

PRELIMINARY

UNEDITED

TRANSCRIPT

House of Assembly

For the period:

3:00 p.m. - 6:00 p.m.

February 21, 1977

The House met at 3:00.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

I would like to draw to the attention of hon. members the presence in the visitor's gallery of Mr. Arthur G. Campbell. Mr. Campbell was the former Canadian Ambassador to the Republic of South Africa and is at present on a tour across Canada and is the Canadian Ambassador -Designate to Norway. I am sure hon. members join me in welcoming Mr. Campbell.

SOME HON. MEMBERS: Hear! Hear!

STATEMENTS BY MINISTERS:

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, on Thursday, February 17th., but the news really did not become available to this hon. House until it was too late on Friday, we have heard of the very tragic accident which occurred in Central Newfoundland as a result of the Canadian Forces helicopter crashing at 3:30 P.M. on Thursday, February 17th., 1977, whilst participating in an exercise known as Northern Ranger.

All soldiers, or members of the Armed Forces, who were killed as a result of this accident were based at the Canadian Forces Base in Gagetown, New Brunswick, and were carrying out exercises in this Province. Those who died in serving their country, and as members of the Armed Forces of Canada, were Major Richard St. Germain, age thirty-one of New Brunswick, Captain Frank Levesque, age twenty-eight of Winnipeg, Manitoba, and Sergeant Stephen Smith, age thirty-six of the Province of New Brunswick.

I am sure hon. members would like for me, and will join with me in extending to the joint Chiefs of Staff and the Commanding Officer of the Armed Forces Base at Gagetown and the widows and next of kin of these fine Canadians our deepest

MR. HICKMAN: sympathy in their very tragic and unexpected loss.

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

MR. NOLAN: Mr. Speaker, I rise to certainly share with the hon. House Leader opposite in his views and expression of sympathy to the bereaved. All too often, I am afraid, in times of peace we may overlook the part that is played by those who are engaged in our Armed Services throughout the country, and in fact throughout the world,

Mr. Nolan.

and it came as a real shock for us to learn of this tragic helicopter crash involving the three military personnel that the hon. House Leader opposite mentioned, and we certainly join with the hon. House Leader in expressing our sincere sympathy to the bereaved and share with all Canadians, I am sure, the tragedy that was experienced here on our shores. And perhaps it may be a reminder to all of us that we have our own citizens, Newfoundlanders, all Canadians, who are at work in many parts of the country and the world attempting to maintain the peace and to prepare and to arm against any future problems that we may have militarily. And we certainly share in the expression that was expressed by the hon. House Leader.

MR. SPEAKER: The hon. member for Exploits.

DR. TWOMEY: Mr. Speaker, I, too, would like to add my words of sympathy with these two hon. gentlemen. Although these soldiers have been with us only a very short time, they have endeared themselves to the community by their never failing kindness and consideration, I am sure that when these exercises are over, they will have many friends in the district of Exploits.

STATEMENTS BY MINISTERS:

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, last week I was advised by the hon. Mr. Justice Herbert D. Morgan of the Supreme Court of Newfoundland, Appellate Division, that because he was recently obliged to undergo serious surgery he would be unable to continue as the commissioner appointed by the Government of Newfoundland, under the provisions of the Public Enquiries Act, to conduct an enquiry into the tragic fire which occurred at Chafe's Special Nursing Home, Goulds, on December 26, 1976, which enquiry was to examine, as well, fire safety, security, staffing and operations of all institutions operating inter alia under the Welfare Institutional Licencing Act. Mr. Justice Morgan assured me that there has been no delay in this enquiry as he has already appointed counsel and a secretary

Mr. Hickman.

to the enquiry. In addition, Mr. Justice Morgan advised, suitable office accommodation has been obtained so that the enquiry may commence as soon as the RCMP and the Fire Commissioner in Newfoundland have completed their official reports. Government is indeed grateful to Mr. Justice Morgan for his efforts with respect to this enquiry, and wish him a speedy recovery to good health.

I am pleased to inform hon. members that Mr. Justice James R. Gushue of the Supreme Court of Newfoundland, Appellate Division, has been appointed to assume the position of commissioner to enquire into the subject matter contained in the Commission of Enquiry issued to Mr. Justice Morgan. I am indeed grateful to Mr. Justice Gushue for so readily and willingly agreeing to assume this very important but onerous task.

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

MR. NOLAN: Mr. Speaker, I rise to comment on the comments by the hon. House Leader regarding the resignation of Mr. Justice Morgan. We are very sorry obviously to hear of his medical problems, and it is rather sad that he has not been able to go ahead with the job that he accepted, and to do the job that is so badly in need of doing, and that is the enquiry into the Chafe Nursing Home, and any other recommendations that he would bring in. So we regret very much the absence of Mr. Morgan from this enquiry now, and we wish him a speedy recovery. We look forward to the hon. House Leader suggested that there has been no delay in the enquiry. I hope that that is so, because we all look forward to this enquiry getting underway now with Mr. Justice Gushue, and that we can have a report on this as soon as possible. And I am sure that under Mr. Justice Gushue's aegis that there will be a thorough enquiry carried out as provided for in the authority granted, and that we can look to a safer and better place for our senior citizens in the future, and we will not have a reoccurrence of such a terrible tragedy as that that occurred during Christmas at the Chafe Nursing Home in the Goulds.

NOTICES OF MOTION:

MR. SPEAKER: The hon. Minister of Education.

MR. HOUSE: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act To Establish The Bay St. George Community College".

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

MR. MURPHY: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act Respecting The Registration And Regulation Of Consumer Reporting Agencies."

ORAL QUESTIONS:

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

MR. NOLAN: Mr. Speaker, a question that could be directed perhaps either to the Minister of Manpower or the Minister of Finance. For our purposes now we will address it to the Minister of Manpower. That is I am wondering if he could briefly bring us up to date on the current situation regarding strikes. We realize that the city one has been resolved over the weekend. I am referring to the strike in Labrador, the one at the Waterford Hospital and also, of course, the NTA strike that still negotiations are being carried on, I understand, on. I am wondering if the minister is in a position to bring us up to date on all three.

MR. SPEAKER: The hon. minister.

MR. NEARY: The hon. member should be able to bring us up to date on Labrador.

MR. DOODY: I would comment on the Waterford situation, Sir. To the best of my knowledge, my most current information is that the conditions at Waterford are reasonably stable, that the patients are getting looked after by the supervisory staff, and the security is being maintained by the Newfoundland Constabulary. Once again I can say how grateful this Province should be to them for the magnificent job that they have done in this emergency. They are just an incredible group of men with a great sense of dedication and discipline and we are very grateful to them.

Obviously the standard of service in the hospital that is being

MR. DOODY:

maintained now by the supervisory staff could not be up to the level that would be there if the 500 people who are permanent staff members were on the job. But in terms of maintaining a reasonable standard, my information is that things are going well at the Waterford.

The teachers' strike that the hon. member asked about is something that I cannot comment on because to the best of my knowledge there is no -

MR. NOLAN: No. The negotiations.

MR. DOODY: - teachers' strike. As to the negotiations with the NTA, school boards and Treasury Board, they are sitting down again this afternoon. I think it is four o'clock they are meeting. Hopefully they will resolve the difficulties that are now current and the impasse that has been reached will be settled and everybody will come to an amicable solution.

I do deplore that constant reference to the strike situation and the teachers' strike and so on because it presupposes a situation that has not happened. The NTA are a responsible group of people. The government is a responsible organization and between us hopefully we will work it all out. But to keep referring to a teachers' strike, I think, Sir, is most unfortunate under the present circumstances.

As to the Labrador situation, that one is not within the area of Treasury Board and I will have to leave that to the hon. Minister of Manpower.

MR. SPEAKER: The hon. member for LaPoile.

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

MR. NOLAN: A point of order.

MR. SPEAKER: A point of order has come up.

MR. NOLAN: I believe that, with respect, that the hon. Minister of Manpower rose to answer a question as posed to either one, the Minister of Manpower, or the Minister of Finance on the Labrador situation or the Waterford situation.

MR. SPEAKER: If the hon. gentleman intended to rise I certainly did not see him.

AN HON. MEMBER: He did rise.

MR. SPEAKER: Fine. Well then is the hon. minister planning to answer the previous question. I did not see him. I certainly should recognize him and we will come back to the hon. member for LaPoile after. This is really partial answer to the previous question.

MR. ROUSSEAU: The situation in Labrador City, Mr. Speaker, is that I have been in contact with both parties for the past few days. This morning a general membership meeting of the union resulted in the removal of picket lines. I was supposed to be in Labrador City, and I had made a commitment that I would be there three or four hours after the company had agreed to it and the union had agreed to it. But unfortunately and most regrettably I am grounded in St. John's, and all flights were cancelled this morning, even EPA. There are

Mr. Rousseau:

fifteen to twenty-five centimeters of snow forecast for the Labrador City-Wabush area. There is freezing rain down here, and there is bad weather enroute, but I have assured both the union and the company that as soon as the weather lets up, and the airplane is on standby out there, and if I get a call I will be out of this place in five minutes on the way up for a meeting between the company and the union. And as soon as the weather permits I will do that.

MR. NEARY: It will be all over by then.

MR. SPEAKER: The hon. member from LaPoile.

✓ MR. NEARY: Mr. Speaker, my question is to the Minister of Fisheries. Sir, in connection with the seals, and the raging controversy and the adverse publicity that this Province is getting from the do-gooders, the bleeding hearts who are trying to stop the killing of seals off our coast, could the minister tell the House what steps his government has taken to offset this adverse publicity that we are getting in this Province, if the minister is taking any action to outline what plans they have to rectify this situation?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, my reaction to the outburst of the bleeding hearts and the do-gooders is to ignore them. I think last year I made the same suggestion that we should not dignify these people or what they are trying to do by giving them publicity, but that is the thing that they feed on. And I am afraid that we have adopted the, certainly I have, similar situation this year. I have been requested to have meetings with certain people who are involved in that exercise, and I have refused to meet with them because I would not want it to be said that we would aid and abet people who are obviously committed to the destruction of our seal hunt, and for that reason I refuse to meet with them. I believe the same situation exist with respect to certain colleagues of mine who have been asked to meet with them as well.

MR. NEARY: A supplementary.

MR. SPEAKER: A supplementary.

MR. NEARY: The fact is that these nincompoops are causing an awful lot of damage to our reputation, and the question I ask the minister is what steps the government are taking to rectify this matter? Have they, for instance, gotten in touch with CBC, to ask the CBC to ignore this crowd of clowns that come in here every year? You know, what steps have the government taken to try and pump out some good publicity, instead of all this bad publicity going throughout the world in connection with Newfoundlanders in the killing of seals? Does the minister have any plans along these lines?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: I think the Newfoundland seal industry and those engaged in it can stand on its own. I do not think we have to try and twist the arms of the CBC people to turn out favourable publicity to the seal hunt. Certainly I do not feel obligated to apologize for the fact that we do have people who are going to the seal hunt and that we have a sealing industry. And I do not think that Newfoundlanders should be ashamed of it or should try to defend it. Indeed we have nothing to defend. It is an old and historic industry, and one that I think can defend itself.

MR. NEARY: Another supplementary, Mr. Speaker.

MR. SPEAKER: The hon. gentleman with the original line of questioning on a supplementary.

MR. NEARY: Would the minister inform the House if the minister or anybody in the government will undertake to write the President and management of the Canadian Broadcasting Corporation, which is suppose to be an instrument of national purpose and national unity, if somebody in the government would undertake to write them and ask them to ignore this crowd of galoots, over-grown galoots that -

MR. DOODY: They are reporting this -

MR. NEARY: - come into this Province every year and do so much damage to our reputation and smear Newfoundlanders throughout the

Mr. Neary:

world? Will somebody undertake to write a letter?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! I should draw the hon. gentleman's attention the provision of Standing Order 31 (c) "In putting any oral questions, no argument or opinion is to be offered nor any facts stated except so far as may be necessary to explain the same."

MR. NEARY: Thank you, Your Honour. I have explained it thoroughly, if the minister will answer my question. Does the minister intend to write the CBC or any other, or television or radio stations in Canada to stop this foolish nonsense of giving these people free advertising?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: No, Mr. Speaker, it is not my intention to write the CBC or anybody else. I think, like I said, that the seal fishery of Newfoundland can stand on its own. I do not think we have -

SOME HON. MEMBERS: Hear, hear!

MR. W. CARTER: - defend it in front of these -

SOME HON. MEMBERS: Hear, hear!

MR. W. CARTER: - in front of mercenaries, people who five years ago were practically penniless, and today are wealthy people.

AN HON. MEMBER: Vultures.

MR. W. CARTER: Vultures, parasites, hypocrites, and I have no intention of even dignifying the thought.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, I am dissatisfied with the answer, Sir, and I wish to debate it during the late show on Thursday coming.

MR. SPEAKER: The hon. member for Conception Bay South on a supplementary.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: What is wrong with the Minister of Industrial Development he is so jumpy today?

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

MR. LUNDRIGAN: I am not very happy with you.

MR. NEARY: Have a bad weekend?

MR. SPEAKER: Order, please!

The rule are quite clear with respect to when the Chair is giving a ruling and they apply to hon. gentlemen to my left and to my right. The hon. the member for Conception Bay South (Mr. Nolan) was recognized for a supplementary. If the hon. the member for LaPoile wished a supplementary he could have asked for one, and if the hon. gentleman to my left wished to volunteer additional answer with respect to what his colleague had answered, he probably would have had the opportunity to do so, but now the hon. the member for Conception Bay South has been recognized.

MR. NOLAN: My supplementary, really, Mr. Speaker, if it is in order, is directed to the Minister of Tourism, if it is permissible, and it is in connection with something I brought before the House last year and that is I do not think anyone argues the worthiness of the seal fishery in this Province. What I am concerned about, and I am sure the minister is, is what kind of an effect, counter-effect if you like, where the minister and the government are spending money attempting to promote this Province and its people and so on, and knowing how Mr. Davies and his crew have raised money in the propaganda they have circulated throughout the United States and the world, what kind of an effect it is having as opposed to the dollars we are spending? Because, as I stated last year, and I am wondering if the minister is getting the same message, I mean these people are attempting to display us in the hands of the world, taking money from innocent people who do not know what is going on, as a bunch of ugly brutes up

MR. NOLAN: here. I am wondering how the minister feels about it, if he is getting any effect of this?

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

MR. HICKEY: Mr. Speaker, we receive a few letters annually and I suppose this year probably will not be any different, no great number in relation to the kind of publicity that those people receive. It is very difficult. We have not taken a position to go out and aggressively denounce what is being said publicly. We try to do it privately through correspondence in reply to those letters. We attempt to do it through other means, various groups that we speak to or our people speak to across the country and down in the United States, which is our prime market area. It is very difficult to determine the pros and cons of attacking this issue because, as my colleague just pointed out, to go after those people in an attempt to sort of clear the air and correct the situation, is in fact recognizing them and giving them some credibility.

It is almost similar to the Newfoundland joke that is being printed in French, or was being printed in French in Montreal. To go out and aggressively try to correct that situation is, in fact, acknowledging that it is there. I think, really, that we would be the losers if we were to do that.

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

MRS. MACISAAC: Mr. Speaker, my question is for the Minister of Tourism. This being Heritage Day in Canada, I think it would be appropriate to ask the minister what the situation is with respect to the \$1 million given this Province by the Government of Canada to establish a Heritage Village? Has any site been selected? And where does the proposal submitted for Heritage Village in Sandy Point, in the District of St. George's, stand right now?

SOME HON. MEMBERS: Hear, hear!

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

MR. HICKEY: Mr. Speaker, first of all the first part of the question, with regard to the \$1 million received-not received, but offered by the Government of Canada, the situation is very simply this we set up a joint committee or steering committee made up of federal and provincial officials to determine just what a Heritage Village would comprise and also to attempt to put a cost on it, way back when we were told this money was available.

It was determined that a Heritage Village established in the Province would cost somewhere between \$10 million to \$12 million. Certainly with the kinds of demands that are made on the government for the funds that we have available, the monies that we have available from year to year,

MR. HICKEY: certainly we have to decide that this could not take the kind of priority that would see it get off the ground as such, assuming that we would have to put in \$10 million or \$11 million of provincial funds.

We made our views known to the federal government. We were told finally, after quite a long period of time, that there was a possibility of further funds. We have not been able to determine how much, so therefore with regards to the original idea of a total Heritage Village, no final decision or no final disposition has been made.

In connection with the Sandy Point application and brief which were submitted to us, I can only say that we have looked upon it certainly in a manner which would without any doubt indicate that it should be given attention and it should be given funding. However there are a couple of problems here, and one is the estimates that are given with regards to putting a road in through the area over the sand bar. I have seen this site personally and spent the day there with some of my staff. This is a very difficult situation and it is a difficult one for even engineers to determine accurately.

Secondly is the situation with regards to the viability or the profit/loss picture of operating that project once it were to get off the ground and if in fact we were to fund it. Again the figures as estimated I think are somewhat off, and I am told that we could be looking at \$100,000 to \$150,000 deficit each year. If we have to look at that, of course, it throws an entirely different light on it from a provincial point of view. However, in the final analysis the most I can say to my hon. friend at this point is that the proposal is a most interesting one. The committee are to be congratulated on the effort that they have put into it. It looks like a project that certainly this administration would like to see get going. It is a matter of putting the dollars and cents together and also determining just how far we could go if we could go by way of subsidy.

MR. NEARY: Mr. Speaker.

MR. SPEAKER: The hon. member for LaPoile followed by the hon. gentleman from Fogo.

MR. NEARY: Mr. Speaker, would the hon. Minister of Finance inform the House just how much money this Province has to pay back to Ottawa as a result of overpayments in our equalization grants?

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: I think the hon. member is alluding to the recent statements made by the Minister of Finance, Mr. MacDonald, relative to the so-called \$800 million in overpayments which will become effective as of January 1, of this year, under the new fiscal arrangements acts.

The fact of the matter is, Sir, that there have been no overpayments. In fact, one system will cease as of January 1, and another system will come into effect as of March 31. Between the 1st. of March and maybe the 15th. of March, while these adjustments are being made, there may be a possible overpayment. Any overpayment during the preceding three months is simply a bookkeeping entry. There will never actually be cash sent to the Provinces. However it is a very convenient way of collecting toward the end of this new fiscal arrangements act, three months after the five year span, instead of correcting any changes that might be made during that period of time, the Government of Canada intended deducting it in the beginning of the year, deducting this bookkeeping entry which is never a cash transfer.

The amount involved was something like \$800 million, which would have been a windfall. We argued that point very strenuously at the last finance ministers meeting, and lo and behold, despite the fact that the federal government insisted that there was indeed an overpayment and we insisted that there was not, recently in a press release the Minister of Finance in Ottawa has decided that instead of collecting the what he calls

MR. DOODY: the \$700 million amount, which was \$800 when he was discussing it up there, he has now decided that they will only collect \$350 million of it and so the amount that they will collect back from the provinces will be halved.

What that will

Mr. Doody.

cost the Province of Newfoundland would have been a \$ 6 million per year times three, \$18 million. Now it will be \$ 9 million. That will be \$3 million per year. I hope the hon. member is following me very closely on this, because it is a very intricate point.

MR. NEARY: It is clear as mud.

MR. DOODY: That is right, and that is exactly the way the bureaucrats in Ottawa intended it to be, and that is exactly the way they published it, and that is exactly the way it is. But the result is that we were faced with an \$18 million loss over three years when we started the argument up there last month. Now the hon. Minister of Finance in Ottawa has conceded that maybe we are half right, and he has cut it in two. We have not stopped yet. We still feel that we are absolutely right, and if I can possibly do it at all, I will try to unjungle the jungle that they have got in the bureaucratic morass of Ottawa, and try to get back that entire \$18 million that they owe us.

MR. NEARY: A supplementary.

MR. SPEAKER: A supplementary.

MR. NEARY: Mr. Speaker, you know, you would want to be a Philadelphia lawyer to figure that one out, Sir. But would the minister tell the House - I assume that we are going to lose \$3 million a year for a period of three years, a total of \$9 million minimum. Mr. Speaker, would the minister tell the House what affect this is going to have on our current account, and what affect it is going to have on federal/provincial programmes in this Province?

MR. SPEAKER: The hon. minister.

MR. DOODY: It will certainly have no affect on federal/provincial programmes in the Province, Sir, because it is federal revenue transfer of payments that they are talking about. They are not talking about specific federal/provincial programmes. What the affect it will have on current or capital account we will have to wait until the budget arrives, because the current and capital account figures will not be finalized, and will not be ready for analysis until they are tabled and presented to the House. Certainly every dollar that we are entitled

Mr. Doody.

to we have to go for, and we will. The smaller the amount of money that we get from Ottawa, obviously, the smaller the amount of money that is available to the Province. To that effect any shortfall will be detrimental to both current and capital or any other kind of account.

MR. NEARY: A supplementary.

MR. SPEAKER: A supplementary.

MR. NEARY: Is the minister, Sir, in his answer, is the minister paving the way for an increase in taxes in this Province, on the overburdened taxpayer?

MR. DOODY: In the first place, I do not think the question is in order, because it is a hypothetical question, and whether I am paving the way or not, you know, is really - the question is just too foolish. I cannot even handle it, Sir.

MR. SPEAKER: The hon. member for Twillingate on a supplementary.

MR. SMALLWOOD: Mr. Speaker, in connection with the bond issue of \$50 million sold in Europe recently, would the Minister of Finance tell us if that was the last bond issue to be floated in the current year, financial year, and in any case to what total does that \$50 million bring the current year's borrowing?

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: My understanding of the situation is that the current level of borrowing is now just about what it was announced to be in the budget, and I think that was \$197 million in provincial borrowing, plus the NMFC financing, plus the Hydro financing. And I think that that last borrowing brought us pretty close to that level. I would anticipate that, as I said in my statement to the House a few days ago, that that EURO-U.S. bond issue, which was recently raised, would be the final issue for this fiscal year unless something unusual occurs, and we got an exceptionally fine deal somewhere along the line, which is beneficial to the Province, then I would anticipate that this would be the final one. Obviously we will not slam the door if we come up with

Mr. Doody.

some reasonable money at a reasonable rate somewhere along the line. The bond market is a very fragile thing at this point in time, Your Honour, and I certainly would not want to commit the Province one way or the other in that respect.

MR. SPEAKER: The hon. member for Twillingate on a supplementary.

MR. SMALLWOOD: The figure of \$197 million, I believe, is not a figure that was in the Budget Speech, but one that was announced subsequently, I think, by the minister as a sort of ministerial statement. That was, I think, \$197 million. Is the minister now telling us that the borrowings to date in the current financial year come to that amount of around \$197 million, and that other commitments, financial commitments by the Province, in the current financial year bring the grand total for the year to around \$250 million, that is to say the direct borrowing in the name of the Province,

MR. SMALLWOOD:

the borrowing by the Municipal Finance Corporation and borrowing by the Power Commission and other similar purposes brings the whole thing to a total of around \$250 million for this current year?

MR. SPEAKER: The hon. Minister of Finance.

MP. DOODY: I know what the hon. member for Twillingate (Mr. Smallwood) is getting at and I realize the import and importance of the question. I would much prefer to have a day's grace to check with the officials in these three various areas to make sure that the numbers are right. I would prefer not to give it off the top of my head. I do not want to mislead the House and I possibly can. So I will get that information for the hon. member.

MR. SPEAKER: The hon. member for Fogo.

CAPT. WINSOR: Mr. Speaker, I wish to direct a question to the Minister of Energy. In view of the public announcement that there will be a meeting taking place in Montreal, I believe in a day or so, between officials of his department and of Eastcan, and in view of the assurances that the minister gave the House some time ago, is there now an indication that Eastcan will be curtailing or cutting back on their drilling work off the Labrador Coast this season?

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

MR. PECKFORD: Mr. Speaker, the meeting that is being held this week is being held in Ottawa, not in Montreal, number one. Number two, there has been no indication from Eastcan. The situation remains the same as it was when I reported to the House some time ago. They have not indicated whether they are going to drill or whether they are not going to do any exploration work off Labrador Coast this year.

This meeting is a series of meetings that will be held between government officials and companies, Eastcan included, Imperial, Gulf, Shell, Mobile, Amoco and with other companies as well that have some acreage, who are interested in some acreage on a joint venture with some other company. We anticipate that these meeting will be ongoing for another three or four weeks. We are eager to obtain from all the companies concerned specific concerns that they have relative to

MR. PECKFORD:

the draft regulations that they have been given about a month or so ago. A number of companies have come back with specific concerns that we can deal with. A number of other companies have come back with very general response. It is to that second group of companies that we wish to address ourselves and to ascertain and acquire from them their specific concerns so that we can get a reading on the overall private industry response.

So to answer your specific question, we have no indication from Eastcan whether or not they are going to do more exploratory drilling off the Labrador Coast, whether they are going to do it or whether they are not. And to further try to expand on the whole point, meetings between government and the exploration companies, mining companies, will be ongoing for the next three or four weeks.

MR. SPEAKER: A supplementary.

CAPT. WINSOR: Can the minister assure the House or is the minister as optimistic now that there will be no cutback as he was a little while back?

MR. PECKFORD: I did not hear the question. I am not sure if I did. I heard, but I do not know if I was listening close enough to get the meaning. Am I as optimistic now as I was a month ago that exploration will continue?

CAPT. WINSOR: Right.

MR. PECKFORD: I think exploration will continue. It will depend on the level of exploration and who will be the exploration company. Whether Eastcan itself will go ahead with a \$50 million or \$60 million exploration programme this year, as I have said just previous, is unknown right now. But I do believe that there will be companies doing exploration work off the Labrador Coast this year. Who they will be - it could be B.P. and Petro-can. They did some work last year on the Indian Harbour well. They could perhaps be back in. There could be other joint ventures between other companies on other acreage. So that is where it stands. I am still fairly optimistic that Eastcan itself will continue exploration work. It is difficult to

MR. PECKFORD:

assess. I am sure the hon. member and hon. members of the House appreciate the sensitivity of the situation. It is difficult to assess at this point in time just exactly what they will or will not do. Until we meet with them a few more times and get the lie of the land from where they sit, we will be in a better position. But it will take some time to actually ascertain. It is a pretty difficult situation right now as it relates to that.

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

MR. SMALLWOOD: Could the minister

MR. SMALLWOOD: venture to tell the House his impression, assuming that there is some hesitancy on the part of people who have been drilling to proceed normally this year, assuming that, and we have heard statements but we really do not know, but assuming that they are a little hesitant, would the minister be in a position to give us his impression as to what would be the cause of that? Would it be the fact that Newfoundland is trying in the courts to establish its rights in offshore mineral and oil and gas resources, or the drafting and submission to the companies involved of proposed regulations, which of the two would be the cause of any hesitancy on their part? And I know that the minister cannot speak for those companies but he can speak for himself and tell us if he chooses, if he feels it is judicious to do it, he can give us his own impression as to what is a possible stumbling block.

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

MR. PECKFORD: Mr. Speaker, I do not feel that I should get into a discussion on that point at the present time. I think perhaps later on in this session we might be in a position to have a full scale discussion on it, but I would rather not comment in any detail on it. There is a whole bunch of things involved here and one comment by me could very easily lead to another one that I would have to say myself and questions that the hon. member would have to bring.

So I would rather not comment on that right now. But I would be prepared when the regulations do become public, which is government's intention, to have a full scale discussion on it but at this point in time I would rather not.

ORDERS OF THE DAY:

MR. SPEAKER: Order 17, Bill No. 16

Motion second reading of a bill, "An Act To Amend The Landlord And Tenant (Residential Tenancies) Act." (Bill No. 16)

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

MR. MURPHY: Mr. Speaker, this is an act, as it says, deals with The Landlord And Tenant (Residential Tenancies) Act.

This Act was brought in in 1973. Since that time there has been a very, very busy board that has been looking after the act. I think during the past year there was something like 150 meetings held and many hundreds of people brought their complaints to them.

Over a period of time of course there is always new areas that could be included and the act to be amended. I think one of the most important parts of this act at this time is to include mobile homes, and a mobile home under this act is a home that is fixed in a mobile park rather than a moving trailer or something like this. And we have been looking at the area for a long, long while. We have had many complaints from people with reference to being treated, in their opinion, unjustly and not fairly. So for that reason we are incorporating into this act the mobile home and that would deal, and if anybody has the act he can just look down here at the explanatory portions of this act, and I think the importance of this was brought to our attention early in this week when we had a group of people from Corner Brook area come in with a petition and this act will, in some measure we hope, look after the needs and the worries of these people.

There are many other areas there, director of landlord and tenant, who would mediate disputes, administer the act, and act as staff, to add to the statutory conditions under the act whereby for an obligation on the part of the tenant to refrain from the disruption of the quiet. Now this is another area where we get where tenants, particularly in apartment buildings, complain many times about disturbances within the building and this will give us the authority to act and to hear cases on that. Rent to be set at a specified period of time, up to one year, rather than have four hearings in a year from one group looking

for raises and what not, we will establish the rent and that will do for a period of twelve months.

It is all in the explanations here, Sir, so I do not know if there is any need for me to go any farther. If there are any questions as we go through the act either myself as minister, or I am sure the Department of Justice, through the Attorney General will be only too happy to elucidate, to explain any section of the act.

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

MR. NEARY: Mr. Speaker, I am going to support the bill. I think it is a step in the right direction but unfortunately, Sir, in my opinion, the bill still does not go far enough. It still does not cover people who live in apartments and dwellings that are owned and operated by the Newfoundland and Labrador Housing Corporation. The Landlord and Tenants (Residential Tenancies) Act does not cover for instance, people out in Stephenville who live on the former Harmon Air Force Base, it does not cover people who live down here in Pleasantville, living in apartments that are owned and operated by the St. John's Housing Authority, Newfoundland and Labrador Housing Corporation and the St. John's Housing Corporation.

I would like for the minister to tell the House why these tenants were not included in the Act. Is there any particular reason for exempting these people from this Act? Should not the government show the example themselves by including their own Crown corporations by placing them under this Act? Why should they be exempt? And I understand, Sir, I do not know, perhaps the minister can tell me, if Central Mortgage and Housing Mortgage holders are not covered by the Act?

Mr. Speaker, I had a call today from a family down in Harbour Breton, down in my hon. friend's district, the member for Fortune Bay (Mr. J. Winsor), a call from a family who had been given ten days notice to vacate their home, ten days. They were told to get out in ten days. Not three months, not two months, as my hon. former colleague would say, not one month, but ten days. They have been ordered out of the house by Central Mortgage and Housing for going in arrears for payments on their mortgage. The house is being taken back by C.M.H.C. for default of payment on the mortgage

MR. NEARY: payments. So they have ten days, Sir. Well how, if we have a Landlord And Tenant (Residential Tenancies) Act in this Province, Sir, how can big C.M.H.C., the great big monster created by the Government of Canada, how can they put the boots to a man and his wife and family in Harbour Breton and give them ten days to get out?

Now my understanding is that the people are satisfied to vacate the house. They have some of their belongings packed up, they cannot possibly pay the arrears owing.

AN HON. MEMBER: How long are they in arrears?

MR. NEARY: They are in arrears for several months, I presume, but because of the employment situation, Sir, in Harbour Breton over the last several months and in the past few years, and this particular gentleman only being able to get the odd shift at the fish plant, they fell behind in their mortgage payments, and C.M.H.C. apparently - and I do not know, I could be wrong, but this is what I am told by the wife of the husband who live in the house, no later than about two hours ago, called me out of desperation, she had already called their own member who did everything possible, did everything in his power to try and stave off the situation, but apparently C.M.H.C. is showing no mercy at all, just moving in and saying, "You have ten days to get out."

Now they have packed up some of their belongings and they are prepared to move, because there is no way, so the lady told me, that they can pay the back mortgage money. So they are prepared to move but they have no place to move, they cannot find accommodations. They have gone to the welfare officer, they have gone to everybody in the surrounding area. They have had people call up C.M.H.C. and C.M.H.C. says, "No, Ten days out in the snowbank, finished." So the family are completely frustrated and bewildered and they do not know what to do. I would like to know from the

MR. NEARY: minister, can C.M.H.C. do that? Can they do that? Are they exempt from this law? Are they a law unto themselves, C.M.H.C? And if they are not, then I would like to see - I will give the name to the minister if the minister can enforce the law in this case.

MR. HICKMAN: That would not be classified as rent.

MR. NEARY: I do not care what it is, Sir. This is called, "An Act To Amend The Landlord And Tenant (Residential Tenancies) Act." You cannot classify it as rent, no, certainly not but certainly you have to give notice, sufficient notice, especially in the Winter months in this Province, to people before you can throw them out in the snowbank.

Mr. Neary:

We should incorporate this sort of situation in the Act, If we are going to protect tenants, people who are paying mortgages and paying rent, then let us protect them. The minister has made a pretty good stab at it so far over the last couple of years, and now we are going to take in mobile homes, which is a good thing. As the minister indicated in his opening remarks it is rather urgent because these people out in Corner Brook in the trailer park have until the 28th. of this month to get out, and the reason they are being told to get out, as I indicated when the petition was presented in this hon. House, the reason they are being told to get out was because they refused to pay the five per cent commission to the owner of the trailer court. And the matter had been decided in court, The Court of this land had made a ruling that these people did not have to pay the five per cent commission. So the owner of the trailer court got stubborn and contrary and decided to kick over the traces, and he was not going to be told what to do by the court, so he gave these people notice to get out, and they have until the end of this month to get out, And now we are going to cover them under the Tenancy Act which is a good thing, because now they will have to be given three months notice. I hope that we can get the Lieutenant-Governor into this House fast enough not only to pass this bill, but to pass other pieces of legislation. I am sure the Government House Leader is not going to get the Lieutenant-Governor up just to sign one bill, There may be a number of pieces of legislation passed, gone through second and third reading before the Governor comes in and then the Governor will sign the bills and then they will become Law, I hope it will become - I do not know if it has to be gazetted, if there have to be regulations, I hope the minister has the regulations ready to implement because it is a matter of urgency that these people be covered in Corner Brook before the 28th. of this month. I would like to see the bill made retroactive to the 1st. of January, if that is possible.

MR. HICKMAN:

It will be.

MR. NEARY: It will be?

MR. HICKMAN: The ones that are relevant to this problem at Corner Brook.

MR. NEARY: Will be retroactive to the 1st. of January or to -

MR. HICKMAN: Or to whatever the date is that is necessary.

MR. NEARY: Well, Sir, that will be a good thing if the minister can -

MR. HICKMAN: The 10th. of January.

MR. NEARY: The 10th. of January. Well that is a good thing, Sir. It is a good thing. I hope the minister will elaborate on that the Minister of Justice, the Government House Leader, if the minister should speak in this debate. It is a good piece of legislation, Sir. It still does not go far enough. We still got these people out in Stephenville, in Corner Brook, Grand Falls, St. John's, in parts of the Province where you have apartments and houses that are rented by the Newfoundland and Labrador Housing Corporation, the St. John's Housing Authority, and the St. John's Housing Corporation, these people are still at the mercy of the bureaucrats.

MR. SMALLWOOD: 'Steve' are there parts of Newfoundland excluded from the bill?

MR. NEARY: No, the corporation, the government's owned Crown corporation is excluded from the bill, exempt from this particular bill. And I say they should be included. And why the discrimination? I do not know, perhaps the minister can tell us. Why not include the government's own Crown corporation? Why not? Can the Minister of Justice tell me, give me a justifiable reason why they are not included?

MR. SMALLWOOD: There are two. There are two.

MR. NEARY: There are two.

MR. SMALLWOOD: There is the Newfoundland and Labrador Housing Corporation, -

MR. NEARY: And the St. John's Housing Authority.

MR. SMALLWOOD: - and the St. John's Authority.

MR. NEARY: That is right, Sir, they are exempt from this bill, from this law.

MR. SMALLWOOD: There are three, St. John's Housing Authority.

MR. NEARY: And then there is the Corner Brook - that is right there is another corporation in Corner Brook.

MR. SMALLWOOD: The St. John's Housing Authority which is jointly.

MR. NEARY: Well every thing that the government owns or is responsible for, every agency the government is responsible for, I do not know how many there are, there may be four or five -

MR. SMALLWOOD: All excluded.

MR. NEARY: - they are all excluded from this bill. I say they should be included so that we can give the people who live in these apartments and these houses some protection.

So having said that, Sir, I would hope that the minister, if it is possible, can bring in an amendment now, or sometime during this session of the House, to cover all these other people that I spoke about. I say it is a good piece of legislation, The only regret that I have that it does not go far enough.

MR. SPEAKER (DR. COLLINS): The hon. member for the Bay of Islands.

MR. L. WOODROW: Mr. Speaker, I would like to thank the hon. House Leader for bringing this bill before the House today, and also thank the hon. Minister of Consumer Affairs and Environment for explaining the bill a bit further to us.

Mr. Woodrow.

And also I would like to refer to the remarks of the hon. member for LaPoile (Mr. Neary). Certainly what he is saying has credit, but I suppose, like everything else, it is really very, very difficult to bring everything into a bill. To my mind it has to stop some place. Now, of course, the importance of the bill, as I have said, was brought by me to the House in a petition some days ago, and I understand that the hon. member for LaPoile (Mr. Neary) already mentioned - I was going to mention it also - that a court case was held in Corner Brook by the owner of the Sunset Park Trailer Court, and the judge ruled in favour of the tenant. Apparently the owner of the trailer court kicked up his heels, as the saying goes, and, in fact, there has been trouble for some time in this particular trailer court. So I hope that with the passage of this bill, it will not only give the residents living in this particular trailer court peace of mind, Mr. Speaker, but it will also help all others who live in trailer courts all over the Province of Newfoundland.

Probably I should add that because of the high cost today of building materials and labour and what have you, the high cost of the building of homes, I believe that more of our people are going to lean towards trailer courts. And I feel that this piece of legislation is certainly going to do good. I must also refer to remarks made by the hon. member for Stephenville (Mr. McNeil). The hon. member for Stephenville spoke about insurance on trailer courts. I was only talking with somebody just a couple of days ago, and they told me the cost is exorbitant. In fact, it is really out of this world. So I hope we will be able to do something in this hon. House to help people out in that line also.

So, Mr. Speaker, with these few remarks, I finish, and I hope we can get this legislation through as quickly as possible.

MR. SPEAKER (Dr. Collins): The hon. member for Conception Bay South.

MR. NOLAN: Mr. Speaker, if I may, there are a number of items I would like to mention in connection with this. First of all,

Mr. Nolan.

I assume that this bill that we now have before us is to help to remedy the situation in reference to a petition as mentioned by our hon. friend opposite just a week or so ago. But I will hope that it is more than that. I mean to cure one problem is fine, but for often times you will find, those of us who have dealt with legislation in the past will know, that in order to cure one problem by bringing in a bill, often times down the road you could find that it might have very well have created other problems which we may not be aware of at the time.

Now on the mobile home situation, while it is true we may be attempting to get it in to handle the problem as related in the petition and so on, the mobile home problem is one that extends well beyond the immediate problem that the hon. member opposite is faced with in his own district, and that is often times that those who are involved in mobile homes in trailer parks are often times mercilessly at the mercy of those who own them. For example, often times you can only buy a home that you buy from the dealer who owns the lot. You cannot bring anything else in. What controls, if any? And I trust it is covered here, because it is land leased for mobile homes is mentioned in Clause 1 where we have a situation where you cannot have some poor innocent abroad move in with a home, and have, whether it is the rent on the building or whether it is - you can always get him by the way by increasing a lot charge or some charge. So often times we have a situation where those who have decided of their own volition to live in mobile homes, are really being shafted, and have in the past. And we must do all that we can, not only to cure the problem as raised by our hon. friend opposite, and well he should, and good he did,

MR. NOLAN:

but there are many other problems regarding mobile homes in this Province, whether it be in Bonavista or any other district in this Province. We must be aware of what is happening here. As a matter of fact, I am sorry to say that I believe that too often some of the bureaucrats we have in control, both provincially and federally, have looked in the past on those who are living in mobile homes as being sort of second class citizens, you know, I mean, "We really do not want them but if we have to have them we will."

Now my understanding of the accommodation as required is that it must be properly serviced. One of the things I think we have fallen down on is that we have not provided the proper facilities for people to move in. Those who have to live in mobile homes have to live somewhere. It is what they can afford, and that is all. And I think the hon. minister opposite, my good friend for St. John's Center (Mr. Murphy), has got to take a good hard look one of those days at that insurance situation as it applies to the people there.

Now there are a couple of points here that I would like to make reference to. That is the hookup charges and commissions charged by landlords, this is really what I was just getting at. I am glad the minister is facing up to this situation. Also I notice now we are creating now a new position or positions. Now this bill, as I understand it, is not designed primarily and specifically for mobile homes. It refers to other types of accommodation as well. Is that correct?

MR. MURPHY: Quite right.

MR. NOLAN: So therefore what are we setting up another director for. Do we need him? By the way, while I am on my feet, may I say that you have a man by the name of Mr. Bradbury, I believe, who is quite an excellent gentleman who has done a very, very fine job on the landlord and tenancies legislation in the past. I will not be one who will be applying for Mr. Bradbury's position, by the way, Mr. Minister. I have no intentions of going after it because I would not have his job for a farm down South.

MR. NOLAN:

I think some of the calls he must get from some people from time to time - as an example, just the other night I had a situation whereby I had a call from a resident of an apartment unit, the owner of which had gotten into some serious financial difficulties and they were left without oil, no heat. So I consulted with Mr. Bradbury and confirmed what I had suspected already, and that is that they could go ahead and buy the oil, purchase the oil and pay for it to keep themselves warm and their families, and deduct it from the following months rent. Then the next night I got a call from the same people in the same unit saying - which is private property - the Highways would not clear away the snow. So then we had a situation where we had this road in front of - which is really private property or driveway, if you like, a long one - that was not cleared of snow and there was a real danger in case of fire or need of an ambulance and so on.

So I am hoping that this bill - and I hope the minister will address himself, by the way, to this situation of why the Director of Landlord and Tenant Relations, do we not have one already? What have they been doing? "To mediate disputes, administer the Act, and act as staff for the Residential Tenancies Boards." Now what are we building up here? That is the thing I would like to know. What are we building up? The staff that they presently have - do we already have a Director of Landlord and Tenant Relations. Are we going to have two? Are we going to increase the staff? And I might say if they all do the job that Mr. Bradbury does, you are going to get some very, very fine people in my estimation.

Now we go on to a situation here, "To refrain from the disruption of the quiet enjoyment of the adjoining apartments."

MR. MURPHY: Very important.

MR. NOLAN: It is. I agree. But what apartments. I mean we now have heard from our friend from LaPoile (Mr. Neary) indicating that the St. John's Housing Authority, the St. John's Housing Corporation, the Corporation on the West Coast in Corner Brook and so on, CMHC

MR. NOLAN:

funded and owned perhaps facilities, accommodations, if they are exempted, what about the people there? Do they deserve some quiet and so on? How does it apply to them if at all? And if it does not, why not?

MR. HICKMAN: Common law rights.

MR. NOLAN: Common law rights.

MR. NEARY: I know what the minister will say, say that was a mortgage. But I would say nuts to that.

MR. NOLAN: Well also I must say, Mr. Speaker, I have to agree with our hon. friend when he brings up this business of these people in those homes and apartments must be covered as well as anyone else in this Province. And we are really making chalk of one and cheese of the other if we do not do that and we are going to be accused of it.

Now we come down to Clause 5 (a) and (b). "To provide for at least one member of a Residential Tenancies Board to be a lawyer."

MR. NOLAN: I would like to have a little information on this one, because how many boards do we have at the moment? I mean is this a make-work act for the lawyers, and what is the situation on it? I would like to know if the lawyer has to be on the board. Is it cheaper for the public of this Province to hire one wherever they need it? If he is on the board, how much is he being paid? If we had lawyers on other boards such as this, how much were they paid last year? I mean, these are the things I want to know from the Minister of Justice, for example.

MR. HICKMAN: I do not know. I do not pay them.

MR. NOLAN: No, but you should know. You should know. I mean why is it that - I am not suggesting the member should know the exact dollar, I am not saying that right now, but someone surely should be in a position to tell us. I mean we have - what other provisions do we have here? We say that at least one member of the board should be a lawyer. We are pointing out quite clearly that you must have a lawyer on the board. You know, I mean is there any provision in any other amendments to this bill which says you must have a doctor or any one in any other profession? Is there anything, by the way, that states for a member of the board that he or she must be a tenant in some of the areas that you are trying to control and so on?

I mean it is all very well to have a lawyer there but, I mean, why? You can tell me, I am sure, in the reply that they will need legal advice on various things that they come up against. So fine, is the lawyer paid more than the other members of the board? And if he is, how much has been the run up on charges such as this in the past on other boards of this nature involving the landlord and tenancies legislation? Is it cheaper for the minister to authorize and empower the board to hire the lawyer as and when necessary? What I am looking for is how can we get the best price for the people.

MR. NOLAN: We are spending public money here.

So there is no reason why these questions could not be answered. I have nothing, by the way, against lawyers being on the board, not a thing in the world. But all I am saying is it raises a number of questions when we see as we do from time to time that on various boards this one must be a lawyer and that one must be a lawyer. I would like to see 'citizen' in many of these instances and particularly the people that are most effected.

So anyway this amendment is to provide a means to assist boards in deciding the complex legal questions relating to the law of landlord and tenant that frequently present themselves to the boards. Now do we already have a lawyer working for the Landlord and Tenancies Board, and if we do, why do we need another one? Do we have two and if so why do we need another one? We do not have any at all. You mean the landlords and tenancies legislation has been working all of this time without any services of a lawyer? No?

MR. MURPHY: I will answer it.

MR. NOLAN: Right. Okay. I just want the minister to make notes of it and maybe we can get at that.

And then we go to the jurisdiction of the boards. I am assuming, by the way, that this board or boards - is it one board incidentally?

AN HON. MEMBER: No,

MR. NOLAN: No, Residential Tenancies Boards, plural.

So therefore I am assuming the people in Corner Brook and the Northern Peninsula and so on will be covered.

AN HON. MEMBER: There are five.

MR. NOLAN: We have five lawyers?

MR. MURPHY: Five boards.

MR. NOLAN: I see. So we have five boards, so again I ask is that five lawyers, you know?

AN HON. MEMBER: No.

MR. NOLAN: No, I do not get into personalities. I do not care who it is.

MR. HICKMAN: No, the Chairman of the East Coast Board is not a lawyer.

MR. NOLAN: That is right. Mr. Whelan is Chairman and he is not a lawyer to the best of my knowledge. In fact he worked I believe is in some position, deputy minister or assistant deputy minister, in the Department of Provincial Affairs, did he not?

MR. DOODY: He is a good man.

MR. NOLAN: A good man?

MR. ROBERTS: A good fellow.

MR. NOLAN: Yes, right.

MR. DOODY: A great man on Latin.

SOME HON. MEMBERS: Oh, oh!

MR. NOLAN: Study your Missal. Okay, "The rent will be for a specified period of up to one year." I assume that this bill will not in any way effect those who have mobile homes who are scattered throughout the countryside, This is dealing, I would think, with mobile home parks such as Evergreen Village and the Williams development in the Goulds and others. But these people need protection and they need it badly.

I believe too that in this bill, and this is going to be retroactive to January 10, I believe, and this is, I would assume, to cover the specific problem that our hon. friend opposite, or his constituents are faced with. I would hope also, I do not know if the hon. minister has had enquiries along the same lines from other people in other parks, and if so are you going to make it retroactive to cover them?

MR. HICKMAN: It is retroactive.

MR. NOLAN: To what?

MR. HICKMAN: The Province.

MR. NOLAN: It covers everybody to a specific date?

MR. HICKMAN: Right.

MR. NOLAN: But it is

Mr. Nolan.

designed really to cover the particular problem we were faced with the other day, is it not?

MR. HICKMAN: Because of a notice to quit, which has to be thirty days.

MR. NOLAN: Right, okay.

MR. DOODY: It is just a cross -

MR. NOLAN: Yes, right, correct.

So these are my comments on it, Mr. Speaker.

I would like to commend the minister, by the way, for bringing it up. I certainly would like to thank him for the great co-operation I have received in the past from the Landlord and Tenancies Board over the years, because I have had reason to call them quite often on behalf of someone or other, and Mr. Bradbury, in particular. I do not know why I pick on him all the time, but he is the one that I have been going after, and I must say he is very, very good and most helpful and very sympathetic. He is not secured to the job, or he is nice and comfortable in a comfortable pew. He seems to be aware of the problems that many of these people are faced with, and I believe he applies himself to the problems, and often times gives a sympathetic hearing, and goes to some trouble beyond, perhaps, what he might be required to do in his position. So I think that I can express, on behalf of all of us, and perhaps all the people in the House who have dealt with him, our sincere thanks. And I hope he continues to do the good work. And I hope also that whoever the Director of Landlord and Tenant Relations to mediate disputes is going to be, that he will conduct his duties as well as Mr. Bradbury has in the past. So I would like to know, though, about what these boards are costing us in public money, what we are paying out in legal fees and so on? And maybe the minister could apply himself to these questions when he rises to answer.

Thank you, Mr. Speaker.

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

MR. MCNEIL: Mr. Speaker, I welcome this bill which will bring the mobile homes under the Landlord and Tenant Act. The purpose of the bill, I understand, is to control the rents, the level of rents, hook-up charges and commissions shared by landlords on the sale of mobile homes, as well as other duties and responsibilities of the landlord and tenant relationship as set out by the act. This is a step in the right direction, but the bill should go on to include Newfoundland and Labrador Housing Corporation under the Landlord and Tenant Act. On November 5, 1975, the Premier stated that there would be co-operation with Ottawa in programmes of control. The Premier also went on to say that rent controls and the establishment of the Department of Consumer Affairs were two moves being discussed. The department is now a reality. I must thank the minister and his department in helping me and the mobile homeowners in Stephenville in trying to find a solution to the problem of high insurance rates.

But on the question of rent control, I cannot say the same for the Minister of Municipal Affairs and Housing, who allowed Newfoundland and Labrador Housing Corporation to increase their rent in some cases as high as forty-four per cent. It is unthinkable for the minister to allow the Housing Corporation such an increase during a time of inflation and wage control. I do not think the minister and his department are aware that very few people can adjust their earnings to accommodate a forty-four per cent increase in rent. For example, in my district there are people who worked only four and one-half months during the past year, because of the uncertainty of the area with one of its major employers, Labrador Linerboard. People renting from the Corporation are staying around hoping that things will change, but now with the sudden increase in rent, they may not be able to. Most people interpret the rent increase by the Crown corporation as an attempt by the government to drive people out of the area, or still worse, out of the

Mr. McNeil.

Province. I feel that the Minister of Municipal Affairs and Housing has not acted in the best interests of the people by allowing the Newfoundland and Labrador Housing Corporation to increase their rents to the magnitude stated. Even our Premier stated, "We are going through one of the most difficult periods in our history." Because of this lack of understanding and leadership by the Minister of Municipal Affairs and Housing, under whose department the Housing Corporation is responsible to, I ask the House to consider bringing Newfoundland and Labrador Housing under the Landlord and Tenant Act.

I do support the bill. I think it is a good bill. But, as I have stated before, it does not go far enough into protecting the consumers of this Province.

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

MR. SMALLWOOD: Mr. Speaker, my legal advisor, the hon. member for LaPoile (Mr. Neary), tells me that the bill engaging our attention at the moment covers just about all tenancies, all landlords, except only the Government of the Province.

Mr. Smallwood:

Now the government of the Province is landlord, is owner or landlord, or both, to quite a number of houses in different parts of the Province, The fact that they are excluded from this bill suggests a number of possibilities, the first of which is that tenants of the government are already covered in other legislation, and if they are there is no particular reason, I suppose, to include them in this particular bill before the House at this moment.

Another reason could be a disinclination on the part of the government to subject itself, for the House to subject the government or government agencies, which amount to the same thing, to the kinds of controls this bill imposes on other landlords. Now if it is that, the second of those two possible reasons, I have to confess that I have a certain amount of sympathy for it, because I have always had considerable doubt about any kind of body being set up with control over the government, except, of course, the Legislature, the High Court of Parliament, the Sovereign Court of the Land, the Legislature, the House of Assembly has undoubted control over the government. The government are only a minority of this House. True, they themselves together with their private member supporters sitting on that side of the House make a majority of the House, but the government as a government, taking all private members in the House sitting on both sides, the government are a minority of this House, and they are subject to the will of this House, and they can stay in office only so long as a majority of the members of this House will them to do so.

Now when you leave this Chamber I wonder what possible justification is there for setting up any other body with control over the government? Now up to a point the courts have that of course, at least if not control over the government, control over interpretation of the laws made, not by the government, but made by this House. I am always irritated, frankly, irritated by the lack of comprehension on the part of people who talk of the government passing laws, "This is a law that was passed by this or that or the other government."

Mr. Smallwood:

Governments have no more power to pass laws than the Man in the Moon has. Governments carry out laws, governments enforce them, but the laws are made by the Legislature, the elected representatives of the people of the Province or of the country. But even the Courts, Mr. Speaker, are created by law, the Supreme Court of Canada, and the Supreme Court of Newfoundland, and certain District Courts are created by law, the Law of the Parliament of Canada, and certain other courts in Newfoundland are created by this House, by the Legislature.

And I must confess that I have not come to a philosophical conclusion as to the extent to which it is proper for this House to set up authority over the government, apart from its own authority that it has, and apart from the authority that it has given to certain courts. If you set up a board or a court or - what do they call it in the bill? -

MR. SMALLWOOD:

- whatever it is called, an organization. If this House passes this bill and makes an act of it, makes a law of it, to set up a body to control landlords other than the government, that is right, that is proper. To what extent would we be justified as a legislature in setting up a body to control the government, an outside body? To begin with, how would they come into existence? Even the Auditor General, who is a servant of this House, not of the government, an employee of this House, not an employee of the government, and he is answerable only to this House and not to the government; indeed he has a certain amount of control over the government because this House gave him that control. Although the government appoints him, and the government pays his salary, but only after this House has obliged the government to do so, because the salary of the Auditor General is, of course, a statutory one. The government have no choice, no choice at all, but to pay that salary. The government cannot dismiss the Auditor General. They cannot reduce his pay. They cannot refuse to pay him because this House has by statute ordered the government to employ him and ordered the government to pay his salary.

But even at that, with that tremendous authority possessed by this House, the fact is that it is the government that appoints the Auditor General. I, myself, when I was in office, selected a man to be Auditor General of Newfoundland, and I brought his name to my colleagues in the Cabinet and they appointed him, and he is now today the Auditor General of Newfoundland. I may say, Mr. Speaker, in passing that my own selection of Mr. Howley to be Auditor General of Newfoundland was, I hold, quite a tribute to my broad-mindedness. I wanted an able man. I wanted a chartered accountant to begin with, and an able and an independent man to be Auditor General. I was well aware of the fact that in Who's Who, Newfoundland Who's Who, he himself described himself as a Progressive Conservative. So in selecting Mr. Howley for submission of his name to my colleagues in Cabinet to be Auditor General, I did so knowing that he was what we used to

MR. SMALLWOOD:

call, a Tory. But it was the government that appointed him, subject, of course, to the legislature. Now I do not know the answer. Perhaps if the Attorney General is going to speak, he might tell us why it is that tenancies, under the government, are exempted from this bill. There must be a reason. Is it a philosophical reason? Is it that there is already legislation controlling and protecting tenants of the government? I do not know how many tenants the government has. There must be hundreds of houses in Newfoundland, quite literally hundreds of houses that are occupied by tenants who pay their rent to the government, because the government are the owners, the government are the landlords. There must be many hundreds of such tenancies. Are they already covered by other legislation? Is that why they are not mentioned in this bill today? Is that the reason? Or is it a philosophical decision on the part of the government? "No, we are not going to ask the House of Assembly to set up an independent body that will control us, will control our houses, will control our tenants, will control our mortgages!" Is that the reason?

Now if they are not in this bill, and apparently they are not - my advisor tells me they are not -

MR. NEARY: Your advisor is one hundred per cent correct.

MR. SMALLWOOD: And my advisor tells me that he is one hundred per cent correct, and that is more than he is always. He is never more than an average of ninety-seven or ninety-eight per cent correct. But today he tells me that in this matter he is one hundred per cent correct. If he is correct,

Mr. Smallwood:

this bill does not protect those tenants. Will the Minister of Justice or some minister tell me, tell the House, why? Is it because there is already other legislation protecting them, or because the government says, "No, we will not ask the House to set up authority over us, over the government!" And if it is the latter, I have to confess that I have considerable sympathy with it, because always, under the authority of this House, the government should be the supreme body, and should not be subject to other bodies of its own creation.

I do wish the Minister of Justice would satisfy us on this pretty important point, because there must be a great many hundreds of people involved.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Let me deal with the points in reverse. First the points raised by the hon. member from Twillingate (Mr. Smallwood). There are several reasons why Crown corporations that act as rental agencies, in my opinion, are not subject to the present Act, and the bill is before this House to amend The Landlord And Tenancies (Residential Tenancies) Act. Number one is, and this is a very vital one as far as the development of apartment buildings in Newfoundland are concerned, a very large number of the apartment buildings in this Province come under the Canadian National Housing Corporation's subsidized rental scheme, and obviously where your rental to a particular unit is dependant upon the income. For instance, in my district of Grand Bank - Fortune, Grand Bank, St. Lawrence, Burin, Marystown, Harbour Breton you will find a lot of residential tenancy buildings. One of the terms and conditions, I understand, of the financing is that they are not to be controlled by legislation, and indeed you would get into a great jurisdictional dispute as to whether or not this Legislature could bind the Queen in the right of Canada. But the simple fact is that your rent payable in that type of scheme or housing-apartment development is dependant

Mr. Hickman:

upon income as is the eligibility of a person to remain therein. And when you reach a certain level of income the tenant must move out if he goes over that formula.

MR. SMALLWOOD: Is that true of the Housing Authority?

MR. HICKMAN: And that is the same of the St. John's Housing -

MR. SMALLWOOD: Something of the nature of apartments.

MR. HICKMAN: That is right. Well I had a note on that. The next is the St. John's Housing Authority, again a federal-provincial scheme that I believe was almost the subject of litigation long before I was elected to this hon. House when there were some nasty words exchanged between the then Prime Minister of Canada and the then Premier of this Province.

The St. John's Housing Corporation I suspect is more philosophical, or partially, because I recall a debate in this House many years before I was a member when the government of the day, and I am sure the hon. gentleman from Twillingate will recall, introduced a bill to exclude St. John's Housing Corporation from what was then the Rent Control Board. And I was serving at that time as Chairman of the Rent Control Board, and I have to confess having been rather well indoctrinated by those who worked for that Board at that time, I was not very happy with nor did I appreciate the philosophical reasons why we were deprived of the opportunity of fixing rent in St. John's Housing Corporation.

The present Act, and very properly, must exclude any agent or agency of the Government of Canada acting under the National Housing Act. Because again that kind of legislation would, I feel quite certain, be ultra vires this Province - this Legislature rather.

The hon. gentleman from LaPoile (Mr. Neary) raised a problem that he has been appraised of in Harbour Breton under a mortgage with Central Mortgage and Housing Corporation. Without knowing all of the facts, Mr. Speaker, my guess is that that is purely, that is not a landlord-tenant relationship but rather that between mortgagor and mortgagee. And if it is between mortgagor and mortgagee, then whatever rights of repossession subject to the Conveyancing Act

Mr. Hickman:

would be contained in the mortgage between the mortgagor, the borrower, and the mortgagee, namely, Central Mortgage and Housing Corporation. And it is not that a mortgagor is in arrears of rent, but rather in arrears of payment under the mortgage, and whatever the terms of Central Mortgage and Housing mortgagor that would come into play, including notice,

Mr. Hickman.

whatever notice that act - not act - but that mortgage would contain. The hon. member - and I am sure that we do not have, certainly not under this bill, the right to legislate concerning this particular problem - the hon. gentleman for Conception Bay South (Mr. Nolan) is quite right when he says that this bill was not brought before this Legislature to cure only a problem which has been brought to the attention of government and to this House by the hon. member for Bay of Islands (Mr. Woodrow) as it relates to constituents in his area. We had indeed given notice of this bill, and it had been circulated in this House before the petition from the representatives of the mobile home occupiers in that particular area of the West Coast brought it to our attention .

There will be an amendment brought before the Committee when this bill goes to Committee, to provide that this act shall be deemed to come into force on the 10th day of January, 1977, and that is to take care of the notice to quit which had been served upon the occupiers of the mobile home in the district of Bay of Islands. And that, Mr. Speaker, is in summary what is in that bill. The hon. gentleman from Conception Bay South also enquired as to why the provision for either a lawyer on the board or a lawyer's representative. This Landlord and Tenant (Residential Tenancies) Act, which was enacted by this Legislature May 1, 1973 , goes much, much further than the old Rent Restrictions Act did, which was simply an act to control rent, fix it to the forty-two level, and also make certain provisions for possession. Under this act we have interfered a great deal, the Legislature did, in passing the Landord and Tenant Act in 1973 in what is traditionally the landlord and tenant's relationship, which is a common law relationship and one that does indeed have some very intricate legal principles which heretofore had been dealt with by the courts, and I can see where it is very essential. And we have had appeals. There have already been appeals from decisions of the various boards in the Province

Mr. Hickman.

to our courts, and in the main the courts have been very helpful, not only in upholding the decision of the courts, but in laying down certain guidelines and particularly one case that came before the hon. Mr. Justice Noel H. A. Goodridge of the Trial Division of the Supreme Court of Newfoundland recently - he laid down some very strong guidelines as to the yardstick that should be used by the board in interpreting a particular provision of the act.

Anyway, Mr. Speaker, I thank hon. gentleman for supporting my hon. colleague in his able presentation of this bill, and giving it the kind of expeditious consideration that is necessary.

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

The hon. Minister of Municipal Affairs and Housing.

MR. DINN: Mr. Speaker, I just rise to, maybe, explain to some hon. members who brought up the point about the St. John's Housing Corporation, the Newfoundland and Labrador Housing, and St. John's Housing Authority, Corner Brook Housing, with respect to rents charged, etc. in Newfoundland to date. And in checking through certainly the rent increases as mentioned by the hon. member for Stephenville, the rent increases that are proposed in the upcoming months, I would like to assure him that I am certainly going through those rent increases and will be getting to the Tenant's Committee out there with an explanation. I hope to meet with them before the 28th of the month. And if I cannot make it out there, hopefully, the representatives can make it in to see me.

But with regards to rent increases, Mr. Speaker, to my knowledge there has not been rent increases that exceeded the guidelines as set out in the act, and certainly they have to come to the minister for clarification, and also to government. I am having a look at Stephenville, and any rent increases as recommended by the corporations.

MR. NEARY: What about Pleasantville?

MR. DINN: Pleasantville is exactly the same. St. John's Housing, they just recover their costs on the rental units in Pleasantville.

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

The hon. the Minister of Consumer Affairs and the Environment.

MR. MURPHY: Mr. Speaker, first of all I would like to thank very sincerely those people who did add to the debate and perhaps tried to bring things out into the light of just what is happening here. We are very happy indeed with this forward bit of legislation because it is another step in consumerism. I would just like to say, in the first instance, that it is not a great Tory philosophy, exempting the St. John's Housing or the Newfoundland and Labrador Housing, it is a carry-over from the old days, and I think I was one of the ones who fought, as the hon. minister says, fought quite vociferously, in my day why they should exempt the St. John's Housing Corporation. But it is not a practice that we are establishing, it is a practice that has been established.

There were some questions asked, I think the hon. gentleman -

AN HON. MEMBER: You can change it if you want to.

MR. MURPHY: Possibly it may be, if there were enough pressures and I think they are beginning to mount, but I think, and the Minister of Municipal Affairs has explained, that these local or government boards have been established and they sort of police themselves in the sense that they are based only on cost of the actual operation.

With reference to the new director, there is no such thing, Sir. The director, Mr. Bradbury, has been paid many glowing tributes by the hon. the member for Conception Bay South (Mr. Nolan). He is right here behind me and I have been seeking his great wisdom at regular intervals.

MR. MURPHY: He was never covered under legislation to do the things he is doing, but he was always named director of the Landlord Tenant, but never so under legislation. So this only confirms his position as director and gives him the powers that he was using anyhow.

With reference to the lawyers, I think it has been established that there are three boards that have no lawyers at all. Now the thing is, we have had some court cases and appeals and we have to go out and get a lawyer to come in and fight the case for us. So we will, if we can, try to get a lawyer on each board.

As far as the difference in salary is concerned, there is no difference if a lawyer serves as a member, in he or any other member. But a chairman is different than a chairman of a residential board. We have five residential boards throughout the Province and, as I said earlier, I believe the board in St. John's had something like 140 or 150 hearings during the past year. Outside there were not that many, but they are gradually coming up.

There is not too much else I can add except the fact that on mobile homes we are very much aware of the thousands of people, literally, who have adopted mobile homes as their permanent residence. They have had many problems, not the least of which has been the matter of insurance. I have gone into the thing and we gotten this far, if there is a fire in a mobile home it is written off as just about a total loss. That is one reason they give for the higher rate of premium.

Basically I do not think there is anything else that I have to answer. I think it has been answered pretty well in full, but this mobile thing, I think, is one of the most important.

Perhaps another thing I might explain is the one year for increases. We have had it where they were

MR. MURPHY: coming every three or four months and the board had to set up a hearing, but now we ask them to submit an annual statement of what it cost to operate for a twelve month period, then we establish a rate and that does for the next twelve months. So, Mr. Speaker, I think at this point I move second reading of this very important piece of legislation.

On motion, a bill, "An Act To Amend The Landlord And Tenant (Residential Tenancies) Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 16).

MR. HICKMAN: Order 16, Bill No. 15.

Motion, second reading of a bill,
"An Act To Amend The Evidence (Mechanical Recording) Act.

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

MR. HICKMAN: Mr. Speaker, the explanatory note sets forth the position of this bill. Recently, in 1974, there was a new Act passed by this hon. House known as the Provincial Courts Act, and consequently there has to be a corresponding amendment to the Evidence (Mechanical Recording) Act, and secondly, it was found when the new Provincial Court Act went through that there was no amendment to this

Mr. Hickman:

particular Act to take care of the Provincial Court. And what it simply says is that a magistrate has the same responsibility and authority as a Supreme Court or District Court judge to be responsible for the safe custody of sound records. It is a very, very far-reaching piece of legislation and with a great deal of pride I move second reading thereof.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I assume that the minister was not too clear in his explanation, but I presume what is happening here is that we are bringing in an amendment to the Evidence Act giving somebody in the Magistrate's Court custody of the tapes and any recordings that may be made in presenting evidence in the courts. So that raises the whole matter now, Sir, of court reporters. Have we now done away with court reporters altogether? And if so, would the minister tell the House in closing the debate if we now have the recording equipment in the Supreme Court, and in the District Courts, and if so, if we do have the mechanical equipment there the same as we have in this hon. House, when we did away with the reporter on the floor, and now everything is controlled from up here in the booth, when a member rises to speak, to give evidence, to make a presentation we have the microphone automatically turned on, and everything is tape recorded, and then fed back to us the next day in Hansard unedited.

Now is the same thing happening in the courts now, in all courts in this Province? All the Magistrates Courts, the Supreme Court, the District Courts? And if so, then why is it, Mr. Speaker, that we have had so much criticism lately of trials, very serious and urgent cases in this Province having to be postponed and delayed because there are no court reporters. Perhaps the minister, Sir, can explain that to me. I fail to understand if we are using the mechanical equipment, the tape recordings or what have you, if we are using the electronic equipment - and will the minister also tell us, by the way, I believe down in the United States I think I read

Mr. Neary:

recently where they have now brought the television cameras in to the courts, they keep the film, they have a library made up of the film, and this is not now for public consumption, the television cameras, closed circuit television brought in, they take the film and they put it in a library the same as they do with the tapes from the House of Assembly, mechanical recording I think they call it.

So why is it then, Mr. Speaker, that we hear so many complaints from the gentlemen who sit on the Bench that there are delays caused, and I presume the blame is being laid at the doorstep of the Minister of Justice for being negligent and not making a very strenuous effort to find court recorders. Well are they necessary now, Mr. Speaker? Or are they obsolete? Can we do without them? I am sure if the highest court in this Land which is the House of Assembly, if we can dispense with the reporter sitting on the floor, the recorder on the floor, then I am sure they can dispense with them in all the courts in this Province. So there really should be no delay, Sir. If the mechanical equipment is available to the courts, if the minister has allocated a certain amount of money to put the tape recorders and the mechanical equipment in all of the courts in this Province, or the Government of Canada, whoever is responsible for putting it into Supreme Court, I believe, it is the Province, then if all of this equipment is there, and they are now using the mechanical system, why then is there the delay in processing the cases? Why is there a backlog of very urgent and serious cases that should be brought before the courts long ago, but because of a complaint that we do not have enough court recorders, they have not been able to hear the cases. Is it compulsory? Is there some other Act that we have to amend to get rid of the court reporter sitting there? Or do we have to have both in the courts? Can you just, for instance, use the mechanical recording and not have the court reporter?

Mr. Neary:

So, Mr. Speaker, I look forward to the minister's answer because apparently, Sir, this has become a very serious matter in judicial circles. I am not sure if it is the Chief Justice, I heard one of the judges, one of the justices, recently make reference to it. I did not hear the Minister of Justice comment on it. But apparently it is a matter that is troubling the people who sit on the Bench in the higher courts, and something that needs to be straightened out because, Sir, you cannot effectively carry out the administration of justice in this Province if cases are going to be slow in getting before the courts. And I do not have to go into that, We went through all of this before, about how some of the witnesses may die off, the matter is not as urgent, you know, there are all kinds of reasons why the cases should be brought to trial as quickly as possible, and if this is an obstacle in the way then I would like for the minister to tell us now if in all of our courts we have the mechanical recording equipment that can take care of this situation rather than have the court recorders sitting on the floor?

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

MR. J. NOLAN: Mr. Speaker, just very briefly a number of questions in relation to reference to this bill, "An Act To Amend The Evidence (Mechanical Recording) Act" (Bill No. 15) to the Minister of Justice. One, I am not sure that the references by my hon. friend from LaPoile (Mr. Neary) are altogether correct, and that is, have we decided to dispense with stenographers or court reporters? And the hon. member for LaPoile states that we have dispensed with it forever more in the House of Assembly. But I do not know if he was here, I am sure the hon. the Premier made mention just following the opening of this session that he was looking to having the reporters back on the floor of this House.

I am also wondering, Mr. Speaker, to what extent a citizen might suffer as the result of accidental or deliberate eraser of any of those tapes? That is another point that I would like to have mentioned. And I happen to believe personally, and I

Mr. Nolan:

am certainly not against the recording of proceedings in the House of Assembly or anywhere else, I think, it would be a good double check, if you like, but I think there should be a second role there if it is possible and feasible I do not know why it is that we have failed with the necessity for such qualified personnel. We have the potential in this Province, we have a technical college and other educational institutions where I am sure perhaps some emphasis could be placed upon this. There are those who I would think more skilled than others, who perhaps could take up court reporting and maybe - have we done anything through the Minister of Education or anyone else? I think of this especially because of the fact that, as I recall, there is a lady in this building, in fact I believe she works for Your Honour in his own office, I refer to Miss Duff, who was a secretary for the hon. the former Premier (Mr. Smallwood) for a number of years, and unless she has changed her style I believe, I will not say she refuses to use recording, dictating machines and so on, but I thought that she was rather reticent about it in the past because of the fact that she would lose her shorthand. And for those of you who may be familiar with it, like lots of other things, I guess, if you do not utilize shorthand you lose it or could lose it very, very quickly, your speed and so on, And I would think that if we are going to investigate this we might have, perhaps Your Honour might be good enough to include this lady who has been with the civil service for some time, perhaps as one who might be able to advise us on this matter. In fact, I have a friend who worked with the Americans here, who was a Court reporter, he is working, I believe, now for or was, and I guess still is, the Governor Dewey Firm in New York, a friend, in fact, of my hon. friend, the Minister of Finance opposite and myself for a number of years. And he was quite remarkable, I think, and very, very good at that job.

So I do not want to see this interpreted, this bill as though we are dispensing with court reporters and so on,

Mr. Nolan.

whether they be utilized in this House or anywhere else. I believe the mechanical or the electronic media should continue to be used as a backup as well. I would like to know, though, what reason brought this about. I know that there was an obvious error perhaps, formerly. We did not provide for one court or the magistrate, at least, to be responsible, I would assume, to see that these tapes are held. So I am just wondering how serious - what kind of a position are we in? Now, we have all this now - I mean not all of it - but we have it in the courts now and still we have the lawyers complaining, the judges are complaining, clients are complaining, they cannot get the transcripts. So I mean there is something obviously wrong.

MR. HICKMAN: It is the backlog.

MR. NOLAN: But it was all going to be solved when you would get the recording equipment. It was stated in this House.

MR. WELLS: If the hon. member would excuse me.

MR. NOLAN: Surely.

MR. WELLS: The recording equipment can be got in as it is down there now and working, but obviously you cannot record today what was said a year ago, and it is the shorthand reporter's notes, it is the catching up of the reporters of that backlog of, I would say, the last year and one-half.

MR. NOLAN: I see. I thank the hon. member.

But anyway I am hoping that we should not simply adopt the situation that we are going to - I hope, and I believe it is a very real skill, and one that we should not allow to lapse. As a matter of fact, I have heard some stories coming out of the courts, if I am not breaking any rule here, where there were some very, very fine reporters who, if the hon. Minister of Justice were going too fast or something like that, if he were appearing in court, she would say, I am told, "Take your time," sort of thing, and bring him to halt. So I do not want to see this skill, this real skill that we have in this Province

Mr. Nolan.

disappear merely because of the electronic equipment and so on as much as I favour that.

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

The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, this bill, by no stretch of the imagination, is designed to eliminate anything. It is not designed to eliminate court reporters. It is not designed to replace court reporters by mechanical equipment. It is simply designed to do one thing. Some years ago when we started acquiring recording equipment for some of our courts - and it is very desirable that all courts have them - power was conferred upon judges of the Supreme Court and the district court to erase tapes, dispose of tapes after a specified period, and in particular after the appeal period is over. When once an appeal period has expired then you are not affecting the rights of any individual by no longer keeping the tapes. That is all this bill is about. And also to cure one small amendment necessary as a result of bringing in the Provincial Court Act.

To answer some of the other questions very, very briefly, we have during the past few years in particular attempted to find adequate recording equipment and sufficiently accurate recording equipment to lessen to a large extent the burden of having shorthand reporters in the courts. We have had a great deal of success in some of the courts. In others the equipment - gosh! Mr. Speaker, it must have been acquired in the early 1950's - I know I can hardly recall practicing law without it. It has been the opinion of the judges, particularly in the Trial Division of the Supreme Court, that with the present equipment, you still need as a backup, the court reporters. We have on order some sophisticated recording equipment for the Trial Division of the Supreme Court, which, I hope, when it is properly installed, and working properly, with a proper well-trained lady or gentleman operating it, such as the gentleman, Mr. Oates,

Mr. Hickman:

who operates this equipment here, that then we will be able to satisfy everyone that it is being accurately recorded.

The Board of Commissioners of Public Utilities probably have the best recording system in the Province. They get the evidence back the next day by using recording equipment, and stenographers. A court reporter is a highly skilled, highly experienced individual, commanding a very high salary. The salary scale for court reporters in this Province is quite high, I am sure, not high enough. There are some difficulties having some of the court reporters, who have families, made available to go with the Supreme Court Trial Division on circuit. But be that as it may, Mr. Speaker, and whilst this is not too relevant to this particular bill before the House, we are very determined to bring into the courts - and we have a lot of recording equipment down in our provincial courts - the kind of equipment which will eliminate some of the unsatisfactory delays we have been experiencing in obtaining transcripts of evidence. I move second reading.

On motion, a bill, "An Act To Amend The Evidence (Mechanical Recording) Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 15).

MR. HICKMAN: Order 2, Bill No. 1.

Motion, second reading of a bill,
"An Act To Amend The Collection Agencies Act, 1973."

MR. SPEAKER: The hon. the Minister of Consumer Affairs and Environment.

MR. MURPHY: As per the explanatory notes, Sir, it is to provide that the Registrar and Deputy Registrar of Consumer Protection, appointed under the Newfoundland Consumer Protection Act, are the Registrar and Deputy Registrar of Collection Agencies.

Now the purpose of this is that at the present time the Deputy Minister of the department is the Registrar of Consumer Protection. What we want to do is make the A.D.M. and appoint an assistant. Because it adds a great work load to the Deputy Minister for everyday work that is going on and also if he is absent from the Province no one can process any business under this act except him. So the A.D.M. will be the Registrar and some other person will be appointed to Deputy Registrar, so that we can carry on, because you get, literally, dozens and dozens of cases coming up under this particular act. I think that is all, Sir.

On motion a bill, "An Act To Amend The Collection Agencies Act, 1973," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. HICKMAN: Order 3, Bill No. 2.

Motion, second reading of a bill,
"An Act To Amend The Direct Sellers Act."

MR. SPEAKER: The hon. the Minister of Consumer Affairs and Environment.

MR. MURPHY: This is exactly the same, Mr. Speaker,

MR. MURPHY: and as I said, when all this legislation was framed all this was put in the hands of the Deputy Minister and it means a tremendous amount of detail work that now will be done by two other officials within the department.

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

MR. RIDEOUT: Mr. Speaker, I wonder if the minister could tell the House if these are two new positions that he is creating here?

MR. SPEAKER: The hon. the Minister of Consumer Affairs and Environment.

MR. MURPHY: No, I should explain that actually there are no new jobs, it will be the A.D.M. existing, and one other Consumer Affairs officer who will be the Assistant Registrar.

MR. RIDEOUT: But these are already on the staff now.

MR. MURPHY: They are all in place. There are no extra jobs in any of these, Sir, it is just a matter of transferring the title, and Mr. Bradbury is still there.

On motion a bill, "An Act To Amend The Direct Sellers Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 2).

MR. HICKMAN: Order 4, Bill No. 3.

Motion, second reading of a bill, "An Act To Amend The Newfoundland Consumer Protection Act."

MR. SPEAKER: The hon. the Minister of Consumer Affairs and Environment.

MR. MURPHY: Here is where we make the appointments, Sir, that I mentioned earlier - instead of the Deputy Minister - and the borrower may exercise any defence he may have against a lender and against the assignee of a loan. In other words, he has the power now to create a defence against the assignee of a loan. And also the present act provides that only goods or services of a class could be exempted if they were under a specified purchase price. I think now, Sir, the present regulations read, "That goods

MR. MURPHY: or services in excess of \$25,000 be exempted from the provision to the act." This amendment would provide that this regulation would be now in line with the provision of the act, so basically it is the same.

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

MR. NEARY: Mr. Speaker, I wonder if the hon. minister could tell me, when the hon. gentleman is closing the debate, if this amendment, clause 2 and clause 3, "To provide that a borrower may exercise any defence he might have against a lender, against the assignee of a loan." In clause 3, "To correct an anomaly in the present act which provided that any goods or services or a class thereof could be exempted if they were of the order or under a specified purchase price." I wonder if the minister could tell me, Sir, whether or not this includes loans and mortgages that are arranged through the mortgage brokers - I do not think it is covered under the other act, the new act the minister brought in to register mortgage brokers - as we saw happen in the past several years, Sir, in connection with LeBarron Mortgages in this Province, and that is

Mr. Neary:

clients, customers went to LeBarron Mortgages and arranged a loan or arranged a mortgage only to discover at a later date that the mortgage or the loan was peddled, sold, transferred or whatever you want to call it, to Canadian Acceptance Corporation or to Traders Finance or, pardon me, to Home Plan Realty, which is a subsidiary of Traders Finance. Now that happened in several hundred cases in this Province, and I am wondering, Mr. Speaker, if this bill -

MR. HICKMAN: Mr. Speaker, on a point of order. Because there is before the District Court at this time one of the cases that the hon. gentleman is referring to involving one of the mortgage companies that he referred to, and there is a rule of this hon. House that a matter that is sub judice should not be discussed while it is before the court. And I am obliged to bring this to the attention of the hon. House and the hon. gentleman, and I sure that he does not wish to get into the merits of that particular case at this time.

MR. NEARY: No, Mr. Speaker, I have no intention of getting into the merits of that case. That case, Sir, involves -

MR. SPEAKER: Order, please! Is the hon. gentleman speaking to the point of order?

MR. NEARY: It was not a point of order.

MR. SPEAKER: It was a point of order.

MR. HICKMAN: It has not been ruled yet.

MR. SPEAKER: The point made by the hon. Minister of Justice is, of course, a valid one, and any matter that is sub judice, is under the consideration of the courts, cannot be debated in the House.

The hon. member for LaPoile.

MR. NEARY: My understanding, Sir, is that there has been a writ served on the particular mortgage broker under The Unconscionable Transaction Act, which is a completely different matter, that has to do with the amount of bonusing and brokerage charges and what have you, but this is a different matter that I am raising here, Sir,

Mr. Neary:

This has to do with people going to a broker, or going to a lending agency, or going to a law firm for that matter, and arranging a loan or arranging a mortgage only to discover later on that the mortgage has been sold or the loan has been turned over to one of the legitimate mortgage companies. And what I am wondering, Sir, and I do not know, is whether this amendment covers the kind of a situation or not. It says, "To provide that a borrower may exercise any defense he might have against a lender, against the assignee of a loan." And perhaps the minister can elaborate on it, and tell me just what this means. You know, I cannot say at the moment whether it covers this kind of situation that I just described or not. If it does not, it certainly should because in a lot of these cases that I am talking about the people who borrowed the money had no idea at all, no idea, Sir, that they were going to have to pay back their loan or pay back their mortgage through Home Plan Realty or through Canadian Acceptance Corporation. They were not told. They were not told by the lawyers. They were not told by LeBarron Mortgages, in this particular case, and they were not told by any particular individual that they were dealing with that this loan, or this particular mortgage, would have to be paid to a mortgage company, to a legitimate mortgage company.

And in the process of doing this, of course, there was a substantial cost, a tremendous amount involved, in some cases there was double the amount of legal fees involved. And so the borrower in this particular instance should have, as it says here in Clause (2) "Should have some defense against a lender who assigned this loan or this mortgage to a mortgage company in the first place." So can the minister tell me whether or not, I do not know if I made myself clear, the kind of situation that I have outlined is covered under Clause (2) of this bill? If it is, I say it is a good thing.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: To the point raised by the hon. member from LaPoile

Mr. Hickman:

Number one, this bill does not deal in any way with securities or mortgages on real property. The main Act, Bill No. - or Chapter 256, The Newfoundland Consumer Protection Act specifically excludes from the operation of the bill security of mortgage money on real property. What

Mr. Hickman.

This bill simply does is to protect the consumer with respect to consumer loans where the practice is to assign, and quite often the seller assigns this loan to a lending company. So whatever defense the borrower had against the original lender, he or she has that same defense against the assignee.

MR. NEARY: Would the hon. minister allow me, before the minister takes his seat, to ask - I do not know if I made myself clear, but a lot of these loans were to consolidate debts, and they were later transferred or assigned to a third party. I mean, is this covered under this? They were not mortgages. They might have become mortgages later on. But in the initial state they were just loans, money that people borrowed to consolidate their debts, pay off old debts, and to bring their payments with other companies and so forth up to date. And these loans were later turned into mortgages and peddled to legitimate mortgage companies.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, in answer to that question, it is not relevant to this particular bill. This bill does not deal with mortgages. It does not deal with lending of that kind at all. If it is a personal loan - and I cannot foresee a loan of any substance being made and then assigned for the purpose of consolidating a debt that did not also carry with it a mortgage. If it is, then, of course, that debate is not relevant to this bill. But if it is simply a straight loan, and the assignee sells that loan or assigns it, then the borrower has the same defense. That is all

On motion, a bill, "An Act To Amend The Newfoundland Consumer Protection Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 3).

MR. SPEAKER: Order 6 - Bill No. 5

Motion second reading of a bill, "An Act To Amend The Attachment of Wages Act." (Bill No. 5).

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

MR. MURPHY: Mr. Speaker, the explanatory note sets out here just what the purpose is. I have a short note from my department which says that this is a housekeeping amendment, and it is being made now to provide for realistic amounts that are exempt from attachment or execution. These new amounts are related to social assistance rates. These rates were increased in 1975 by twelve point seven per cent; in 1976 by a further ten per cent. The amendment reflects that increase and the amounts that are exempt from attachment. Another amendment made by this bill is in respect to the married person with dependents who is not a spouse. This situation will now be covered by this amendment. I think in the case of the social service payment, they were being attached for amounts that left them with practically nothing for their own keep. So this amount is increased to make sure that that person will have enough to provide for himself and his family. And in the second case I think it is the married person with dependents who is not a spouse, in other words is not married, I presume, but still has a family to look after.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: I commend the minister for bringing in the amendment to this bill, Sir, and I am sure the minister himself must have had a lot of complaints over the last year or so, as well as all members of the hon. House, Sir, about the attachment of wages. There is no doubt at all, Mr. Speaker, that there have been violations of this act in the last year or so that have caused a tremendous hardship to a lot of our people. The act has not been followed. I do not know if it is a breakdown in communications between the minister's department and the various courts and magistrates throughout the Province, but even in some cases that I know of, Sir, the magistrate - I know of one case where the magistrate slipped up, and

Mr. Neary.

did not follow the rules of the road and caused quite a hardship on one particular family. It is something that has to be watched very carefully. I do not know - I get the feeling myself that the sympathy sometimes, too often, goes with the person who is trying to sock it to the poor fellow that has gone into debt, fallen behind, cannot pay his bills, that the dice are loaded sometimes against this particular individual,

Mr. Neary.

and then the family suffer. There have been a number of cases brought to my attention over the past twelve months, Sir, where hardships have been created in this Province, and I do not know - perhaps the minister can tell us how this act is policed. You know, does the minister's department just wait for the complaints to come in or is there an effort on the part of the minister's department to carry out an educational programme to not only make the courts and the various court officials aware of the act, the provisions of the act, but to make all the collection agencies - the collection agencies are still, despite the fact that the minister has brought in a lot of legislation in connection with consumer affairs in the last four or five years - we still have collection agencies harassing people, calling them up on the phone, all hours of the day, on the job, embarrassing them on the job. And as the minister knows there is nothing worse, because it could cost, and it has cost some people their jobs, because employers have said, "Well, look, I am not keeping you on the payroll. I got a collection agency calling up the office here, looking for their money, and we got an assignment that just came in from the court." You know, they interpret that as meaning that it is a very poor employee that they have on their payroll. And the first excuse then they will try to get clear of him. And so I hope, Mr. Speaker, with these new amendments and probably a little stricter policing of the act, that we will not get as many complaints in the months and years ahead as we have been getting in the past. There are still some complaints coming in from people who are having their wages attached. They are just leaving them screeless.

And in some cases the court - I may as well say it - the court, in particular, individual magistrates should have better sense. They are not all like it, thank God. There are some who can use good judgement, and who can use discretion, but there are some who will just sock it to the poor fellow because he has gotten in debt. You

Mr. Neary.

would not know but he was after committing some kind of a criminal offense. It could happen to anybody, and it is happening to more and more people every day in these times of inflation and in these times of high unemployment, and in these difficult times, Sir, that we are passing through. It could happen to anybody. But for the Grace of God there go I. But it does not mean that the authority should make a pauper out of people, and make their families suffer and force them to give up a job in a lot of cases. Some fellows, as the minister probably knows, some workers have actually had to quit their jobs, because they were being harassed by a collection agency, and by their creditors. And it is better for them to staff off and go on social assistance than to go back to work, because the moment they go back to work, their wages are attached. That is why with a lot of chronic welfare recipients you cannot get them off welfare. That is why you get a lot of people on unemployment insurance. You cannot attach the unemployment insurance cheque. You cannot attach the social assistance cheque. And so the victim would just as soon stay on social assistance, because the moment he goes to work, his first pay cheque, bang! His wages are attached. And I know the minister here is trying to protect it, to make sure that the fellow gets enough to live on. But nine chances out of ten, they will never be satisfied anyway, because if the fellow is on social assistance, he will get his food allowances, he will get his clothing allowances, he will get his school books, he will get his rent paid, he will get eyeglasses for his children to go to school, he will get a drug card, and when you consider that the moment that he goes to work, you attach his wages, he is going to lose a lot of these fringe benefits, and a lot of these privileges.

And so I would submit to the minister that in future a close eye be kept on this particular matter of attachment of wages so that we will not see in the future the hardship that has been created in the past. And I am sure that every member of this House

Mr. Neary.

could get up and cite an instance of where hardship has been created or inflicted on families in this Province because of some particular person in authority sticking to the letter of the law and socking it to the individual. So, Mr. Speaker, I have no hesitation in supporting the amendments, but I do hope the minister will keep a close eye on things in the future.

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

The hon. Minister of Consumer Affairs and the Environment.

MR. MURPHY: Mr. Speaker, with reference to that there is a built in protection for those people who through, I was going to say no fault of their own, but basically it could be fault of their own. Our biggest problem in consumer affairs, of course, is education, Sir. We try to educate the people first to make sure what they are buying, and what they are paying for. And then the second law, of course, is never buy what you cannot afford to pay for, fools rush in where angels fear to tread. So it is a two way street, I think the people who are creditors have a right to regain some of the monies they have put out without being accessively demanding on the debtor. But again I say that, I think, this set up to protect someone who is foolish enough perhaps to get in a little bit over their head, but also to ensure the creditor that he will get a certain amount of his money back. And again we feel that anybody in this hon. House, or anybody that is aware of any cases, we will only know what cases there are through protest received to our office, and we receive many of these, and we will immediately investigate them. So I say it is a whole matter of consumer education again, and we are doing everything in our power to put that education out to the consumers.

On motion a bill "An Act To Amend The Attachment Of Wages Act", read a second time, ordered referred to a Committee of The Whole House, presently, by leave (Bill No. 5).

MR. HICKMAN: Motion 9, Bill No. 8.

Motion, second reading of a bill, "An Act To Amend The Statutes Act."

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, this is a procedural bill, and I will not trespass upon the time of the House. The explanatory note is much clearer than I could ever be. I move second reading.

AN HON. MEMBER: Carried.

SOME HON. MEMBERS: Carried.

On motion, a bill, "An Act To Amend The Statutes Act", read a second time, ordered referred to a Committee of The Whole House presently by leave (Bill No. 8).

MR. HICKMAN: Order 11, Bill No. 10.

Motion, second reading, a bill, "An Act To Amend The Maintenance Orders (Enforcement) Act."

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, this bill simply gives the right to the Province to enter into reciprocal arrangements for the enforcement of maintenance acts with any States in the United States of America, who are prepared to enter into similar arrangements with the Government of this Province. We already have the reciprocal or The Maintenance Orders (Enforcement) Act which gives us the right to reciprocate with Canadian Provinces, the other provinces of Canada, and some of the Canadian Provinces are now reciprocating with some of the States of the Union and we think it would be in the interest of Newfoundlanders to have this provision.

AN HON. MEMBER: Can you have people deported under this Act?

MR. HICKMAN: Pardon?

AN HON. MEMBER: Can you have people deported under this Act?

MR. HICKMAN: No, you cannot have people deported, but you do have the right to use the facilities of their court to enforce a judgment for maintenance that is given, say, by our court.

MR. MURPHY: Can you have them brought back under this Act?

MR. HICKMAN: I am not certain if we can have them brought back, but I do not think that bill is designed to do it. I move second reading.

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

MR. NOLAN: Just a question which may or may not have anything really to do with this Act, and if so, I am sure, the Minister of Justice will point it out, and that is there is much discussion these days in connection with separated couples, for example, where, say, the mother has the child and the husband moves in from another province,

MR. NOLAN: takes the child and absconds and so on. So when you are talking about reciprocating, on what if in any degree does this relate here whether it is from the United States or not. Because this apparently has been a very, very real problem in any number of provinces and some people have had to go through some tremendous hardship as a result. Now whether this bill - it is being looked at, I know, by some provinces.

MR. HICKMAN: You can pass the act, but-

MR. NOLAN: Is that right? I see.

MR. NEARY: Mr. Speaker.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, for the longest time in this Province, I suppose as well as in other provinces of Canada, handing

MR. NEARY: down orders in the courts, maintenance orders, was just a great joke, just a farce, did not mean anything, no way you could enforce it. And I would submit now, Sir, to a large degree that there is really no way, even though there is a reciprocal agreement - I do not know, the minister did not indicate whether we have a reciprocal agreement with all the Provinces of Canada. We may have it with some of the province, but even the ones we have a reciprocal agreement with, Sir, it is virtually impossible to carry out or to enforce maintenance orders.

In a lot of cases, Mr. Speaker, if it is the husband, for instance, you will discover that in order to get out from under his responsibility from the order that is handed down by the court, that he will move from community to community, from town to town, city to city, province to province and if he can get down South of the border he will go there too to avoid having to pay maintenance for his spouse and family.

Mr. Speaker, somehow or other this matter of tracking down the husband, or whatever the case may be, tracking him down has a very, very low priority with the authorities, with the law enforcement officers, a very low priority. People just disappear, they vanish in thin air in Canada. You would not think, Mr. Speaker, with the Social Insurance numbers in Canada, you would not think that they would be able to disappear. You would think that all you would have to do is push the name and a number on a computer and out comes the name and you could find out at any given time exactly where a person is living in Canada. But it is just not so, Mr. Speaker. Sometimes it has taken years to track down a missing person, a person who is trying to avoid maintenance orders from the courts. It is virtually impossible to do it. It has a very low priority, as my hon. friend knows, among the law enforcement officers of this country, and even a low

MR. NEARY: priority in the various social services departments across Canada.

So I do not know, Mr. Speaker, if this bill is just a little bit of window dressing, if it is going to do any good or not. What authority do we have South of the border? We have very little authority in our own country.

What authority are we going to have and what co-operation are we going to get, rather, from the authorities South of the border? And if you do find an individual down there, you cannot bring him back. You cannot have him deported. It is not grounds for extradition from the United States, and I would assume you have to rely mainly on the co-operation of the authorities in any given State. I say it is a very complicated matter. In a lot of States in the United States the laws are made by the city and not by the State, in a lot of instances.

AN HON. MEMBER: Sometimes.

MR. NEARY: But that is true. The laws covering this particular situation, this particular matter, are made by the counties, are made by the cities and not the State, in some instances there may be State laws that override the county laws or the laws that are made by the cities and so forth. It is a very complicated matter, Sir. It is a very troublesome matter. It has caused a lot of grief in the past. We have not managed to plug up the loopholes, and I would submit, Sir, that the enforcement of maintenance orders is still a very, very low priority with the authorities, not only here in Newfoundland but right across Canada, and you will probably find a similar situation down in the United States. It is no trouble at all for somebody to hide away.

I do not know, Mr. Speaker, I certainly did not look into it when I was minister. I do not know whether my hon. friend the member for St. John's Centre (Mr. Murphy), the Minister of the Environment, ever looked into it, or the present Minister of Social Services ever approached the

MR. NEARY: Government of Canada to find out if a person can be found instantly by giving the name and the Social Insurance number. Because obviously if he is paying income tax or Unemployment Insurance deductions

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certainly the Government of Canada, one of the agencies of the Government of Canada, must know where he is living.

MR. MURPHY: I had no faith in them.

MR. NEARY: And I did not either. I am sorry now that I did not do that, because in the United States, if you go into the United States illegally, and you go to work, the first thing you have to do is get a social insurance number, and when you get your social insurance number, you are checked out, and they know right away whether you are an American citizen or whether you are illegally living in the United States. And one time they would never bother you when there was a shortage of labour, when they needed manpower in the United States. But today, if you get your social insurance number, the computers can pick it up within a matter of hours, and the next thing you know the immigration officials are on your neck, and you are taken by the scruff of the neck and put across the border. If you are from Canada, you are put back in Canada and told that you are living illegally in the United States. So why cannot we get in touch with the Unemployment Insurance Commission or the Income Tax Department or some other government agency where all Canadians are registered and their records, and their social insurance numbers are kept in computers, and so that at any given time you want certain information on an individual, whether it be a male or female - and now we are getting around to equal rights and status of women and all this sort of thing, that the maintenance order is not always, or at least it should not be always placed on the man, on the husband. It could be just the reverse, as my hon and learned friend is probably aware. Because women now are looking for equal status, they want a division of property. If the family unit breaks down, and a separation and a divorce takes place, the status of women, they now want half of your estate, half of your property.

MR. DOODY: They can have half.

MR. NEARY: They can half of the hon. Minister of Finance's, but by the time he is finished with that portfolio he will have nothing left anyway,

Mr. Neary.

and the poor old Province will have nothing left. She will be skinned. She will be gone, Sir. But nevertheless, Mr. Speaker, it is not always the husband that you have to try to find to enforce a maintenance order. Sometimes - and I would say probably more in the future - it will be the wife that will be placed under orders from the court.

So perhaps the minister - I know the minister may think, "Well, look, you know, it is twenty-five after five." But it is a very important piece of legislation, and the minister is going to get up now and probably agree with everything I said, and do nothing about it, because I submit, Mr. Speaker, that even though we have legislation on our Statutes, that we call chapters according to that little bill we put through there a few minutes ago - they have it in all provinces of Canada - that the problem still exists. It is a major problem. It is not just a minor problem. It is a major problem. And it has very low priority. And I think it should be moved up on the list of priorities with our law enforcement people and our social welfare offices, right across this whole country.

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

MR. HICKMAN: Firstly, to deal with the question raised by the hon. gentleman for Conception Bay South (Mr. Nolan), with respect to - I am trying to deal with and to some extent provide a solution to the problem that has been fondly known as childnapping that has begun to rear its ugly head across Canada. Last year we passed an act entitled, The Extra Provincial Custody Orders Enforcement Act, which is designed and indeed provides - again in reciprocal arrangement with the other provinces of Canada - the right to return a child who has been, contrary to a court order, taken by one of a set of separated parents. With respect to the other question raised by the hon. gentleman for LaPoile (Mr. Neary), I would suggest that the success rate, Mr. Speaker, of returning

Mr. Hickman.

people, a husband, say, to this Province, who is in continuous violation of orders for maintenance and custody, is reasonably good.

MR. NOLAN: How reasonably good?

MR. HICKMAN: Reasonably good in this sense, Mr. Speaker, that if they have anything, if there is a fellow on social assistance in Prince Rupert

MR. HICKMAN:

it ill behooves the taxpayer, I would suggest, to pay \$1,000 to bring him back and have him on social assistance here which means that the maintenance order cannot be enforced in any event. But the purpose of this present bill before the House, Mr. Speaker, is to aid the courts of the other jurisdictions to enforce the maintenance order. In other words, if the man is working in Toronto you do not have to bring him back to Newfoundland to get him to pay. You send up a certified copy of the judgement of the family court or the provincial court in Newfoundland and say, "Will you please enforce it. And if it is necessary to attach his wages, attach his wages. If it is necessary to attach any other attachable assets within your jurisdiction, please do it."

AN HON. MEMBER: And then he moves to another job.

MR. HICKMAN: If he keeps moving - true you will find ladies and gentlemen in this country of ours who spend their waking hours trying to avoid sherrifs and bailiffs and courts and sometimes they have been known to succeed to a limited extent. I move second reading.

On motion a bill, "An Act To Amend The Maintenance Orders (Enforcement) Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 10)

Motion second reading of a bill, "An Act To Change The Corporate Name Of The Society Of Industrial Accountants Of Newfoundland." (Bill No. 11)

On motion a bill, "An Act To Change The Corporate Name Of The Society Of Industrial Accountants Of Newfoundland," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 11)

Motion second reading of a bill, "An Act To Amend The Chairman Of The Board Of Commissioners Of Public Utilities (Pension) Act, 1974." (Bill No. 17)

MR. HICKMAN: Mr. Speaker, all this bill does - and it is just a Pensions Act - it allows the Vice-Chairman of the Board of Commissioners of Public Utilities, who was a public servant in the government service

MR. HICKMAN:

of this Province for many, many years and subsequently was transferred to the Board of Commissioners of Public Utilities with portability pension. I move second reading.

MR. CHAIRMAN: The hon. member for LaPoile.

MR. NEARY: I have no objection to the bill. The only thing, Sir, about it is that I think it is rather a source of embarrassment to these hon. gentlemen to have to bring a special bill before this legislature. Last time in connection with the Public Utilities Board we had the Clarence Powell Act. Now we have the George - is it George?

AN HON. MEMBER: Charlie.

MR. NEARY: - Charlie Earl Act. I would say, Sir, when Mr. Reg Good is appointed Chairman of the Board of Commissioners of Public Utilities, as he no doubt will be in due course -

MR. NOLAN: The Hydro Crown Corporation.

MR. NEARY: No, no. The hon. gentleman is being groomed as Chairman of the Board of Commissioners of the Public Utilities.

MR. NOLAN: As the Newfoundland Hydro Chairman.

AN HON. MEMBER: Groom?

MR. NEARY: No, being groomed. Good is being groomed. In a few years when the fellow gets old enough - and the hon. Mr. Crosbie made sure he had him stowed away before he left the Province, put him up on the bench. I was down there one day to a hearing at the Board of Commissioners of Public Utilities and he was sitting there like a judge. My God, I said to myself, he has come a long way now from Hovercraft to the Board of Commissioners of Public Utilities. I will bet you a dollar, Mr. Speaker, ten or fifteen years from now when we are all sitting here in this hon. House, as some of us no doubt will, that we will see the Reg Good Act brought before the House. I think there must be a better way to do it, Mr. Speaker, than the way we are doing it.

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

MR. NOLAN: Just a question. I noticed that the minister maybe facetiously referred to it as the Portable Pensions Act. I am sorry. I must say that I agree with our hon. friend that perhaps there is a better way without attempting to cover anything up or anything like that. I mean, the gentleman whom this is

MR. NOLAN: designed to serve, to cover has performed very well in the service of this Province for a great number of years in, in fact, the Department of Finance, if I am not mistaken, and perhaps other departments as well. I certainly have no hesitation whatsoever in supporting the bill and not in any way to cause any embarrassment to the gentleman concerned. In fact, perhaps we should use this opportunity to pay a tribute to a man who served the Province well thus far and continues to do so.

But on the portable pensions that the hon. minister referred to, I wish he would bring a bill in here on portable pensions so that some of the people who are suffering in this Province with no kind of pension, no portable pensions, I mean, these are the things we should be dealing with. So we can certainly support the bill to take care of this particular matter for the vice-chairman, and maybe we can look forward to some meaningful legislation to cover less fortunate people in the future in this regard.

On motion, a bill, "An Act To Amend The Chairman Of The Board Of Commissioners Of Public Utilities (Pension) Act, 1974," read a second time, ordered referred to a Committee of the Whole House, now by leave. (Bill No. 17).

On motion that the House resolve itself into a Committee of the Whole House on said bill, Mr. Speaker left the Chair.

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: Order, please!

MR. HICKMAN: Order 18, Bill No. 17.

A bill, "An Act To Amend The Chairman Of The Board Of Commissioners Of Public Utilities (Pension) Act, 1974."

Motion, that the Committee report having passed the bill without amendment, carried.

MR. HICKMAN: Order 17, Bill No. 16.

On motion clause 1, carried.

On motion clauses 2 through 7, carried.

MR. HICKMAN: Hold on! Hold on!

MR. MURPHY: What is going on?

MR. HICKMAN: There is an amendment. You only carried two clauses so far, Mr. Chairman. You have to have a motion to carry 2 through 7. Shall clause 3, carry?

On motion clauses 3 through 7, carried.

MR. HICKMAN: Mr. Chairman, I move an amendment by adding clause 8 to the bill to read as follows: "Clause 8, paragraphs D, A and F of the Landlord and Tenants (Residential Tenancies) Act as enacted by this act shall be deemed to have come into force on the 10th. day of January A.D., 1977!"

On motion, amendment carried.

A bill, "An Act To Amend The Landlord And Tenant (Residential Tenancies) Act." (Bill No. 16).

Motion, that the Committee report having passed the bill with amendment, carried.

MR. HICKMAN: Order 16, Bill No. 15.

A bill, "An Act To Amend The Evidence (Mechanical Recording) Act."

Motion, that the Committee report having passed the bill without amendment, carried.

MR. HICKMAN: Order 12 - Bill No. 11

A bill, "An Act To Change The Corporate Name Of The Society Of Industrial Accountants Of Newfoundland."

Motion that the Committee report having passed the bill without amendment, carried.

MR. HICKMAN: Order 11 - Bill No. 10

A bill, "An Act To Amend The Maintenance Orders (Enforcement) Act."

Motion that the Committee report having passed the bill without amendemnt, carried.

MR. HICKMAN: Order 9 - Bill No. 8

A bill, "An Act To Amend The Statutes Act."

Motion that the Committee report having passed the bill without amendment, carried.

MR. HICKMAN: Order 6 - Bill No. 5

MR. CHAIRMAN: Shall Clause (1) carry?

The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Yes, I just want to briefly refer to Clause (1) Section (c). The maximum income here is, as I understand it, \$445, plus \$30 per month for each dependent in excess of one.

MR. HICKMAN: Repeat that first amount.

MR. RIDEOUT: Well the question I have relative to that is very simple. If we get near borderline cases, and you have cases where there is only \$5, \$6 or \$10 per month to go towards the attachment of wages of a person, what happens in the case of interest build-ups? You know, it could be a case where you are never getting this debt brought down, and what happens? Maybe the minister could address himself to that. I believe it is the Minister of Consumer Affairs.

MR. CHAIRMAN: The hon. Minister of Justice.

MR. HICKMAN: You can reach a point of no return when the poor fellow will never get ahead.

MR. RIDEOUT: That is right.

MR. HICKMAN: And there is not very much you can do about it,

Mr. Chairman. This act which has been amended continuously and I realize I am getting close to debating the act, which I am not allowed to - in order to match the increase in the cost of living is so designed to ensure that a judgement debtor will have a minimum amount of money to support himself and his family before anybody can come in and take it. Now if his total income, let us say in that case it is \$500 a month, and there is only \$25 to go towards the judgement, and if the courts order the interest payable, which they very seldom do -

MR. RIDEOUT: Very seldom, but they do.

MR. HICKMAN: On occasion, yes.

- then I guess he is never going to get ahead of the game.

We have no jurisdiction over the interest act. That falls exclusively within the jurisdiction of parliament, and we cannot bring in legislation.

MR. MURPHY: In other words, we just deal with the actual wage that he is earning.

On motion Clause 1 carried.

Motion that the Committee report having passed the bill without amendment, carried.

MR. HICKMAN: Order 4 - Bill No. 3

A bill, "An Act To Amend The Newfoundland Consumer Protection Act."

Motion that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Direct Sellers Act."

Motion clause 1, carried.

Motion that the Committee report having passed the bill without amendment.

A bill, "An Act To Amend The Collection Agencies Act, 1973."

Motion clause 1, carried.

Motion that the Committee report having passed the bill without amendment.

MR. HICKMAN: Mr. Chairman, I move that the Committee rise, report progress ask leave to sit again.

On motion that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 16 with amendment.

On motion report received and adopted.

On motion amendment read a first and second time.

On motion bill ordered read a third time on tomorrow.

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have passed the following Bills without amendment, No. 17, 15, 11, 10, 8, 5, 3, 2 and 1, and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole reports they have considered the matters to them referred and have directed him to report Bill Nos. 17, 15, 11, 10, 8, 5, 3, 2 and 1, without amendment.

On motion report received and adopted.

On motion bills ordered read a third time on tomorrow.

MR. SPEAKER: Order 1, the adjourned debate on the Address in Reply.

The hon. member for Kilbride.

MR. WELLS: Thank you, Mr. Speaker. When I made my preliminary remarks on Friday past about this, I had made the point,

MR. WELLS: as those who were here will remember, that we ought to be doing something to make the House more relevant to the Province which we serve, and also of course to enable us ourselves in the House not only to take part more frequently in debates, but to carry the thread of a debate, so that if the hon. member for Lewisporte (Mr. White) is speaking in a debate, and I use, for example, a Private Member's Day debate, that rather more, for example, that member speaking and maybe one more member in an afternoon and the debate going on for six or seven or eight Private Member's afternoons, as often happened last year, that we would be better serving the House and the Province if we had more short, sharp, punchy debates so that that member may speak, I may speak, another member, so that you may get eight or ten people speaking on a debate in an afternoon. And in that way it would become a debate, you know, as we know debates.

If, for instance, you go to the MCLI or a high school debate or anywhere at all to listen to debates they really are that. They are debates where you get a person making a series of points in ten, fifteen, twenty minutes, replied to in the same length of time, and people sit there for a couple of hours or whatever it is and they in fact hear a debate. This is what I think we would benefit from, and the House and the country, the Province, would benefit from, if we could do that in this House, to turn our debates

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into true debates, with a back and forth or relatively short duration but members getting a chance to speak far more frequently than they speak now.

Anyway, Mr. Speaker, I thought about this for some time and over the weekend I put on paper some suggested rule changes, but not suggested rule changes for all time, because I do not think it is possible for any of us to sit here, or among ourselves in groups or committees, and come up with a set of rules that would work for this House and be sure that they would work. We have the advantage of knowing what they do in Westminster, we have the advantage of knowing some of the things they do in Ottawa. Two basic concepts, one, the actual limitation of the time of a debate. In other words to say that the debate on the Throne Speech is going to be ten, twelve, fourteen days, whatever it may be, that is one method. The other is to limit members speeches to a certain number of minutes or whatever it is; we do that in our own House, but I suggest that the rule is not working for us, it is working against us. But I would defy anybody to say definitively or clearly that beyond question that he can come up with a set of rules for this House that would really be good rules for all time.

So what I am going to propose to members, and I will not finish my remarks this afternoon because I only have ten minutes, but I put some thing on paper, but they are proposed rule changes for an experimental period only. In other words, what I am suggesting is that we, what is it? two-thirds of the members of the House can do this, that we say for a period that would amount to, in my view, about eight or ten sitting days, that we say we are going to try something new for that period to see how it works, and this is what I am proposing. And I have it written, and I have enough copies for all members, copies for the press if they would like them, and Your Honour to consider overnight, and when we come back again tomorrow, and I can conclude my remarks if the Throne Speech is called tomorrow, I can conclude in five minutes or so my remarks on it. And that members

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will have had an opportunity to consider this overnight to see if, completely without prejudice, without binding ourselves to anything in the future, but for a few days we try something to see if it might work, and if it works then we have got the Committee on Standing Orders, and the House generally has got something to think about; if it does not work and we conclude at the end of the experiment that it is not worth pursuing further, well, okay, that is fine too.

And here is what I am - and I will pass this around now in a minute; in fact, perhaps pages could pass it around now so that members will have it in front of them - as I say there are certainly copies for all members, maybe one or two for the press also. So I have headed it "Suggested Rule Changes for a Ten Day Experimental Period". Now this has been done by me as a private member of this House, not in consultation with the government, I merely just handed the Government House Leader a copy, and it is the first time that he has seen it. But I felt as a private member speaking on a subject such as this that I should do it as a private member, and make the suggestions, whether they are accepted or turned down, as a private member has nothing to do with the government.

Now (1) that as an experiment, and for the debate on the amendment to Order (1), and that is the debate on the amendment to the Address in Reply only; in other words, for that debate on the amendment only, members speeches be limited to twenty minutes. (2) That as an experiment Private Members' Days, February 23 and Wednesday, March 2, that is the coming two Wednesdays, be set aside for a debate on motion (1), and that is the Labrador Motion proposed by the member from Eagle River (Mr. Strachan), the Labrador debate, which debate shall conclude with the taking of a vote at 6:00 P.M. on Wednesday, March 2. In other words, what I am saying is that we should conclude that debate in two more days, two more Private Members' Days with speeches being twenty minutes in length each. Now going along with

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this we would have to take a look at our beginning order of business as well. So on Private Members' Day I have suggested this. (3) Members will refrain from presenting petitions on February 23 and March 2; and ministers will refrain from making ministerial statements or introducing other business on these days except in the case of a matter of public urgency. So in other words, that in order to give the maximum time for debate on the Private Members' resolutions nobody, by agreement, would get up and present a petition but rather do it on Mondays, Tuesdays, Thursdays and Fridays. Ministers, if they were going to make ministerial statements -

MR. DOODY: But this would not necessarily go two days.

MR. WELLS: Well, it could be shorter if it turned out that way, but in other words put a time limit of two days. So ministers would thereby

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not make ministerial statements unless it was a matter of extreme public urgency then, of course, they would have to - the same way with questions. You see, remember last year how Private Members' Day got eaten into? Some days we did not get at it at all. One day, I remember, we did not get at it at all. So members would co-operate also. Members on these days limit oral questions to matters of public urgency. So if it is a matter of real seriousness, of course, questions should be asked and answered.

MR. RIDEOUT: It happened already.

MR. WELLS: What is that?

MR. RIDEOUT: It happened already.

MR. WELLS: No, but we could change it if we wanted to to try this experiment to make it matters of extreme urgency. But the object of this experiment would be to allow the maximum time for debate on private members' resolutions on Private Members' Day. So if you turn now to the notes where I have said, "If as many as thirty members - and that is a lot to speak in a debate in this House - if as many as thirty members speak on the amendment, at twenty minutes per member, the total time of the debate would be ten hours, which if two hours a day - and it could be more than two hours a day - but if two hours a day are applied to the debate, it would mean a five day debate. It would allow a genuine debate each day with at least six members participating. So if Ministerial Statements, and Notices and all that, and the Question Period took an hour, and it certainly ought not to take any more than that, and it probably will take less, this would allow six members a day to have a speech back and forth across the House. It would be something like today, which is a lot more interesting than some other days, because you had a variety of people speaking. And I think that that is the key to making this House a worth-while interesting place and contributing to public debate in the country.

Two, if debate - now this is Private Members' Day - if debate can be begun at 3:20 P.M. - and this is why I say matters of real urgency in the Question Period and nothing else, that could probably

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take place in twenty minutes on Private Members' Day - if debate can be begun at 3:20 on Private Members' Day, it will allow for a minimum of eight speakers participating. In the experiment of limiting the resolution to two days, at least sixteen speakers would be heard and probably more. And sixteen people are usually, perhaps as many as would want to be heard. Some people do not even speak for twenty minutes, so you would probably get in those two days, if we could get all but twenty minutes, say, for the Question Period that day, I think myself we would hear from every member of the House who wanted to speak in the debate.

Three, in the above experiment, members would be speaking more frequently than at present. Under the present rule if sixteen members spoke on a private members' resolution, it would take six private members' days to finish the debate. That would bring the House to some time in April before beginning the following resolutions, with the effect that the significance of the debate would be lost as has happened before when speeches were made months before and long forgotten. I remember last year we were so long, I think, on the first private members' resolution that everybody forgot what was said in the beginning. It was not a debate, because it was so disjointed. And what I am saying is that if we could try this out, and put a private members' debate into two days, two private members' days, the debate would have continuity. We would all know what it was about. And, of course, the other beauty of this is that we would be able to get on to the other resolutions on the Order Paper. If Labrador, for example, takes, as the first one did last year, at least three months to get out of the way, two and one-half months anyway, fourteen weeks to get out of the way, we are never going to get to debate joint ventures. And I, for one, want to debate joint ventures. I want it very much. So, you see, if we could do that sort of thing we could all have the opportunity to debate more subjects. If, for instance, this

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was not done, and it were not to be done, and joint ventures could not be debated until fourteen weeks time - if I were wanting to speak on joint ventures I would say to myself, Mr. Speaker, "Well, we may never even come to that." So if I wanted to have a go at joint ventures, I have got to take the time available to me in the budget debate. But this way I would know, and every member would know we were going to get the joint ventures, we were going to get all the other things in the private members' debates so that this would give us a chance then to look on the Throne Speech debate, which will be coming up. We are on the amendment now. Then there is the debate itself. Then there is the budget and whatever amendments. We could look at all these things and say, "Well, I am going to be able to get my chance there because more people would be speaking so I need not bother with the subjects in the private members' resolutions, because I know we are going to get to these also, and I will get my chance to speak.

And the other thing about it, as I say in note four, the experiment would enable members to assess parliamentary methods of handling debates. That is the time limit on the debate of days, and the time limit on the speeches. Now members may feel that twenty minutes is too short. The only reason I took twenty minutes as to suggest for the experiment, because that happens to be the time in Ottawa. The time in England is less, but they have a much, much bigger House, but in Ottawa twenty minutes.

And I have made the point in note five, it is difficult or impossible to foresee how rule changes will work without an experimental period. This suggestion would allow the experiment to take place over about a ten day period without prejudice to future discussions on rule changes. In other words, if the House adopted this, once the experiment is conducted that is it. Then we know or we have a good idea of whether we would like to do something about it or not.

Mr. Wells.

I will move the adjournment of the debate, and it will take me about five minutes to wind up tomorrow, But I would ask members to consider this and talk about it to other colleagues overnight, because I think we owe ourselves and the House this kind of experiment before we go further in thinking about rule changes.

Mr. Speaker, I move the adjournment of the debate.

MR. HICKMAN: Mr. Speaker, I move that the remaining Orders of the Day do stand deferred and that this House on its rising do adjourn until tomorrow Tuesday, February 22, 1977 at 3:00 P.M., and that this House do now adjourn.

MR. SPEAKER: It has moved and this House do now adjourn until tomorrow Tuesday, February 22, 1977 at 3:00 P.M. Those in favour "aye." Contrary "nay." Carried.

This House stands adjourned until tomorrow Tuesday, February 22, 1977 at 3:00 P.M.