saying - I do not know who sent it - but I am saying that some member of this House sent it, -

MR. F. ROWE: It is nobody over here.

MR. CROSBIE: - that some member of this House co-operated with enemies of this Province in attempting to stop a bond issue of the Province of Newfoundland down in the United States of America, and I do not know who the hon. gentleman was, but I have my suspicions.

So, Mr. Chairman, there are heroes and heroes, and there are ways of bringing up things in this House and ways of not bringing them up. There are ways of bringing up evils that need to be corrected in the proper way that does not scarify and hurt the reputation of innocent people who are not even in the House.

Now the hon. gentleman from LaPoile (Mr. Neary) was up when he was complaining about this schooner incident, and he talked about his relations or his friends' loss of reputation and so on that went on in this court case, and I thought that when the ox gets gored at home the hon. gentleman notices it, but he has never been one to worry about loss of reputation. I have never heard him worry about loss of reputation.

Mr. Crosbie.

yet. This is the first time when he worried about the reputation of those close to him. There are a lot of people in this Province and some in this House who suffered in their reputation and whose families have suffered because of wild and irresponsible statements made by the member for LaPoile (Mr. Neary). And when I am asked to commit an act of adulation for that hon. gentleman I will restrain myself, I can assure you of that.

MR. NEARY: I am sure you would.

MR. CROSBIE: Yes, you are not going to worry me.

MR. NEARY: I am not your run of the mill -

MR. CROSBIE: No, you are not. I am glad you are not.

MR. NEARY: I do not tip my hat to the Crosbies.

MR. CROSBIE: And I do not tip my hat to the Nearys. I do not tip my hat to anyone. I do not ask anyone to tip their hat to me.

MR. NEARY: Going along with your nose up in the air.

MR. CROSBIE: Listen to it, now, look, listen to it.

Now, Mr. Chairman, I am driven to my feet by the hon. gentleman from Twillingate's (Mr. Smallwood) paeans of praise, and his pious address to the Government House Leader that he should not attack the hon. gentleman for LaPoile (Mr. Neary). He should not even be critical of what the hon. gentleman for LaPoile (Mr. Neary) has done here today.

MR. SMALLWOOD: He lowered himself by doing it.

MR. CROSBIE: I do not think that. What is a man supposed to do? This is the hardest thing to combat of anything there is. You can sit and think all day of how you are going to combat some of these wild and irresponsible statements without making them worse.

MR. NEARY: They were facts.

MR. CROSBIE: They are not. The way that you dragooned the whole thing -

MR. NEARY: I laid out the facts.

MR. CROSBIE: - constructed the whole thing together -

MR. CHAIRMAN: Order, please!

MR. CROSBIE: - was diabolical.

MR. NEARY: I laid out the facts.

MR. CHAIRMAN: Order, please!

MR. CROSBIE: Laid out the facts! You laid out the facts and the insinuation in a disgusting manner.-

MR. NEARY: No insinuations.

MR. CHAIRMAN: Order, please!

MR. CROSBIE: - that I am not going to support, and I do not think there is anyone on this side of the House who is going to support it, and I am sure there are lots of people on the other side of the House who are not going to support that kind of thing. Yes, to bring up this problem, fine, and to have the problem discussed, fine, But to try to drag in a member of this House that way, through his wife, is the most despicable, cowardly, poltroon piece of poltroonery that I have heard in the House yet!

MR. CROSBIE: There are no words I can find strong enough. That is why we do not seem to have in this House here, as they seem to have in Parliament, some sense of solidarity and some sense of what is fit and decent for us to treat one another like. I do not think it is within that spirit for anyone to be treated as the Government House Leader is treated here today, and then have the member for Twillingate (Mr. Smallwood) get up and expect us to praise the member for LaPoile (Mr. Neary) for doing that is pretty - it is just pretty, pretty thick,

Now, Mr. Speaker, Interim Supply can go on. It will be debated for another few days yet.

MR. ROBERTS: We have now used ten per cent of the total time allotted.

MR. CROSBIE: All right. That is up to the Opposition. It is up to the Opposition how long they want to debate and so on. This government has nothing to be ashamed of in this area. There has been more progress in the area of disclosure and of passing legislation in this field since 1972 than in all the twenty-three years before 1972, and not enough has been done. The more you pass the more you find there is need to pass, Mortgage brokers legislation, whatever it is, should be passed, and the federal government should be looking as to what they should do to outlaw bonuses and so on, which are really interest. It is a way to get around interest and the federal government has the power to make that illegal across Canada. It is not just a problem in this Province, it is a problem in Toronto, it is a worst problem in Toronto. They are in third mortgages and fourth mortgages and God knows what else in Toronto. But they have not even reached here yet.

AN HON. MEMBER: What is the third mortgage?

MR. CROSBIE: There will be third mortgages here too.

MR. SMALLWOOD: Not at Come By Chance.

MR. CROSBIE: The interest rates were unconscionable at Come By Chance because they were exceeding twenty-four per cent.

So, Mr. Speaker, I give the hon. House Leader my sympathy today. I have seen it happen many times before. I am in no way going to support this kind of behaviour in the House by the member for LaPoile

MR. CROSBIE: (Mr. Neary). I do not think he is a hero. I do not think the Newfoundland people think he is a hero. I think he has got many qualities but character assassination is one of his great weaknesses and I move that the committee rise.

MR. NEARY: Mr. Chairman, first of all, Sir, I want to thank the hon. member for Twillingate (Mr. Smallwood).

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 Supply have considered the matters to them referred and asked me to report some progress and ask leave to meet again.

MR. SPEAKER (DR. COLLINS): The Committee of the Whole reports they have considered the matters to them referred and report progress and ask leave to sit again. When shall the committee have leave to sit again?

On motion report received and adopted Committee ordered to sit again on tomorrow.

On motion the House at its rising adjourned until tomorrow, Wednesday, March 31, 1976, at 3:00 p.m.

C O N T E N T S

March 30, 1976	Page
<u>PRESENTING PETITIONS</u>	
By Mr. Callan in behalf of 38 residents of Norman's Cove, Long Cove and Chapel Arm objecting to the proposed regulations outlined in the White Paper on snowmobile operations.	4046
Supported by Mr. Nolan.	4046
Mr. Mr. Rowe in behalf of 303 residents of Heart's Content requesting financial assistance in the establishment of a home for senior citizens.	4047
Spoken to by:	
Mr. Wells	4049
Mr. Simmons	4049
Mr. Neary	4050
Mr. Murphy	4052
By Mr. Simmons in behalf of 33 residents of Ramea objecting to the showing of scenes on television which involve the portrayal of social drinking and the consumption of alcohol.	4053
<u>ORAL QUESTIONS</u>	
Query as to why the recommendations of an arbitration board dealing with double time for nurses for call back cannot be implemented at the General Hospital. Mr. Neary, Mr. Collins.	4059
Redirected. Mr. Neary, Mr. Doody.	4059
Consultation with members of the General Hospital Corp. Mr. Neary, Mr. Doody.	4060
Reduction by 200 of the number of hospital beds. Mr. Rideout, Mr. Collins.	4060
Licencing of farm equipment. Mr. Nolan, Mr. Morgan.	4061
Use of government controlled dragnets to augment fish landings at Southwest Coast plants. Mr. Neary, Mr. W. Carter.	4063
People living in a waste disposal area, working in an incorporated area, subject to double taxation. Mr. Rowe, Mr. Wells.	4065
Gear replacement programme. Mr. Simmons, Mr. W. Carter.	4065
Collection of parking tickets. Mr. Neary, Mr. Morgan.	4066
Tender call for office space for government. Mr. Roberts, Mr. Rousseau.	4067
Query as to whether the contract will be awarded to the lowest tenderer. Mr. Roberts, Mr. Rousseau.	4067
Objections to the appointment of the Commissioner of Human Rights to investigate a problem at Labrador City. Mr. Neary, Mr. Maynard.	4068
Office of the ombudsman. Mr. Callan, Mr. Wells.	4068

C O N T E N T S - 2

<u>ORAL QUESTIONS (continued)</u>	Page
Widening of the ombudsman's role. Mr. Callan, Mr. Wells.	4069
Province-wide educational television. Mr. Rowe, Mr. House.	4070
Query as to whether a reply has been received from Ottawa concerning an investigation into the <u>San Juan</u> disaster. Mr. Neary, Mr. Hickman.	4070
Advertisements concerning the sale of boats constructed as part of a boat building course for fishermen. Capt. Winsor, Mr. W. Carter.	4073
Query as to ministerial awareness that a select committee recommended that all such boats be first offered for sale to fishermen. Mr. Roberts, Mr. W. Carter.	4073
Flu epidemic. Mr. Neary, Mr. Collins.	4074
Efforts to retrieve ghost nets. Capt. Winsor, Mr. W. Carter.	4076
Mothballing of the Come By Chance refinery. Mr. Callan, Mr. Crosbie.	4076
<u>ORDERS OF THE DAY</u>	
Bills Nos. 25, 26, 24, 7, 27 and 28 read a first time, ordered read a second time on tomorrow.	4077
Committee of Supply (Interim Supply - continued)	
Mr. Marshall	4078
Mr. Neary	4097
Mr. Rousseau	4121
Mr. Rowe	4131
Mr. Neary	4135
Mr. Hickman	4161
The Committee rose at 6:00 p.m.	4178
The Committee resumed at 8:00 p.m.	4179
Committee of Supply (Interim Supply - continued)	
Mr. Hickman (continued)	4179
Mr. Neary	4197
Mr. Wells	4222
Mr. Nolan	4235
Mr. Smallwood	4254
Mr. Crosbie	4263
Mr. Crosbie moved the Committee rise.	4274
<u>ADJOURNMENT</u>	4274