



PROVINCE OF NEWFOUNDLAND

THIRTY-SEVENTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND

Volume 1

1st. Session

Number 74

VERBATIM REPORT

MONDAY, MAY 31, 1976

SPEAKER; THE HONOURABLE GERALD RYAN OTTENHEIMER


The House met at 2:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

STATEMENTS BY MINISTERS:

MR. SPEAKER: The hon. Minister of Tourism.



MR. HICKEY: Mr. Speaker, recently the Auditor General in his annual report criticized my department for issuing free big game licences to some hunters as a reward for the submission of their big game licence returns. As these returns provide valuable data to the Wild Life Division, this reward system was devised several years ago in the hope of increasing the number of returns submitted. I wish to inform the House at this time that this reward system will be discontinued. No free licences will be issued to co-operating hunters in the future. What I now propose to do, in the hope of eliciting returns or reports from big game hunters, is to implement a penalty system for those hunters failing to submit their returns or reports. This penalty system will prohibit a person from holding a big game licence for the next open season for which he or she is eligible to hold a big game hunting licence.

As this year, party licences will be issued, and as the party licence will enable two persons to hunt on the one licence, both of these people will be disqualified from holding a licence if the licence return is not submitted. In other words the onus for submitting the return will rest with both members of the party. This will be maintained of all persons who fail to submit the return. And these future applications will be checked against these lists, and anyone whose name is not on the list will not have his application entered in the draw for the next season in which he or she is eligible to receive a moose or caribou hunting licence. I should perhaps caution hunters now to submit their licence return by registered mail in order to ensure delivery to the Wild Life Division.

PRESENTING PETITIONS:

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

MR. STRACHAN: Mr. Speaker, I wish to present a petition on behalf of the 114 residents of Fox Harbour in Southern Labrador. The prayer of the petition is as follows: "We the undersigned being residents of St. Lewis, Fox Harbour, Labrador do hereby petition the Government of Newfoundland and Labrador to construct a road around our community in the coming Summer of 1976. This proposed road is approximately three miles long. We have made efforts before to have a road built around our community but to no avail. This proposed road would connect both sides of the community, and enable transportation to the school, fish plant, stores and water wells. Due to the lack of a road the people find it nearly impossible to get around the harbour, and as a result the children are losing school as well as the many other inconveniences caused by this problem."

In talking to the prayer of the petition, Mr. Speaker, I would like to outline that Fox Harbour is a community of something close to 400 people now, a very active, vigorous community which lies approximately twelve miles across St. Lewis Bay from Mary's Harbour. The community is situated in a harbour. The major part of the community lies at the bottom of the harbour and on either side of it is a fish plant and people living at each point in Fox Harbour. What occurs is that during the Summer the school children are brought to school by boat, across the harbour, and in the Winter the school children are brought to school by snowmobile. Of course, in break-up and freeze-up there is a problem in getting children to and from the school, and also in communicating around the village. Another problem that exists is that there is a fish plant there which has been built through local initiative, and the fish plant is separate from the rest of the community, and there is no way at all for them getting to the fish plant. Most people travel by boat. They are not asking for a paved highway. They are not asking for a gravel road. All they are asking for is some system, some road built around the community. It is not too difficult

Mr. Strachan.

a problem. There is not a great deal of rock. It is also the site of a hillside, but it is a very sloping hillside, and they feel that some road should be built around so that people could have trucks, so that people walk around the community without having to use vessels, boats or snowmobiles. There is also a danger here in that children going back and forth to the school during the break-up and the freeze-up often experience great difficulty due to bad ice conditions. And it may occur some time that some children may lose their life to and from school.

I do not think that what the residents of Fox Harbour are asking for is too much. They are not asking for a great deal, but they wish to see something done. I should indicate that this petition is, as a result of a statement by the Minister of Transportation and Communications in which he indicated that a barge with equipment would be travelling to the two communities of Mary's Harbour and Black Tickle. That barge, as I understand it, will be handling fairly small equipment. It will not be large equipment, as I understand it, and this will be to upgrade the roads in these two communities. Possibly what is required, certainly initially for a road like this, would be larger equipment and possibly I would ask the minister to respond to this. It is a real need of the people, a real need of the residents, and they wish to see something done about it, and I do not think they are asking for too much.

I ask that this petition be laid upon the table of the House and referred to the department to which it relates.

SOME HON. MEMBERS: Hear, hear!

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

MR. MORGAN: Mr. Speaker, just a few words in support of the petition tabled by the hon. member for Eagle River (Mr. Strachan). As I earlier indicated in the House of Assembly later when the Assembly closes or recesses for the Summer recess, I intend to travel the Labrador Coast with the hon. gentleman from Eagle River (Mr. Strachan), and my friend

MR. MORGAN:

from Naskaupi (Mr. Goudie) and visit these small communities and take a look at the need for improvements in road conditions and, of course, the need for improved transportation in general on the Labrador Coast. So I will only be too pleased to visit the community of Fox Harbour at that time and take a look at what can be done this year, if anything. We have allocated funds for the reconstruction of the roads in Mary's Harbour and Black Tickle. That is our programme for this year as earlier outlined in the House of Assembly. But if at all possible, if there are any funds available, we will look at some work to be carried out this year as well at Fox Harbour. At this time I cannot indicate definitely if this will be done. So rather than indicate now I will say I will travel to the area with the hon. gentlemen and take a look at the situation and hopefully some improvements will be carried out this year.

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

HON. E. M. ROBERTS: Mr. Speaker, I would like to say a word or two in support of the petition presented by my friend and colleague from Eagle River (Mr. Strachan), from the district of Eagle River, which should be called the Coast of Labrador, but the member represents the people of Fox Harbour and Louis Harbour and all of that part of this Province. I think their request is a very straightforward one. I think it is a very reasonable one. They are not asking for very much in this day and age to ask for a road around the harbour, which I think is the essential substance of the prayer of this petition. There cannot be many communities left anywhere in this Province, Mr. Speaker, that do not even have a road around the harbours. There might be one or two up in Hermitage district, Francois - I am not sure if Francois ever got its bit of road, although it was promised during the famous by-election campaign. But there are very few. There cannot be a dozen communities left in all of the communities in this Province that they do not even have a road from one end of the harbour to the other. Most of them are relatively small communities, and it would not cost a lot of money to provide them with this amenity.

I think it is something that the government should regard as a priority, because for the expenditure of a relatively few dollars they can provide the citizens, the people who live in these communities with a very great amenity, relatively speaking. And I know that the Minister of Transportation obviously has many more demands upon his budget than he has dollars with which to satisfy those demands. And that is accepted, and that is normal, and certainly that is not his fault. But I would say to him that, you know, the relatively few dollars involved here, I would hope, could be found, particularly when we look at the amounts of money that are being spent on other projects within the Highways Department. A very few dollars taken off those projects would not make much difference, but a very few dollars spent to help the people of Fox Harbour and the other communities in the

Mr. Roberts:

area would make a great deal of difference.

And as always, Sir, in dealing with the communities along the Coast of Labrador, and elsewhere in Labrador, I think, there is the additional reason in public policy, and that is the necessity of supporting the people of Labrador, the need to show them, to convince them by showing them that, you know, the political entity of Newfoundland and Labrador does work, and that it is very much in their best interest that it does work.

I would say only one thing in addition, Mr. Speaker. The minister I am very happy to learn from him is going to visit these communities this Summer, and I think the people there will welcome him, and I know he will have a very enjoyable time. The minister has outlined quite an ambitious plan over the Summer to visit, and I think that is very commendable. I think, it is a very good use of ministerial time to visit places, to see what is happening, and to get a first-hand look. I would hope though, and I think this is a danger that could come up, I do not think the minister will fall into it, but I would hope that the start of work in these areas does not have to wait until the minister can come, because travel can be difficult, communities are widely scattered, and the minister has many demands. Such an important man has a lot of demands on his time, and I would hope that he could, you know, arrange to have the work go ahead. Surely it does not have to wait for the minister to come. The engineers will be the people on whom the minister relies, quite properly, for his advice. So I would hope that whatever can be done in Fox Harbour will be done this year, for that matter, my own district along the Straits, the road along the Straits from L'Anse au Clair to Red Bay will be started without necessarily having to wait for the minister to come. People will be delighted to see the minister whether he comes early or late, and I know that if he cannot come early they would like nothing better than to be able to be with him watching work in progress. And I would think, Sir, that is something which should very much commend itself to the minister. It is something which I want to say because I think

Mr. Roberts:

it is relevant, because the minister, in dealing with this petition again, made mention of the fact that he has undertaken to visit these communities, and he hopes to visit them this Summer.

I support the petition, Sir. I think it is well presented, and its well taken. And as I say for a relatively few dollars a very great advantage will be conferred upon people who should have that advantage.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for Bellevue.

MR. W. CALLAN: Mr. Speaker, I beg leave to present a petition on behalf of the residents of Bellevue. Bellevue as everybody knows, of course, is the community after which the district takes its name, Bellevue meaning beautiful sight, in French.

Mr. Speaker, there are -

MR. SIMMONS: It should have been called after their member.

MR. CALLAN: Well I think that is probably why there were so many candidates after the district, it is a beautiful district, and a beautiful sight on the Isthmus of the Avalon. There are 152 names on this petition, Mr. Speaker. And the petition actually is one year old, Mr. James G. Reid, the Minister of Rural Development was the person to whom this petition was addressed a year ago. Now why it was not sent to him or what happened I do not know, je ne sais pas. However they have changed the name now, and they have sent it, or it was given to me yesterday morning, as a matter of fact, at a meeting we held of the Stadium Commission.

The prayer says, "We the undersigned hereby make petition regarding road paving in our area. Last year" - well that of course would be 1974- "after much controversy certain sections of road from Chapel Arm to Chance Cove were paved, promising to complete the remainder in 1975. Now we find that the road from Bellevue intersection to the Trans-Canada Highway, which is commonly referred to as Father Brown's Hill, will not be paved this year. Instead from Father Brown's

Mr. Callan:

Hill to Chance Cove will be paved.

We the undersigned are fed up with being overlooked by government since 1949" - they say here - "and urgently request immediate action on our behalf."

MR. DOODY: Shame!

MR. CALLAN: Shame!

Mr. Speaker, I thoroughly support the prayer of this petition, and as the hon. Minister of Transportation and Communications is aware a contract was let for last year, but the paving was not done last year, or last Fall, because it got too late in the Fall for paving and so on, and that contract is being honoured right now. There is 1.6 miles of pavement running from the Trans-Canada Highway, at the Fair Haven Intersection where a Mr. Jack Robinson has a farm there for this fertilizer and what have you, so the pavement is running down from the TCH down to the entrance of the Bellevue Beach Park, that beautiful sight, that park. What the residents here are concerned about is that they would like to see the pavement extend around the loop, around the broad lake there over as far as the community of Bellevue. And this is why they are presenting this petition now.

MR. MORGAN: How many miles is that?

MR. CALLAN: I would say we are talking about a mile, possibly more, again je ne sais pas, I would say about a mile, no more than two for sure.

So, Mr. Speaker, I thoroughly support the prayer of this petition, and I ask that this petition be tabled and referred to the department to which it relates.

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

MR. F. ROWE: Mr. Speaker, I would like to rise on behalf of my colleagues to support the petition presented by the member for Bellevue, Sir. I was in conversation during the earlier part of the presentation of the petition, but from what I can understand the petition comes

Mr. Rowe:

from the voters, the citizens of the community of Bellevue, and what they are looking for is the paving of the road around the loop from Bellevue to the section that runs down from the Trans-Canada Highway towards the park. And if I understood, the member can correct me, did I understand the member correctly when he suggested that contracts were let for or approved for that particular section of the -

MR. CALLAN: No, no, for 1.6 which has been done, to the entrance of the park.

MR. ROWE: To the entrance of the park.

Well, Sir, it seems to me reasonably sensible that while the machinery is in the area that this pavement should be continued on around that particular loop. Because Bellevue is a particularly beautiful community, and many of the people who visit the park indeed wish to visit around the arm and see the other side of this community, and it will bring tourist dollars into that community if that little section of road is done. Because the pavement is done upon the southside of Trinity Bay, and certainly in some sections of the northside it is done and it seems quite sensible to have that little small section, just in excess of a mile, paved in order to bring the tourists over to the community of Bellevue and have some of the tourist dollars expended in that particular area.

And besides that, Sir, a tremendous number of people do use that particular road just to get to the other side of the Bay.

MR. ROWE:

I would submit that it would be dollars wisely spent if this small section of road could be paved. Sir, I might also suggest to the minister, if I may, in supporting the petition that in a number of cases in, for example, my own district of Trinity-Bay De Verde there are contracts left over from last year. I am happy to learn that the contractors are in there now finishing off the work that they had to terminate last year because of weather conditions. I would suggest that while that machinery is in the area that the minister try his best to get some of these other small sections of road paved that requests have gone in for, to have these small sections of road paved. They add up to, you know, point four miles here, point six miles there and instead of dragging the machinery and the contractor out of the area at this particular time then have to come back at a later date and additional expenditure, it seems to me that money would be saved if the contractor could be - I do not know what the situation would be with respect to calling of tenders in such a situation but it seems sensible that while the contractor is in the area that if some of those small sections of road could be paved it would be money saved in the long run. So, Sir, I do support the petition presented by the member for Bellevue (Mr. Callan).

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

MR. MORGAN: Mr. Speaker, just a few words. I do find it rather amazing that the hon. member, the house leader for the Opposition, would stand in the House of Assembly and request this kind of request to me as minister. Based on the fact that earlier his colleague, the member for Fortune-Hermitage (Mr. J. Winsor) indicated -

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

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

MR. SIMMONS: The minister is now clearly getting into the realm of debate, Mr. Speaker. He is responding to remarks made by my colleague from Trinity-Bay De Verde (Mr. Rowe) which is not really onto the prayer of the petition presented by the member for Bellevue

MR. SIMMONS:

(Mr. Callan). He is getting into debate as to why my friend has said or not said something and whether or not it contradicts what another of my colleagues has said. I submit, Mr. Speaker, this is not germane to what the member for Bellevue (Mr. Callan) has presented.

MR. SPEAKER: The hon. Minister of Rural Development.

MR. LUNDRIGAN: Mr. Speaker, on that point of order. I think the member is anticipating comments which might be made. I have heard the remarks. The member to my knowledge has not even finished one sentence and certainly under any rules a member is allowed to be heard before a point of order should be raised.

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

MR. ROBERTS: Mr. Speaker, to that point of order. It is not true in parliamentary practice that every dog is entitled to his bite. And the minister is not entitled to say something if it is out of order. My colleague is quite right in raising the point of order now. Who knows what the minister was going to say? It is fair to say that nobody knows. But, Mr. Speaker, it is equally fair to say that the minister gave every appearance and rightly so of launching into a debate and my colleague was quite in order in raising the point because you do not have to wait, Sir, for the offense to be before you object to it. If that were so, Sir, the rules would be a mockery because members would break them all the time and then suffer the retroactive penalty of being called to order.

There is a rule of law that every dog is entitled to its bite, as the late Sir Brian Dunfield used to remind all who would listen to him, but it is not, Sir, I would submit a rule that this House should follow.

MR. SPEAKER: With respect to the point of order raised, the applicable rules are in our Standing Orders, 92 and 97. "Every member offering a petition to the House shall confine himself to the statement of the parties from whom it comes, the number of

MR. SPEAKER:

signatures attached to it and the material allegations it contains, and shall not take up more than five minutes. And 97, there shall be no debate on a petition. '

Standing Order 92 while referring specifically to a member offering a petition must, and in my opinion does, refer as well to what may be said by a member speaking to a petition. The hon. Minister of Transportation and Communications was, in my opinion, making a reference, which I presume will be brief but I do not know, was making a reference to a suggestion of the hon. member for Trinity-Bay De Verde (Mr. Rowe). In speaking on the material allegation of the petition the hon. member for Trinity-Bay De Verde (Mr. Rowe) suggested a certain course of action which might facilitate the minister in acceding to the request. He suggested a course of action which I think is relevant to what is petitioned for. The hon. member for Trinity-Bay De Verde did not develop a speech on that but made a suggestion.

I think the hon. minister is replying to that suggestion and a brief reference to that suggestion would be in order. A debate on it, to speak on it at length would not be but I think that a brief reference to that suggestion would not be out of order.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: Thank you, Mr. Speaker. The hon. gentleman for Bellevue (Mr. Callan) in presenting his petition is requesting that an extension or an addition to the contract now awarded in that area for the paving of one point six miles of road from the Trans-Canada Highway down to the community of Bellevue, that that be extended on to include a further approximately one mile around the community of Bellevue. In speaking in support of the petition the hon. gentleman, the house leader in the Opposition, indicated he would like to see this done in many areas around the Province where extensions to contracts could be made to add additional

MR. MORGAN:

mileage in smaller type communities.

My point I was making is that this is frowned on by the Auditor General and it is frowned by the Opposition spokesman with regards to financial matters. The hon. gentleman for Burgeo-Bay D'Espoir (Mr. Simmons). So I am rather surprised that one of his colleagues is entirely disagreeing with him on that point. The hon. gentleman for Bay De Verde (Mr. Rowe) indicates he would like to see this done, extensions given to contracts to have smaller projects included whereas his colleague, the hon. member for Burgeo-Bay D'Espoir (Mr. Simmons) is totally opposed to that.

MR. ROWE: A point of order, Mr. Speaker. Sir, in all sincerity I do not think - and I am positive - I did not suggest whatsoever that we have extensions to existing contracts take place with respect to paving that is ongoing in the district of Trinity-Bay De Verde. What I did say is that while the machinery is in the area money might be saved if some additional -

MR. MORGAN: Where is the point of order? Where is the point of order?

MR. ROWE: Just one second.

MR. MORGAN: No. What is the point of order?

MR. ROWE: Mr. Speaker, the point of order is that the words uttered by myself have been misrepresented by the Minister of Transportation and Communications.

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

I think I should interject here. There is no point of order. It is a difference of opinion.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: Mr. Speaker, when we are talking about extending existing contracts or when we have an asphalt plant in an area and we are doing one point six miles and we want an addition of one mile of pavement done, I think it rather ridiculous for the

MR. MORGAN:

Opposition to ask that we call tenders -

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

The hon. minister will recall that in ruling that he was in order previously, that was stated because the minister would have a right to comment upon a suggestion made by another hon. member with respect to fulfilling the request of the petition. I think that the hon. minister has made that comment and that further elaboration in that area would be debate.

The hon. Minister of Transportation and Communications.

MR. MORGAN: Mr. Speaker, in closing my comments on the petition every consideration will be given to the hon. gentleman's request and the residents of the area. But to call tenders for the paving of one mile of road would be a very expensive type of a tender call because an asphalt plant would have to be set up for the paving of one mile of road. So the only other alternative to calling tenders for paving of one mile of road is an extension onto the existing contract already awarded in that area. That is frowned on, as I earlier mentioned, by the Auditor General and of course it is also a position of the Opposition that they frown on this matter as well.

So extending the existing paving contract in Bellevue, although it will be given consideration, the contract has been awarded, it was awarded last Fall. And I would like to also emphasize, while speaking in support of this petition, that all contracts that were awarded last Fall and were not carried out, that these contracts will be carried out, if not being carried out now, carried out during this construction season both for reconstruction and paving of roads. So although the hon. gentleman's petition has much merit, an extension of the asphalt around the community I feel this year it is rather doubtful at this time that there will be tenders called for that one mile and there will be an extension given on the existing contract.

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

MR. SIMMONS: I would like to rise to support the petition presented by the member for Bellevue (Mr. Callan). I support only that portion of it which he presented in English, Mr. Speaker. What he had to say otherwise was far over my head, but what he said in English was most sensible. I said, Mr. Speaker, "What he said in English not what the Minister of Transportation said in English." What the member for Bellevue (Mr. Callan) said in English was most sensible. I believe what the member for Trinity - Bay de Verde said was not only equally sensible, but equally understandable had we all listened to him. We all know the procedure for government contracts, and we all know that there is provision for add-ons in the contract. Now we are not talking, Mr. Speaker -

MR. MORGAN: Add-ons in contracts?

MR. SIMMONS: Yes, the minister shakes his head. Well perhaps he has been reading the contract in his wrong capacity, you know. Perhaps he read it in his wrong capacity. He should put on his other cap, not cap, no, my God, Mr. Speaker, he would spoil his hairdo.

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

MR. SPEAKER: Point of order.

MR. MORGAN: The hon. gentleman is getting involved in debate on the comments that I made in speaking to the petition. The hon. gentleman is totally irrelevant to the petition brought forward by the hon. gentleman from Bellevue (Mr. Callan).

MR. SPEAKER: Order, please!

Actually I have to admit that the Minister of Justice was conferring with me on something, and I did not hear. What I would suggest is that the matter be left in abeyance or dropped. Otherwise I have no recourse but to hear the tapes, and I would not think the hon. gentleman would regard it as that serious. So if he will withdraw it, it will be the way to expedite matters.

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

MR. SIMMONS: Mr. Speaker, the contracts, I was talking not about the minister, Mr. Speaker. He is a person that I spend as little time talking about as I can. I was talking about the contract, Mr. Speaker, for the road, the 1.6 miles, about that, which is now under contract for paving. And if it is a normal government contract - I have not seen this contract - but if it is like the contracts ought to be, it provides for an additional per unit cost if government decides that they want 1.7 miles instead of 1.6 miles. There is a provision, Mr. Speaker, in the contract for an add-on, for government to go to the contracts and say, "We would like to have .1 mile done, an extra mile", and that kind of thing.

I am saying to the minister, Sir, and to the House a provision is there. The minister may not know it. That would not surprise me, but the provision is there, Mr. Speaker, if it is a normal government contract. The government can request additional, Mr. Speaker, work. Mr. Speaker, if it is a normal government contract and conforms to the Financial Administration Act there is a provision in it which says -

MR. MORGAN: Prior to awarding.

MR. SIMMONS: If the minister would listen, Mr. Speaker, he might learn something. I doubt it, but he might.

MR. MORGAN: Negotiable prior to awarding.

MR. SIMMONS: Mr. Speaker, I am not talking about negotiable prior to awarding. I am talking about a normal conditional contract which says, that if the owner, in this case the government, if the owner decides that it wants additional units of work performed, then that work will be performed at the same unit cost, Mr. Speaker.

MR. MORGAN: That is nonsense.

MR. SIMMONS: It is not nonsense.

MR. SPEAKER: Order, please!

The hon. minister has had an opportunity to speak, his colleagues can have opportunities to speak, if they wish, but I am now asking him not to interrupt.

MR. SIMMONS: Thank you, Mr. Speaker.

I want very much to get talking about my support for the petition. I can recognize that the minister is scared he may learn something, but the danger is fairly remote, Mr. Speaker, I assure him, fairly remote.

MR. SPEAKER: Order, please!

I must remind the hon. gentleman for Burgeo - Bay d'Espoir that he is now in the area of debate, and not speaking on the material allegation of a petition. He must confine his remarks to the material allegation of the petition or matters which are obviously and logically related to it.

MR. SIMMONS: Thank you, Mr. Speaker. Nothing would please me more.

Unlike the member for Gander, (Mr. Collins), Mr. Speaker, I am for the petition. I am not in a situation of not knowing whether I am for or against international flights in St. John's. At least, I take a position on this petition. I know exactly where I stand on the subject. The minister could learn something if he listened long enough. I am foursquare for this petition. I would like to see, Mr. Speaker, the minister, instead of jibbering off here in the House, listen to what the member for Bellevue has asked him.

MR. SPEAKER: Order, please!

I consider that the hon. gentleman has again gotten into the area of debate, and I must most seriously direct him to confine his remarks to the petition, and I must also ask hon. gentleman to my left not to interrupt.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMONS: Mr. Speaker, the prayer of the petition is not that complicated. I do not know why we are making it so complicated. There is another mile of road around the loop there. They would like to have it done. The equipment is in the area. I would bet, Mr. Speaker, that the work could be done more inexpensively by calling into play the add on feature, which I have mentioned, in most government contracts. I hope it is in this one or else the government has some explaining to do. But I mean that is semantics, Mr. Speaker. Let us find out whether

Mr. Simmons.

the clause is there, and if it can be done more cheaply than by calling new tenders. That is a detail of how it should be done. The important thing is that it would seem a fairly propitious time to get it done. The equipment is there. The need is there. The need has been there for some time as witnessed by the fact that a petition was first circulated over a year ago, and I can see no reason why the minister cannot, at least, have a good look at it. And I think the people of Bellevue would have been better served today, Mr. Speaker, had we spent and had the minister spent more time responding to the need than trying to find differences of opinion among people here on the Opposition benches. I support the petition whole-heartedly.

SOME HON. MEMBERS: Hear, hear!

ORAL QUESTIONS:

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

MR. ROBERTS: Mr. Speaker, for once in my life, Sir, I am stymied. The Premier is absent, the Minister without Portfolio is absent, the Minister of Mines and Energy is on his way to Goose Bay to try to repair the damage that is done. My question really is a very important one, and it is for the Premier. Where is he gone?

MR. CANNING: He is right there in the corridor.

MR. ROBERTS: Well, maybe, if I could wait a second, it is an obvious question, but it is an important one. Maybe the Minister of Justice could get the Premier in. Mr. Speaker, this is really most irregular, but it is equally irregular of the entire front bench to be absent during question period. We did not get the Premier, but here is the House Leader.

MR. SIMMONS: Nine and one-half ministers in the House, Mr. Speaker.

MR. ROBERTS: Mr. Speaker, then in the absence of everybody else who counts I will direct my question to the House Leader. Today is the 31st. May, the day when the ultimatum expires. Now it is true, you know, we still have eleven and one-half hours to go before midnight, but could the Premier, now that he has returned, tell us whether any answer has been received from the Government of Quebec in response to the letter which the Premier sent to the Premier of Quebec about ten days ago? And if so, Sir, what that answer is.

MR. SPEAKER: The hon. Premier.

PREMIER MOHRES: Mr. Speaker, there has no answer been received as yet. We understand there is one underway and to make any further comment until tomorrow I think would be wrong at this time. But certainly tomorrow I will be making a statement either way.

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

MR. SPEAKER: A supplementary.

MR. ROBERTS: I certainly will not pursue this matter of the letter, because I agree with the Premier. If it is enroute let us wait until we see what Quebec says to us, and then we will know.

But my question, Sir, grows out of the same subject. It is to the effect of a remark made on the CBC radio a few minutes past by Dr. Ian MacDonald, a well-known commentator on public affairs matters quoting government officials, unnamed, as saying that the government are prepared to lease territory, the Government of our Province are prepared to lease territory to the Government of Quebec. My question is not whether Dr. MacDonald is right or not, My question is, Sir, are the government prepared to lease to the Government of Quebec territory as opposed to water rights in connection with hydro developments?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: The answer is an unqualified, under no circumstances, Mr. Speaker, as far as that is concerned.

SOME HON. MEMBERS: Hear, hear!

PREMIER MOORES: We stated before that our position on matters of territories or leasing of territories or rivers and so on is absolutely non-negotiable, and that position has not changed nor will it change.

MR. ROBERTS: Hear, hear! Hear, hear!

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

Y MR. SMALLWOOD: Would the Premier say that the non-negotiability in the matter of the rivers originating in Labrador and crossing the border and going down through Quebec, is as to the Churchill Falls? On its own bottom would the Premier, would the government consider quite apart from Churchill Falls, not as part of any bargain or any price or any penalty or any reward, but just on its own basis would he agree - I believe I asked him this question before and I believe he gave an answer, but in case I did not and in case he did not - would he say whether the government are open to consider a business-like deal on its own merits under which the two provinces share the power that could be produced on those rivers?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, there are two questions here. First of all to deal with the one that the hon. gentleman mentioned, we would be prepared to sit down with Quebec and rivers that we jointly share work out joint development of them. We would be prepared to enter into possibly, a royalty situation to use the head waters that are in Labrador. But, Sir, we would not be prepared to do any of this without getting the 800 megawatts from the Upper Churchill returned at cost.

Y MR. SMALLWOOD: Or as part of getting the eight?

PREMIER MOORES: Not as part of it.

SOME HON. MEMBERS: Hear, hear!

Y MR. SMALLWOOD: Or, if I may ask the Premier - so that his statement will not be misunderstood because as he put it it could be misunderstood and I am sure he did not mean it that way, but it could be interpreted that way - the development on any arrangement of those rivers is in no sense or in any way to be associated with the development of, the purchase of power of the Churchill River?

PREMIER MOORES: That is correct.

MR. SPEAKER: The hon. the Leader of the Opposition has a supplementary.

MR. ROBERTS: Mr. Speaker, I have a question which grows out of the Premier's answer and again for the sake of clarity, because I am sure the Premier wants to be as clear as can be, is it fair to say that the agreement by - that this is the government's position - that the agreement by Quebec to allow us to purchase the 800 megawatts at reasonable terms is in effect a condition precedent to any further development or negotiations for any further development of any other hydro resources in Labrador on a joint basis with Hydro Quebec?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, that is basically the question. It was in the form of a statement by the hon. the Leader of the Opposition and his position is correct that the 800 megawatts is a precedent before we start negotiations on the many items outstanding over and above that.

SOME HON. MEMBERS: Hear, hear!

MR. SMALLWOOD: But not part of?

PREMIER MOORES: Not part, no.

MR. SMALLWOOD: Right!

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

MR. FLIGHT: Mr. Speaker, this question is to the Minister of Tourism. When the minister presented his big game regulations, these new hunting regulations for 1976, the adequacy of the control over poaching seems to be adequate, or at least it is evident. My question is what control is being exercised now by the Department of Tourism to control and to stop poaching in areas of Newfoundland where poaching is prevalent now? There are months, from May to September what control is being exercised by the Department of Tourism to control poaching of big game basically?

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

MR. HICKEY: Mr. Speaker, I do not have the figures right

MR. HICKRY: on top of my head in terms of the number of wardens. We have a number of permanent staff which of course are on the job year round, and do what they can. I am sure I can tell my honourable friend that that is certainly not sufficient to cover this Province and it is not the number we would like to have. We have increased them. I believe we more than doubled what we had some three or four years ago. In addition to that, during the prime season we hire temporary wardens. Now the numbers escape me. I do not have them but I can get them for the hon. gentleman. What I am telling him simply, in a nut shell, is that we have a permanent staff who are on the job all of the time, full-time, year round, and then we hire additional or what we call temporary wardens, I assume, for the hunting season.

MR. FLIGHT: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

T
MR. FLIGHT: Mr. Speaker, does the department or the minister recognize the fact that poaching per se is more dangerous to our big game in the time of the year the season is not open, during the Summer? This is when the poaching is going on. There is very little poaching during the hunting season. Is the department aware of that fact?

MR. SPEAKER: The hon. Minister of Tourism.

T
MR. HICKEY: Yes, Mr. Speaker, that subject, as a matter of fact, is presently under review and under discussion. I am not prepared to agree with my hon. friend that the number of animals poached during the off season is equal but I can certainly say to him that we know that it is substantial and substantial to the degree that it is not reflected by the difference in the numbers of staff that are in the field during both seasons.

I would agree with him that there appears quite clearly a need for something to be done, more than is being done, during the off season or during the season when the hunting is closed, that something has to be done in addition to what we are doing. The problem is, Mr. Speaker, a matter of dollars. It is a matter of finances and it is a matter of spreading the monies that we have in our budget as far as we can and at the same time derive the best use from it. But this matter is under review at the present time. And the very question as raised by my hon. friend has been raised and raised by some of the field staff, indeed, and it is now being considered. I hope that I can at some future date make a statement of policy on it.

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

X
MR. NOLAN: Mr. Speaker, a question for the hon. the Premier. In newscasts and so on we have learned, and we mentioned in the House last week, that Mr. Shaheen was in town in one of the local hotels I believe. Has the hon. the Premier met with Mr. Shaheen or his officials regarding his alleged possession, or could have availability,

MR. NOLAN:

of the monies needed to reopen Come By Chance? If he has met with him what if anything does he have to report? If he has not met with him, has any member of his Cabinet or official met with him and if so, does he have any assurance that Mr. Shaheen is, in fact, serious and that he has got the money that he is alleged or, in fact, did say publicly on CBC that he had access to? Is there anything new in other words.

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, there are about ten questions there. The situation was as stated by the Minister of Mines and Energy last week. There has been no meeting since. We met with Mr. Furmark and Mr. Casey who outlined the general proposition as it stands right now. But there will be no specific proposals made to the Province until such time as the feasibility study has been received by Bechtel. The lender is the person who is really, you know, going to look at that study and to make their decision on it. After that has been done I would assume that Mr. Shaheen and his people together with a potential lender, if it goes beyond that stage, will then specifically be getting in touch with the Province as well as the other major entities in the refinery.

MR. SPEAKER: A supplementary. The hon. member for Twillingate.

MR. SMALLWOOD: Would the Premier say whether the William Casey who accompanied Mr. Shaheen here and who accompanied the Shaheen group that met with a committee of Cabinet, if that William Casey is the same man who was Under Secretary of State of the United States, head of the SEC, the Securities and Exchange Commission and president of the United States Export, Import Bank, the \$25 billion United States Government Bank? Is it the same William Casey?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, the answer to that is yes it is the same William Casey who is now also a lawyer, as I understand it, in Governor Carey's law firm in New York who is being retained by Mr. Shaheen, as I understand it.

MR. SPEAKER: The hon. member for Bellevue.

MR. CALLAN: Mr. Speaker, in the absence of the hon. Minister of Manpower and Industrial Relations, perhaps the Premier could tell the House what the status of the severance pay or so-called severance pay for the fifty-one or fifty-five workers at the Come By Chance Oil Refinery who did not get their severance pay, what is the status of that? Is it dropped? They are phoning continually and wondering all the time what is the status of it right now.

MR. SPEAKER: The hon. the Premier.

Premier Moores:

Mr. Speaker, those employees at the refinery who were given completion bonus, severance pay, whatever the phraseology that was to be used, was paid to the employees of the Provincial Refining and Newfoundland Refining, the companies that have appealed against bankruptcy but were declared in bankruptcy by the court. These employees were paid this amount. The employees of firms that did not go bankrupt but were actually working on the site were not, The government felt eligible for this pay for the simple reason that, in that case, everytime there would be a layoff in the Province we would be looking at the same sort of programmes so it was confined to the employees of the bankrupt companies and to no one else.

MR. CALLAN: A supplementary.

MR. SPEAKER: A supplementary.

MR. CALLAN: Mr. Speaker, I am wondering if these employees have been told categorically that the case is closed, forget your severance pay, forget you were ever born? Is the case closed? You know, in a telephone conversation of twenty minutes ago I was told that a Cabinet minister told one of the gentleman that it is coming up before Cabinet again. You know, is it closed? Is it over? Or is it coming up before Cabinet again?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, I signed the letter on Friday giving that definitive position. As far as the government is concerned now the case is closed.

MR. CALLAN: Thank you.

MR. ROBERTS: A supplementary.

MR. SPEAKER: A supplementary.

MR. ROBERTS: All of this is growing out of the same subject and growing out of a petition which was presented here, I think, while the Premier was in Ottawa at the First Ministers' Conference, and it is one of the allegations made in it, and I would like to have it clear. Did the Premier at an early stage in the negotiations which took place

Mr. Roberts:

between the government and the Come By Chance workers, and I use that to embrace all of the people who worked there at the site without regard, all the people who work there permanently without regard to who actually was their employer at law, did the Premier make a commitment to these fifty-one men that they would receive the- I will call it the golden handshake, so as not to use that term severance pay that would, say, cause complications - but the Premier give that assurance? And I ask because, of course, the men there understand that he did.

MR. SPEAKER: The hon. Premier.

X
PREMIER MOORES: Mr. Speaker, no, there were two people there who were actually officials of the municipality who asked the question at that time. And certainly it would have been our desire without question to do it if it possibly could have been done. But the precedent that would have been set, Mr. Speaker, would have been such as to cause all kinds of confusion to too many other projects in the future.

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

f
MR. T. LUSH: Mr. Speaker, a question for the Minister of Education. I wonder if the minister is aware of any difficulties experienced by Memorial's business school to hold on to staff members?

MR. SPEAKER: The hon. Minister of Education.

X
HON. W. HOUSE: I am just aware of it to the point where the hon. gentlemen is aware, what I read in the papers and heard in the speech the other day. That is about the size of it.

MR. SPEAKER: Does the hon. gentleman for Terra Nova have a supplementary?

f
MR. LUSH: Yes. The minister alluded to the story today which suggests that the President of the University is quoted as saying that the Members of Memorial University's Business Administration

Mr. Lush:

and Commerce are being lured away by the Provincial Government and local business with salary offers up to \$15,000 or more. So I wondered if the minister was in a position to comment on this situation. And is he aware of the gravity of the situation with respect to the success of the business school?

MR. SPEAKER: The hon. Minister of Education.

MR. HOUSE: I am aware of it, Mr. Speaker, but I am not prepared to comment on it now because as I say I do not know how serious the matter is, I do not know the numbers involved. And of course that particular school, whereas the University does come under my department, is not within the Department of Education.

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

MR. I. STRACHAN: Mr. Speaker, a question for my good friend, my good hunting friend, the Minister of Tourism. And I should indicate there is no supplementary to this. Could the minister tell us whether he has taken any position concerning the hunting of black bear in Labrador, because many hunters have now left and many families have now left for outside places on the last ice, and many are concerned about whether they will be charged with hunting black bear, and similarly I myself, in another week, will be going for black bear meat?

MR. SPEAKER: The hon. Minister of Tourism.

HON. T. HICKEY: Mr. Speaker, I can tell my friend that there will be a statement tomorrow outlining in detail the hunting season for Labrador, and there is also a comment with regards to the Island.

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

MR. FLIGHT: Mr. Speaker, this question to the Minister of Manpower and Industrial Relations. As he knows in a ministerial statement he gave in the House he indicated that the Buchana Task Force report would be completed and presented May 31. This is May 31; would the minister advise the House as to what now is the status of that report with regards to its completion and presentation?

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

MR. MAYNARD: Mr. Speaker, I know that the report is being typed and prepared at this time but whether it will be today or tomorrow that it is presented to government, I could not really say.

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

MR. NOLAN: Mr. Speaker, in view of the fact that we are now up to the last of May, a question for the Minister of Municipal Affairs regarding the municipal installation or services that may be installed in communities this year. I am primarily interested obviously in Conception Bay South. We know that to do the whole shore, of course, would cost a lot of money, and I am talking in terms of maybe \$100 million or more, but a start has to be made, in view of the fact that we have raw sewage in some places just off the main road, not to speak of some communities. There is a health hazard there, a bomb that is ready to explode, and would the minister now comment on one-reports in recent newspaper reports, and what if anything he or the government is prepared to do this year in this regard?

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

MR. PECKFORD: Mr. Speaker, I am hopeful that before this week is out I will be in a position to contact the municipal authorities throughout the Province indicating what work will be undertaken this year.

MR. SPEAKER: The hon. member for Bellevue.

MR. CALLAN: Mr. Speaker, my question is for the acting Minister of Recreation. In view of the fact that ERCO has pledged an additional \$25,000 to the stadium at Whitbourne, which is badly needed by the way, \$70,000 is needed, because of the small provincial grant, not small when you consider a half a million dollars, but not adequate under the present cost, in view of the fact that ERCO has pledged an additional \$25,000 towards the Whitbourne stadium, if there is no stadium going to be built at Placentia or in the Placentia area this year, could the acting minister tell the House and possibly provide or table a letter to that effect so that I or somebody else could go to ERCO and say, "There is no stadium going in Placentia, we would like your other \$25,000 which we badly need?" Could the minister tell us whether or not there is a stadium going to be built in Placentia? And could I have something on paper, this year?

MR. SPEAKER: The hon. minister.

MR. WELLS: What I would suggest, Mr. Speaker, that at the moment I cannot say whether I can give anything on paper to table, but I would certainly look into the whole thing and find out the answer and give the answer to the hon. member in the House this week, during the period for replying to questions previously asked.

MR. CALLAN: Thank you.

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

MR. ROBERTS: My question, Sir, is to the Premier. Mr. Speaker, it grows out yet another instance where the Termination of Employment Act may or may not be helpful. I think it may be. But has the Premier given consideration or have the government given consideration or are they giving consideration to proclaiming the Termination of Employment Act so that the approximately 150 employees who are paid out of non-appropriated funds and work with the American Forces at Goose Air Base would get the benefits of that act? I ask that because, Sir, as the House knows, these employees have been given their notices,

Mr. Roberts.

I understand. I do not know whether they have been given formal notice or not, but they have been given an indication that a notice is coming, and that they are not to get any severance pay or any benefits at all. And I understand that the law of Newfoundland and Labrador will be followed by the Government of the United States, and if the law requires that severance pay be paid, then severance pay will be paid.

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, I understand that act was proclaimed ten days to two weeks ago.

MR. ROBERTS: Maybe. Have the Gazettes been out?

MR. DOODY: Yes.

PREMIER MOORES: Yes.

MR. DOODY: Special Gazettes?

MR. ROBERTS: Ah, well, we did not get the Gazette.

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

MR. NOLAN: Mr. Speaker, I wanted to ask a question of the Minister of Justice, but I notice he went out to get the Premier and now he has disappeared. So perhaps I could address the remarks -

PREMIER MOORES: I will go and get him.

MR. NOLAN: Okay, fine.

MR. NOLAN: - perhaps I could address the question then to the acting or the House Leader, and that is in reference to the fact that I believe a new fire hall is to open in St. John's. I think it is on O'Leary Avenue. The question, in fact, is : (1) When is it going to open? (2) How many people will they be employing when it does open? It is as simple as that.

MR. SPEAKER: The hon. minister.

MR. WELLS: The answers to these, of course, the Minister of Justice would have to supply from the officials of his department. I will get the minister to do that and give the answer later this week in the House.

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

MR. ROBERTS: Mr. Speaker, a question for the Premier, although he may ask his colleague, the Minister of Manpower to answer, but according to the fact that the Termination of Employment Act has now been proclaimed can the Premier tell us whether the government have looked into the case, and whether the provisions of this Act will benefit the 115 unappropriated employees at the American Air Force Base at Goose?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES:

Mr. Speaker, I do not know the answer to the question. I do not know if the Minister of Manpower and Industrial Relations does. If he does, he can give the answer. If not, we will find out the information for the Leader of the Opposition.

MR. ROBERTS: Well, the minister wants to say something.

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

MR. MAYNARD: Mr. Speaker, we are looking at the problem or the situation now to see whether or not it does apply. As I understand it, legally the law does not apply to these employees because they have worked for a foreign government, so to speak. We will certainly apply it if it is applicable to them. If not, then we will ask the American authorities to abide by the laws of Newfoundland.

MR. ROBERTS: A supplementary. Mr. Speaker, would the minister look into the aspect of whether they apply or not because the status of forces agreement, I am advised, between the NATO countries to which, of course, the Government of the United States are a party, does say that local legislation is a determining factor. If the minister will look into it, as I am sure he will, will he undertake to make an early statement in the House as to the result of that investigation? There is a great deal of interest in the Goose Bay area, obviously.

MR. MAYNARD: Yes, I will.

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

MR. SIMMONS: Mr. Speaker, I have a question for the president of Treasury Board. I wonder would he indicate whether Treasury Board has been notified of the result of the general service bargaining unit vote on the government's offer?

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: To my knowledge there has been no notice or no message from NAPE on the result of the vote officially. I do know that just a few minutes ago I was handed a letter from the hon. Minister of Manpower, to whom the notice is addressed, to the effect that the general service people will be in a legal position to take strike action on June 7, 1976.

MR. DOODY:

But this is the standard notice which has to precede any strike and it is certainly not a notice of strike or an intention of strike or whatnot. It is simply the formality, Sir, through which they go. They are serving notice that they can strike should they so desire. Now what the result of the ballot is - and I understand the returns are coming in today. I would assume by this time that they have been tabulated and that the executive of the association are aware. But Treasury Board up to the time that I left there around two o'clock had not received any notification that I am aware of.

MR. SIMMONS: A supplementary. Is the minister in a position to indicate what the next step is as far as government is concerned. Is there a meeting in the offing with the general service unit or what is the next step in terms of efforts to avert the strike or to come to a settlement with the union?

MR. DOODY: Mr. Speaker, in the first instance, as I said, we have not received notice that a strike will take place. We have received notice that the union will be in a legal position to take strike action. As to what government's actions will be to avert the possibility of such a strike, it is as it has been for the past several weeks, that we are willing and prepared to sit down at any time to talk with, and preferably tomorrow, to talk with the negotiating committee of NAPE, of the general service section of NAPE. We have made it quite clear on many occasions that the four per cent government position that is on the table is not the final position, that there is more money available. The twenty-one per cent position of NAPE which was the last offer or last proposal from them is certainly unacceptable. It is way outside the AIB guidelines to which this government is a signator and a party and one which we cannot possibly accede to even if we were in a financial position to do so. So we are quite willing and prepared to go higher than four per cent. Obviously we cannot go anywhere close to the twenty-one per cent. I would imagine that the negotiators for NAPE are in a position now to come back to us. The strike vote is in I understand. We have not received,

MR. DOODY:

as I said, formal notification to the effect of what the ballot is, now. We have received, as I told you, a notice of the legal position. We are willing to sit down tomorrow, tonight, anytime that is convenient for the union, and discuss a position that is somewhere within the guidelines of the AIB and, you know, we are willing to do so. We have said so many times.

MR. SIMMONS: A supplementary. The minister has probably answered this part of the question. All right. Well, just for clarification. Has the minister or someone representing the government side of the negotiating unit, has someone indicated in recent days - let me say it another way - as a result of the strike vote has someone from government indicated a willingness, indicated to the union, a willingness to sit down again and have further meetings. Has there been something transmitted to the union since the vote was received, you know, a formal invitation to meet at a certain time or a general indication that government is prepared to meet in the near future?

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: I do not think so. Not to my knowledge. The position that I just outlined to the hon. member and to the House is as it has been during the past several weeks. The position has not changed because of the count of the strike vote. As I say I do not legally or officially know what the count of the strike vote was. But our position is today as it was a week or two weeks ago. We are prepared, willing and anxious to sit down and put more money on the table. But we have got to get closer together than we are now before it will be meaningful.

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

MR. NOLAN: A question for the hon. the Premier, Mr. Speaker. Last Fall in this House I asked a question concerning what plans might be available from the government for additional office space for government workers and so on. The Premier at that time indicated - and it is listed in Hansard - that they were looking at

MR. NOLAN:

It. In fact he even suggested that they might have a committee here in this House take a look at it so you would not get involved in the shemozzle you had before. Now, what I am asking the Premier, Mr. Speaker, is, one, what is the current situation; two, apparently he has found reason not to appoint the committee he suggested, so where do we go from here?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: The position remains the same, Mr. Speaker. Once again the desirability is there to have it but it is a matter of dollars and cents at this point in time and which way we are going to go about it.

MR. SPEAKER: The time has expired.

ORDERS OF THE DAY:

On motion of the hon. Minister of Municipal Affairs and Housing, a bill, "An Act To Amend The Local Government Act, 1972," read a first time, ordered read a second time on tomorrow. (Bill No. 78)

On motion of the hon. Minister of Health, a bill, "An Act To Amend The Hospital Insurance (Agreement) Act," read a first time, ordered read a second time on tomorrow. (Bill No. 77)

On motion of the hon. Minister of Finance, a bill, "An Act To Amend The Tobacco Tax Act," read a first time, ordered read a second time on tomorrow. (Bill No. 79)

Motion second reading of a bill, "An Act To Amend The Newfoundland And Labrador Amateur Sports Federation Act, 1972." (Bill No. 23)

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, this is purely a formality. The government is in receipt of a resolution passed by the Newfoundland and Labrador Amateur Sports Federation asking that the name of the federation be changed from the Newfoundland and Labrador Amateur Sports Federation to Sport Newfoundland which seems to be the in thing now. In order to accomplish the request of this resolution this bill is necessary because it is a statutory body incorporated under the Act of 1972. I move second reading.

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

MR. ROBERTS: Mr. Speaker, I do not in any way object to the Amateur Sports Federation requesting a change in their name, I mean, that is certainly their right, and were it not for the fact that they incorporated by special statute of the Province they would not even need to come here. If a private individual can change his name by following The Change of Name Act a company incorporated under The Companies Act, the various types of companies under that Act, can change its name by following the steps set forth in the Companies Acts, and special resolutions, and filing notices with the Registrar of Companies. But the Sports Federation because they have their corporate existence under the authority of an Act of this Legislature need our consent to change their name. Well I for one am certainly willing to go along with that, and I know I speak for my colleagues.

The only problem that I have, Sir, and it may seem minor but I do not think it is minor, is that, we are changing the name of the Federation, as far as I can see, from an Act to Amend The Newfoundland and Labrador Amateur Sports Federation, which is what it now is, to Sports Newfoundland, and I think it should be called Sports Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: For all that, Sir, by Act of this House that remains on the Statute Books, it is the law of this land insofar as this House can make it so. It has been on the books I would think since about the mid 1960's. My friend from Twillingate (Mr. Smallwood) was the Premier when it was brought in, and I thought it was a wise move then, and I think it is a wise move now. And in view of the fact that this government have not asked the House to amend or to repeal that bill, nor has it been amended and repealed and in view of the fact that the government stated policy on any number of occasions has been that they will stick by that policy then I am going to suggest to hon. gentlemen opposite that when this

Mr. Roberts:

bill comes to Committee, the requisite notices, or I am sorry, the requisite amendments should be made.

Now I would go further, Mr. Speaker, in view of the fact that this bill, in a sense, the House is serving as an accessory to the Federation as it now is, and I say that in a kindly sense, we are facilitating their wishes. I would think what we should do is give this bill second reading and then let it stand until the responsible minister, I am not sure whether it is the Minister of Justice or the Acting Minister of Rehabilitation and Recreation, but whoever is responsible can consult with the Sports Federation. I know it is a little cumbersome, perhaps, to say Newfoundland and Labrador, and perhaps in the modern era we do not want to be all that cumbersome. But I think that in view of that fact the stated policy of this House and of this Province is to call it the Province of Newfoundland and Labrador, it would be a very great step back. I am prepared to support the bill, Mr. Speaker, but I would ask one of the ministers, the Minister of Justice or the Minister of Recreation, whoever it is to speak on this matter, if they would accept my suggestion. I am sure the Sports Federation is, its a matter merely of - Mr. Bill Gillies is their President - getting in touch with Mr. Gillies and his executive and saying that the feeling of the House, and I think it would be the feeling of the House, that it should be Sports Newfoundland and Labrador, and in that case the amendments can be moved in Committee, because I do not think they would derogate in any way from the principle of this bill, the principle of the bill being to change the corporate name of the body.

Well I am prepared to support it. All we are doing is helping a federation, and I am all for that. But I do think, Sir, it should reflect what I know to be the legal name of this Province, and what I believe to be the correct name of this Province, namely, Newfoundland and Labrador.

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

MR. HICKMAN: Mr. Speaker, I will certainly on behalf of government undertake to -

MR. ROBERTS: Mr. Speaker -

MR. SPEAKER: Order, please!

MR. ROBERTS: My colleague from Stephenville (Mr. McNeil) would like to say a word on it, would the minister yield?

MR. HICKMAN: Yes.

MR. ROBERTS: I mean, I think the minister was overly hasty to his feet in his capacity.

MR. HICKMAN: No, no I just thought you were the spokesman for your side.

MR. ROBERTS: My colleague not being used to the rough and tumble as yet, Sir, perhaps was not quite as hasty as he should have been.

MR. SPEAKER: The hon. member for Stephenville.

MR. W. MCNEIL: Mr. Speaker, I would like to support the bill changing the name to Sports Newfoundland, but it should be as the Leader of the Opposition pointed out, Newfoundland and Labrador. Although there is a name change here, the Department of Recreation plays a very great part because the Amateur Sports Federation combines all the sports governing bodies in the Province, and they are the voice to the Department of Recreation. Over the past years I have personally witnessed a kind of decline in the Department of Recreation. For example, there are numerous positions open in the West Coast Training Centre. We had an assistant co-ordinator of training position that was supposed to be filled about a year ago, and this has not been filled. There are several other positions and with the coming Newfoundland Summer Games and the Canada Games there seems to be very little momentum in that department to fill permanent positions, so that we do not have them for just one or two years but continue to make that department grow, because recreation definitely is a part of our culture.

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

MR. HICKMAN: Mr. Speaker, on behalf of government I undertake that between now and the time this matter comes before Committee to once again consult with the Newfoundland and Labrador Federation of Sports, to indicate to them the suggestion of the apparent consensus of the House that they should now have the handle of Sports Newfoundland and Labrador. But for the record, may I say it has been my understanding that there is no such an animal as the Province of Newfoundland and Labrador. There is a Province of Newfoundland. There is legislation on the books referring to the Government of Newfoundland and Labrador, but the Province is one and indivisible from Cape Chidley to Cape Spear, and it is the Province of Newfoundland.

MR. ROBERTS: Mr. Speaker, before the minister finishes could I ask him a question arising out of his remarks?

MR. HICKMAN: Sure.

MR. ROBERTS: The BNA Act gives the government, the legislature, I am sorry, of a province the power to change anything having to do with the constitution of that province except the office of Lieutenant-Governor. I think I am quoting it verbatim. My question is therefore can this Legislature change the name of the Province? We know what the name of the government is, the act says that. Can we change the name of the Province by act?

MR. HICKMAN: Mr. Speaker, anything I say on that will be totally without prejudice. I have been under the impression, and I have heard it stated in Ottawa very clearly, that you cannot change the name of the Province simply by an act of a provincial legislature.

MR. ROBERTS: I cannot see why not, it is a matter of interest.

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

On motion, a bill, "An Act To Amend The Newfoundland and Labrador Amateur Sports Federation Act, 1972", read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Motion second reading of a Bill, "An Act To Amend The Companies Act" (Bill No. 53).

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, the explanatory note sets forth very clearly what this bill is designed to do. The Companies Act provides that all companies shall file a share list each year. March 31 as I recall it is the date for the filing of share lists. Many companies do not do that, and when that occurs the Registrar in time after serving appropriate notice, and then subsequently advertising it in the Gazette, the Newfoundland Gazette, will delist the company. On occasion a company quite often, where the registered office is probably in St. John's and the company is not aware of these notices having been served on it, finds that it is not in the best interest of the company for them to be delisted and they are anxious to continue carrying on business.

The procedure now is that an application is made to a judge of the Supreme Court and the Court invariably as a matter of course orders that the company once again be listed and bring up to date the filing of share lists. The Registrar of Companies Mr. Gerald Tessier, Q.C. has done a magnificent job of bringing companies or having companies bring their share lists up to date, particularly in the last twelve months, and delisting those who are in arrears. But it is found that two things are necessary in order to put some teeth into that section, One is that if a company comes back, or a group wants to be listed again, they must serve notice upon the Registrar and upon the Attorney General

Mr. Hickman.

before applying to the court, and that if the court orders that the company once again be listed, the company seeking to be listed again, will be compelled to pay a fee to the registrar of \$250. This would have two desirable effects, one is that it would cover the Crown on any expenses that it has incurred in the de-listing and secondly and probably more important, it would provide or implore the officers of the companies to be a bit more careful in meeting the deadline and filing returns, or at least in responding to the notices. That is the principle of the Bill, and I move second reading.

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

MR. ROBERTS: Mr. Speaker, we are quite prepared to support the bill. It is really not a very major step forward, but it is a minor one, and I think a worth-while one. The minister has explained it. I do not need to add anything to what the minister has said. Let me say simply that this bill grows out of some controversy which erupted last Summer between the minister and a number of other members of the House. And I think it is a good thing because the - I will not say the administration of the Companies Act had become lax in this Province, because it would be unfair and improper to censor the Registrar of Companies who I think is doing an admirable job. I think perhaps we are in better shape in the Companies Act sense than we have ever been in this country before, and that is a good thing. It is very importance because, of course, almost all of the commercial life of this Province now is carried out by corporations, Partnerships or sole proprietorships are very few in number. And leaving aside the professions, where we are not allowed as lawyers to incorporate or doctors are not allowed to incorporate, although they are in Alberta interestingly enough. It is a very interesting law. A friend of mine is now David R. Haig Limited, and has a contract - R. Haig Limited, which is owned by my friend and his wife, has a contract with a law firm, Burnet Duckwoth a very big law firm in Calgary,

Mr. Roberts.

whereby they sell Mr. Haig's legal services to that firm for a certain agreed percentage or a certain agreed remuneration, and that is how they get around the professional ethical point of, you know, a lawyer being responsible for his actions, and his opinions, his acts. And yet we have the Income Tax Act requirement, which is the big reason why the Alberta Law Society, whatever they are called in Alberta, pushed so hard to allow their members to become incorporated. All incorporations are individual. I gather just about every lawyer in Alberta now is - you know, if we were in Alberta, we would have T. Alec Hickman Ltd. and Robert Wells Ltd. and Edward Roberts Ltd., and, you know, whoever else is learned in the law and wish to practice it.

MR. PECKFORD: Get off the comedy act, you know. Lowly plebian people.

MR. ROBERTS: Mr. Speaker, I realize that the Minister of Municipal Affairs is lowly and plebian, but I would hope not to have to bring that out, because it would embarrass him and embarrass everybody. I am merely pointing out, Mr. Speaker -

MR. SIMMONS: He is proud.

MR. ROBERTS: I know the minister is proud, Sir, but if only he had something in which he should be proud life would be very different.

So I am merely making a point, Sir, on the Companies Act, a very important amendment which his colleague, the Minister of Justice has brought before the House. And the point I want to make is that companies are important, and that our companies' legislation is basically unaltered, and it is not a new point, but it is worth repeating, basically unaltered from about 120 years ago. I think it is basically the English Companies Act of 1859 which is still in effect in this jurisdiction. It must be the only jurisdiction in the English speaking or the English common law world where the major piece of commercial legislation, the Companies Act, has not been significantly updated and significantly improved. The Ontario, you know, and most

Mr. Roberts.

of the Canadian jurisdictions have new acts. England herself has gone way beyond our Companies Act. There are many areas in the Companies Act that are open to, I think, improvement. This whole question of preferred shares, the whole question of the sort of information which must be submitted each year, the whole question of dealing in shares, whether they be preferred or common, any number of areas in our Companies Act, I think, are badly outdated conceptually and should be updated.

Now I know that the minister has asked his friend and former colleague, Mr. Leo Barry, a lawyer practising here in town, a very able lawyer, a much better lawyer than a politician, but asked Mr. Leo D. Barry, I believe, to look into the Companies Act. And I want to know when Mr. Barry will be making some sort of report, and when we may hope to see some action? Because what we need in this Province is a new Companies Act. There may be some areas of the present one which could be retained and perhaps there are some which should be retained. But it is not good enough to say that an act which was drawn up in England, I believe, in 1859 - if I am not mistaken, I think it is one of Lord Thring's many fine pieces of draftsmanship as was the BNA Act, and other statutes of the time, a very great draftsman-- but, Sir, what was adequate 120 years ago, I do not think is adequate today. And the Companies Act may not seem important, Sir. It is only one of several hundred statutes we have in this Province, but it is the act under which there are incorporated the bodies, the corporate bodies that do, I suppose - what? - ninety-nine per cent of the commercial transactions of this Province are done under our Companies Act. Some very large companies indeed are incorporated under our law, and they are governed by it. And I support the amendment. I think it is a tidying up of an area that has been shown to be a little weak, and an improvement, well and good. But in so doing I would again urge upon the minister the necessity of

Mr. Roberts.

a complete revamping of the act and I would ask him when we might expect some report from Mr. Barry, and where we go from there?

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

The hon. Minister of Justice.

MR. HICKMAN: In reply to the question of the hon. Leader of the Opposition, I am hoping, and I emphasize it is a hope, that we will have a report from Mr. Leo Barry on his views and recommendations with respect to a new Companies Act before the end of this Summer. But I will not chastise him if we do not receive it by then, because it is a massive job. This House will recall that two or three years ago there was some money voted to my department to undertake the work at that time, and after a diligent inquiry I was unable to find anyone who would take on that work, who had the expertise in company law. I then turned to one of the law schools to see if I could get a professor of company law only to find that he had been retained. I think it was by the Province of Nova Scotia to do the same thing, and he estimated that that would be a three year Summer job, three Summers for him. There have been a lot of major amendments to the Companies Act of Newfoundland since it first became law in this jurisdiction.

May I also point out that there are many features of the present Companies Act which, in my opinion, will be most likely retained, and some provinces have found now that in their anxiety to repeal Companies Acts - mainly because I think that they were too simple - have found that now they have made them too burdensome. Two years ago the British Columbia legislature brought in a new Companies Act which was supposed to be the last word, a great socialist philosophy, covered every loophole, and last year at a meeting of the Attorneys General the then incumbent, Mr. Alex MacDonald said that he had recommended to his colleagues that they repeal it, because it was a great source of income for lawyers and chartered accountants but nobody else in the Province could understand it.

Mr. Hickman.

Ontario legislation may be more appropriate. What we have asked Mr. Barry to do after he makes his preliminary proposal is then also to seek some input from, say, the Newfoundland Federation of Labour, the Board of Trade, anyone else who feels that there should be amendments to the Companies Act.

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

Motion second reading of a bill, "An Act To Repeal The Newfoundland Agricultural Marketing Act." (Bill No. 13)

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

MR. ROUSSEAU: This is merely an act to repeal the Newfoundland Agricultural Marketing Act which has now been replaced by the National Products Marketing Act, 1973. It is just a matter of confusion to have two acts relating to basically the same situation in the Province. As the Premier announced on Friday they have appointed Mr. Gerry Malone, who is the new chairman of the Natural Products Marketing Act, and it is our intention to appoint the whole board, and have that group, of course, work much more closely with the farming community in the Province. So it is merely a shopkeeping act. If any of the members would like to raise any questions about marketing, I am certainly prepared to answer any when I conclude. But I might say that we have been working with the farmers across the Province in respect to marketing. The Natural Products Marketing Act gives power to the Province to appoint the marketing boards under it, and the only marketing board we have now is the Newfoundland Egg Marketing Board, but the minister is empowered

MR. ROUSSEAU:

to appoint any board, any marketing board that he deems desirable. As I say we are talking to the farmers across the Province now about various commodity marketing boards.

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

MRS. MCISAAC: I would like to say a couple of words on the marketing Act. I am quite happy that the government is taking some initiative in setting up a marketing agency in the Province for farmers. Farmers in my area have been having some difficulty in the past few years in marketing their vegetables. In fact, in the last few years, in the district of St. George's at least, thousands of sacks of potatoes had to be dumped because of poor market conditions. I am happy that something will be done. I hope something suitable will be worked out with the farmers whereby their potatoes and other vegetables can be purchased and possibly marketed so as to prevent the loss that they been experiencing over the years.

MR. ROBERTS: We need a root crop marketing board.

The hon. Minister of Forestry and Agriculture.

MR. ROUSSEAU: Just one more sentence at the end. Just one more sentence to conclude, Mr. Speaker. My principal feeling -

MR. NOLAN: Are you winding up this now or what?

MR. ROUSSEAU: Yes. Would you like to say something? Go ahead.

MR. SPEAKER: Order, please! Before recognizing the hon. member for Conception Bay South, on second readings I think the procedure is quite clear. When the minister stands the Speaker says, "If the hon. minister speaks now, he closes the debate." Anybody wishing to speak should get up. I do not think the minister should speak until he is then recognized because that gives an opportunity for someone to get up.

The hon. member for Conception Bay South.

MR. NOLAN: Yes, well, I only rise on a matter of enquiry really because, while the explanatory note says the Agricultural Marketing Act has been superseded by the Natural Products Marketing Act and so on to avoid possible confusion, I am not sure to what degree. I suppose

MR. NOLAN:

the minister has consulted with farmers and so on throughout the Province before preparation of this bill to bring it before the House. I merely rise to ascertain whether or not he has done that. Secondly, what their presentations have been in this regard. I assume for the most part the feedback he must have gotten would be in agreement with an act to repeal the act. Let us be honest about it, it is not something that has received front page headlines or anything like that in the last few days. I am just wondering to what degree, in fact, the majority of the farmers are protected in this regard because as we all know it is easier to talk about this now and have the necessary input. Once the thing is done, it is done and it is all very well to say it can be changed next year or the year after but it is not as simple as that as we all know from past experience. So I would certainly like to hear the minister comment on that.

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

The hon. Minister of Forestry and Agriculture.

MR. ROUSSEAU: First of all for the hon. member for Conception Bay South (Mr. Nolan), the Agricultural Marketing Act previously was only one that really covered agricultural products. The new Natural Products Marketing Act will cover lumber and anything associated with that type of industry where that was not previously covered and merely commodities really under agriculture. The new Natural Products Marketing Board has a much wider range of things that can be included under a marketing board in the Province. For example, lumber and things of that nature which could not be included as a marketing commodity under the Agricultural Marketing Act. So really it is an attempt for us to be able to include at the minister's and the government's discretion, more commodities under the Natural Products Marketing Act rather than just the Agricultural Products Marketing Act.

MR. NOLAN: By natural products do you mean oil?

MR. ROUSSEAU: No, those associated with agriculture and those associated with the ground and agriculture and forestry, really, as lumber. We may decide that lumber should have a board and that could be done under the Natural Products Marketing Act. It could not be done under the Agricultural Products Marketing Act. We have just enlarged the Act really to cover many more of our natural resources associated with Forestry and Agriculture and Crown lands.

Also for the hon. member for St. George's, we are certainly interested in the concept of marketing. It is my feeling, and I base it on the proposition that a farmer can farm but if he has to spend half his time or too much of his time going from door to door selling his product, then he is going to have some troubles in increasing his yield. I have been told by various farmers across the Province - I met with quite a few groups now over the past few months - that they could increase their yield anywhere from two to five fold if they could just farm and not have to worry about marketing their products too. Some of the older farmers, of course, as I am sure the hon. member for St. George's is aware, have traditional markets. They do not have it as difficult as the younger people coming in. But for the younger people coming in to break those markets is very difficult.

So we have talked to the farmers. We have had them all into St. John's, one representative from each area. We have worked with them in the department and with Farm Products. We have come up with a working paper that I have approved, they have approved and now we have a working group on it. I have made a commitment to them that there will be no marketing board set up until there is a plebiscite amongst the farmers to find out if indeed this is what they want and if indeed it is an - if they want a commodity marketing board then government will give it very serious consideration on the basis of their wishes and working in conjunction with government and with the Department of Agriculture and with the Farm Products group.

On motion a bill, "An Act To Repeal The Newfoundland Agricultural Marketing Act," read a second time, ordered referred to a Committee of the Whole House tomorrow. (Bill No. 13)

Motion second reading of a bill, "An Act To Amend The Crown Lands Act." (Bill No. 21)

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

MR. ROUSSEAU: Mr. Speaker, this Act is read in conjunction with, although 21 is the Act we are talking about now, No. 20 as well. I am very interested in this Act. I think it is something that is very helpful. It is probably a minor bill in some peoples' minds but in some other peoples' minds I am sure there are major provisions in it. I might name some of the more minor things in it: the Crown Lands Registry did not have the same hours as the civil service in the building, so the hours of opening which are now set by statute, at nine-thirty to one o'clock and two thirty to four thirty would be altered to coincide with the normal business day. That is merely an assistance to the people who had to deal with Crown lands, and the more and more people who are now dealing with them.

MR. ROBERTS: Did you say those hours are set by statute?

MR. ROUSSEAU: Yes they are now. Nine-thirty to one and two-thirty to four-thirty. What we are doing now -

MR. ROBERTS: Changed from one-thirty to six, is it?

MR. ROUSSEAU: Yes. Now we are amending them so that we have the same sort of hours. Because if somebody comes into town early and they have to wait until nine-thirty or they do not get in until four-thirty, it is only a minor thing but it is a convenience to the public who deal with the division.

Also the question of illegal occupancy, persons convicted of unlawful possession of Crown lands will be liable to a fine or imprisonment or both. In addition the magistrate or judge would be empowered to order the removal of structures unlawfully erected on Crown land.

The next one is the one that I think is significant, Mr. Speaker. Up to now you had to have a claim of sixty years against the Crown to apply for the right to that land.

MR. ROBERTS: No, to acquire possession.

MR. ROUSSEAU: To acquire possession of the land. We have had some problems with people and as I said one time in a speech I made here in the House of Assembly a piece of paper or a document being a lease or a grant for a person to a piece of land is very important to them. What we would like to do now, Mr. Speaker, is to reduce the amount of time from sixty years to twenty years and give those people who have had what we call squatters rights, as defined, the right to that land, get this backlog of people off the list of people looking for the land and not accept any adverse possession after January 1, 1977. In other words after January 1, 1977 if somebody has had twenty years of proven rights on that land, during twenty years, we will give them possession of the land. If they have not had it prior to January 1, 1977 then they will have to go through the normal procedure of application through Crown Land.

It is an attempt on government's part to clear up the problems that people have in acquiring the land. We think it is a very straightforward step and we think it is a very important step for those people who have it. So those people who can now claim their right up to twenty years - twenty years will give it to them or more but not after January 1, 1977. And those who have not had it for twenty years will have then to go through the normal Crown Land application for their land.

To reduce from sixty years to twenty years - just a note I have here just in case I forgot any part of it - the possessory titles, the purpose of this proposed amendment, is twofold. Number one, to provide that no period of adverse possession of Crown Land after January 1, 1977 would count towards the acquisition of a title against the Crown. In other words, Crown Land would be protected against claims of squatters rights based on adverse possession subsequent to that date.

Number two,

Mr. Rousseau.

to reduce from sixty years to twenty years the period of time for the acquisition of title to Crown land by adverse possession. To make provision whereby the Crown may issue grants to persons who can show adverse possession for twenty years prior to January 1, 1977. The issue of any such grant, which would require Cabinet approval and be subject to any necessary qualifications, is intended to provide a method of confirming possessory titles in appropriate instances. It would not be a substitute for, and would not prevent the application to the court under the Quieting of Titles Act by a person claiming title to or an interest in Crown lands. With respect to such applications, however, an amendment to the Quieting of Titles Act is also proposed, and that is the one I mentioned which is coming under the name, I think, of the hon. Minister of Justice.

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

MR. ROBERTS: Well, Mr. Speaker, if I might say a few words with reference to the bill now before the House. Let me first of all thank the minister for his usual clear and straightforward and, I think, fairly complete explanation. This is a very technical matter, and I think he has explained it in an admirable way. All though, I would say is that there is a place for him in our coalition when it comes just as there is in all the other coalitions.

MR. DOODY: He is everybody's choice.

MR. ROBERTS: The Minister of Finance has put his finger on it again as he so often does, Sir. The Minister of Forestry and Agriculture is everybody's choice for a coalition.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: Indeed, Sir, no coalition, I think it is fair to say, would be complete without the Minister of Forestry and Agriculture.

Mr. Speaker, to carry on with the principle of the bill, let me - Mr. Speaker, if the gentleman from Bellevue (Mr. Callan) - was it the gentleman from Bellevue who was making noises? - he might

Mr. Roberts.

either have the courage to say them in debate or have the good grace to keep himself quiet, if in fact it was the gentleman from Bellevue (Mr. Callan) that I heard. And when he talks about coalition, Sir, if he finds that unhappy, I would remind him that he is part of the coalition, and indeed will probably be the only beneficiary of it.

Mr. Speaker, let me deal first with Section 4 which repeals Section 136 of the present act. I think it is somewhat ridiculous to require, by statute, that office hours be kept at certain hours. That is obviously an antique, dated, and an outmoded concept of law. I do think though there is something to be said, and I would bring this to the minister's attention, and ask him if he would look into it, that perhaps we might require that the Crown Lands office or registry be open for certain hours. Perhaps we could say the general civil service hours. And I say that because, Mr. Speaker, there was a reason that was put in the law originally, and I suspect that the reason it was put in the Crown Lands Act was to ensure that there were certain minimum periods during which there would be access by the public to the Crown Lands registry. It is a minor point, but it is one which, I think, the minister might want to look into, although he may wish to let it stand over, because at some point surely we are going to get a major revision of the Crown Lands Act, which I think is now a piece of statute law that is no longer adequately serving the people of this Province.

Mr. Speaker, the other change the minister asked us to approve is a very major one, and it is - I suppose it is fair to use the word in this context - a revolutionary one. What the minister is proposing in non-technical language, if I follow him correctly, is that after this bill passes, no longer will a citizen of this Province be able to acquire title on Crown land with squatters' rights. There are some exceptions, but -

MR. ROUSSEAU: After January 1, 1977.

MR. ROBERTS: After January 1, 1977. Well not quite that, no, no. The January 1, 1977, Mr. Speaker, as I read the bill, I would say to the minister, refers only to the period of time when the period ends. I will come back to that. But let me just point out it is quite a major change in principle. We have always in this country, as long as there has been an administration of any sort that could issue some sort of title to land - and I do not know what the earliest land titles are. It was not until about 1816 that lawful settlement could be carried out in Newfoundland with the exception of the original colonies granted in - well, back to James and Charles, the Stuart Kings, Lord Calvert's colony at Ferryland, the Guy colony, or the Bristol Company colony at Cupids and these other corporate bodies. But I would suspect that the oldest land titles we have in this Province go back to about 1820. I understand that the title to the Virginia Waters Estate goes back to about that time, a grant from the Crown. I understand there are several others that can be traced back.

MR. WELLS: All titles are presumed to be from the Crown.

MR. ROBERTS: Well the Minister without Portfolio, who, of course, is very learned in the law reminds me that all titles are presumed to be from the Crown. Well it is so. I mean the obverse of that is the other statement that all land that is not owned by anybody else is owned by the Crown. We have long ago come to the point in this Province where, you know, titles have been dealt with for a sufficiently long period that, you know, we do have good titles to almost all the land in this Province. Although interestingly enough there are areas in this Province where people are unable to prove title of any sort, and I am not just talking about areas in Conception Bay or areas we have in many parts of the country where title has passed by will or by intestacy upon death and heirs and possible legatees or possible heirs and legatees have gone off to the Boston States and there is the devil's own time in trying to get a clear title. I have a problem in my own area, the Straits of Labrador, on the Labrador side, the

Mr. Roberts.

Strait of Belle Isle, where these people are having great difficulty in establishing a title, and it has come up in a round-about way. They are trying to get the benefit of the programme CMHC formerly had, and our own Housing Corporation now has, of getting the \$500 or \$600 homeowners' grant, and our own Housing Corporation very sensibly accepts what amounts to a squatter's title. Indeed, it does not even require a legal squatter's title. It is just, you know, some affidavits, and some evidence that there is some title. CMHC unfortunately are being far stickier. They are asking for the sort of title that the Prudential Insurance Company would ask before making out \$1 million mortgage to a building in the centre of downtown Toronto. They are being quite unreasonable. And I have just, within the past few days, written to Mr. William Theron the president of CMHC to protest this since I have been unable to get any action at any lesser level.

But put that aside. Let me come back to the major point that we are making a very revolutionary change in the principles under which land can be acquired by citizens of this Province. I guess it probably had to come. I guess in the days of property becoming so very valuable, of property becoming quite limited, you know, we are fast running out of land in this Province, particularly on the Island and particularly the desirable land. There is lots of rock and lots of barrens, but desirable land is getting very hard to come by, particularly land for agricultural purposes, or land for cottages, recreational purposes or land near our major urban areas, St. John's, Corner Brook, Gander, Grand Falls, Stephenville. Very hard to come by. And I guess it is doing the right and proper thing to end the squatter's title, but still it is a significant moment. If this bill becomes law no longer will a man be able to go and set himself up in some harbour and over the period of time of adverse possession, open, notorious, hostile, exclusive, whatever the tests are in law, acquire a good title. There is

Mr. Roberts.

an exception.- I think it is a wise one - that people who have been there since 1957, who have been in continuous open and hostile possession of a piece of land since 1957 can acquire a title and can follow through the procedure and have their title confirmed. That is a good one. I think it is a fair one, because, you know, the other requirement to acquire it at present is sixty years, and that would mean that anybody would have to be there since 1917 and so certainly the minister has given fair notice. Anybody who is now in possession and has been there for at least twenty years may acquire a title. A person who has been there for less than twenty years cannot acquire a title by possessory grant. They can apply for a title, apply for a lease, apply for a grant, according to the other terms of the act.

So it is a significant step forward, Mr. Speaker. I guess it is a good step forward. I am certainly prepared, speaking for my colleagues, to say we will support it. I know of no argument against it, but it is a revolutionary change, and it would mean, in effect, the end of an era. It is the end of, I guess, the squatter's rights against Crown lands, against the Crown, where the last vestiges of the complete and almost anarchic individualism, which marked,

Mr. Roberts:

you know, so much of the history of this Province, and marked so much of the development of British Law. Because as the notes tell us, the Act itself says, "Squatters' rights exist only in common law." I think the only statute law we have referring to it would be The Limitation Act which is the one that confirms private titles after twenty years.

So, sobeit, Sir, it is the end of an era. It is probably a good thing. We will certainly support the minister's request that this bill be passed by the House. I would hope, and I will close on this note, Sir, that the minister in closing the debate, whenever that comes, would tell us a little about the improvements in the administration of crown land. Because, Mr. Speaker, if there is one area of government administration that causes more problems and difficulties to the ordinary people of this Province than any other, it must be crown lands, and I do not say that to criticize the staff or the procedures. I am not sure that the length of time it now takes to get a piece of land can be cut down very much, unless we are prepared to give up asking, seeking views from a number of the other departments involved, and I think that would be wrong. I think it would be wrong just to issue a title to a piece of crown land and then discover that the Tourist Department had valid objections or the Health Department or the Highways Department or any of the other departments that must - I think it was seventeen. I counted them up at one stage when Mr. Bill Callahan and Mr. Adian Maloney and, I think, were a Committee of Cabinet, and looked at it, and at that stage there were seventeen sets of separate, and quite necessary and proper controls, and any application for crown land had to be looked at in the light of all of those controls, and that took some time.

But even so, Mr. Speaker, it infuriates people to deal with Crown Lands. The minister I know gets a lot of complaints, every member of the House gets them, and I get my share. Almost every single person who has ever dealt with Crown Lands ends up cursing the day

Mr. Roberts:

they ever had to send in their form. And I know the minister has made some improvements, and I welcome those. But I would ask him what further steps he can see, what further steps he is prepared to take? Is there any way to speed it up? And also, is there any way further to improve the process of letting people know where it stands and what has to be done? We have had some improvements. I know I speak for a number of my colleagues, in particular, when I mention Mr. Robert Windsor one of the minister's officials. He is doing an admirable job. He cannot change the law, and he cannot do what should not be done, but an inquiry to him is answered quickly and fully, and I find that is what is needed. And I do not know whether Mr. Windsor's services are available to the public at large, because there would be just so many people, but I would say to the minister that if some way can be found to provide that type of service to every applicant I think it would be a very welcome one.

And I will close by repeating that I have any number of examples, and I know every member does, and I am sure the minister does of people who are absolutely infuriated almost beyond reason by dealing with Crown Lands and having a year or two or three go by and no apparent action. Some times there is inaction, but more often that is just the system, you know, going its normal way but nobody bothers telling the applicant about it. It causes a lot of unnecessary hard feeling, and I would hope it is something to which the minister could turn his attention.

Just one other comment, Sir. I would hope the minister will make sure this new law, this new provision of the law is widely publicized. I think all of the people who are living on crown lands with squatters' rights should be told of this change to that they can take the appropriate action. Having said that, Sir, we are prepared to support the Bill.

MR. SPEAKER: (MR. YOUNG): The hon. member for Twillingate.

MR. J. R. SMALLWOOD: Mr. Speaker, I am not sure in my own mind as to what this bill is because I cannot find it. Is this the bill, may I ask the minister, which implements the statement of policy that he made here in the House some weeks ago with regard to title to land?

MR. J. ROUSSEAU: No.

MR. SMALLWOOD: It is a bill that deals only with squatter's rights.

MR. ROUSSEAU: Squatter's rights, and crown land, yes.

MR. SMALLWOOD: Does it change the old position that against the Crown man had to have active possession of a piece of land for sixty years -

MR. ROUSSEAU: Twenty years now.

MR. SMALLWOOD: - and as against, not the Crown, anyone else it had to be twenty years?

MR. ROUSSEAU: It is twenty now for the Crown -

MR. SMALLWOOD: It is now twenty for the Crown and the same for private individuals?

MR. ROUSSEAU: I presume, the law only applies to the Crown.

MR. SMALLWOOD: It does not change the private, it changes only the claim against the Crown. It has to be only twenty years?

MR. ROUSSEAU: Up to January 1, 1977, anybody who has it twenty years -

MR. SMALLWOOD: It seems to me at first sight, that this is excellent, that to establish your right to a piece of Newfoundland you have to have active possession of it for twenty years, it used to be sixty, it still is sixty, twenty years before you can claim it from the Crown. Now in other words if you go and squat on a piece of the Queen's land, and you stay in possession of it continuously for sixty years, and I take it it is continuous, not continual, unbroken twenty years, in physical possession of it, residing on it, fencing it, probably, and operating it in some way or other, that if you do that for twenty years then even the Crown cannot take it from you.

MR. ROUSSEAU: No, if you have done it for twenty years, after January 1, 1977 you will not be able to.

MR. SMALLWOOD: As of January 1 next, next January 1 if at that point you have been in possession of it -

MR. ROUSSEAU: Twenty years.

MR. SMALLWOOD: - for twenty years, then it is yours even against the Crown.

MR. ROUSSEAU: Yes. If not you go the normal application route for crown land.

MR. SMALLWOOD: But thereafter if you have not been in possession for twenty years you just go through the same routine as though that change had not been made at all.

MR. ROUSSEAU: Right.

MR. SMALLWOOD: It seems to me to be an improvement, and so I think I will vote for it. I do not know what my colleagues - because we have not discussed frankly - but each of will. It is not a party matter, it is a matter for each individual.

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

MR. ROWE: Mr. Speaker, I would just like to say a few words in support of the bill. I know the minister is stepping up, he is within hearing distance. Probably, Sir, the Minister of Municipal Affairs and Housing could also take note on some of the things I am going to say because I think it may relate to his particular department. I may, strictly speaking, be out of order in terms of relevancy here, but it is a very important problem facing many of the people in rural Newfoundland. An awful lot of people curse the Crown Lands Division in trying to acquire crown lands through the particular department involved. But my understanding, Sir, is the problem really does not exist in the Crown Lands Division or in that department, but rather from the referrals from the various other departments. One of the greatest difficulties, I am led to believe in conversations with various civil servants, is that the Provincial Planning Division of the Department of Municipal Affairs is sometimes very slow in getting their referrals back to the Crown Lands Division

Mr. Rowe:

and the Committee that approves or disapproves of the various applications for the acquisition of crown lands. And I am wondering if there is not something that can be worked out between the Minister of Forestry and Agriculture and the Minister of Municipal Affairs and Housing in order to speed that particular process up.

Now one of the things that has come to my attention is this, that the Provincial Planning Division had, and I do not know whether they still have, but they had great plans with respect to housing development, or housing development lots or areas in the various rural communities throughout the Province. I have seen the fancy and well planned charts and plot plans drawn up on the walls of the Department of Municipal Affairs and Housing when we were looking into certain particular problems. But the problem is, Sir, that these plans are plans on paper only and they are good plans, but the problem is that once the people realize what the cost of these plots or lots are, whether they are serviced or unserviced, they get one heck of a jolt. Because people in rural Newfoundland are very used to either acquiring land that is handed down through the family or acquiring crown land for next to nothing, and now they are faced with the problem or the very high expenditure of having to purchase planned housing development lots. And they are good plans. But it comes as an awful jolt to many of our citizens living in rural Newfoundland to have to plunk down \$4,000 or \$5,000 or \$6,000 or \$7,000 or \$8,000 for a lot. It is just something that they have never lived with, and it is almost a cultural or a social shock to them to realize that they had to spend that amount of money for a piece of land on which to build a home.

So, Sir, I am just really extending on the remarks made by the Leader of the Opposition here, and I do not think the problem is really within the Crown Lands Division except for that of a staffing problem, and I do not mean quality, I mean quantity. We obviously require a great number more people in the Crown Lands Division, and

Mr. Rowe:

probably things should have been organized much better over the past years, and we should have had all of this computerized at this stage of the game. But it is an unholy mess the mapping of this Province and having to search out types of land and this sort of a thing before you can give the go ahead for a person to get a permit to build a home. It is a very real problem, Sir, and I do not know - I know it is probably not strictly related to this particular bill but I would appreciate it very much if the minister would respond to this problem, it has been with us for years. When I served in the district of St. Barbe North it was a very bad problem, and now that I am in a district that has more incorporated communities and more pavement and more amenities of life I was quite surprised to find that

MR. BOWE: This problem is just as great in Trinity Bay de Verde as it is or was in St. Barbe North and I could only conclude that this problem is quite extensive throughout the Province of Newfoundland and Labrador. Then, of course, the Minister of Justice has promised to look into this whole business of the status of the old Newfoundland railroad property and I am hoping that there would be an answer for that within the near future.

I would like the Minister of Municipal Affairs, Sir, if at all possible within the rules, to respond to this business of what exactly is the status of these charts, these plans of the Provincial Planning Division because it is related to this whole business of acquisition of Crown land. Because if I can use as an example, in Old Perlican, and in Hant's Harbour, and in Winterton, and in one other community - the name escapes me for the moment - there was this plan drawn up for a nice little cul-de-sac with all the plots and what have you, and it has been deferred or is frozen or stopped, no action is taking place on it now for some reason or another - it might be a result of the cutbacks - but there is no action and consequently people cannot build along the road, say to Bay de Verde, because that would be ribbon development, they cannot build along the road down the Trinity Bay South Shore because that would be ribbon development, they cannot develop out to the Daniel's Cove Road because that would be ribbon development, and they are just running out of land. And I honestly do not know what the answer is. As a result people are trying to acquire Crown land, say between the communities and automatically the Planning Division puts the axe right down on that because this is ribbon development along the highway. Now I understand the Planning Division is planning to put up what they call rural or urban fences which basically - you have a community like Lead Cove, it is a ribbon community, it is illegal or the department will not now for a person to build on outside of the last house in that community.

MR. ROWE: Now I can see the reason for controls, Sir, but the people are simply boxed in. They cannot acquire private land within the community. The Provincial Planning Division apparently are not going ahead with their, in some cases, development of these housing lots. I am not blaming the minister for that because in some cases the people are not supporting the development of these housing lots for the simply reason that they got one jolt when they realized that they are going to have to pay three or four, five or six thousand dollars for the lot, something which was just unimagineable to them up to the present time. Now probably this is the price we have to pay for progress, I do not know. But it seems -

MR. FLIGHT: It is exactly the same with the rest of the country.

MR. MURPHY: It is for servicing that lot.

MR. ROWE: In some cases it is serviced lots and in some cases it is not serviced lots.

MR. MURPHY: It is not just the Crown land you are talking about?

MR. ROWE: No, we are talking about an actual planned little lot in the middle of the community and the cost is an admirable one. But I would suspect that between the restraints and the fact that the people are really not supporting it, and they want to get the Crown land, that we should have another good look at it. Because probably two wrongs do not make a right, but there are certainly areas of this Province from here to Holyrood you would hardly call a highway. It is one solid community from here to Holyrood, and that presents a number of problems.

But it seems to me that people in rural communities who want to buy a piece of Crown land, and we do not have the same congestion, by the way, as we have in the Conception Bay South area.

MR. MURPHY: Not today!

MR. ROWE: Not today, and we may not have it in the

MR. ROWE: future because the south side of Trinity Bay and the north side of Trinity Bay is not right next to St. John's. You might counterargue that, but we may have a big petro-chemical complex going out there and you would have the same cesspool developing in Trinity Bay as you now have developed in Conception Bay South.

It is a problem that is not easy to overcome. I am not blaming the Minister of Municipal Affairs and Housing nor the Minister of Forestry and Agriculture for it. It should probably have been straightened out years ago but I would just like to speak about it on this bill because it is an enormous problem affecting my particular district and I know other districts in the Province and any comments or suggestions or words of wisdom that we can pass along to our constituents in that respect I would certainly appreciate.

MR. SPEAKER: Order, please! If the hon. the Minister of Municipal Affairs speaks now he closes the debate.

SOME HON. MEMBERS: Oh, oh!

MR. WELLS: The hon. the minister will close the debate, Mr. Speaker.

MR. ROBERTS: How about the Minister of Forestry and Agriculture?

MR. SPEAKER: To clarify things would the hon. the member for Trinity-Bay de Verde yield and let the Minister of Municipal Affairs answer his question?

MR. ROWE: Oh no, there is no need to clarify things, I have essentially expired. I have finished my speech or whatever it was and now apparently the Minister of Municipal Affairs and Housing wants to speak to the bill, and he can. Then any other member or any other minister can speak to the bill. Then once the Minister of Forestry and Agriculture speaks he then closes debate on the bill.

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

MR. PECKFORD: Mr. Speaker, I am pleased to address myself to some of the comments made by the hon. the member for Trinity-Bay de Verde, but if the hon. the member for St. George's has some comments along the same lines to make, I would yield and wait until the hon. the member for St. George's had spoken.

What the hon. the member for Trinity-Bay de Verde said is 99.9 per cent valid if not 100 per cent valid, and it is a real, real problem. Now in talking about municipalities and the municipal planning process a lot of the problems are caused because many municipalities do not follow through on this planning process; up the line to start off with a preliminary concept plan for the municipalities, follow it up with interim development control regulations, follow it up with a detailed municipal plan which zones each part of the municipality within their boundaries, residential -

MR. H. COLLINS: Some do not even have a plan.

MR. PECKFORD: Yes, that is another problem, I was coming to that. Some do not even have a plan, which they should get into. Any municipality now, any town, especially any town council or local improvement district or rural district council should be into the planning process to get their concept plan done up first of all, study it, then send it back indicating that they agree or in certain ways they disagree, have the planner come out and sit down with them, hammer out a concept plan and get interim development control regulations in, then go on to their detailed plan. That is one of the big problems.

The other one relating to the Crown land application, and it is all connected, where the Department of Municipal Affairs and the Planning Division recommends refusal to the Crown Lands Committee who invariably see to the recommendation of refusal passed to it by the Planning Division of the Department of Municipal Affairs, causes all kinds of problems. We are going to have to realize, whether we like it or not, that in a lot of these municipalities if you are going to stop this ribbon

MR. PECKFORD: development, try to get down the cost of servicing so you are not going right along the highway for miles and so on, that they are going to have to pay more for building serviced lots. There is just no way around it. It is absolutely impossible.

I get it every day. I had a meeting dinnertime, as a matter of fact, right on this very problem. As minister if I see to one request to let somebody go ahead and take away that refusal that the Planning Division gave the Crown Lands Committee, the next day there are going to be another ten on my doorstep saying "If you did it for him you have to do it for me," so it snowballs and there is no way around it.

MR. NOLAN: Would the hon. the minister permit a question?

MR. PECKFORD: Yes.

MR. NOLAN: I realize that much of the cost of the land is caused by the installation of services.

MR. PECKFORD: Quite true.

MR. NOLAN: Are there other ways other than the way we are doing it, to service land? For example, is there anything wrong with the good septic tank installation, properly done? Or secondly, is there a cheaper and equally good way to service land other than the way we are doing it now? There are engineers and so on who tell me that yes there is, and I am wondering what the minister thinks of it.

MR. PECKFORD: There are

MR. PECKFORD:

a whole bunch of different kinds of technology being developed. But to answer your question frankly and to the point; even number one, on the land business and septic tanks, if you could get a municipality or a region to agree that they would have to enlarge the size of their lots so that septic tanks would be acceptable all the way along, fine! But you cannot get that because each individual will say, "That is too large a lot, we can build three houses on that area instead of one."

The other problem is when the Department of Health looks at a given area and, okay, there is only one house, say, 100 yards down the road and this particular gentleman wants to build 100 yards away, as far as the Department of Health is concerned on May 31, 1976 there is no environmental or health problem with that septic tank, so it goes there. Then a year and a half down the road, hence, another person comes along and applies and the Department of Health says, "Well between those two areas there is really no problem," and so you get that person getting approval to build a residence there.

Now, what happens is you are into urban development again if everybody approves it. Somewhere down the road, five or six years down the road, somebody's septic tank is going to be running into somebody's well. But on May 31, 1976 it was all right for this house to go there and it was all right for that house to go there. But before you know it it is out of control really, even though, from the Department of Health's point of view it seemed quite acceptable five years before.

Now where I live in South Brook, Halls Bay, this has happened. Everybody has got a health permit to put in a septic tank. I had one in my home in South Brook and the person next door to me had gotten it, on each side of me. But we are starting to contaminate one another right now, you see.

MR. NFARY : - - More water.

MR. PECKFORD: More water.

MR. STRACHAN: On the question of community planning.

MR. PECKFORD: Yes.

MR. STRACHAN: Can a community formulate it's own plan and have this then sent in for ratification by the department? Or do they need to apply to the department and have professional planners, for instance, come into the community to do this?

MR. PECKFORD: Well what we like to think that we do is that first of all because we have a planning act and so on, the municipality applies for a community plan or a town plan and then between the community and the planner they develop a plan and the professional planner helps them to develop a plan for their community. Now the council has the authority, it is discretionary. They can say "We do not like this plan and send it back. We want these changes " The planner and the council fight over it until they come to something that is a compromise and agreeable to both parties sort of thing. So -

MR. STRACHAN: Could I further - I am trying to emphasize the situation -

MR. PECKFORD: Yes.

MR. STRACHAN: - we find ourselves in because many communities want to do that. But for instance that requires a great deal of go between and negotiations between the planners and the communities and it is often very difficult for - they may manage one meeting but they do not manage any other meetings and another year goes, another year hence and there still is not a plan and there is still more development going on because of the difficulties of transportation. I am not trying to blame the Department at all

MR. PECKFORD: No, I know. I know.

MR. STRACHAN: - just the difficulties of getting together.

MR. PECKFORD: Yes. I could not agree with you more. What it is hoped to do, under this regional offices thing, is to get a planner also in Corner Brook to service that whole area and perhaps even in Goose Bay somewhere, where we should have one, as time goes on and we can get the staff.

MR. R. MOORES: A point of order.

MR. SPEAKER: Order, please! A point of order.

MR. P. MOORES: What is the relation of all this to the present bill being discussed?

MR. PECKFORD: Well to that point of order, Mr. Speaker. It has to do with Crown Lands, the bill, and we are talking about how Crown Land applications are processed and some of the problems inherent in applying for Crown Land. That is the relevancy in salient things that I am trying to say on this bill and in reply to questions from the other side.

MR. NOLAN: To the point of order, Mr. Speaker. What the minister says is perfectly correct because what you have is, as I am sure the minister knows, both ministers involved, is in some cases municipalities ask that certain Crown lands within their boundaries be turned over to them, as an example. The other thing is, Mr. Speaker, that because of the cost of land within the municipality people want to move, hopefully to get cheaper land and to get into Crown land just outside the municipality, resulting in ribbon development as the minister has stated which is perfectly right. So I submit that this is certainly relevant and I hope that no way will be thought of to try to stymie this because it is a very, very important one and one that we cannot ignore particularly in view of the fact that I do not think we did this year, for example, discuss the estimates of the Department of Municipal Affairs. It is a tragedy if we stop it.

MR. SPEAKER (Mr. Young): I feel that there is a possibility of the minister straying a little bit and I will ask him to be more relevant to the debate please.

MR. PECKFORD: Well, Mr. Speaker, I will try to be relevant to the bill but I was trying to respond to some questions asked legitimately from the other side which I thought the hon. member for Carbonear (Mr. P. Moores), seeing he represents a number of municipalities, would be interested in knowing about. In any case I will try to keep my remarks brief and sit down and discuss it at a later date, hopefully on a Local Government Act amendment or some other amendments to discuss -

MR. SMALLWOOD: I have to say again that the minister's remarks were extraordinarily interesting but entirely irrelevant. It is still good stuff.

MR. PECKFORD: Well the hon. member for Twillingate (Mr. Smallwood) perhaps makes a very relevant point but I can remember - my memory serves me very well on this point - that on many occasions he himself has been extremely interesting but completely irrelevant. So therefore I am just trying to copy after some of the masters in the House. In so doing therefore I have led myself astray. That is extremely unfortunate, Mr. Speaker.

MR. SPEAKER: Before we proceed I would ask the Sergeant at Arms to keep it quieter in the corridor to my left please. Thank you.

The hon. Minister of Municipal Affairs and Housing.

MR. PECKFORD: Just to summarize if I can on some of the points that were made, I think it is incumbent upon municipalities where they find a number of their citizens applying for Crown Land, either near but in their boundaries or just outside, that these municipalities get on with the job of getting full municipal plans so that they have an area set aside in their boundaries for residential development and get on with that development which will have to cost more than is traditionally the case for serviced lots. In many cases there has not been any serviced lots. The land has been unserviced and they have gotten it for \$400 or \$500. Now they must pay \$3,000 or \$4,000 and there is just no way around it. Technology might in the future reduce this but then again it depends on the sizes of lots that they are willing to allow. You can cheapen the cost but then you are going to also have to increase the size of the lot in order to do that and who is going to want to do that?

But the municipal planning process is a very important one, one which has not gotten enough credit or enough said about it in the Province over the last few years. Municipalities in their eagerness to get the basic services have forgotten to simultaneously,

MR. PECKFOPD:

when they are applying for water and sewer, to also apply for a full scale municipal plan so that they can have both and that when the services are in automatically they have a plan which they can copy, which they can go by to get the kind of services. Of course some of them perhaps do not even want a plan.

But it is a big problem. I do not try to evade it. I am trying to hit it head on but it is a very difficult one especially when you have that cultural and traditional type of thing that we have in this Province where people, because they have owned land for centuries, feel that they should be able to develop themselves without any controls from council or from the government or whatever. But it is not one that is easily solved, but we are trying to tackle it.

MR. SPEAKER: The hon. member for St. John's East.

MR. MARSHALL: Mr. Speaker, I have a few remarks to make on this bill now. As I understand this bill, this bill is for the purpose of allowing people who have been on Crown Lands for twenty years to get a Crown grant rather than before when it had been sixty, and even then I do not know whether there was a procedure for Crown grant, but you had possessory right to it.

I think it is a very good Act and a step forward. But there are a couple of points that I would like to draw to the minister's attention that he might like to address himself to when he is closing the debate. The first is under Section 134 (b), subsection 3. It is said that if the person who has been on Crown land for twenty years satisfies the Lieutenant-Governor in Council that he has acquired an interest in Crown Lands pursuant to subsection 2, which means that he has been in open, notorious and continuous possession of the land for a period of twenty years, then the Crown grant may be issued to him.

Now, Mr. Speaker, I feel myself that perhaps the government might consider, instead of providing the Lieutenant-Governor in Council, provide that a judge of the district court

Mr. Marshall.

or some other appropriate judicial concern assess the nature of the possession of the individual concerned before the Crown grant is issued. Then when the court has passed upon the quality of the possession of the person concerned, an order could be given and then the department would issue the Crown grant.

MR. SMALLWOOD: Would the hon. minister permit a question?

MR. MARSHALL: Yes, certainly.

MR. SMALLWOOD: Does the hon. gentleman mean a court or someone would pass on the quality, not of the thing that he possessed but of the nature of the possession?

MR. MARSHALL: The nature of his possession. You know, the person has got to prove that he has been there for twenty years. Now I know the minister has mentioned something about the quieting of titles, and I am not quite sure as to how they knit in together, because the Quietting of Titles Act requires an application to be made before the judge. But in this particular case this act says that the cabinet, or the Lieutenant-Governor in Council, will be sitting down on these applications and will be judging whether or not somebody has been twenty years in possession. Now in the first place I do not think that is really a function that the cabinet should be taking up its time with. Certainly it is a vital individual interest. But with the nature, the complication of government and life as it is now, I do not think that this is one added amount that the cabinet should be concerned with.

MR. SMALLWOOD: Would not the cabinet just almost automatically accept the recommendation of the minister who in turn has gotten it from his officials?

MR. MARSHALL: Yes, but that is another danger, Mr. Speaker, as well. What will happen here will be that the cabinet, of course, will take the recommendation of the minister from time to time. And the minister, of course, will be acting on the advice of "his officials."

Mr. Marshall.

Now these same officials are the people who are involved in the actual issuing of Crown grants, and there could be certain elements of dispute that they would be sitting in judgement on. And I do not feel that the civil servants, as it were, as competent as they are, that this is a function which they ought to be the ones to be the judge and the jury on at the same time. I feel -

MR. SMALLWOOD: Again would the hon. gentleman permit? Would not the same effect be got if in the first instance civil servants were to go and take a look and advise their minister, but in the second instance the person involved could go to court?

MR. MARSHALL: Well, whichever way, I think this is necessary. Maybe the minister can show us that this, by the combination of the Quieting of Titles Act Amendment that they have, that this will be done. But as I read this act what is going to happen is that you are going to have these proposals made to people in the civil service who are going to be exercising, really, a judicial function. Now we have district courts here that are set up. We have seven district courts throughout the Island that are reasonably accessible to all areas of the Island itself, and it would seem to me to be a more sensible and easier procedure to provide that the person who has twenty or more years possession applies to the court, and if the court deems that he has been in open, notorious and continuous possession for this period of time it issues an order, and when that order is issued then the Crown grant will issue. So I feel that that perhaps is something that should be considered both from the point of view -

MR. NOLAN: Would the hon. minister permit a question? Just a question for clarification, hopefully. We have been talking about the delays of Crown lands at one time or another. I am hoping that the hon. minister is not attempting to get people into additional expense and into the courts and so on so that the only way that he can now acquire the land is with the services of a lawyer?

MR. MARSHALL: You know, that is another situation that, you know, does not occur to me. Because of my position in private life it may not, you know, appear to me as readily as it does to the hon. member. But all right, an individual may make the application and perhaps the thing has to be looked at. I mean, the same thing applies with respect to any other property dispute under the Quieting of Titles Act. If somebody is on property and they wish to have their title investigated and declared, they have to go before the courts. This is the same thing. You have the title of your land investigated and declared, but as between yourself and the Crown, so I think you should go to court in the same way.

Mr. Speaker, I make these observations, as I say, for two reasons. I think the court is the more appropriate body to make these enquiries, and I do think that over the years that there has been a tremendous amount of detail, administrative detail that has been cast upon the cabinet, and is really choking the cabinet in its exercising its duties which it must perform, that is of the formulation of policy and the enforcement of policy, the carrying out of policy. And I think that this is just one other issue.

Now when the hon. member talks about, you know, having to go to court and get a lawyer, that is one thing. But I submit to Your Honour, through the hon. member, that it would be infinitely more difficult for John Jones out in the country who wants his land declared to get his one individual matter before the cabinet than it is going to be if he has a right and there are certain set procedures to get before the court. As I say, I know the minister will wish to comment on it and, you know, perhaps it is something he could take into consideration because this is a very beneficial bill, and it is a good bill, and we would not want to see a great labyrinth of red tape build up and make it impossible for the beneficial results of the act to be realized.

Mr. Marshall.

Another point I would like to draw to his attention is Section 134 (c) of the act which has to my mind what is a very peculiar section which says, "The Department of Forestry and Agriculture Act, 1973, (without limiting that section) the Lieutenant-Governor in Council may assign to the Deputy Minister of Forestry or to such other official of the Department of Forestry and Agriculture as may be designated the performance of any of the duties of the minister." That appears to me to be rather an unusual section, because although it may be just academic in this world of the routine way things are carried on, and the bureaucracy that has grown up around us and is choking us here and everywhere, but the fact of the matter is that the minister is responsible for his acts, The cabinet delegates to the minister and I do not know whether - it may be a small point, but what is the purpose of having a section in here where functions are delegated to a Deputy Minister or to an official of the department, an non-elected person, somebody not in the cabinet. These are the two points. Otherwise it appears to me to be a good step forward in the rationalization of the land use in the Province. But I do feel that the minister might like to consider the possibility of making this act readily enforceable in the initial instance by the courts to enable it to be utilized much more fully by the general public.

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

MRS. MCISSAC: Mr. Speaker, I would like to say a word with respect to right-of-ways, public roads or reserves through Crown land. I think that this should be given some special attention. Some of you probably have not run into this problem but I have. Just recently in my area there was an individual who had a piece of land that was originally granted in 1884, I believe, long before the present minister's time I must say, and the problem does not fall on him.

MR. SMALLWOOD: Before the minister was born.

MRS. MCISSAC : Right.

But, however, this was with respect to what is known as the Howley base line. Apparently this is a reserve, and in some areas a sixty-six foot reserve through Crown land. Apparently when this land was originally granted the reserve was shown on a diagram but was completely left out of the description. This land has changed hands now within the last few years and the individual who purchased it realized that he had bought the right-of-way or reserve. To me it would appear like if I bought a piece of land on both sides of the Trans Canada Highway and somebody omitted to put in the Trans Canada Highway in the description that I would be permitted to baracade the Trans Canada Highway or claim that section of it. But apparently the Howley base line may not be as firm. I am not just sure what the story is on it. I have tried to get the information, get the paper work on it, but I have not been able to to date. But, however, this did pose a bit of a problem in my area. There was quite a bit of money spent on this road. Approximately three years ago there was a LIP grant that built a mile of road, and then Forestry and Agriculture went in again before the minister's time and built a mile and one-half of forest access road and upgraded the previous mile that LIP built.

Mrs. McIsaac.

Through some joint effort between Rural Development and Transportation and Communications, a little bridge was put there. Again this year there was forest access planning for a mile and a half of forest access road. And it came to light that this was not a public right-of-way, but more or less private property, because of the fact that it had been left out of the grant which gave the individual, apparently, the right to barcade it and claim it. This posed a problem because there was a LIP project going on in the area that employed ten people, and as a result that had to be deferred. And the mile and one-half of forest access road, I understand, has been discontinued for this year. I may be wrong on that. I stand to be corrected.

MR. ROUSSEAU: I am sorry?

MRS. MCISAAC: I say I understand that the mile and one-half of forest access road that was planned for that area has been discontinued for this year. And woods cutting operations have been discontinued, at least, for fire wood purposes anyway. And I feel that all this should not be necessary and it should never have happened. This is why I say that in granting this land from now on, at least, some special attention should be paid to these public roads, or right-of-ways or whatever, through this Crown land so that individuals who are getting the grants are not also getting the title to the road, which could cause very much inconvenience to all people concerned. Apart from that I think the bill is a very good one, but as I said, I would like to see some special attention given to reserves through Crown lands so that they will not be handed over to the people who are getting grants.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Mr. Young): The hon. member for Carbonear.

MR. R. MOORES: I would just like to ask the hon. minister three questions. First of all I would like to say, Mr. Speaker, this is an excellent bill, and perhaps too late in coming for some people. In the original Crown Lands Act some time, I think, in the 1930's, was there not a section of that Crown Land Act which said that you could no longer claim squatters' rights to it?

MR. ROUSSEAU: Not to my knowledge.

MR. R. MOORES: Not to your knowledge.

And what about in a situation where a person now has or is now squatting on Crown land, say, for a period of ten, twelve, nine, fifteen years, would that person be given first right?

MR. ROUSSEAU: He would be given consideration.

MR. R. MOORES: Yes.

MR. ROUSSEAU: Morally.

MR. R. MOORES: Yes, morally.

MR. ROUSSEAU: Legally by law they would not, but morally. You know, they have been there eight, ten, twelve, fifteen, nineteen years, up to nineteen years.

MR. R. MOORES: Right.

MR. ROUSSEAU: You know, they lose it, and they would certainly be given every consideration.

MR. R. MOORES: Right, okay.

MR. SMALLWOOD: Not if he was there and had gone, but if as of that date from eight to ten years.

MR. ROUSSEAU: Yes.

MR. R. MOORES: And I would assume that it would be the responsibility of the person now on the Crown land to know or to find out that this bill is now in effect.

MR. ROUSSEAU: I will talk to that after.

MR. R. MOORES: Yes, okay. Thank you very much.

MR. SMALLWOOD: How is he going to find out?

MR. ROUSSEAU: I am going to tell you that.

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

MR. RIDEOUT: Mr. Speaker, I just have a couple of observations to make with regard to this bill. I think the principle of it is a good one. The observations that have been made to this point are good. The only thing I am concerned about is the time element that is specified in the bill, and that is up to the first day of January, 1977. I do not know if the minister has any indication of how many people in this

Mr. Rideout.

Province are squatting on what is Crown land. I would submit that there are probably hundreds and maybe even into the thousands. I know there are an awful lot in, what I would believe to be an awful lot, in some parts of my district.

MR. SMALLWOOD: With respect to the people outside St. John's, Corner Brook, Gander, and Grand Falls, and Buchans.

MR. RIDEOUT: That is right. It could very well be many thousands of people so I am concerned about the cut off date of January 1, 1977 for the reason that, with all due respect to the people in Crown lands and to the improvements the minister has made, I know that Crown lands are still very slow in processing applications, and if all these applications that will come in as a result of this bill I doubt very much whether they could be properly processed by the first of January, 1977. And to add to that I notice there is a clause in the bill that makes it an offense to access Crown lands after 1977 without colour of title. So that would be putting those people in a very awkward position. I think it will be putting the officials of Crown lands in a very awkward position. I am concerned about what this might do if there are many hundreds of people who fall in that particular category. It is a simple observation I know, but I think it is one that we should take into account to protect, as adequately as we can, the rights of the people out around the Province.

MR. SMALLWOOD: Would everybody in that condition applied on that date, even if it were two, three or four years before the department got around to dealing with it, would they not be all right?

MR. ROUSSEAU: I do not know. I got to think about the point.

Is there anybody else who is going to speak to this bill?

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

The hon. Minister of Forestry and Agriculture.

MR. ROUSSEAU: Mr. Speaker, I will go backwards here rather than frontwards, if I may. The point made by the hon. member for Baie Verte - White Bay (Mr. Rideout) is an excellent point actually. According to the act, indeed,

Mr. Rousseau.

the situation which he paints would occur where they did not have it twenty years up to January 1, 1977. The reason that date was picked was to give us eight, nine months to get ready for it. And I will bring that one in with the point made by the hon. member for Carbonear (Mr. R. Moores) that we would make sure that there would be a campaign on radio or television or in the papers to let people know, because this, like the hon. member for Twillingate (Mr. Smallwood) mentioned, two-thirds or three-quarters of the people involved in this would be in St. John's.

MR. SMALLWOOD: Quite true.

MR. ROUSSEAU: Right.

And I said in this House on many occasions that I think it is very, very important that that piece of paper that some people may not think important is important to many, many Newfoundlanders, that title or conveyance in which they have title to their land. So it is an excellent point brought up by the member. We will certainly give it consideration, and I presume that the officials in the department have considered that. But it would not be our intention, for example, if a man was continuously, whatever you call that term, Mr. Speaker, in open, notorious, exclusive possession of Crown lands for a reasonable period. I do not think that that would apply. Something would be worked out. We will certainly give them prior consideration for a Crown land grant, and I would think that they would use something like if somebody applied for it before, say, after January 1, 1977, say something of the nature - I must say in this House that it will be done with something of the nature if they applied by June 1 or July 1, 1977, for example, that they would be allowed to remain until their application was processed. It is something of that nature.

The question brought up by my hon. friend from St. George's, (Mrs. McIsaac) certainly the question of the Howley line in the case the hon. member brought up, it was an inadvertant and unfortunate situation

Mr. Rousseau.

where the Howley Line was not protected, and it was a victim of circumstances. It is the exception rather than the rule. The Howley Line, as I understand it, applies to thirty-three feet from each side of the centre of a road and thirty-three feet from the water. In the instance brought up by the hon. member for St. George's (Mrs. McIsaac) this was not the case. It is unfortunate that the situation which has occurred in her district had to stop because of this. But again the minister finds himself in another situation. I still cannot go in and take land from a person who owns land. We could have expropriated the right-of-way. We tried not to do that, as the hon. member knows, because it would have taken a long protracted time through arbitration and through the courts and so on. We had hoped to work out something with this gentleman in question, and I have not had a chance to check with him recently. I did not know that the forest access road had been stopped. I will certainly check that out. But we would hope that the gentleman in question would allow access to the area. I think he had made points to us as well that he wanted the area cleaned up or something, and that he would be prepared to give access to it so the department has been working on it. But I am not aware of the fact that the road had been stopped and I will certainly check that point out.

In respect to the point brought up by my hon. friend from St. John's East, I am advised, in a conversation I just had, that the questions brought up by the hon. member is indeed covered by the Quieting of Titles Act, No. 20, but we will check it out for tomorrow morning when it is in Committee stage to find out if indeed that situation does occur. But I understand that they have a right. They can grant a certificate or conveyance granted pursuant - it may be made against Her Majesty. And they have to serve it on me then. If they do not like the decision then they have the right to appeal to the courts against Her Majesty. But in the meantime we will check out the full details for tomorrow morning at Committee stage.

Mr. Rousseau:

And the hon. member for St. John's East (Mr. Marshall) also brought out the point about the courts. We think it is much like now the grants of land, for example, over fifty acres. The minister cannot give a grant of land over fifty acres it has to go to the Lieutenant-Governor in Council, but normally it is done, and there is no great red tape. The difficulty of one man getting before a Cabinet the same thing would apply to one man who looked for fifty acres, but this is normally done in groups that they have checked out. And I can assure the hon. member from St. John's East that, I can say for the departmental employees involved in this that knowing that there would be a path to the courts in the event that they were not satisfied with the minister's decision then I would think that the departmental officials would be very, very, very careful before they made a recommendation that such a situation would or would not occur.

Our intention, Mr. Speaker, with this is to clear up the back load of squatters rights, land in the Province. Many, many communities come in, we do not know who owns what land. This is why we are spending upwards of \$200 million this year in the budget, if hon. members have looked at it, for aerial photography, controlled surveying and so on. We do not know what land belongs to the Crown in the Province unless we have it registered as a deed or a conveyance in the Registry of Deeds. We do not know who owns the land. We are attempting to find this out. And that is why we are doing up to \$200 million worth of surveying so we can set up markers across the Province so we will be able to find out what land belongs to the Crown. So if the hon. Speaker comes in looking for some crown land we can tell him whether indeed there is any crown land available in a given area or any other citizen of the Province.

MR. SMALLWOOD: Mr. Speaker, I wonder if the minister would allow me to direct a question in his direction?

MR. ROUSSEAU: Sure.

MR. SMALLWOOD: Have the government given any consideration, in the light of what the minister has just said, \$200 million in one year making surveys, and no doubt there will be surveys in other years to come in the light of that have the government considered establishing the Torrens system of land registration? Or does the new system of eliminating title, just giving leases, eliminate the need for a Torrens or any other similar system of land registration?

MR. ROUSSEAU: I must say that I have to plead absolute and utter embarrassment because I have no idea, Mr. Speaker, what the Torrens, you know, I do not know -

MR. SMALLWOOD: T-o-r-r-e-n-s.

MR. ROUSSEAU: I have no idea what it is. You know, the attempt here is mainly a very simple one; it is to clear up the questions we got in respect to squatter's rights on land, to find out what land belongs to somebody, what does not belong to somebody, if it does not belong to somebody it belongs to the Crown, from there we can work on. This is quite a big undertaking, and we feel it has to be done. If somebody as I say, walks into my office and says "Can I have this piece of crown land?" I have got to say, "I do not know if it is crown land or not, we have got to go and try and find out, and it takes quite a deal of time to find out."

MR. SMALLWOOD: Would the minister allow me again?

MR. ROUSSEAU: Sure.

MR. SMALLWOOD: The minister will agree that the problem of land title in Newfoundland is not one concerned only with squatter's rights as of January 1, next. Everybody who has any land in Newfoundland needs to have some kind of title. Some have title. They have bought it from somebody, and they have got their receipt and all of that, they have got their bill of sale, but there must be many, many thousands in Newfoundland who acquired the land, you know, twenty, thirty, fifty, a hundred years ago, and yet with no form of written title. Is that not so? It is not just those who have squatter's land on January 1 next?

MR. ROUSSEAU: We will accept affidavits, you know, if people do not have grants and so on, and three respectable people in their community sign the affidavits that they have lived continuously and without, whatever it is here, legally, you know. The most important principle of this bill is that nobody is trying to do anybody out of their land. What we are saying is, "Look if you have had squatters' rights for twenty years why do it for another forty years? Let us clear it up so we know that that land belongs to John Jones or John O. citizen. We are going to give it to you after twenty years. If you do not have it up to twenty years by January 1, 1977 you go through the normal path, the normal procedure that everybody else goes for a crown land application. "That plus the fact that we hope to have our surveys in so we know where the markers are, where we can say who owns what land across the Province, we hope greatly expedite the question and the problems that arise in respect to crown lands.

MR. SMALLWOOD: Would the minister privately look into the Torrens system?

MR. ROUSSEAU: Yes, but I understand from my predecessor, the Minister of Health, that we have looked at that, and it is an extremely expensive system, and I think that right now it is not being considered as being implemented in the Province.

I might say that the normal business hours -

MR. MCNEIL: Would the minister permit a question please?

MR. ROUSSEAU: - that the hon. Leader of the Opposition mentioned is meant.

MR. MCNEIL: Would the hon. minister permit a question?

MR. ROUSSEAU: Yes.

MR. MCNEIL: With regard to crown lands that have turned over to people, like in my own personal experience, in some cases people have acquired crown land, and on some of the old deeds there was a right-of-way to the waterway of sixty-six feet, which my hon. colleague mentions, which is now a problem where people who have owned it on

Mr. McNeil:

squatters' rights have extended their boundary over this easement, this sixty foot road right-of-way to the water, what will happen there? Will you try to straighten up these easements?

MR. ROUSSEAU: We will try and straighten it up. You know, we like to have, like I say, thirty-three feet up. A minimum of thirty-three feet. Sixty-six feet is the road. The water is thirty-three feet, but that is a minimum, you can take sixty-six if you want to to the water. But as I understand it the minimum is thirty-three feet on each side of a road and from the water. We will try and accommodate it. It is not our intention again to - it is to straighten out a problem, and we will try and accommodate people and try to change some land around, if we have to, to give them at least substantially what they now have.

MR. NOLAN: If the minister would permit? I believe you are not talking about the boundary, really, around the side of a body of water you are talking about, I assume, the right-of-way to a pond that has been encroached on in many areas. Is that right? Roads going down from a road down to a pond which is being taken in and has been in many instances.

MR. ROUSSEAU: Right. But normally what happens here you see, if we did not have the problems we had of people going down to ponds did not get it, a lot of them, through squatters rights, people who had just gone in about cabins and so on. And we do not have our right-of-ways. You know you have got to take land out to put a right-of-way down. Normally we reserve right-of-ways and then when we go and take an aerial photograph or look at an application for the lot we find that the right-of-way has been taken for a lot. You know, these are monumental problems that you have to face in respect to cottage development which is why we are considering another method of looking at applications for cottage lots. We hope that in the next few months or within the next year we will be looking at a new method in respect to crown lands and in respect to the giving out

Mr. Rousseau:

of cottage lot developments in areas that we decide to develop so that we have some control and some planning, with my colleague and friend the Minister of Municipal Affairs, in respect to road ways, and in respect to access of the land. These are all controls that we are starting to implement now. This is not just a small bill in itself, Mr. Speaker, it is an attempt to get a hold to the whole question of crown lands which is a real difficult one. My predecessors the Minister of Finance, the Minister of Manpower and Industrial Relations, the Minister of Health have been grappling with it and I am sure Mr. Callahan, when he was minister, had the same sort of problem. It is a problem that is not going to be solved overnight, but we are trying to come to grips with it.

I might just answer a couple of questions that were brought up. The question of referrals is one that I am pleased to hear that people understand. It is not always the Department of Crown Lands Division that holds it up. We have to wait until referrals come in from various departments, and until we get these referrals in we are not in a position to act. And normally it is in a very, very, very abnormal situation where a recommendation comes in from the Crown Lands Committee, made up of representatives of all of these groups, that the recommendation is not adhered to, very, very seldom.

I concur with the Leader of the Opposition, and I thank him very much for his kind words about Robert Winsor down in the department who is the liaison man with the M.H.A's.

MR. NOLAN: He is a good man too.

MR. ROUSSEAU: Like he says, he cannot change the law, he is only living within the law, but he is there to serve the M.H.As. I think he has done a wonderful job.

SOME HON. MEMBERS: Hear, hear!

MR. ROUSSEAU: He has made every effort to try and get the information back. While the members may not like the information, at least, all he can do is get you the information on where it is.

Mr. Rousseau:

We have staffing problems mainly because it is such a technical job Mr. Speaker, down there that when somebody leaves or somebody gets a promotion it is very difficult to train another man to take that position. It is a highly technical process down there and it takes a while to train people in this process. But I might say, if I can somehow or other find about 2,000 hours of overtime between now and the end of August or September, I could, I hear clear up all the backlog down in Crown Lands. How is that? And the Minister of Finance smiles.

MR. NOLAN: What was the time?

MR. ROUSSEAU: It would take about 2,000 hours of overtime or 2,000 extra hours besides the normal working day to clear up the applications down there. But it takes a long time, Mr. Speaker, because by the time you get the survey in -

MR. SIMMONS: The minister is-

MR. ROUSSEAU: Pardon?

MR. SIMMONS: The minister is apparently not aware that his predecessor promised that this would be cleared up by last Fall.

MR. ROUSSEAU: Yes, but this is another back load that has developed again because the people were brought up to date. But, you know, we hope sometime between now and the end of the Summer, hopefully, to clear up the greater part of the backlog. But when you look at these crown land titles or leases, Mr. Speaker, you know how very complicated they are. It takes time. There are only so many that can be done in a day, but we will make every effort to try and clear them up.

Mr. Rousseau.

look at these Crown land titles or leases, Mr. Speaker, you will know how very complicated they are. It takes time. There are only so many that can be done a day. We will make every effort to try and clear them up before the end of the Summer and maybe some time at a future date we will be able to stand up and have a real knock down, beat them out on Crown lands. I would be more than willing to do so.

MR. SIMMONS: Would the minister permit a question?

MR. ROUSSEAU: Yes, Sir.

MR. SIMMONS: I was out for a part of the debate on this bill, Mr. Speaker. I believe the item I raised has been dealt with somewhat. But the question - let us take an example, a person who has got squatter's rights which may well have been established or can be established that he has squatter's rights, but he does not undertake for whatever reason, ignorant to the law or whatever, he does not undertake to establish his title prior to January 1, 1977 does he lose all claim? I mean what I am saying does this bill require that all people have their titles established by January, 1977?

MR. ROUSSEAU: No. The bill requires that all people who want to apply for title will not be able to claim anything up to January 1, 1977. Of course it is going to take maybe two years, six months, eighteen months, I do not know to get these titles squared away. But what we are saying in effect is that whoever applies cannot claim land beyond January 1, 1977 for adverse possession, but he can claim in 1978, within a reasonable period of time. I presume we have - what? - at six months to two years, somewhere in that area. We have not set a time on it. But the January 1, 1977 date merely applies that he can no longer use any time after that to claim for his twenty years, but not for the application date. Okay?

MR. SIMMONS: Yes.

But I understand from the minister's comment then that there is eventually going to be - you are going to invoke a limitation -

MR. ROUSSEAU: Right.

MR. SIMMONS: - a period by which the claim must have been established, is that correct?

MR. ROUSSEAU: Yes.

And as I mentioned, if the hon. member was not in the House, this course will be given wide publicity if we have to because like we say two-thirds or three-quarters of the people are outside the St. John's area who may be aware of this. So we will certainly give it every bit of publicity we can and try and be fair and give people sufficient time to be able to make their application.

So I think I have answered just about all the questions. We got improvements down in Crown lands, and we are attempting to expedite it, but it is going to take some time. We are trying to do it out in the field now rather than have to come in to St. John's, and we would hope that things are progressing well. We know the length of time it takes. It is a difficult thing, but we must also remember that a Crown grant or a Crown lease is a very important thing, and we want to make sure that we do not have any mistakes in them, and to do that it takes time, and we will certainly try and continue in our efforts to expedite them so that people will not be as frustrated as I know ninety-nine out of every hundred people are who deal with the Crown Lands Division. It is a very difficult thing. We will certainly continue in our effort to expedite these applications so that the people will not feel the many frustrations that I know they feel, and I can tell you from firsthand knowledge in the office all day and at home, in the night time and on the weekends and the calls about Crown land applications, and I am as aware of it as anybody in this Province. So I move second reading of this bill, Mr. Speaker.

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

Motion second reading of a bill, "An Act Respecting The Retirement Of Magistrates." (Bill No. 62).

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, the explanatory notes sets forth very clearly what this bill says. It simply empowers the Lieutenant-Governor in Council to extend the appointment of a magistrate beyond the age of seventy years. But this is only a temporary bill because the bill expires on December 1, 1977. I move second reading.

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

MR. ROBERTS: Mr. Speaker, this is an unusual bill in that it affects essentially, as I understand it, only one of our magistrates, in fact the chief magistrate, Magistrate O'Neil, and normally I would look askance upon what amounts to an act to affect one person. But I think in the circumstances as I understand them, the minister has said - I am sorry I did not hear all of it, I was on the phone - but my understanding is from what the minister has said, and from what I know, and from what I have gathered from my brethren, or our brethren, if you wish, at the bar downtown that this is a justifiable step in the circumstances. So I need say nothing more. Magistrate O'Neil or Chief Magistrate O'Neil has served this Province and its judiciary admirably. I have never had the good fortune to appear before him either as an advocate or as a defendant. I was in his court one day as a witness briefly in that a young gentleman stole my car, and I had to go and give some testimony to that. I think also I was there - my only other court appearance, and the Minister of Justice was also there - when the late Jake Somerton, a man well-known, I am sure, to many members of the House, I hope in their capacity and not in his, Sir, but when Mr. Somerton was being prosecuted by the Liquor Board or whatever it was called at that time, perhaps the old NLC, but in any event the state authority that controls the sale of liquor, had decided to prosecute Mr. Somerton for possession of a beverage containing alcohol

Mr. Roberts.

that had not been acquired through the Controllers. And he took some umbrage of this because he claimed that he was being discriminated against in that there had been an Order-in-Council enacted making this peculiar and particular beverage subject to the alcoholic liquor laws. And as hon. gentlemen I am sure are familiar with, there is a section in the act - it is in the present act - saying that the cabinet, you know, can declare anything that has a certain percentage of alcohol in it to be an alcoholic beverage and thus within the ambit of the act. And this particular action by cabinet, and I was called, because I was a member of the cabinet at the time, and so was my colleague, as he then was, the present Minister of Justice, a number of us were called, and we gave what testimony we could. But Mr. Somerton took considerable umbrage at this because the regulation in turn had applied only to him. And there was a reason that it applied only to him, that he was the only person in the Province who had ordered 144 dozen gross of bay rum, the hair beverage, and since there was some doubt that there was quite enough hair in the Province to meet 144 dozen gross of bay rum, and since the bay rum preparation in question was about 40 per cent alcohol and was certainly a better value than much of the potable stuff by the alcoholic Controllers, Mr. Somerton was on the edge of quite a good thing. In any event I think he was convicted despite his protestations about retroactive legislation and persecution by the cabinet. Chief Magistrate O'Neil found him guilty. I am not sure what happened, but I do know that for a year or two thereafter you could go into the store on Kenmount Road and buy a large quantity of bay rum. For all I know they still have it in there.

MR. MURPHY: He appealed to me as his member. I think he was giving it away with each holy picture he sold.

MR. ROBERTS: I did not know that. The member for St. John's Centre apparently received an appeal from the late Mr. Somerton in his capacity as the member for St. John's Centre, and I had always thought holy water

Mr. Roberts.

did not take the form of bay rum. Was it holy water he gave to them?

MR. MURPHY: Holy pictures.

MR. ROBERTS: Oh, holy pictures.

MR. DOODY: You paid for the picture, and you were given
a sample -

MR. ROBERTS: Oh, I had not realized. I had not purchased
any, but hon. gentlemen opposite have an obviously greater knowledge
of the commercial aspects. This is it. You paid for the holy
picture -

MR. MURPHY: And you got a sample.

MR. ROBERTS: - and you got a free bottle of bay rum

MR. MURPHY: Easter water I think it was called.

MR. ROBERTS: Easter water it was called. I would think,
Sir, it would make almost anything rise.

MR. DOODY: Not necessarily a holy picture. You got a choice
of a picture of the Queen.

MR. ROBERTS: Oh, I see. The Minister of Finance again is
being helpful. You had a choice of the picture of Her Majesty.
So it would either appeal to one's patriotic instincts or one's
religious instincts, and the bay rum -

MR. DOODY: It all depended on the horrors you were in.

MR. ROBERTS: Only those of basic instincts such as
the cabinet or the police or the liquor board would have thought
that there was anything other than sheer coincidence in the
fact that the gentleman had ordered 144 dozen gross of bay rum,
And I would serve notice, Sir, that anybody who is thinking of
ordering 144 dozen gross of bay rum on the quiet, that the board
found out about it only because the manufacturer of this product
somewhere in the United States notified the board that it was coming in.
And since this represented, Sir, an amount equivalent to twenty-three
years consumption of bay rum in Newfoundland, there was some evidence,

Mr. Roberts.

and in any event whatever the arguments and the merits Chief Magistrate O'Neil, I believe it was, convicted Mr. Somerton on the charge and the appropriate penalty was levied.

Mr. Speaker, the minister may have touched upon this in his remarks, and if so I hope he will tell me and I will not go on, but the act requires that the chief magistrate retire eighteen months, - is it? I do not have the precise date, but shortly. I would assume that at that point we will be in a position to appoint a new chief magistrate. It would be improper, I guess, to ask who it would be, although I would assume that most of us could take a pretty good guess.

MR. ROBERTS:

In any event, the point to be made is that I think we are entitled to an assurance there will be a new chief magistrate, entitled to that assurance in fairness to Chief Magistrate O'Neil as well as to the magistracy as a whole. The chief magistrate, I would assume, will be a legally trained lawyer.

MR. WELLS: The Minister of Justice or myself.

MR. ROBERTS: Well, the member for Kilbride (Mr. Wells) has suggested that either the Minister of Justice or the minister himself are in line for the position. That may be, Sir. I had not thought of that. I have sort of been inclined towards one or both of them being Registrar of the Supreme Court. There is a long tradition of that. I am told the registrarship in the old days was quite an honour, an office of high position. Mr. Alec Winter held it, who was a former Speaker of the House.

By the way, there is an excellent article which I commend to hon. gentlemen in the current issue of The Quarterly, not by Mr. Alec Winter, by his brother, the late Mr. Justice Harry Winter, who also hangs here as a former Speaker, right here directly over the head of the gentleman from Stephenville (Mr. McNeil) right next to Mr. Walter Monroe. Mr. Alec Winter is here. But in addition to Mr. Alec Winter as registrar, of course, for many years, Sir William Lloyd, was registrar, a man who left the Premiership, had to, the government were defeated, and defeated on a motion of non-confidence which the Premier himself had seconded in a somewhat unusual parliamentary sense. I think it was Sir Michael Cashin who moved the motion. But in any event all this is, I would think, Mr. Speaker, relevant but not to this bill.

But let me say that I would hope the minister will assure us that the new chief magistrate will be in office, and indeed he should perhaps be designated within the next twelve months. Possibly he and Magistrate O'Neil can work together for a bit, because I would think any man who will be chief magistrate would benefit greatly by a period

MR. ROBERTS:

of working with Chief Magistrate O'Neil. Because of course the chief magistrate's job, a fairly new one, recommended I believe by the Steele Royal Commission - now Judge Steele, Mr. Geoffery Steele, Q.C. as he then was - the Steele Royal Commission recommended this position and it is a major administrative one. We now have quite a number of magistrates. Their workload is changing. I am told that many of the actions coming before magistrates now involve legal counsel. That is a step forward, but one that is bound to change the nature of appearances and the nature of the work in the Magistrates Courts in this Province. I think that it is a step forward, not that it creates more work for the lawyers but that it ensures that the law administered by the magistrates is administered by them only after points have been brought forward and aired by gentlemen learned in the law appearing as counsel.

In any event, Sir, we support the bill and we do so with every expression of benevolence and appreciation towards Chief Magistrate O'Neil, and we are very glad that he is going to serve these extra periods and that at the end of that period we will have a new chief magistrate. Thank you, Sir.

MR. SPEAKER: The hon. Minister without Portfolio.

MR. WELLS: Mr. Speaker, no doubt everybody will be astonished to see a House Leader delaying the progress of legislation, but I could not let this opportunity pass of paying a tribute to Magistrate O'Neil, Chief Magistrate O'Neil, as this act is specifically because of his particular case. I practiced before him when I was first called to the bar in 1958, and in all respects I think everyone who has had any contact with that man would realize, and not only that, say that he was a most wise, learned, humane and decent man. I think Newfoundland has been well served by him. And as I say I do not want to delay the House but I would like to pay tribute to him and to say that there certainly has been no finer man nor better judge on the provincial court in Newfoundland in its whole history.

SOME HON. MEMBERS: Hear, hear!

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

The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, this bill, which I had not said at the beginning, is specifically introduced to accommodate the situation where Chief Magistrate O'Neil has agreed with - and it gives me a great deal of pleasure - he has agreed to continue to serve in the post of Chief Magistrate until next year, until December, if necessary, of next year. A chief magistrate has to be a magistrate learned in the law and I can assure the House that a successor to Chief Magistrate O'Neil will be appointed by the time this bill expires on December 1, 1977.

I would hazard the guess, the educated guess, that Chief Magistrate O'Neil has been on the bench longer than any judge in Canada. I do not know how long he has been there but it was long before I started practicing law in 1947, and as the hon. House Leader has said - and I am sure that any person who has ever appeared before him would corroborate this - Chief Magistrate O'Neil is a man of tremendous knowledge, outstanding compassion and a man who administers the law equitably and fairly at all times. I move second reading.

MR. ROBERTS: Hear, hear!

On motion a bill, "An Act Respecting The Retirement Of Magistrates," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 62)

MR. SPEAKER: Order 19.

Motion second reading of a bill, "An Act To Amend The Wills Act." (No. 25).

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, in rising to move second reading of this bill, if the bill generates much debate and hon. gentlemen see me disappear - I have to be at the United Church conference at five-thirty - I am sure my hon. colleague will close the debate.

This bill, Mr. Speaker, has been brought before the House

MR. HICKMAN:

firstly at the request of the hon. the Minister of Justice of Canada where as a result of certain conventions and diplomatic conferences on wills it was agreed to provide a uniform international will and subsequently the Uniformity of Legislation Commissioners of Canada studied the bill and approved it. One province, the Province of Manitoba, had already enacted it and my understanding is that the other provinces will do likewise.

Many of the states, the foreign states, have already assented to the bill, Belgium and China and Czechoslovakia and France, the Holy Sea, the Union of Soviet Socialist Republic, the United Kingdom, the United States, Iran, and hon. gentlemen will be delighted to learn that this bill is to remove the problem of renvoi. I move second reading.

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

MR. ROBERTS: Mr. Speaker, I will not embarrass the minister, if in fact it would embarrass him, nor will I reveal my own lack of knowledge on the point because I am sure that Mr. John Willis who had the enviable job of teaching the University of Toronto law school course of wills and trusts would know all about renvoi. If Mr. Willis did, he may have imparted the knowledge to some of us in his course. But if so I for one either missed that lecture - they have an awful habit of having them at nine o'clock in the morning - or if I ever had the knowledge, it is gone out. And I suspect the minister would be hard put to tell us exactly what renvoi is unless he has been boning up on it.

MR. HICKMAN: Mr. Speaker does.

MR. ROBERTS: Well Mr. Speaker in his learned capacity as opposed to his Speaker capacity might very well be able to give us an expedition on the law of renvoi but since all we are doing is removing the problem of renvoi.

AN HON. MEMBER: Is it a very grave topic?

MR. ROBERTS: I must say in all the years I have been knocking around - I have not practiced a great deal of law - but no lawyer has ever run

MR. ROBERTS:

up to me on the street and accosted me and said, "You fellows in the legislature had better do something about renvoi, because we have a bad renvoi problem in this Province." Lawyers down town feel strongly about a lot of things, some of them involving members of the House of Assembly, as we may all imagine, but the problem of renvoi is a new one.

A little more seriously, Mr. Speaker. This is a piece of model legislation and I think that in itself should commend itself to the House. The Uniform Law Commissioners - I believe our deputy minister is a member of that group but he may have -

MR. HICKMAN: The assistant deputy minister, and the director of public prosecutions.

MR. ROBERTS: Mr. Macaulay now assists the ADM and the director of public prosecutions, but the Uniform Law Commissioners do not get a great deal of publicity and I suppose they should not get a great deal of publicity but they do do a great deal of valuable work in producing legislation in the form of model acts that hopefully will be adopted by legislatures across the country and will give us uniform legislation. That makes it very much easier for the citizens and I would hope very much easier for the lawyers and thus justifies the lawyers in charging a smaller as opposed to a higher fee.

This is uniform legislation and it is apparently - not apparently, I mean, if one reads it through it is fairly straightforward. The principles in it are principles that are quite accepted in our law and I am very glad that the minister is bringing it in. I am equally glad that we are going to keep one of the unique features of our law. At least I do not see any reference in this to take away the feature of being able to make a holograph will in this Province. We are, I believe,

MR. ROBERTS:

Is the only Province left where you could make a holograph will leaving aside the armed forces exception. There are special provisions in all of the Wills Acts providing for servicemen in immediate apprehension of death, I think, is the way the legislation reads. But we are the only ones who still allow a holograph will. I think that is a good thing.

MR. WELLS: They are made all the time.

MR. ROBERTS: Yes my friend from Kilbride -

MR. MURPHY: Would you explain that to the nominee, please?

MR. ROBERTS: Well a holograph will is simply one in one's own handwriting, a will normally - the gentleman for St. John's Center (Mr. Murphy) we lawyers tend to get caught up and those of us who do not practice perhaps more so than others - a will normally to be valid must be signed by the testator in the presence of two witnesses each of whom sign in the presence of each other and the testator. The will can be voided. You cannot die without some provision for the distribution of your estate because the state makes a will through this so called Intestacy Act. But if you wish to make a will and leave your own directions as to what is to happen to your estate, you must do it by a will and the will must be in a proper form. It is very important it be in the proper form. In most provinces of Canada that form must be in writing signed by the testator and by two witnesses who are not beneficiaries who sign in their presence and in each others presence. I think that is a correct statement of it.

But a holograph will is one in one's own handwriting. If you write the entire document in your own handwriting and sign it and express that it is a will and all that you do not need any witnesses. You cannot do it, as people have tried here, by having a document typed by your secretary and then signing it without witnesses. That is not a holograph will. But if the entire document is in one's own handwriting, it is a valid will as I understand it.

MR. ROBERTS:

Now if I have misinformed - I mean that is an exposition of the law as it stands and the bill will be sent in due course. But in any event we do allow holograph wills in this Province and I think we should. It is a means of a person being able to make a will quickly without having to go through the procedure of having it drafted and typed and witnesses. It is safer perhaps to make a will with witnesses but it does not have to be according to our law.

In any event, Sir, I like very much the principle of uniform legislation. I think we should adopt more laws on a uniform basis. In a country such as Canada where we have a divided jurisdiction between the Parliament of Canada and the parliaments of the several provinces, there is the very real possibility of conflicting laws and where it is not necessary to have that conflict - and certainly in something like wills, it is not necessary to have any conflict because the principles are well established, then there should be no conflict, and we should have uniform laws. This is an example of uniformity, Sir, and we support it.

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

MR. HICKMAN: Mr. Speaker, I may add -

MR. ROBERTS: Did we do the Supreme Court one?

MR. HICKMAN: Yes.

MR. ROBERTS: The uncertainty of judgement one?

MR. HICKMAN: Yes. On the uniformity of legislation commissioners, we are represented by the Assistant Deputy Minister of Justice, Mr. George P. Macaulay, Q.C., our chief legislative draftsman, Mr. James Ryan, Q.C. who has played a very leading role. I would think that Mr. Ryan has probably had more influence on the uniformity of legislation commissioners than any legislative draftsman in Canada. He was with Alberta before he went with the federal government as legislative draftsman. He drafted a constitution for the West Indies federation and now we have him here and then the Director of Public Prosecutions.

MR. HICKMAN:

In closing may I say for the benefit of the unlearned that renvoi is where it is provided in some jurisdictions that the law of the forum shall prevail rather than the law of the domicile and then you go to that jurisdiction and find that the law of the domicile prevails and this cuts out this going back and forth.

MR. ROBERTS: Does the minister think that with respect to removables the law of the forum applies?

MR. HICKMAN: The law of the forum does not always with respect to the removables apply but in some jurisdictions it does. With that great pronouncement I must be off to see my brethren at the United Church conference. I move second reading.

On motion a bill, "An Act To Amend The Wills Act," read a second time, ordered referred to a Committee of the Whole House tomorrow. (Bill No. 25)

Motion second reading of a bill, "An Act To Enable Extra-Provincial Custody Orders To Be Enforced In The Province of Newfoundland." (Bill No. 26)

MR. SPEAKER: The hon. Minister without Portfolio.

MR. WELLS: Mr. Speaker, this is another uniformity law conference bill which I do not think there is anything that need cause anyone any anxiety. It is so that custody orders made outside the Province when they are brought to the appropriate court of record within the Province can be enforced here in the Province. What has happened in the past was that for some years there have been reciprocal enforcement of judgements and reciprocal enforcement of maintenance acts. But this is the first time to my knowledge that there is an act or will be an act to enforce custody orders.

So what will happen is that if an order is made in another Province or outside, in another province of Canada, that the procedures will have to be gone through and be brought before our courts and our court can enquire into it and enforce the order here. The Act makes certain provisions for the court here to enquire into

MR. WELLS:

the circumstances. In other words, the court here will not be just a rubber stamp but will enquire into the circumstances. A similar act has already been enacted in Manitoba and Prince Edward Island and the other provinces are going to do so in due course. So, Mr. Speaker, I move second reading.

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

MR. ROBERTS: Thank you, Mr. Speaker. We are certainly prepared to support this. Let me raise initially a query which I bring to the attention of the minister. In this act 'child' is defined as a person under the age of nineteen. Now we have what amounts to a state of confusion in this Province, I think, on this question because we are allowed to vote at eighteen which is generally regarded as being the age of majority. There is a piece of age of majority legislation. To be quite candid I am not sure but I think it says nineteen. I think there is, as I say, a state of confusion that one can vote at eighteen in this Province and federally the same rule applies, and yet for most other purposes of the law, possibly all other purposes, a child is anybody under the age of nineteen years. You cease to be a child in law at the time you pass your nineteenth birthday.

I would bring this to the minister's attention. I think it is an important point and somewhat an anomaly in the law. A little more substantially on the principle of the bill, Sir, it is a very straightforward piece of legislation. It will clear up a problem which I understand does arise quite often. That is given the fact we have a mobile society in Canada and that the people can live in one province for many years and then can quickly move to another province and frequently do, one has to confront the question of the enforcement of orders that are issued by courts that are acting within the provincial sphere of jurisdiction. And I say at that rather than the courts of a province, the criminal laws are administered by the courts of each province, but it is a uniform federal law.

MR. ROBERTS:

The areas of law that are reserved to our legislative competence within the British North America Act can and do vary. An order issued by a court in one province is not necessarily regarded as an order by a court in another province unless there is specific legislation so to authorize it. In the absence of legislation, in essence or in effect, you must start all over again and must make your claim in the normal way and serve your notice on a defendant and have the action heard and a judgement rendered. All we are doing here is saying that where a court in another province makes a ruling on a matter of custody, which is a matter within the provincial competence to legislate on, that where a court has found that in a marital dispute or in a family dispute custody of children should be vested in one parent or in another parent according to certain terms, that that order can be enforced within Newfoundland and Labrador.

Mr. Speaker, I think that makes sense. I would hope that other provinces will adopt it because it quite often happens I am told that a marriage dissolves or a marriage gets into difficulty, the partners live apart. Often one of the partners will go to another province and leave Newfoundland, say, and go to Ontario or Nova Scotia or some other Province, and then to try to get custody orders enforced can be very difficult and causes a lot of heartache and problems.

Sir, this uniform legislation would help to resolve that. It will certainly help to resolve anybody who had a court order from Ontario and wishes to apply it here in Newfoundland and Labrador. I would hope, Sir, that in turn other provinces will adopt it so that the orders issued by our Supreme Court in exercising their jurisdiction under the laws we have made can be put into force in other provinces. We support the bill, Sir.

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

MR. WELLS: I do not think, Mr. Speaker, there is any need to further debate this matter. So I would move second reading of the bill.

On motion a bill, "An Act To Enable Extra-Provincial Custody Orders To Be Enforced In The Province Of Newfoundland," read a second

time, ordered referred to a Committee of the Whole House tomorrow.

(Bill No. 26)

Motion second reading of a bill, "An Act Respecting The
Adoption Of The Uniform Inter-provincial Subpoena In This Province."

(Bill No. 36)

MR. SPEAKER: The hon. Minister without Portfolio.

MR. WELLS:

Mr. Speaker, this is one of these uniformity commission acts. Essentially what happened over the years with the growth of the judicial process is that there are all kinds of different documents and subpoenas of various sorts served in the courts of this Province and other provinces in Canada and very often they were different, and as the Leader of the Opposition has said that we have a mobile society now, and it is felt in Canada that all these things should be as near as possible without doing violence to any particular system, to be uniform. And so this act sets out a defiance court and defiance subpoena or other document requiring a person within a province other than that issuing to attend as witnesses before the issuing court. And really the purpose of the act is to enable a subpoena issued by a court in another province or territory of Canada to be received and adopted as an order of the court in the Province. And so the provision is made in the Act for the court, hereafter the various steps are followed, to back or adopt the subpoena as its own document and give it the force of law here in the Province. I do not think there is anything at all contentious about it, Mr. Speaker, and I will move second reading.

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

MR. ROBERTS: Mr. Speaker, there is little more need be said. I think the minister has covered it, and it is another of these pieces of legislation that must be adopted in the spirit of Confederation, and I think it is entirely appropriate that here in the House today, as we sit awaiting some answer from Quebec - I do not know whether other hon. gentleman have heard, but Mr. Cournoyer has scheduled a press conference for 4:30 p.m. their time and 6:00 p.m. our time, and presumably - I mean it may be to deal with anything - but I would assume and the assumption is that it will deal with Churchill Falls -

MR. PECKFORD: Cook is going to resign.

MR. ROBERTS: Well, I do not know whether he is going to resign or not, but, you know, the members of the House may want to beware of that, Sir, because I believe VOXM or maybe the other station - I only

Mr. Roberts.

know of VOCCM - have made arrangements to provide very quick coverage here in Newfoundland of what is said this day in Quebec City on this matter. I think it is entirely appropriate that, as we sit sort of waiting for the ultimatum to expire, you know, the clock going on towards the end of the day, that we should be considering legislation much of which is of the uniformity commissioners devising and much of which we are adopting because, as one province of Canada we believe that all the citizens of this Province should essentially be governed by the same laws, things like the uniformity of wills, and uniformity of adoption orders and uniformity of subpoenas. You know, it does not really matter whether one lives in Ontario or one lives in Alberta or in Quebec or in Newfoundland. You know, essentially we all adopt the same principles. And I say that even though the Province of Quebec, of course, has chosen in their civil law to adopt - well the Quebec code - essentially the French concepts of law. They do not differ that much in most of these matters. There are some important differences, but they do not affect us yet. And here we are on this day of all days - I do not know whether the government designed it this way but I think is entirely appropriate but here we are adopting laws which really we are adopting in the spirit of Confederation. We could say in this Province that No, Sir, we are not going to have any of this uniform nonsense. We will have our own subpoenas, and if you issue a subpoena in another Province and want to serve it here, you have to come down, and you have to start right from the start in getting that subpoena issued here. Or we could say that if a court in Nova Scotia and Montreal issues an order saying that in respect to the marriage of A and B we find that custody of the children C and D is vested in partner A for six months and partner B for six months, we could say that is no fact. If partner B moves down here and happens to have the children in his or her custody, when they come, then we will not enforce the Nova Scotia or the Quebec order at all. They have to come

Mr. Roberts.

before our courts and start right from scratch, and start an action all over again, and it will be defended, and we will see what will happen. We choose not to do that. This Legislature has chosen - this bill itself is an example and several other examples this day - to adopt legislation that makes it easier for the citizens of one part of Canada to be citizens of all parts of Canada. And that is particularly appropriate because much of this legislation, Sir, does not directly affect our own citizens. It does not affect the people directly who live within this Province by and large. We are talking in this legislation of giving recognition in this Province, under our law, within our competence as a Legislature, to judgements and to orders and to procedures and to decisions taken by courts in other provinces of this country. And that, Sir, I believe, is the spirit of Confederation. And I would merely say that I hope that the Province of Quebec has now come to their senses on this matter, and that whatever Mr. Cournoyer says in an hour or so when he makes his press conference - and I assume that what he is doing is making public since Quebec seem to wish to negotiate that way - the answer will be sent . I hope the Premier will get an answer. I mean I hope they will extend him the courtesy of an answer. But I would hope that that answer that the position the Government of Quebec are taking is a little more in the spirit of Confederation than their actions hitherto. This bill, Sir, I think is an example, it is a small one, but it is an example of the principle that a citizen of Canada is a citizen of Canada first and foremost, and it really does not matter in what Province he lives. We are all Canadians. And we should all have access to the same rights, the same privileges and the same benefits from society. We support the bill, Sir.

MR. SPEAKER (Mr. Young): The hon. member for St. John's East,

MR. MARSHALL: Mr. Speaker, I have a few questions to ask about this bill. I agree with what the Leader of the Opposition says about the

Mr. Marshall:

spirit of Confederation, but there are some other aspects of this bill which may have a certain amount of practical implication that apply in a more disadvantageous way than they would apply to other Canadians, because we are on the other end of Canada, and we are on an Island. Now what this bill does is it allows a court of any other province, such as British Columbia or Alberta, as far away as that, as I understand the bill, to issue a subpoena under the provisions of its own court upon a citizen here in this Province. And if that citizen gets the subpoena with his travelling expenses, \$60 I think it is, not less than \$60 a day for hotel and other expenses, just merely the expenses - this is what it amounts to - that he must travel to British Columbia or Alberta or whatever court issues the subpoena, and if he does not the penalty under the section of the act, as I have read it, is that that person can be in contempt of court. Now I realize it is beneficial to have uniformity of legislation, to be good Canadians and what have you, but the reason that we have different provinces in Canada is because this is a wide land, and there are great geographical and other differences between the respective areas of Canada. Now in this particular instance, as I say, the effect is contempt of court unless a person appears in these courts to which he has been summoned and has been given the money to go there. It does not talk about extenuating circumstances such as, for instance, a lady having been subpoenaed and not being able to leave her home and her children, the inconvenience involved.

Now the remedy that had occurred in previous instances where you had to have evidence taken in another jurisdiction for the information of the House was that an order could be given for the taking of evidence on commission. In other words the court would commission somebody to come to the witness and take the evidence. This is a procedure whereby the person, the Newfoundlander, as it were, because that is all we are concerned with here, the resident of the Island of

Mr. Marshall.

Newfoundland or Labrador can be required to go to a foreign jurisdiction. That is either British Columbia or Alberta or where have you. And I just wonder whether, you know, just bringing these implications as I see them now, and if I am incorrect I know the hon. House Leader will have no hesitation to correct me on my impression on reading of the bill - but I just wonder - I know it is a good idea to co-operate with other Canadians and to co-operate with other Canadian Provinces, as the Leader of the Opposition said, but I think it should be drawn to the attention of the House that the implications and effects of this bill are probably a little bit greater than that which were perceived and stated by the Leader of the Opposition. Because it is going to mean that residents of this Province can be subpoenaed to other courts and be subject to contempt of court if they do not appear in that court. And what they are given is a subpoena and travelling expenses but I wonder whether it is possible that there could be a tremendous amount more inconvenience to the person concerned and in that case I wonder whether or not perhaps the old way of making the court come to the person, rather than vice versa, might have some merit of consideration.

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

MP. WELLS: Mr. Speaker, I thank the hon. member for St. John's East (Mr. Marshall) for his comments on that. I do agree that there would be a certain amount of inconvenience or that there is a certain amount of inconvenience inherent in this. Obviously if I get a subpoena to go and give evidence in a court of British Columbia or any of us or any person in the country or the Province, there is inconvenience attached to it. But I think we have to weigh and balance that against the fact that this is one country. And I think one of the awkward things about Confederation and about this country of Canada has been that it has been compartmentalized into provinces to such an extent that you have ten provinces, ten judicial systems almost and the North West Territories, eleven judicial systems, that in the past have not been very closely connected. And, you know, a court in, for argument's sake, Manitoba has had no more jurisdiction to even get a witness before it. Well it has had no jurisdiction to get a witness before it from, say, the Province of Newfoundland or Nova Scotia or anywhere else.

So despite the inconvenience I think we have to remember that this is one country and you ought to be able to get the attendance of witnesses from one province to another provided you are prepared to pay the money, the fare and these sort of things to make it possible. I would -

MR. WHITE: Would the hon. minister permit a question?

MR. WELLS: Yes.

MR. WHITE: Does this piece of legislation exist in all other provinces in Canada.

MP. WELLS: This is one of these that under the Uniformity Conference of Canada that has been recommended, Manitoba adopted it in 1975 and the other provinces will follow suit because it is one of the most awkward things that Canada is, as I say, like eleven countries in some respects insofar as its courts are concerned.

MR. SMALLWOOD: It is only within Canada.

MR. WELLS: Only within Canada, oh yes. To deal with section 5 which deals with this, it says, "A person who has been served with a subpoena adopted under section 2 and given the witness fee and travelling expenses in accordance with Schedule A not less than ten days, or such shorter period as the judge of the court in the issuing province may indicate in his certificate, before the date the person is required to attend in the issuing court, fails without lawful excuse to comply with the order, he is in contempt." So if he has a lawful and legitimate excuse which he can make to the court then, of course, he would be excused just the same as if you lived in Corner Brook and you got a subpoena to come to St. John's or St. Anthony or something. If you had a lawful and legitimate excuse you could explain this to the court and be given consideration. So in this case you would be given consideration also by the court.

It is one of these things which, Mr. Speaker, I think unbalances a good thing if it works and we cannot know until we try it. On the face of it, I think, it looks quite good. If it works and succeeds without great inconvenience or hardship to witnesses in this Province well then I think it is fine. I think, as the hon. member points out quite rightly, that it would be an inconvenience in some cases, yet in other cases it would be a grand trip to have an all expense paid trip to some other part of Canada and a great many witnesses would very cheerfully take off with their expense money in their pocket and say, "Well I am going to give evidence and have a little trip in the bargain." So, all in all, Mr. Speaker -

MR. ROBERTS: And back home.

MR. WELLS: I think they would have to make certain provisions for that also as in practice is done within Newfoundland too.

So, all in all, Mr. Speaker, it is something which I think is desirable to try. If it does show great hardship and there is reason to change it, of course we have it in our power in the Province to alter it. But I would think, Mr. Speaker, that it would work out all right and I move second reading.

MR. SIMMONS: Before the minister sits down, the item just raised by my friend from Lewisporte (Mr. White), the matter of expenses, I presume to include salary lost, it does not seem that that is specifically provided for.

MR. WELLS: No, it is not specifically provided for any more than it would be provided for internally within Newfoundland. The theory behind that is, of course, that if a person is going to give or is required in the courts to give evidence it is one of his primary duties as a citizen to do so. Supposing for argument's sake the hon. member or anyone for that matter was involved in - I do not know - a serious accident or something like that and I or the hon. member were subpoenaed to give evidence, it would be thought to be, historically, a terrible thing if we refused and said, "Look our own business is more important to us," when it might be a matter of extreme seriousness for the party before the courts.

But in practice what usually happens in that the witness says, "Look old man, I am going to lose two days pay or three days pay or whatever it is, will you see that I am compensated?" In practice, although there is no legal liability to do so, in practice witnesses tend to be compensated by the parties because, you know, in a serious case, of course, it is important enough to the parties to wish to compensate the witness so that he does not lose pay as well as the travelling time, etc. So this is how the thing tends to work out in practice.

On motion a bill, "An Act Respecting The Adoption Of The Uniform Inter-provincial Subpoena In This Province," read a second time, ordered referred to a Committee of the Whole House tomorrow. Bill No. 36)

Motion second reading of a bill, "An Act Respecting The Keeping Of Dogs." #7

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

MR. ROUSSEAU: Mr. Speaker, just before I start that, if I could for the information of the House, I think the House is aware of the fact

MR. ROUSSEAU:

that we had twenty-two fires over the weekend. We have had twelve more today. In Old Bonaventure we have lost four or five houses and there are six houses in danger. We have a water bomber out there with a crew. Two reports, one say that the houses were not occupied that were burned down. Another report says yes and we are just trying to get a hold to it.

MR. SIMMONS: Any injuries?

MR. ROUSSEAU: No, not that we know of right now. In Rodney Pond the Spracklin Mill and all the buildings have been burned down. We had to lift our own people out with helicopters. It is calming down out there. In Holyrood we have a fire high on the barrens out there. It is still windy and some cabins are out there but they are not in any immediate danger. That is twenty-five, twenty-two over the weekend and twelve more today.

MR. ROBERTS: Have you closed the woods yet?

MR. ROUSSEAU: I suggested this morning that I am going to have to consider it. It is unfortunate really, if I might take a few minutes of the House, that the normal procedures that we have under the ban of no smoking in the woods and of fires not less than fifty feet from the woods and four feet from water in a four square feet; you know, normal procedures, should be able to take care of it. But, as I said this morning, as a matter fact, I broached it this morning with my emergency committee that, you know, we have to look at it. It is a difficult step to take because Newfoundlanders want the recreation of the forest and you are reluctant to take it because you know you are talking only about one-half per cent of the people in this Province.

MR. ROBERTS: There is not much of the forest left that has not burned.

MR. ROUSSEAU: So what I am attempting to do by suggesting this morning that I am considering it, I am hoping that people will take heed. But if they are not going to take heed I do not want to in May

MR. ROUSSEAU:

to close the forest down and the recreational aspect of it for the rest of the Summer. But, you know, there is not much more we can take of this situation. I do not want to panic. That is another thing I do not want to do. Maybe it comes in cycles. But we certainly cannot afford to continue this sort of ravage of our very important resource. I can say to the members of the House now that I do not want to ban travel in the forests nor do I want to have to take a step like that with the long Summer coming. But if this sort of situation continues, then -

MR. ROBERTS: They tell me the woods are tinder dry, even are more now than ever they are in August.

MR. ROUSSEAU: They are bad in Central and Eastern. Western Newfoundland is not a problem by the way nor is Labrador. It is pretty wet up there. But because of the small amount of snow we had during the Winter, and the very small amount of rain we had during the Spring in Eastern and Central Newfoundland it is really bad and it is tinder dry. It is not to a point yet where I - I will have to consider it again tomorrow and I do not want to, like I say, have to take action of that nature. But it is not important, and when you start losing houses and homes and mills and buildings and have to lift people out, it becomes serious. So I just thought hon. members of the House would like to have that report that I just said a few minutes ago.

MR. FLIGHT: Full houses burned, was it not?

MR. ROUSSEAU: I do not know. We just got a verbal one. This has been going on. The first report I had was just before I came to the House. I had a report on the Rodney Pond one in Gander. I just got a report now. In the common room somebody just mentioned there were some houses burned so I had the gentlemen downstairs check it out, and they just brought it up to me a couple of minutes ago. In Old Bonaventure somebody said there are six houses in danger.

MR. ROUSSEAU:

Crew and bomber over there now. Four or five houses gone and two reports. One says the houses were not occupied. Another report says the houses were occupied. So we are checking that out further to see what we can do. Like I say the Spracklin Mill, which I think is a fairly new mill, is burned down and all the buildings, and there is still some fire over there in the slash wood in the yard.

MR. SIMMONS: Would the minister permit a question on the subject?

MR. ROUSSEAU: Yes.

MR. SIMMONS: I heard him say, I believe, that he had hinted that his department might consider enforcing a ban or introducing a ban again. Did he hint this publicly?

MR. ROUSSEAU: Yes.

MR. SIMMONS: I am glad to hear that because I heard the news, I believe, at lunch hour and an official of his department made a statement and it was the only kind - I am not being critical of the official - it is the only kind of statement he could make because he is not in a position to indicate what kind of decisions might be made in the future. But my reaction to it was the careless user of the forest might well get the impression that, well I got nothing to worry about because an official of the department said that they are not considering a ban.

MR. SIMMONS: I am sure the minister could well do his job, but could he just reinforce his concern publicly once again because it is a matter of concern to all of us.

MR. ROUSSEAU: Well I can say to the hon. member that the official who said that said it before the meeting we had this morning, because when we had the meeting this morning I said I was going to say publicly, if I was asked, that I was considering it, and the VOVM affiliate in Grand Falls phoned me this morning, Terry Hart, and I told him, and it was on the VOVM news here at the same time as the CBC one was saying, no. But as I say the gentleman in question, Boe Doyle, provided a magnificent contribution to this Province in firefighting and gave that interview this morning before we had our meeting, which was very late morning, I think 11:00 o'clock or 11:30, and CBC had been on to him before that. So then we made the decision that we would consider it, and I might say that I was very impressed too with the editorial in The Daily News this morning, which really said, in effect, the same sort of thing. If people would only play by the rules of the game that are now in effect with the forest fire travel regulations and the restricted travel regulations, I do not think we would have near the problems we have. We are having a lot by the way with municipal dumps, the burning in dumps are causing us a lot of problems, and the wind, of course, does not help it either. But I can say to the hon. member that subsequent to the interview by the official that I would now give consideration to a travel ban. I would say that I would do it very reluctantly because it is a very important part that the forest play in the Summer recreation of the people of this Province, But I do have a responsibility to the people of the Province to ensure that the resource we have, which is a very important one - we do not want to lose it because of fire and because of people who go in the woods and do not play by the rules of the game.

MR. DOODY: Back to the dogs.

MR. ROUSSEAU: Back to the dogs. The world must go on.

Now this is a Dog Act many people may not think is significant. The people in the Department of Agriculture do think it is rather significant. We have a Dog Act of 1966, which was passed in 1966 and proclaimed in 1973, and three features of that Act are of concern; number one, it provides the Province to licence dogs on the Island, except in St. John's and Corner Brook. This has proven very ineffective, and no control whatsoever in relation to what we had hoped it would be. It does not apply to Labrador. And it contains a provision for compensation for sheep owners; 15 per cent of the licence fees regardless of whether sheep are kept in the area where the dog is licenced.

Now the changes according to this Act, the main changes are, that the Livestock Insurance Act which we passed in 1975, in the last session, provides insurance against predation of livestock by both dogs and wild animals. It cannot be proclaimed until this Dog Act of 1966 is amended. So this new Act of Bill No. 7, when passed and proclaimed, will enable us then to proclaim the Livestock Insurance Act which will enable us to compensate the farmers for loss of livestock. We cannot do it now because of an anomaly between the 1966 Act that was passed in 1973 and the Livestock Insurance Act passed in 1975.

We found also that the new one, the Provincial licencing system, does not provide the control necessary and has proved to be too expensive to enforce. And this change that we are suggesting here is in confirmation with the recommendations of Page 528 of the Royal Commission Report on Municipal Government. During the last session amendments to the Local Government Act and Municipal Councils Act placed the responsibility for the control of dogs back in the hands of local authorities where it should be.

Finally, of course, the prohibition against unauthorized movement of huskies or Eskimo dogs from Labrador is continued, and

Mr. Rousseau:

that is mainly because of the recent rabies outbreak in there. But if you read the Act it clearly indicates that the minister may issue permits. It is not a problem. It is because of the recent outbreak of rabies that we are now concerned with Labrador. And all we are saying is that you should not just bring a dog down. What we want to do is to make certain before the dog is brought down that there is no incidents of rabies in respect to the dog.

Also, of course, the most important aspect from a departmental point of view is that this bill is essential if we are to properly develop certain aspects of the livestock industry, and especially the key one, of course, would be sheep.

So any questions that the hon. members may have I will be certainly pleased to answer them.

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

MR. I. STRACHAN: Mr. Speaker, I tend to agree with most of the points raised in this Act. We have been concerned greatly for a number of years on the licencing of dogs within a community as to who has jurisdiction over this licencing, especially when a number of dogs increase to the point where it becomes a hazard to the community and a hazard to health. We have in Labrador, in the coastal communities - I do not know elsewhere - a particular situation in which the municipal governments -

MR. ROUSSEAU: Labrador City and Wabush too.

MR. STRACHAN: Yes. I have not been in that part. But the municipal governments are in a constant battle with the RCMP as to who has jurisdiction over licencing of dogs. And as I understand it from the Act here, this clearly states that the local authorities have the control over dogs within a community. And I think this needs to be spelled out because it had not been up to now where there had been a great deal of arguments about it.

Also there have been arguments about the method of removing extra dogs or the periodic shootings which we have in Labrador. For

Mr. Strachan:

instance, three or four or five times a year the RCMP will go out around houses and will shoot dogs, the excess dogs or the number of dogs which are loose. And I think this was a serious situation of which we had officers firing rifles, high powered rifles within communities. I have pictures, photographs of dogs being shot in doorways. I have photographs of bullets going through houses after passing through the dog. Numerous examples I could give of photographs of dogs being shot in front of children coming from school, of dogs not being killed outright but crawling around the communities, and of the dogs being hauled away six or seven or twelve in number in the back of a snowmobile driven by a RCMP officer. So I think that in this way we have now a mechanism in which the local community can govern, or at least try to now impose some more humane methods of killing of animals, the killing of dogs within a community.

I am particularly interested in the other section here concerning husky dogs because I have a dog team, one of the few people in Labrador who has a dog team. There are in total in my community, Main, only nine huskies left of which I have five. I think in the whole total of the Labrador Coast there must be only about forty-two Labrador huskies. The Labrador husky is a different husky from the Northern husky, the Arctic husky. The number of vertebrae in the back is different, and there is also different features to him. He also shows stock which comes off the Newfoundland dog from a way back. So the dog is an entirely different breed, and should possibly be kept. It should be encouraged. However, in the past we have not been encouraged. The husky has been looked upon as being a vicious animal, an animal in which you could not export or move out of Labrador. On a number of occasions we have had huskies stopped at Goose Bay by custom officers who would not allow us to move the animal out regardless of whether it had a rabies shot, a distemper shot or any other vaccinations which it needed.

I think there should be an encouragement for this husky dog. I understand at the moment the restrictions are based on the fact

Mr. Strachan:

that there is rabies or there have been cases of rabies from Quebec with foxes, and apparently into some caribou now, and there has been a programme of rabies to control the infection in dogs in Labrador. But in view of the fact that there are very few huskies left-- and I, for instance, wanted to display or show one of my huskies at the recent dog show and had thought about it, but there are restrictions in moving them from Labrador. I think there should be some more effort made there to consider the husky as an intelligent, gentle, obedient animal rather than our attitude towards it.

I agree fully with the licencing of dogs. I have always complained that what often happens is that a number of citizens, responsible citizens, licence their dogs, and then a great deal of other people let their dogs roam free or do not look after them. I have often felt that the local authorities can now control this, that a method of looking after licenced dogs which happen to break free can be different from the method of taking care of dogs which are roaming at large. I support the bill essentially.

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

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

MR. ROUSSEAU: Mr. Speaker, the bill, the hon. member got to the crux of it, of course. I think everybody has been laughing when I talk about the Dog Act, but I can tell you that, as a MHA, I do not think there is another issue that has caused more trouble in Labrador West than the Dog Act, the inability of councils in Labrador to make rules and regulations in respect to dogs.

MR. COLLINS: You are going to tell the dogs about it now.

MR. ROUSSEAU: We are going to tell the dogs about it, yes. Do not worry about that.

But Section 12 here, "Subject to the approval of the Lieutenant Governor the minister may make regulations (c) regulating the transfer of dogs from Labrador to the Island part of the Province." Really the problem we have now at this point in time is the incident of rabies in Labrador. And rather than change it now this was put in because of that. But I am sure that while this act may not seem to be of any great magnitude to many people in the Province, it certainly will be to some people who are very involved with it, especially those who are in the sheep area and that and by passing this act, of course, I suggest we are now able to proclaim the Livestock Insurance Act of 1975, which will provide a much better position for sheep owners who lose their sheep because of predators, livestock and that certainly will be of assistance to them.

On motion, a bill, "An Act Respecting The Keeping Of Dogs," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 3)

MR. SPEAKER: Order 25.

Motion second reading of a bill, "An Act To Amend The District Courts Act." (Bill No. 32)

MR. SPEAKER: The hon. Minister without Portfolio.

MR. WELLS: Mr. Speaker, this is a very simple and straightforward amendment to the District Courts Act. There has been some uncertainty

Mr. Wells.

and difficulty in when the District Court judges have retired about judgements. This act essentially provides that a District Court judge may within six weeks of his retirement give judgements in any matter that he has reserved and that judgement is a valid subsisting judgement. It also provides for the rehearing of a matter where a judge has died, has retired, resigned or been appointed to another court without giving judgement within six weeks or has not given judgement within twelve months of reserving his judgement. This amendment is retroactive to the first day of July, 1975. So that this is essentially a piece of housekeeping legislation that will enable the District Court to function more effectively, Mr. Speaker,

There is a further amendment to the bill removing any doubt about the power of the District Court to issue a warrant of attachment. This has been done, but there is some doubt apparently in some people's minds that it could lawfully do so but now it will be able to do so exactly along the same lines as the Trial Division of the Supreme Court. So, Mr. Speaker, I would move second reading.

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

MR. ROBERTS: Thank you, Mr. Speaker. I do not think the bill requires a great deal of comment because as the minister who moved it said essentially that it is a housekeeping bill, and that is fair enough. We are certainly prepared to support it.

The only question which I would ask is that there is a larger one affecting the District Courts and from time to time there have been suggestions - and I believe the Law Society has recently adopted a resolution to this effect - that we abolish the distinction between our Supreme Court on the one hand and our District Courts on the other, preserving, of course, the Court of Appeal for these purposes as being distinct from the Trial Division of the Supreme Court.

Mr. Roberts.

And that instead of having three courts in the Province - I realize the Supreme Court is one court and two divisions - we would have only a Trial Division on the one hand and a Court of Appeal on the other hand. And I suppose all of our present District Court judges - there are now six, I guess, counting two new appointments, Mr. Barry and Mr. Cummings, although I do not think either of them have as yet been sworn in, but that will happen shortly - so the effect would be that we would have a Supreme Court Appeal Division with three judges and more if needed, but three for the time being and a Supreme Court Trial Division which would have the present four judges, plus the six District Court judges, for a total of ten, and as a part of this presumably we would have judges resident outside St. John's. And I think there is a lot in favour of this. There may be some arguments against it. There is a lot in favour. So I would ask the minister, you know, whether the administration has any plans to implement this, because, of course, it is our prerogative as a House of Assembly to create the courts. It is Ottawa's prerogative to staff them, and I may add along with that prerogative goes the obligation of paying the judges. Ottawa does pay them.

The other point I would make is this: If it is decided not to meld the two courts into one, the District Court into the Trial Division of the Supreme Court, then has any consideration been given and if so will action be taken to implement - I think we have the provisions in the Judicature Act now - provisions to give our District Court Judges authority - I think all it requires is a proclamation, I think so, I have not checked it recently - authority to deal with probate matters and to deal particularly with divorce matters, because we have the quite unfair situation now where if Your Honour is resident in Corner Brook and Your Honour dies in Corner Brook, Your Honour cannot get Your Honour's lawyer to have Your Honour's will admitted to probate in Corner Brook. Instead it has

Mr. Roberts.

to come in here to St. John's or await a judge coming on circuit, and the circuits are not that frequent, every four months, I think.

MR. YOUNG: If one has a will.

MR. ROBERTS: The member for Harbour Grace (Mr. Young) has a professional interest, not necessarily in probate, but in the subjects of probate, or in the objects of probate as the case might be.

Mr. Speaker, the other point is on divorces again. People who live in the remote parts of this Province are faced with the alternative, because only a Supreme Court judge can hear a divorce action as it now stands, either of doing without the divorce, the legal dissolution of their marital ties or coming to St. John's and having an action heard before the Supreme Court here, which, of course, is vastly more expensive given the fact that, for example, our Supreme Court as a rule makes a circuit on the Labrador section of the Province say once a twelve months; It means quite a bang up. But I am told that here in St. John's, in the normal course - as a matter of fact I was talking to a judge the other day, and he told me that normally an undefended divorce action in two months can be completed to the decree nisi stage. Whereas if one is unfortunate enough to live in Labrador it could easily be twelve months, and I think that is unfair. If the merits of the case justify a decree nisi, and if it is undefended, as so many of these actions are, then surely there is no reason why a District Court judge cannot be empowered to hear it, and there is no reason why, you know, people cannot be given access.

As I say my understanding is that it is merely a matter of proclamation of some sections of the Judicature Act - and my question would then be: When can this be done; - which I think, without any additional cost, would provide a very much greater service to people who wish to take advantage of our courts to help to arrange their legal affairs.

Mr. Roberts.

Subject to that, Sir, the bill is, as far as I can see, innocuous. It cleans up an area of the law that needs some clearing up. And I guess we cannot have the famous case that they had in England where Lord Eldon was Lord Chancellor, and he died after twenty years as Lord Chancellor and they discovered, I think it was the second or third case he had heard as Lord Chancellor, he had never given judgement so after twenty years the parties having waited patiently for judgement were faced with either letting the matter stand or had to argue the matter again. In any event, Sir, it is two or three minutes of six. I will say we support the bill, and the minister can close the debate if he wishes.

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

MR. WELLS: I will respond to the hon. Leader of the Opposition's comments, I hope, in a minute, Mr. Speaker.

On the first point of the doing away with the District Court and combining District and Supreme Courts, this has always been the case in the Province of Quebec where they only have a Superior Court. There is no such thing as a District Court there, and all judges are Superior Court judges. And, of course, it works well there. The Province of Prince Edward Island has, within the last eighteen months adopted the same system, done away with the District Court. And the Law Society of Newfoundland has a committee on the administration of justice, which I happen to be chairman of, and we were directed to look into the whole matter. But anyway we were directed to look into that, and on that committee Mr. Olyde Wells and Mr. Tom O'Reilly went to Prince Edward Island for the committee and inquired into it, and had the greatest of co-operation and were told unequivocally by everybody that they liked the new system, and it has done away with a lot of anomalies and difficulties, and certainly I think it will come here in Newfoundland, Mr. Speaker. It may take four or five

Mr. Wells.

year or it may be even longer. But historically we did not have the District Courts. We had the Supreme Court and the Magistrates Court, and I think that in the end we will go back to that. And I believe that will happen in many provinces of Canada. But I think that is, as the current expression is, down the road somewhat. But I think what the Leader of the Opposition says is correct that we need probate divorce, probate jurisdiction in the District Courts. We need divorce jurisdiction in the District Courts, and we also need -

MR. ROBERTS: Separates the ten from -

MR. WELLS: Yes, that is right.

- and we also have to give the District Courts jurisdiction to deal with injunctions and labour matters. And these are the things -

MR. ROBERTS: Or any injunction.

MR. WELLS: - or any injunction, yes, but that is where it becomes most pressing. So the thinking is, and I think my colleague, the Minister of Justice, would say so were he here, that the District Court Act amendments must be proclaimed so that the District Court can have the enlarged powers to meet the needs outside the City of St. John's and that in due course I believe the other reform will come about. In any event that is a very brief explanation of the current position, Mr. Speaker, and I move second reading.

On motion, a bill, "An Act To Amend The District Courts Act, read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 32)

MR. WELLS: Mr. Speaker, I move that this House do now adjourn until tomorrow Tuesday at 2:00 P.M.

On motion the House at its rising adjourned until tomorrow Tuesday at 2:00 P.M.

Contents

| May 31, 1976 | Page |
|--|------|
| Statements by Ministers | |
| Mr. Hickey made a statement on changes in the big game licencing system. | 9146 |
| Presenting Petitions | |
| By Mr. Strachan in behalf of residents of St. Lewis, Fox Harbour, Labrador, seeking construction of a three mile road around their community. | 9147 |
| Spoken to by: | |
| Mr. Morgan | 9148 |
| Mr. Roberts | 9150 |
| By Mr. Callan in behalf of residents of Bellevue seeking that the road from Bellevue intersection to the Trans-Canada Highway be paved. | 9152 |
| Spoken to by: | |
| Mr. Rowe | 9153 |
| Mr. Morgan | 9155 |
| Mr. Simmons | 9160 |
| Oral Questions | |
| Query as to whether a response has been received from Premier Bourassa to the letter sent earlier by Premier Moores concerning electricity generated at Churchill Falls. Mr. Roberts, Premier Moores. | 9164 |
| Query as to whether the government is prepared to lease Quebec territory as opposed to water rights in connection with hydro development. Mr. Roberts, Premier Moores. | 9164 |
| Query as to whether the government would consider a businesslike arrangement under which Newfoundland and Quebec would share the power that could be produced on those rivers originating in Labrador and flowing into Quebec. Mr. Smallwood, Premier Moores. | 9166 |
| Query as to joint development of those rivers not being in any way associated with the development or purchase of power from the Churchill Falls operation. Mr. Smallwood, Premier Moores. | 9166 |
| Query as to whether an agreement with Quebec to allow for the repurchase by Newfoundland of 800 megawatts of power from the Churchill Falls operation at a reasonable price is a condition precedent on any further negotiations or developments. Mr. Roberts, Premier Moores. | 9167 |
| Control to halt poaching of big game. Mr. Flight, Mr. Hickey. | 9167 |
| Query as to whether Mr. Shaheen has met with Premier Moores, Mr. Nolan, Premier Moores. | 9169 |
| Query as to whether the Mr. Casey who accompanied Mr. Shaheen to St. John's was the former Chairman of the SEC. Mr. Smallwood, Premier Moores. | 9170 |
| Severance pay for certain people who had worked on the oil refinery site. Mr. Callan, Premier Moores. | 9171 |

Contents - 2

| Oral Questions (continued) | Page |
|--|------|
| Query as to whether the matter is closed. Mr. Callan, Premier Moores. | 9172 |
| Query as to whether Premier Moores at any stage of the negotiations gave the assurance that all who worked on the refinery site would receive some type of severance pay. Mr. Roberts, Premier Moores. | 9172 |
| Difficulty in retaining staff at Memorial University's School of Business Administration. Mr. Lush, Mr. House. | 9173 |
| Query as to ministerial awareness of the gravity of the situation. Mr. Lush, Mr. House. | 9173 |
| The hunting of black bear. Mr. Strachan, Mr. Hickey. | 9174 |
| The Buchans Task Force. Mr. Flight, Mr. Maynard. | 9175 |
| Municipal services for Conception Bay South. Mr. Nolan, Mr. Peckford. | 9175 |
| Query concerning a stadium for Placentia. Mr. Callan, Mr. Wells. | 9176 |
| Termination of Employment Act. Mr. Roberts, Premier Moores. | 9176 |
| Query concerning the opening of a new fire hall in St. John's and the number of staff to be employed. Mr. Nolan, Mr. Wells. | 9177 |
| Query as to whether the Termination of Employment Act will benefit the 115 unappropriated employees at the USAF Base at Goose Bay. Mr. Roberts, Premier Moores, Mr. Maynard. | 9178 |
| Result of the vote of the general service bargaining unit on the government's offer. Mr. Simmons, Mr. Doody. | 9179 |
| Query as to what is the next step in negotiations. Mr. Simmons, Mr. Doody. | 9180 |
| Query as to whether additional meetings will be held. Mr. Simmons, Mr. Doody. | 9181 |
| Additional space for government office workers. Mr. Nolan, Premier Moores. | 9182 |
| Orders of the Day | |
| Bills Nos. 78, 77 and 79 were read a first time and ordered read a second time on tomorrow. | 9182 |
| Second reading of Bill Nos. 23 | |
| Mr. Hickman | 9182 |
| Mr. Roberts | 9183 |
| Mr. McNeil | 9185 |
| Mr. Hickman | 9186 |
| On motion, Bill No. 23 was read a second time and ordered referred to a Committee of the Whole House on tomorrow. | 9186 |
| Second reading of Bill No. 53 | 9186 |
| Mr. Hickman | 9187 |
| Mr. Roberts | 9188 |
| Mr. Hickman | 9191 |

Contents - 3

| Orders of the Day (continued) | Page |
|---|------|
| On motion, Bill No. 53 was read a second time and ordered referred to a Committee of the Whole House on tomorrow. | 9192 |
| Second reading of Bill No. 13. | 9192 |
| Mr. Rousseau | 9192 |
| Mrs. MacIsaac | 9193 |
| Mr. Nolan | 9193 |
| Mr. Rousseau | 9194 |
| On motion, Bill No. 13 was read a second time and ordered referred to a Committee of the Whole House on tomorrow. | 9195 |
| Second reading of Bill No. 21 | 9196 |
| Mr. Rousseau | 9196 |
| Mr. Roberts | 9198 |
| Mr. Smallwood | 9205 |
| Mr. Rowe | 9206 |
| Mr. Peckford | 9211 |
| Mr. Marshall | 9218 |
| Mrs. MacIsaac | 9222 |
| Mr. R. Moores | 9224 |
| Mr. Rideout | 9225 |
| Mr. Rousseau | 9226 |
| On motion, Bill No. 21 was read a second time and ordered referred to a Committee of the Whole House on tomorrow. | 9237 |
| Second reading of Bill No. 62 | 9237 |
| Mr. Hickman | 9237 |
| Mr. Roberts | 9237 |
| Mr. Wells | 9242 |
| Mr. Hickman | 9243 |
| On motion, Bill No. 62 was read a second time and ordered referred to a Committee of the Whole House on tomorrow. | 9243 |
| Second reading of Bill No. 25 | 9243 |
| Mr. Hickman | 9243 |
| Mr. Roberts | 9244 |
| Mr. Hickman | 9247 |
| On motion, Bill No. 25 was read a second time and ordered referred to a Committee of the Whole House on tomorrow. | 9248 |
| Second reading of Bill No. 26 | 9248 |
| Mr. Wells | 9248 |
| Mr. Roberts | 9249 |
| Mr. Wells | 9250 |
| On motion, Bill No. 26 was read a second time and ordered referred to a Committee of the Whole House on tomorrow. | 9250 |

| Orders of the Day (continued) | Page |
|---|------|
| Second reading of Bill No. 36 | 9251 |
| Mr. Wells | 9251 |
| Mr. Roberts | 9252 |
| Mr. Marshall | 9254 |
| Mr. Wells | 9257 |
| On motion, Bill No. 36 was read a second time and ordered referred to a Committee of the Whole House on tomorrow. | 9259 |
| Second reading of Bill No. 7 | |
| Mr. Rousseau | 9259 |
| Mr. Strachan | 9265 |
| Mr. Rousseau | 9268 |
| On motion, Bill No. 7 was read a second time and ordered referred to a Committee of the Whole House on tomorrow. | 9268 |
| Second reading of Bill No. 32 | 9268 |
| Mr. Wells | 9268 |
| Mr. Roberts | 9269 |
| Mr. Wells | 9272 |
| On motion, Bill No. 32 was read a second time and ordered referred to a Committee of the Whole House on tomorrow. | 9273 |
| Adjournment | 9273 |